

MEETING

POLICY AND RESOURCES COMMITTEE

DATE AND TIME

TUESDAY 14TH OCTOBER, 2014

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

TO: MEMBERS OF POLICY AND RESOURCES COMMITTEE (Quorum 3)

Chairman: Councillor Richard Cornelius,
Vice Chairman: Councillor Daniel Thomas

Councillors

Dean Cohen	Anthony Finn	Alon Or-Bach
Tom Davey	Ross Houston	Sachin Rajput
Paul Edwards	David Longstaff	Barry Rawlings
	Alison Moore	

Substitute Members

Reuben Thompstone	Geof Cooke	Alan Schneiderman
Melvin Cohen	Arjun Mittra	Mark Shooter

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

Andrew Nathan – Head of Governance

Governance Services contact: Kirstin Lambert 020 8359 2177 kirstin.lambert@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (if any)	
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13.	Any other exempt item(s) the Chairman decides are urgent	

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Decisions of the Policy and Resources Committee

21 July 2014

Members Present:-

AGENDA ITEM 1

Councillor Daniel Thomas (Vice-Chairman)

Councillor Tom Davey	Councillor Barry Rawlings
Councillor Dean Cohen	Councillor Ross Houston
Councillor Anthony Finn	Councillor Paul Edwards
Councillor David Longstaff	Councillor Alon Or-Bach
Councillor Sachin Rajput	Councillor Mark Shooter (In place of
Councillor Alison Moore	Richard Cornelius)

Also in attendance

Apologies for Absence

Councillor Richard Cornelius

1. MINUTES OF LAST MEETING

Having been put to the vote the minutes of 10 June 2014 were agreed as an accurate record. Votes were recorded as follows:

In Favour: 6
Against: 5
Abstentions: 1

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Richard Cornelius. Councillor Mark Shooter attended as substitute Member. Councillor Daniel Thomas acted as Chairman.

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

The Chairman noted a general dispensation had been granted at Full Council on 15 July 2014 which would apply to consideration of item 7.

Councillor Ross Houston declared a non-pecuniary interest with regard to item 10 by virtue of his being a member of the Barnet Group Board. Councillor Houston remained in the room during the consideration of this item.

Councillor Paul Edwards declared a non-pecuniary interest noting he is a member of UNITE.

Councillor Mark Shooter and Councillor Dean Cohen declared a non-pecuniary interest in relation to item 11 as they are both members of the NLWA.

4. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

There were no public questions. Mr Dix provided an oral comment on the Sport and Physical Activity Review. Members asked questions following the comment, which were answered by Mr Dix.

5. MEMBERS' ITEMS (IF ANY)

There were none.

6. FINANCE AND BUSINESS PLANNING – CAPITAL PROGRAMME AND REVIEW OF RESERVES

The Committee considered the report.

RESOLVED –

1. That Policy and Resources Committee agree the process for theme Committees to review the capital programme and the development of capital programme priorities for the period 2015-20 which will come back to this committee in December 2014 to form the basis of a draft budget.
2. That Policy and Resources Committee agree the process for the review revenue reserves which will come back to this committee in December 2014.
3. That Policy and Resources Committee agree the tests which will need to be met for the Council to borrow to fund a Thameslink Station as part of the Brent Cross Cricklewood regeneration as set out in section 1.5.
4. That Policy and Resources Committee agree the savings target for the Housing Revenue Account and the process for developing an HRA investment plan (including proposals for the HRA headroom) as set out in section 1.6.
5. That Policy and Resources Committee agree the recommended drawdowns from reserves and contingency as set out in section 1.7.
6. That Policy and Resources Committee note the draw down from Corporate reserves as set out in section 1.7.4 and contingency in 1.7.1, 1.7.2 and 1.7.5.
7. The Policy and Resources Committee agree the virement between Street Scene and the Commissioning Group as set out in 1.7.6 in line with Financial Regulation 4.4.3.
8. That Officers report back to the relevant future Committee meeting providing:
 - a. a comprehensive description of reserves and options;
 - b. an update on options for borrowing for Brent Cross; and
 - c. a regular Quarterly update on Treasury Management

7. OPTIONS FOR COUNCIL TAX SUPPORT 2015/16

The Committee considered the report.

Councillor Alison Moore moved that the Committee agree to consult publicly on options 1, 2, 3 and 4 as outlined in the report. Councillor Barry Rawlings seconded the motion.

Votes were recorded as follows:

In Favour: 5
Against: 7
Abstentions: 0

The motion was lost.

Councillor Tom Davey moved that the Committee agree to consult publicly on options 1, 2 and 3, as outlined in the report. Councillor Daniel Thomas seconded the motion.

Votes were recorded as follows:

In Favour: 7
Against: 5
Abstentions: 0

The motion was carried and became the substantive motion.

RESOLVED –

1. That the Committee considered the options for a revised CTS scheme set out in this paper and agreed to consult publicly on options 1, 2 and 3 before implementation. The public consultation will run for a period of 12 weeks, starting in July, with the revised scheme implemented at the start of the 2015/16 Financial Year.
2. That the Committee agree proposals for a new Council Tax enforcement policy set out in Appendix 1 of this report.
3. That the Committee agree that the CTS scheme would remain the scheme until revised, and that future changes will be made as part of the budget cycle.

The Committee requested that the next report to the Committee on this matter include information on the number of residents in each band.

8. SPORT AND PHYSICAL ACTIVITY REVIEW

The Committee considered the report. The Chairman noted that there was exempt information relating to this item contained in a separate report which could be discussed at the end of the meeting if Members had questions.

RESOLVED –

1. That Policy & Resources Committee agree the business case in Appendix 1 and the initiation of a procurement exercise to the timetable set out in section 5.4 of the Outline Business Case.
2. That Policy & Resources Committee agree the start of discussions to look at options including a Trust to manage the Copthall site as a whole entity with a view to develop an agreement between the council and partners, including current and future leaseholders and users.
3. That Policy & Resources Committee agree a maximum budget of £427,000 for the delivery of the first phase of the recommended option from the Outline Business Case.
4. That Policy & Resources Committee agree the SPA Strategy Statement and draft Delivery Plan as set out in Appendices A and B of the Outline Business Case, which will be overseen by the Health and Wellbeing Board.
5. That Policy & Resources Committee note the revised position for the savings to be achieved from the recommendations originally put forward in a report to Cabinet Resources Committee on 4 November 2013 in regards to the transfer of utilities and changes to opening hours at Hendon and Burnt Oak leisure centres and that the shortfall for 2014/15 will be funded through council's reserves.
6. That Policy & Resources Committee note that the MTFs in December 2014 will set out how the funding gap for the period 2015/16 to December 2017 for leisure services will be addressed.
7. That Policy & Resources Committee agree to the project to look at restructuring the roles linked to sports development to consolidate these into one team for consideration by General Functions Committee.
8. That Policy & Resources Committee note the updated Greenwich Leisure Limited (GLL) price schedule for leisure centres in Appendix 2 taking effect from 1st September 2014.
9. That the feasibility study for the pre-procurement will include partnership options including a Trust for all sites

Officers noted that the next report to committee should include a list of the Marmot principles.

9. PROCUREMENT FORWARD PLAN

Having been put to the vote the Committee

RESOLVED –

That the Committee agree to include the list of proposed procurements listed in Appendix to the 2014/15 Procurement Forward Plan.

Votes were recorded as follows:

In favour: 11

Against: 1
Abstentions: 0

10. FUNDING FOR AN EXTRA CARE HOUSING SCHEME AT MORETON CLOSE, NW7 AND ADVANCE ACQUISITIONS OF LEASEHOLD PROPERTIES ON REGENERATION ESTATES

The Committee considered the report. The Chairman noted that there was exempt information relating to this item contained in a separate report which could be discussed at the end of the meeting if Members had questions.

RESOLVED –

1. That the Committee agree funding of £8.773 million for RE to acquire leasehold properties for the Council on the Council's Regeneration Estates from leaseholders who wish to sell in advance of a Compulsory Purchase Order and use these properties as temporary accommodation until they are required by the development partners
2. That the Committee agree funding of £12.344 million for Barnet Homes to redevelop the site at Moreton Close, NW7 to provide an Extra Care Housing Scheme for the Council and to pay statutory homelessness and disturbance to those residents moving from the existing scheme.

11. RECYCLING SERVICES CONTRACT EXTENSION

The Committee considered the report.

RESOLVED –

That the Committee authorise a waiver of the Contract Procedure Rules and agree to the extension and variation of the Recycling Services Contract, which is held by May Gurney Recycling CIC now Kier May Gurney Plc (formerly ECT Recycling CIC) to facilitate the removal and disposal of materials collected at the Household Waste and Recycling Centre until 3 October 2015. The variation is to allow Kier May Gurney Plc to continue to remove and dispose of materials collected at the Household Waste and Recycling Centre only and to; pass on the cost of providing this service to the council where a cost is incurred, and to share the material income 50/50 with the council where an income is received.

12. ANNUAL EQUALITIES REPORT

The Committee considered the report.

RESOLVED –

That the Committee approve the Annual Equalities Report 2014 before its publication on the Council's website.

13. COMMITTEE FORWARD WORK PROGRAMME

The Committee noted the report.


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

There were none.

15. MOTION TO EXCLUDE THE PRESS AND PUBLIC

The Chairman invited the Committee Members to advise if they had any matters to discuss relating to the information in the exempt papers. No requests were received. The Chairman noted there was no need to move into exempt session.

The meeting finished at 9.47 pm

	AGENDA ITEM 7
	<h2>Policy and Resources Committee</h2> <h3>14 October 2014</h3>
Title	Annual Council 2014 – external investigation
Report of	Andrew Travers – Chief Executive
Wards	All
Status	Public
Enclosures	Appendix 1: First report of Claer Lloyd-Jones Appendix 2: Second report of Claer Lloyd-Jones
Officer Contact Details	Andrew Travers andrew.travers@barnet.gov.uk 020 8359 7850

<h2>Summary</h2>
<p>Following the unsatisfactory nature of the Annual Council meeting on 2 June 2014, and in particular the lack of appropriate legal clearance of the reports presented, Claer Lloyd-Jones was appointed as external investigator. Ms Lloyd-Jones has produced two reports: in the first she examines the events in the run-up to the meeting, and in the second she considers options to improve corporate governance. Ms Lloyd-Jones makes several recommendations for improvement in her first report, and Policy and Resources Committee is invited to endorse these. In terms of the options for future governance, it is recommended that the Council retains its current overall governance arrangements, but that a limited scope of high level corporate legal support is removed from the scope of the services provided by HB Law, and is instead provided ‘in-house’ and/or through separate external arrangements.</p>

Recommendations

- 1. That the recommendations set out in section 6 of appendix 1 are agreed.**
- 2. That the Council retains its own Monitoring Officer.**
- 3. That a limited scope of high level corporate legal support is removed from the scope of the Inter-Authority Agreement with Harrow Council, and is instead provided 'in-house' and/or through separate external arrangements.**
- 4. That the Council's integrated Assurance Function is retained.**
- 5. That the outcome of negotiation with Harrow Council in respect of these matters is reported to this Committee in due course, along with detailed proposals for amendments to the Shared Legal Service Inter-Authority Agreement.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Annual Council meeting on 2 June 2014 was notable, both in respect of the organisation of the meeting and the flawed reports presented for decision in respect of Members' Allowances and Political Proportionality.
- 1.2 Following the meeting, Clear Lloyd-Jones was appointed to conduct an external investigation of the matter, and make recommendations for improvements to the Council's governance arrangements.
- 1.3 In Ms Lloyd-Jones first report, the events in the run up to the Annual Council meeting are analysed and conclusions drawn. Ms Lloyd-Jones then makes recommendations for improvement to current processes. These recommendations flow clearly from the analysis and therefore are in turn recommended for the agreement of Policy and Resources Committee. It will be necessary to consider whether human resources or contract management processes (albeit the latter are limited in scope within the Inter-Authority Agreement) should be invoked in the light of Ms Lloyd-Jones' conclusions.
- 1.4 In Ms Lloyd-Jones second report, options for strengthening future governance arrangements are suggested in respect of the role of the Monitoring Officer, governance support, and the Shared Legal Service.
- 1.5 In respect of the Monitoring Officer role, it was a decision of the Council in 2012 not to specify that a legal qualification was required, and the appointment was made on that basis. For the future, the role profile and requirements can be considered when the post next becomes vacant.
- 1.6 In respect of the option to have a shared Monitoring Officer, this would represent a significant shift of approach in respect of the Council's shared services agenda and is not recommended for consideration at this time.

- 1.7 In respect of the other Monitoring Officer options mentioned in Ms Lloyd-Jones report, the suggestion of increased, directly-controlled legal capacity to support the Monitoring Officer is accepted. It is therefore recommended that a limited scope of high level corporate legal support should be provided outside the Shared Legal Service in-house and/or through a panel of external suppliers. This will need to be negotiated with Harrow Council, and in so doing the arrangements for the delivery of a Deputy Monitoring Officer function can be clarified and the potential for a shared Head of the Shared Legal Service considered.
- 1.8 In respect of governance support, the integrated Assurance Function is a key part of the operating model and architecture of the commissioning Council, enabling robust and comprehensive governance and assurance of commissioning and diverse delivery arrangements. It is recommended therefore that the Council's Assurance Function remains as currently structured.
- 1.9 In respect of the Shared Legal Service, the Inter-Authority Agreement provides for oversight of the arrangement by a Strategic Monitoring Board which includes from Barnet Council the Chief Executive, the Assurance Director, and the Contract Manager. Performance reports to that Board have indicated that the Shared Legal Service is providing a good quality of service to both organisations. In respect of the options mentioned in Ms Lloyd-Jones report, the designation of the Monitoring Officer as the client for the Shared Legal Service is a helpful clarification of the existing arrangements. Further, it is recommended above that a limited scope of high level corporate legal support should be provided outside the current agreement with Harrow Council. This arrangement will enable the Monitoring Officer to have increased capacity to manage the Inter-Authority Agreement. The side agreement to the Inter-Authority Agreement and the section 101 delegation will need to be reviewed as necessary through negotiation with Harrow Council.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The recommendations in this report are designed to improve the robustness of the Council's governance arrangements and provision for the delivery of legal services.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The report of the external investigator sets out options for improving governance arrangements and provision for the delivery of legal services. The recommended option is considered to best reflect the requirements of the organisation for robust corporate governance.

4. POST DECISION IMPLEMENTATION

- 4.1 Should the recommendation be approved, any necessary human resources and contract management procedures will be followed, and the new

arrangements for corporate and legal governance will be put in place, including through negotiation with Harrow Council.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The report is concerned with ensuring that the Council's corporate governance arrangements are robust, and that the Inter-Authority Agreement with Harrow Council meets the Council's requirements for legal services and is monitored effectively.

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

5.2.1 The proposals set out within this report can be contained within the relevant existing budgets of the Council.

5.2.2 Following this report, the Chief Executive will consider whether or not there is a requirement for further formal action against individuals. The report does not consider matters of conduct or competence, and no inference should be drawn regarding individual officers of the Council. Such matters will be addressed in line with the Council's Human Resources policies.

5.3 Legal and Constitutional References

5.3.1 The Council needs to make appropriate arrangements for corporate governance, including via the appointment of a Monitoring Officer with resources sufficient to deliver statutory functions.

5.3.2 The Inter Authority Agreement for the delivery of legal services delegates the provision of the function from Barnet to Harrow. The proposals recommended in this report will remove an element of legal support from the scope of the Inter Authority Agreement in favour of alternative provision or direct provision by Barnet.

5.4 Risk Management

5.4.1 The Council's structure and operating model as a Commissioning Council are novel, as are the arrangements for the delivery of legal services. The Council's risk management arrangements have acknowledged this through the stages of organisational design and implementation.

5.4.2 The events described in this report represent the crystallisation of certain of those risks, and it is necessary for the Council to consider the lessons learned and make changes as appropriate.

5.5 Equalities and Diversity

5.5.1 The proposals set out in this report are not perceived to have equalities and diversity implications.

5.6 Consultation and Engagement

5.6.1 Harrow Council has been consulted in the preparation of this report. Both Councils have reaffirmed their commitment to the continued success of the Shared Legal Service.

6. BACKGROUND PAPERS

6.1 None.

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**INVESTIGATION REPORT
LONDON BOROUGH OF BARNET
COUNCIL MEETING 2ND JUNE 2014-
Reports on Political Proportionality and Members Allowances**

Claer Lloyd-Jones, LLB Solicitor

**PREPARED FOR ANDREW TRAVERS
CHIEF EXECUTIVE, LONDON BOROUGH OF BARNET**

August 2014

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1. Executive Summary

- 1.1 I was appointed to be the external independent investigator at Barnet on Friday 20th June 2014. I was asked to investigate and establish the facts around the processes leading up to and after the presentation of reports to the Annual Meeting of the council on 2nd June 2014.
- 1.2 Barnet is keen to understand how it came about that two reports presented to Councillors as part of the agenda for that Annual Council meeting were incorrect or misleading. These reports were the 'political proportionality report' and the 'members allowances report'.
- 1.3 The voting on 'wrong' reports, and the subsequent unraveling of the decision-making structure caused Barnet to be mocked in the local press with headlines using words such as "*disgrace*" and "*chaos*". No Local Authority would wish to be subject to such avoidable public criticism.
- 1.4 The truth is more complex. There was a general risk of underperformance in the area of Barnet's governance, culminating in these 'wrong' reports, due to a combination of factors:
 - There is no-one who understands local government law in depth at Barnet. Barnet employs no lawyers.
 - There are staff in key roles in the Governance structure in Barnet who are inexperienced in governance matters.
 - There was no clear protocol for clearing council reports through taking external legal or other specialist advice.
 - Barnet was moving to a very different Constitution at the Annual Council and needed to have given detailed consideration to the implications of moving back to the Committee system. It is not just a question of making amendments to the Constitution.
- 1.5 Legal Advice was requested on both the reports, but was not forthcoming on either in time for them to be printed. No-one at Barnet queried this or noticed anything was wrong.
- 1.6 This report examines these events and makes recommendations.
- 1.7 I find that there was a joint but not necessarily equal responsibility on Barnet's Governance Team as well as the Council shared Legal Service with Harrow, HBPL, for allowing the reports containing incorrect advice to be presented to Councillors as though they were correct.

2. Terms of Reference

2.1 The chief executive has set the following terms of reference for this investigation:

- a) To investigate and establish the facts around the processes leading up to the production of reports for the Annual Council Meeting.
- b) To consider the conduct and capability of the members of staff involved within the Council's Assurance Service and Shared Legal Service, and to indicate any action which the Council should consider.
- c) To make recommendations to strengthen future governance arrangements.

2.2 This report concentrates on the first of those, on a) above. It does make some findings in relation to capability of Barnet staff members, but the Council's HR advisers will need to look at issues relating to conduct of staff which therefore falls outside the scope of this report.

2.3 A subsequent report will address the longer term implications and make some practical suggestions as to how Barnet's governance arrangements can be strengthened.

3. Methodology

3.1 With the help of Chief Executive of Barnet, we identified a list of 9 relevant people to interview. A list of those people is to be found in Appendix One. I interviewed those 9 people personally and took my own notes. No-one else was present at those interviews, except in the case of the interviews of Hugh Peart and Jessica Farmer where they were accompanied by Iain Miller, a partner at Bevan Brittan, who took a note.

3.2 I would like to thank everyone I interviewed who made themselves available sometimes at very short notice.

3.3 I undertook to all who I interviewed that what they told me and our discussion would remain confidential. I have therefore been able to obtain some candid information about what happened. If individuals are quoted in this report it is with their consent, or because that information is already in the public domain.

3.4 I have also been given a large number of documents to read, some of which are confidential. I have read them carefully and have felt able to quote from those documents where the information itself is in the public domain.

3.5 I have used my own judgement and experience to reach the conclusions and recommendations in this report, based on the evidence I have collected and the perceptions of the witnesses I interviewed. Where accounts conflicted about a particular event, I have relied on my own judgement and experience to reach a particular conclusion.

3.5 I am grateful to all the staff at Barnet who have given their time to help me with this investigation, and in particular Kar Lai Lee and Nichola Felstead.

3.6 If I have misunderstood anything, or misrepresented anything, the fault is entirely mine.

4. Background and context

4.1 Barnet has undergone huge changes in the last 2 to 3 years. It has fully embraced the concept of the commissioning council and has let large contracts for council services to external providers. It has restructured its internal staffing resources to reflect the commissioning model. It has changed its Leadership and has a relatively new Leader and a relatively new chief executive. It has moved back to the Committee system from Leader and Cabinet with effect from June 2014. Arguably, these changes have yet to settle down and bring stability to the Council's processes. However, despite the revolution undergone by the Council, Barnet has been subject to little successful challenge. This fact arguably shows that the risks have been well managed.

4.2 The risks inherent in any change process are present in Barnet and include the loss of corporate memory through changing relevant staff, putting Barnet in the position where 'it does not know what it does not know'.

4.3 The Council was keen to externalise Barnet's legal work along with other of its corporate services, and a solution had been found in principle in early 2012 through discussion with Harrow, one of Barnet's neighbouring boroughs. The Legal work was transferred to the Shared Legal Service with Harrow, Harrow and Barnet Public Law (HBPL), with effect from 1st September 2012 for an initial period of 5 years. The decisions to enter into the shared legal services arrangement were made by Barnet and Harrow separately on 4th April 2012. Barnet delegated all its legal functions to Harrow using section 101 of the Local Government Act 1972. This means that whilst this decision is in force only Harrow will be able to make decisions about Barnet's legal function.

4.4 The Inter Authority Agreement (IAA) which governs the joint legal service provides that legal work done by Barnet's Monitoring Officer (MO) or Director of Corporate Governance (or successors), is excluded from the IAA unless a further agreement is made (see 4.13 below).

4.5 The IAA provides that Barnet's legal work will be undertaken by HBPL and defines those categories of work. Corporate Governance work includes – 'Advice to Council, Cabinet, Committees.....to the extent that it is not excluded' (by being MO or DCG work). The Barnet MO was also to be the legally qualified professional client in Barnet for the purposes of monitoring the IAA.

4.6 HBPL is ambitious and confident about its future. It has already taken on a private sector legal partner, Bevan Brittan. It has applied to the Solicitors Regulation Authority to become an Alternative Business Structure (ABS). The approval for an ABS licence has now been granted with effect from 1st

December 2014. The ABS will be a separate legal identity to Harrow and I am told it would become a wholly owned Harrow Company. The management of the ABS is yet to be settled, although Barnet need not be involved in its management. HBPL also anticipates through its business plan that it may work for another or more than one other local authority.

4.7 Barnet's governance structure and arrangements changed in April 2013 as part of the restructure of the Council. The new structure contains no post of Director of Corporate Governance. In May 2013 Barnet's legally qualified MO left the Council. He had been the Director of Corporate Governance in the previous structure and was the last lawyer employed by the Council. The other Barnet in-house lawyers had transferred in September 2012 to HBPL.

4.8 There is no legal requirement to appoint a lawyer as MO, although in practice most Local Authorities do so by appointing their most senior lawyer to the role. Often the MO will sit on the top table as one of the most senior group of officers. The role was created in 1989 by the Local Government and Housing Act, although it received prominence from 2000 onwards when MOs dealt with the Standards Regime introduced under Part 111 of the Local Government Act 2000. They serviced the compulsorily established Standards Committees, and handled complaints of poor behaviour against councillors. The Localism Act 2011 considerably watered down the local government standards regime and thereby reduced the perceived significance of the MO in many authorities. However, it should be remembered that the role of the MO extends not just to governance and member behaviour but also to vires issues eg is the Council using the correct law? Is its exercising its discretion lawfully, appropriately and reasonably? Will this change programme lead to any unintended legal problems?

4.9 During 2013 Barnet appeared in cases which on occasion reached the High Court and/or the Court of Appeal. It lost the case on one of those. High level legal advice needs to be made available to the most senior officers and members during and before decisions are made internally, assessing the risk of legal challenge. This is a role usually carried out by the MO.

4.10 The MO's statutory role remains as the person who polices the lawfulness of an authorities conduct and decisions. In extremis, the statute enables the MO to issue a report to full council which has the effect of an injunction. Barnet may need to reassess how this role is carried out in Barnet.

4.11 It is unclear whether the advantages of appointing a shared legally qualified MO with Harrow were looked at before the departure of the Barnet MO. There are examples in London of where shared legally qualified MOs work well and where they have come into existence by the voluntary departure of one or other Borough MO.

4.12 The new MO in Barnet is the Director of Assurance, an accountant. She was appointed in April 2013. The Assurance Group was newly set up as part of the Council's restructuring arrangements and includes Barnet's

Governance team (BG) who are responsible for democratic, committee and members services. This includes all the administration, publication and compliance arrangements around the Agendas and reports for decision-making at committees and full Council. The MO is also responsible for Legal Services provided by HBPL. The MO role is no longer part of the corporate management of the Council because the role is not part of the top table of the most senior officers. However this MO role is part of the corporate arrangements by having a dotted line of accountability directly to the Chief Executive.

4.13 A side Agreement to the IAA was drafted at this time which adds acting as DMO, corporate, governance and MO support to the services to be provided under the IAA. This agreement remains unsigned by Harrow. It is imperative for the document to be signed as much of the work it refers to is being carried out in practice.

4.14 Despite the Side Agreement remaining unsigned, it seems to have been agreed by Harrow and Barnet in practice. In practice, HBPL have implemented the changes required by Barnet from no longer employing any lawyers. They have been providing support to the MO eg in redrafting the Constitution, they have been acting as DMO in the absence of the MO, they have given support to the MO in clearing reports for Council, the Harrow MO attends Barnet Council call-over meetings and attends Barnet Council Meetings. I have no doubt that his role there should be to provide the same level of legal advice and support to Councillors and Senior Officers in Barnet as he would do at Harrow Council meetings.

4.15 Since the beginning of the shared legal services arrangement HBPL have been providing a very rigorous clearing system for Committee reports. It has a spreadsheet arrangement keeping track of who was allocated the work, and ensuring that the 5 clear working days performance standard is adhered to.

4.16 HBPL is monitored quarterly at a meeting attended by officers including the 2 MOs and the 2 Chief Executives. HBPL is viewed as successful in dealing with the vast bulk of transactional legal work. However, there is feedback that they can be slow, and that they spend little time at Barnet outside of pre-arranged meetings. There had also been some discussion that a number of corporate lawyers would stay on site at Barnet. I was told that these lawyers would be treated as Barnet's lawyers under section 113 of the Local Government Act. However, this has not happened and there is a perception in Barnet that HBPL do not give Barnet the same priority as Harrow, due to not being on site and therefore not being available for the quick advice and discussions that tend to take place in corridors and at water coolers. These criticisms may not be well known in Harrow.

4.17 During Autumn and Winter 2013, a member led panel at Barnet devised a new Constitution which would implement alternative arrangements. This meant a move away from a Cabinet and scrutiny system back to a committee system. It required "unlearning" the 2000 Act. Political

proportionality on the new Committees, and a change in Members Allowances, could (and should) have been brought to members' attention by officers as part of that process. BG and HBPL were both involved in advising members throughout that process, which is regarded as having been successfully supported by those officers.

4.18 The Annual Meeting of the Council on June 2nd 2014 took place only 4 working days after the Council elections on 22nd May. This must have put pressure on all the staff involved because it meant preparing election result-sensitive reports very quickly. Planning for this meeting therefore should have started very early to minimize the risk of reports being wrong.

4.19 The Annual Meeting was due to be a particularly important meeting because of a number of significant events:

- Election of a new Mayor for the Council
- Election of a new Leader of the Council for a period of 4 years
- Commencement of a new Constitution reintroducing a new committee structure
- Appointment of Committee chairs and membership of all new committees reflecting group size and status after the council elections on May 22nd and giving effect to the political proportionality principles contained in the 1989 Act.
- A new members allowances scheme reflecting the new roles in the Constitution

4.20 The legal principles of political proportionality are to be found in sections 15-17 of the Local Government and Housing Act 1989. In essence, it requires that the majority of the number of seats on a committee should reflect the political group that holds a majority on the Council, to ensure that political groups have proportionate representation overall. These rules can be disapplied from a committee or sub-committee if there is a unanimous vote at full council.

4.21 The legal requirements to be reflected in the members' allowances scheme are to be found in the Local Authorities Members Allowances (England) Regulations 2003. Regulation 5 covers the basic allowance and a scheme is required to be made before 31st March each year.

4.22 Neither of the reports dealing with these two issues was correct. Below I set out the chronology of events which explains how this all came about in 2014.

4.23 Chronology of events (2014) :

- 29th April – Barnet Governance (BG) requests legal advice from HBPL by email about payments to councillors/members allowances- advice given

- 16th May- Further advice requested by BG and given from HBPL on members allowances noting that scheme expired on 31st March
- 16th May – draft political proportionality (PP) report sent by email from BG to HBPL. No numbers against Committees as election not held yet. “*can you let me know asap if you have any comments*”
- 16th May – HBPL internal email allocating report to lawyer and asking ‘*can you look at this please?*’
- 20th May – Legal advice from HBPL to BG and AT on only 60 as opposed to 63 councillors being elected on 22nd May due to Colindale ward election being delayed to June 26th. This is not in response to draft report sent by BG on 16th May. The advice quotes the need to have majority on committees from political group holding 31 seats.
- 20th May – email HBPL to BG – asking for BG to call HBPL re PP report- no response and no follow up
- 22nd May – Election- 60 rather than 63 councillors elected as Colindale election delayed to 26th June. 32 Conservative, 27 Labour, 1 Lib Dem
- 27th May- Draft PP report (with numbers) sent by BG to group leaders and political assistants. No comments received from HBPL
- 29th May – Draft PP report (with numbers) sent to HBPL by BG
- 29th May- HBPL internal email sending draft PP report (with numbers) to allocated lawyer
- 30th May – BG sends draft Members Allowances report to Leader of Council cc HBPL
- 2nd June – BG prints reports without legal clearance. Taken to Council.
- 2nd June - Pre-meeting with Mayor, and Barnet and Harrow MOs.
- 2nd June - Council meeting itself described as a ‘*shambles*’ because for example not all members had the same papers and amendments.
- 13th June – Advice from HBPL to AT that decision made by Barnet re Members Allowances are lawful- further report will go to July Council
- 13th June – AT asks HBPL for advice reviewing PP

- 16th June – Advice HBPL to AT PP report wrong so committees cannot go ahead. AT asks for advice from Leading Counsel
- 17th June – James Goudie QC instructed and advises: Calculations for committee memberships are wrong, errors should be corrected asap, no proceedings of committees will be invalidated in the meantime due to the savings provisions in the 1972 Act.
- 17th June- AT advises all members of James Goudie’s advice and that he will appoint an external reviewer
- 20th June – AT advises all members that all meetings will go ahead except Pensions, and external reviewer appointed. Brief for the external review is set.
- 26th June – Colindale election – 3 Labour members elected. C = 32, Labour = 30, Lib Dem = 1
- 15th July – Council meeting subject to a very tight procedure and process, takes reports on Members Allowances and PP – all reports cleared by James Goudie QC

5. Findings

5.1 In this part of the report I answer some key questions that have arisen or have been asked by people during the course of this investigation, and then I provide my findings, based on the facts as I have found them. Recommendations follow in the next section.

5.2 Who is responsible for Council reports?

Barnet's governance team and their line manager, the MO are responsible for the production of Council reports. They need to be quality controlled and BG must control the process of ensuring quality. The reports need to be correct, in the correct format, containing the financial, legal and other relevant advice, meet the correct deadlines and preferably be in plain English.

5.3 Who is responsible for the correctness of council reports?

BG must own the quality control process and inform all others affected by it of deadlines and expectations. A failure to reply by a key contributor should not be taken that the contributor has no comments. The failure to reply should be escalated to the MO and Chief Executive if necessary. If the failure is by an external contractor, this may constitute a breach of contract.

5.4 Was 2nd June Council any different due to it being the Annual Meeting?

Yes – the Annual Meeting is a mixture of formal events, such as the election of the Mayor, and decisions which open the municipal year such as election of the Leader, establishing the members allowance scheme and memberships of committees and external bodies. An early draft agenda and early draft reports are essential to ensure all involved appreciate the significance of the Annual Meeting. Annual Meetings are often described as too long and too boring. This describes a meeting that has usually been so well prepared that nothing is left to chance.

5.5 What were the risk issues? How can they be mitigated?

Barnet failed to recognize when things are going wrong and how they could be put right. It failed to anticipate how much time and what effort needed to be put into getting the issue right first time. The risks could be minimized through

clear roles, systems and processes, combined with experience and judgement. These risks remain.

5.6 Why was the Council given wrong advice on Political Proportionality and members allowances?

Both reports were repeated from previous reports and therefore did not address current legal issues which had arisen in the meantime, and were not subject to legal scrutiny as to whether they remained correct.

In the case of political proportionality, the report which went to the Annual Meeting was copied from the previous year 's Annual meeting. The 2014 situation was different in two key respects a) in 2013 Barnet had a cabinet and scrutiny structure, so there were fewer committees which were non-executive because all executive decisions were taken at Cabinet, b) The Conservative group , Labour group composition was 58.73% to 34.92%. With 10 member committees, a 6 - 4 split was therefore correct.

In June 2014 the proportion held by political groups after the election was much closer - 54.25% to 45.76%. Therefore, in order to reflect the fact that the conservatives have a majority of seats, albeit a reduced majority, they must have a majority on each committee. Changing 6-4 to 5-5 failed to reflect that principle.

The 2014 Members Allowances scheme needs to reflect the new political managements arrangements of Chairs of Committees, rather than Cabinet postholders. The 2010 scheme had not been taken to Council for annual decision since it was made, had not considered the London Councils Independent Remuneration Panel findings, and had actually expired on 31st March 2014. None of this was made clear in the June 2nd report. However, the Harrow MO advised that the subsequent report to July 15th Council would be able to make a new lawful scheme.

5.7 Is Barnet at longer term risk in its legal and governance arrangements?

Yes, probably. Barnet must make some changes in its governance and legal arrangements to ensure that it has access to pro-active professional and expert advice at all relevant times in future. In this way it can rebuild the trust and confidence of members and officers in those services.

Findings

5.8 I find that Barnet's Governance Team were responsible for the reports being sent to print in their incorrect form and subsequently voted on by members at June 2nd Council meeting. Members were not advised that the reports had no legal clearance, and the form of the report gave no indication of whether the report had been cleared or not.

5.9 I also find that Barnet's Governance team were jointly responsible with the shared legal service, HBPL, for those reports going to print containing misapplications of the correct law, and allowing members to vote on them as

though they were correct. Copies of the reports had been sent to HBPL at an early stage. They gave no comments or advice. The Harrow MO attends Barnet Council meetings in order to advise the MO and Chief Executive.

5.10 I further find that Barnet is at risk of a subsequent similar governance failing. There are changes that need to be made to both the IAA and Barnet's internal governance arrangements to prevent this. There are options that are available to Barnet to facilitate those changes. My subsequent report will address those.

6. Recommendations

6.1 That BG implements the same high level of control over its council reports as it does over other Committee reports.

6.2 That it takes early legal advice before drafting reports, as well as taking legal advice for clearance purposes.

6.3 That HBPL provides early legal advice outlining the legal principles to be involved in council reports.

6.4 That HBPL extends its actions of clearance within 5 days towards council reports in the same way as it does towards committee reports.

6.5 That BG informs HBPL well in advance of the subject matter of reports likely to be submitted to council meetings.

6.5 That Barnet and Harrow review and sign the 2nd or side agreement to the IAA.

6.6 That Barnet looks carefully at the options to strengthen its governance arrangements, including looking at the contract with HBPL, addressing the issue of professional clienting of the IAA, addressing the issue of lawyers not being on site at Barnet, considering the implications of having exercising s101 of the Local Government Act 1972 to delegate all its legal functions to Harrow.

7. Conclusion

7.1 Barnet Council was ridiculed in the local press for finding itself in the position of having misapplied the political proportionality rules and thereby failing to keep member decision-making safe from challenge. The Chief Executive was subsequently given advice that committees that were not properly and lawfully constituted, an could not continue to meet and make decisions prior to the next Council meeting on July 15th. Leading Counsel's opinion was taken and he advised that although the political proportionality rules had been misapplied, the committees could continue to meet and make lawful decisions due to the savings provisions in the Act. Leading Counsel's opinion was preferred.

7.2 The facts leading up to these events demonstrate that there was no clear protocol or process between Barnet Governance Team and HBPL for providing legal clearance of council reports to ensure that they were correct. In the case of both the political proportionality report and the members allowances report, legal advice was asked for from HBPL. It was not forthcoming, and the absence of legal advice in the reports was not escalated nor chased by Barnet Governance Team.

7.3 The risk of either of those reports being wrong was therefore high, given that Barnet does not employ any lawyers itself, and the relevant governance staff responsible for these reports are relatively inexperienced.

7.4 This high reputational risk to the council was multiplied by the change to alternative political management arrangements, ie a return to the Committee system. This risk was further aggravated by a very close election result.

7.5 Mitigation of the risk would necessitate early consideration of the legal principles, and close and careful attention being paid to the compilation of reports, in draft, and when submitted to council for decision. This would require at the very least, close collaboration between HBPL and Barnet Governance Team.

7.6 All parties involved were capable of spotting that something was wrong with the reports, but no-one did. To those members involved, the perception was that no-one was in charge.

7.7 I find that Barnet's Governance Team were responsible for the reports being sent to print in their incorrect form and subsequently voted on by members at June 2nd Council meeting. Members were not advised that the reports had no legal clearance, and the form of the report gave no indication of whether the report had been cleared or not.

7.8 I also find that Barnet's Governance team were jointly responsible with the shared Legal Service, HBPL, for those reports going to print containing misapplications of the correct law, and allowing members to vote on them as though they were correct. Copies of the reports had been sent to HBPL at an early stage. They gave no comments or advice. The Harrow MO attends Barnet Council meetings in order to advise the Barnet MO and Chief Executive.

7.9 In order to prevent the risk of some other governance failing attributable to the absence of legal advice or misapplication of legal advice, a number of changes need to be made to both the IAA and to Barnet's internal governance arrangements.

Appendix One – Evidence

Interviews:

Andrew Travers - Chief Executive, London Borough of Barnet

Maryellen Salter – Director of Assurance and Monitoring Officer, London Borough of Barnet

Councillor Richard Cornelius - Leader of the Council, London Borough of Barnet

Councillor Alison Moore – Leader of the Opposition, London Borough of Barnet

Andrew Nathan – Head of Governance, London Borough of Barnet

Matthew Rose – Political Assistant, Conservative Group, London Borough of Barnet

Hugh Peart – Director of law and Corporate Governance, London Borough of Harrow

Jessica Farmer – Head of Practice, HBPL, London Borough of Harrow

James Goudie QC – 11 Kings Bench Walk

I also spoke with Paul Najsarek, interim Head of Paid Service at London Borough of Harrow, but this was by way of update, and was not an interview.

Documents

Proportionality Report taken at June 2nd 2014 Council meeting

Draft report with no numbers of members dated 16th May 2014

Draft report with numbers of members dated 29th May 2014

Emails from Andrew Travers to members about the developing situation

Email exchanges between HPBL, Barnet Governance team, Barnet MO, Andrew Travers

Advice from James Goudie QC dated 17th June 2014

Miscellaneous press cuttings

Constitution of London Borough of Barnet

Report on Members Allowances to Council dated

Draft Members Allowances report 29th April 2014

Various emails between HBPL, Barnet Governance team, Barnet MO, Councillors and Political Assistants

Committee report to Barnet Council establishing the shared legal service 4th
April 2012
Committee report to Harrow Council establishing the shared legal service 4th
April 2012
Inter Authority Agreement re HBPL 17th August 2012
Committee report to Barnet Council establishing Deputy Monitoring Officer as
HBPL- 29th January 2013
Unsigned and undated Side agreement re Deputy Monitoring Officer and
additional support to Barnet Monitoring Officer
HBPL Business Plan 2014-17

OPTIONS FOR STRENGTHENING FUTURE GOVERNANCE ARRANGEMENTS

1. Introduction

1.1 The third of the terms of reference set for this investigation is:

‘ To make recommendations to strengthen future governance arrangements.’

This requires consideration of options available to Barnet for changes to the management arrangements of its governance functions as specified in paragraph 6.6 of the my initial report.

‘ That Barnet looks carefully at the options to strengthen its governance arrangements, including looking at the contract with HBPL, addressing the issue of professional clienting of the IAA, addressing the issue of lawyers not being on site at Barnet, considering the implications of having exercised s101 of the Local Government Act 1972 to delegate all its legal functions to Harrow.’

1.2 In this report I set out the options for Barnet to consider under the headings of the Monitoring Officer, Governance Support and the Shared Legal Service (HBPL).

1.3 In writing this report I have interviewed a number of people and examined a number of documents. These are set out in the Annex to this report. In general there has been considerable agreement amongst those I have interviewed:

- That Barnet needs to consider whether it should revert to appointing a legally qualified Monitoring Officer and/or ensure that the Monitoring Officer has quick and comprehensive access to strategic and confidential legal advice on behalf of the Council.
- Corporate legal advice could be procured by Barnet and delivered either by a small in-house team of qualified lawyers or by a small number of external legal providers through a panel run by the Monitoring Officer.
- The function of Governance Support needs greater management input in order to properly focus on Barnet’s strategic priorities as expressed through its newly enlarged committee structure and its full council.
- The clienting of the shared legal services contract should include some element of professional legal assessment.

1.4 Whichever options Barnet decides, there are likely to be amendments to be made to the Constitution to reflect those required changes to its governance arrangements.

2. The Role of the Monitoring Officer

- 2.1 The role of the Monitoring Officer (MO) in Barnet is defined in Barnet's Constitution and is allocated to the Director of Assurance. The Monitoring Officer is appointed under section 5 of the Local Government and Housing Act 1989 and has a number of statutory functions. The MO is the guardian of the Constitution and the member decision – making process. The MO is responsible for advising the Council on the legality of its decisions and providing guidance to Councillors on the Constitution and its powers. After consulting the Head of the Paid Service (Barnet's Chief Executive) and the section 151 officer (Barnet's Chief Operating Officer) the MO can report to full Council if s/he considers that unlawfulness or maladministration is likely to arise. This report prevents the proposal or decision being made until the MO's report is considered. The MO is also responsible for maintaining high ethical standards, conducting investigations and contributing to corporate management.
- 2.2 The MO post is assigned to the Director of Assurance who also manages governance services, internal audit, external audit, risk management and anti- fraud. The post is not held by a lawyer. There is no requirement for the Monitoring Officer to be a lawyer, although in practice most Local Authorities do appoint their most senior lawyer (eg Director of Legal and Governance Services) as MO. The reasons for doing so is that it is thought that the statutory requirement for the duties to be performed personally is best satisfied by a senior and experienced lawyer.
- 2.3 Where the MO is unable to act personally due to absence or illness section 5 (7) of the Act requires that s/he shall nominate a deputy from amongst her/his staff.
- 2.4 Barnet will also wish to consider the options available for legal support for the MO in discharging the function of providing legal advice in the most sensitive and high profile matters, which it wishes to control directly itself. The task of interpreting externally procured legal advice is best done by another qualified lawyer, as is the task of working out how to ask the right questions. This could be done by a small team (1,2 or 3) of in-house lawyer(s) with expertise in corporate law, and/or by Barnet appointing its own legal panel of specialist Barristers and Solicitors to be operated by the MO.
- 2.5 Barnet will also wish to consider how the MO functions can best be carried out given the commissioning structure now adopted by the Council. For the MO to carry out the role most effectively, there needs to be a proactive involvement with the future direction of all council services and activities. The MO needs to be 'in the loop', having early access to key issues, thereby enabling timely and well-planned advice to be taken, and so identifying and reducing risk.

2.6 As there is a shared legal service provided by HBPL, there is also an opportunity to consider a shared MO. This arrangement has proved successful in some London Boroughs. Another option would be to consider a shared Head of HBPL. A shared post of this kind does give some 'ownership' of the arrangements to each party. Harrow would need to agree to either of these options.

2.7 Options:

2.7.1 To leave all arrangements as currently described in Barnet's Constitution

2.7.2 To appoint an experienced, legally qualified Monitoring Officer

2.7.3 To review the arrangements for the appointment of the Deputy Monitoring Officer as currently decided by Remuneration Committee on 29th January 2013

2.7.4 To appoint a small team (1, 2 or 3) of in-house lawyer(s) to support the MO (from whom the DMO could be appointed)

2.7.5 To appoint a panel of specialist external barristers and Solicitors, to be operated by the MO, to provide advice on sensitive and high-profile legal matters.

2.7.6 To consider a shared MO, or shared Head of HBPL jointly with Harrow.

3. Governance support

3.1 The function of governance support includes responsibility for all committee and council papers and reports, ensuring all relevant contributions, including legal contributions are made, and that all protocols and legal requirements are followed, in order that councillors are properly prepared before meetings start, and that members of the public can access documents in advance of meetings.

3.2 It is vital in this process that staff in the team can access speedy and correct advice, including legal advice, often at short notice.

3.3 Members of the team will also be the focal point for members enquiries and constitutional queries including declarations, exemptions etc. It is imperative that the Governance staff receive proper updates and training to ensure that a high calibre service is delivered.

3.4 It is vital, particularly with the increase in workload as a result of the move from the Cabinet system to the Committee system, that there is

a clear line of sight from ideas to committee reports. A senior management focus is required to ensure consistent high performance by this team. The team forms part of the Assurance section, along with a number of other functions, and it is an option open to Barnet to narrow the focus of the Monitoring Officer to ensure that other calls on the MOs time are minimised.

3.5 Options:

3.5.1 To leave the current arrangements intact

3.5.2 To ensure that sufficient senior management focus is given to this function to enable consistent high performance.

4. Shared Legal Service (HBPL)

4.1 The Shared Legal Services arrangement between Barnet and Harrow came into effect from 1st September 2012, a little over two years ago. The issues raised with me during the course of my investigations are:

- The visibility of lawyer from HBPL on site in Barnet
- The provision of Corporate legal work
- Support for the Monitoring Officer
- The clienting by Barnet of the contract
- Delegating legal functions to Harrow by Barnet under section 101 of the Local Government Act 1972

I deal with these in turn and set out the options for change at the end of this section.

4.2 The 5 year contract between Barnet and Harrow is contained in the Inter Authority Agreement. At the time of its drafting, Barnet had in post a legally qualified MO, the Director of Corporate Governance. The IAA provides that work done by the MO is excluded from the IAA unless a further agreement is made. The IAA defines the category of corporate governance as including 'Advice to Council, Cabinet, Committees.....to the extent that it is not excluded by being MO work. The MO was also to be the legally qualified professional client in Barnet for the purposes of monitoring the IAA.

4.3 The side agreement drafted to cover legal support to Barnet's new non-legally qualified MO, albeit unsigned by both parties, is being used for charging and monitoring purposes. Between April and August 2014 200 hours were charged under the side agreement as opposed to 16,000 hours charged under the main agreement.

- 4.4 The provision of routine and transactional work under the contract comprises the vast majority of work done by HBPL, and the monitoring information demonstrates that it is being done to a high standard. The Quarter 1 2014/15 performance report states:

*“HB Public Law – 100% of targets met
13 of the 13 performance targets were met, successes include:
The Dollis valley Compulsory Purchase Order initially made in January that covers over a thousand property interests on the estate was confirmed by the secretary of state in June and the two remaining objections have been withdrawn.
Satisfaction of Barnet employees with the service provided by Public Law was 100% across all categories”.*

- 4.5 Corporate Legal work comprises the most high profile and sensitive legal issues, which may concern vires, difficult constitutional issues with significant impact, or which may be commercially confidential, or which may concern sensitive litigation. It is legal work that the Chief Officers and Leading politicians will want to be kept regularly informed about. It is usually legal work that the MO would handle personally, or be personally involved in the selection of outside lawyers and supervise instructions. Barnet will wish to review how this work is undertaken in future so that it has direct control of those legal issues that matter most to the Council. The issue of direct control is not just an issue of direct contact, but also one which avoids any potential conflict of interest.
- 4.6 Support for the MO is important and will continue to be important in future. The work is often unpredictable and often is required to be done at speed. Whilst under some options the MO will instruct external lawyers direct, there will be many circumstances where the MO will require HBPL to assist. The opportunity must therefore be taken to review the side agreement to the IAA in the light of whichever options Barnet chooses for its governance arrangements so that it reflects the legal requirements Barnet will need in future.
- 4.7 The issue of visibility of HBPL lawyers on site in Barnet has been raised as an issue in this investigation, however, I believe this is best dealt with as part of the contract monitoring arrangements.
- 4.8 The clienting of the HBPL service has had no professional legal input looking at the quality of legal advice given for 18 months. A number of people I spoke to commented on the difference between contract management, which is carried out by the commercial team, and clienting. Clienting includes taking ownership of the service delivered overall, and is not just looking at outputs and performance indicators but also at the quality and effectiveness of legal advice and legal work. If Barnet chooses the option of a legally qualified MO then this would form part of her/his responsibilities. Alternatively, if Barnet

chooses to establish its own legal panel, it could use one of those external providers to perform this function, albeit at some cost.

- 4.9 I am aware that Barnet's procurement model is to use a thin client, however it was the original intention of the IAA that the then legally qualified MO should also be the client for the contract, and it is clear from those to whom I have spoken that this remains a preferred option. Without a legally qualified client, it is difficult to challenge whether the legal advice given is wrong.
- 4.10 Finally, the issue of the use of s101 of the Local Government Act 1972 to delegate Barnet's legal functions to Harrow. This seems to have been done because HBPL is delivered by Harrow, not jointly with Barnet. The IAA 'carves out' MO work and functions and it was agreed that section 101 would not apply to that legal work, and therefore Barnet would be able to exercise its own legal functions in relation to MO work. This needs clarifying. It is highly unusual to have used section 101 in this manner in any event, when a contractual arrangement would suffice.
- 4.11 Options:
- 4.11.1 To leave current arrangements intact.
 - 4.11.2 To require the MO to be the client for the shared legal service.
 - 4.11.3 To review the side agreement to the IAA and the IAA to ensure they fulfill the current requirements of Barnet and reflect the options chosen from this report.
 - 4.11.4 To ensure that Corporate legal issues are dealt with direct by Barnet.
 - 4.11.5 To revoke the section 101 delegations of all legal functions to Harrow
 - 4.11.6 To replace the current decision to delegate all legal functions to Harrow under section 101 and to limit the delegation of functions to routine and transactional legal work under the contract, excluding all corporate legal work and that carried out by or under the direction of the MO.

Annex


I have interviewed:
Councillor Richard Cornelius
Councillor Alison Moore
Andrew Travers

Chris Naylor
Claire Symonds
Paul Najsarek (Head of the paid Service at Harrow)
Tom Whiting (Corporate Director of Resources at Harrow)
Hugh Peart (Director of Legal and Governance Services)

I have read the following documents:

Quarter 1 Quarterly performance report to Performance and Contract
Monitoring Committee
Barnet Cabinet Resources Committee – 4th April 2012- set up of Joint
Legal Services with Harrow
Barnet Remuneration Committee 29th January 2013 – Deputy Monitoring
Officer functions to HBPL
Inter Authority Agreement- HBPL
Constitution of London Borough of Barnet

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	<p>AGENDA ITEM 8</p> <p style="text-align: center;">Policy and Resources Committee 14 October 2014</p>
<p style="text-align: right;">Title</p>	<p>Barnet’s Local Plan – Supplementary Planning Document (SPD) on Delivering Skills, Employment, Enterprise and Training (SEET) from Development through S106</p>
<p style="text-align: right;">Report of</p>	<p>Lead Commissioner for Enterprise and Regeneration – Cath Shaw</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A: Delivering Skills, Employment, Enterprise & Training SPD Appendix B: Schedule of Responses to Representations on Draft SPD</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Martin Cowie, martin.cowie@barnet.gov.uk, 0208 359 4514 Nick Lynch, nick.lynch@barnet.gov.uk, 0208359 4211 Rita Brar, rita.brar@barnet.gov.uk, 0208 359 4177</p>

<h3>Summary</h3>
<p>The Supplementary Planning Document sets out an approach to securing contributions through S106 Agreements towards skills, employment, training and enterprise initiatives. To secure and manage development related job opportunities it introduces Local Employment Agreements as legal mechanisms. The SPD also sets out measures to mitigate loss of employment space that is capable of addressing modern business needs</p>

Recommendations

- 1. That the Committee approve the Supplementary Planning Document (SPD) on Delivering Skills, Employment, Enterprise and Training (SEET) from Development through S106 (attached at Appendix A) for adoption.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Barnet is a growing and changing borough. Regeneration and development proposals principally in the west of the borough as well as opportunities for infill growth in Barnet's town centres will help change the borough. Through Barnet's Local Plan this growth and change is being managed.
- 1.2 This Supplementary Planning Document (SPD) sits below Barnet's Local Plan Core Strategy and Development Management Policies documents. SPDs are non-statutory planning documents produced by the Council which are subject to public consultation. In order to formally require S106 contributions, justify such a request and set out how such contributions will deliver corporate objectives on skills, employment, enterprise and training this SPD is necessary.
- 1.3 This SPD will be a material consideration in Council decision making on major residential or non-residential planning applications which generate 20 or more Full Time Equivalent (FTE) jobs or 25 or more new homes.
- 1.4 Contributions secured through this SPD will be independent from and additional to Barnet's Community Infrastructure Levy (CIL). CIL is a flat rate charge for development which broadly contributes to off-site impacts generated by development. Barnet adopted its CIL in May 2013.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Over the next two decades around 28,000 new homes will be built in Barnet and areas of concentrated deprivation will be regenerated. Housing and employment growth will be largely focused on the regeneration and development areas of Brent Cross – Cricklewood, Colindale and Mill Hill East with contributions across Barnet from smaller sites such as those in town centres. These areas are expected to generate 21,000 new jobs over the same time period and it is a priority that Barnet's residents are able to access these new employment opportunities.
- 2.2 Barnet's growth will provide new opportunities for local people to secure jobs and training. Residents can develop new skills through construction, infrastructure and commercial development as well as through the activities of new employment generating development. The emerging Entrepreneurial Barnet Strategy provides the framework for ensuring contributions are transformed into support for Barnet's economy.

- 2.3 Some parts of Barnet experience disproportionately high levels of deprivation, and do not currently share in the borough's success. However a significant number of residents have no qualifications and this remains a concern. Some key groups have been identified as needing further assistance to access the opportunities arising from growth. These groups include: young people and those Not in Education, Employment or Training (NEETs); lone parents; disabled people and people with long term health conditions; residents with a learning disability; and black and minority ethnic groups. The Council and partners have been particularly successful in reducing the numbers of 16 to 18 year old NEETs to the 4th lowest level in England. This positive progress in helping young people access work will be further supported by this SPD as will initiatives to help other key groups and the long term unemployed.
- 2.4 This SPD applies to residential and non-residential development. For any new development of 25 or more new homes a Local Employment Agreement (LEA) is required to cover employment opportunities generated by the construction. LEA will also be required from developments that generate 20 or more new FTE jobs through the proposed end use. The LEA is a legal obligation secured through a S106 Agreement which is expected to cover jobs forecasting, notification of vacancies, local labour targets, jobs brokerage and skills, use of local suppliers as well as apprenticeships and work experience. The LEA is expected to be proportionate to the scale and type of development with larger schemes requiring a dedicated Workplace Coordinator to coordinate and deliver all LEA activities.
- 2.5 The draft SPD was subject to six weeks consultation from 13 February – 27 March 2014. This generated 29 representations from developers including St George Central, Hammerson plc, Brent Cross Cricklewood Development Partners as well as Transport for London, Finchley Society and several national agencies. Representations and the Council's response to them are set out at Appendix B. Brent Cross Cricklewood Development Partners, St George Central and Finchley Society welcomed the introduction of LEAs. A summary of main issues raised and Council's response in *italics* is set out below

- **Effectiveness of LEAs**

Concerns expressed about complexity and monitoring arrangements as well as issues of compliance for LEAs particularly if a development is sold on. Doubts also raised about giving preference to local residents in terms of the benefits generated by this SPD.

LEAs are practical yet flexible mechanisms capable of equipping local people to benefit from employment opportunities arising from Barnet's growth. Making a LEA a legal obligation attached to a planning consent provides greater certainty about delivery and enables the Council to enforce the LEA even when there is a change of ownership. The SPD's focus is on equipping local residents particularly in the most deprived parts of Barnet to share in the borough's success.

- **End Users**

Need for flexibility on commercial end users and use class of commercial space as these are not known at time of S106 Agreement. This therefore makes it difficult to forecast jobs.

The LEA can ensure flexibility and reflect market change through regular information sharing. The SPD has been revised to encourage such sharing on job opportunities as early as possible.

- **Local Labour Target**

Doubts expressed about 30% labour target being realistic when within the London market 5% is nearer the achievable figure.

The SPD does not support a specific local labour target for end-use jobs as these are best negotiated on a case by case basis. Through working with developers who are pro-active jobs generators it is considered that 30% is achievable. Adjustments can be made to the LEA when despite the best efforts of developers local labour is not available.

- **Job Ready Candidates**

Concerns expressed about availability of job ready candidates particularly in construction. Suggested that there should be greater focus on improving basic employability of candidates.

The SPD does recognise this concern. Construction job opportunities are forecast to expand in Barnet over the next decade and it is imperative that local residents are equipped with the skills to access these jobs. Supporting candidates work readiness has an important part to play in accessing these opportunities. This can be done in terms of support and investment in apprenticeships and work experience. Provision of this support will be reflected in negotiations on local labour agreements.

- **Skills Training and Employment Initiatives**

Concern that prior approval of skills, training and employment initiatives will cause delay. Developers consider themselves best placed to know this. There is also a need to acknowledge the existing skills gap and recognise that targets can be a short term fix without a long term benefit.

Alignment with the Council's priorities in the draft Entrepreneurial Strategy and Jobs Brokerage Programmes should help avoid delay. Through partnership working with developers and contractors we can ensure that such knowledge is shared to the benefit of local people. Skills gaps are recognised as an issue and will be reflected in negotiations on local labour targets. This SPD reflects an outcome focused approach on improving employability over a significant period of growth. It is not a short term fix.

- **Affordable and Flexible Workspace. Supporting Enterprise Start-Ups**

Concerns expressed about using legal agreements to encourage affordable and flexible floorspace. Doubts raised about level of demand particularly for retail and office space in large regeneration schemes. A

need to support new enterprises and improve understanding of self-employment was also highlighted.

Any use of S106 contributions to ensure affordable workspace will be in accordance with NPPF. Following the relaxation in May 2013 of planning controls over change of use from office to residential there has been a restructuring within the local office market with small to medium enterprises being displaced from office premises that have Prior Approval for conversion to residential. In these changing circumstances there will remain a demand for affordable, accessible and flexible space.

- **Resident Outputs for Development Schemes**

Considered that instead of using a generic nationwide Homes and Communities Agency (HCA) calculator to estimate residents output for developments a Barnet specific output table should be produced to accurately reflect the needs of the area.

The use of a tried and tested national standard for developers and contractors is considered the most practical approach for calculating resident outputs.

- **Need for Regional Approach to Skills, Employment, Enterprise and Training**

Call for partnership working amongst boroughs to ensure more sustainable outcomes rather than short term contracts.

We want to share the success of sub-regional growth. The SPD forms an important first step to future partnership working.

- **Notification of Vacancies**

Ring fencing of job vacancies for a 10 day period will not always be realistic particularly in construction

The SPD has been revised to reflect that for specific recruitment needs exemption is possible. This can also be reflected in the LEA.

- **Costs of Construction Training**

Concerns expressed about high costs of training within the construction industry and the mismatch with government funding.

There is an anticipation that developers and the construction industry will invest in its future workforce. The developer is responsible for ensuring compliance by contractors and sub-contractors with the LEA. The Department for Business Innovation and Skills paper – UK Construction: an economic analysis of the sector (July 2013) states that the proportion of employees engaged in construction contracting with a degree, or equivalent qualification has almost doubled over the last decade. The sector continues to run a trade surplus in construction contracting as well as in some professional services such as architecture and quantity surveying. The Industry Strategy for Construction 2025 (July 2013) sets

out in detail the policies and actions that the Government and industry are jointly putting in place to address these issues.

- **LEA Threshold**

Concerns expressed that the 20 FTE (full time equivalent) threshold for a LEA is too low and that there is a contradiction between Table 1 and para 2.2 about minimum thresholds.

Table 1 has been amended to ensure consistency with para 2.2. Barnet has a small business economy so a development generating 20 or more FTE jobs is significant.

- **Workplace Coordinators (WPCs)**

Need to link requirement for WPCs to scale of opportunities rather than to just scale of development.

SPD has been revised to reflect that requirement for WPC will be linked to scale of opportunities.

- **Local Supply Chain**

Concern expressed that requirement for two Barnet companies to be on tender lists may not be achievable.

SPD asks developers to consider use of local suppliers. This can be addressed through wording of the LEA.

- **Pro Forma for Construction Recruitment and Training**

Concern expressed about requirements of the Pro Forma at Appendix C being too onerous.

SPD has been revised to clarify that the Pro Forma is aimed at small scale development and that a more individual approach will be taken on large scale developments.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option is not to produce this Supplementary Planning Document and therefore not provide a firm basis for seeking S106 contributions for skills, employment, enterprise and training. Any S106 requirements for such uses could be challenged at appeal. The absence of the requirement for a LEA will also make it more difficult to ensure local residents benefit from local growth. The amount of contributions secured will be inconsistent making it more difficult to plan effectively for skills, employment, enterprise and training initiatives.

4. POST DECISION IMPLEMENTATION

- 4.1 Following adoption this SPD will be taken into account as a material consideration on major residential or non-residential planning applications which generate 20 or more FTE jobs or 25 or more new homes.

- 4.2 SPDs are prepared through powers contained within the Planning and Compulsory Purchase Act 2004 and the associated Town and Country Planning (Local Planning) Regulations 2012. As soon as reasonably practical after adoption, a statement setting out issues raised during public consultation on the SPD and how these were addressed together with an adoption statement will be published. Following adoption of the SPD there will be a three month period during which legal challenges can be made.
- 4.3 The SPD will be monitored and schemes where a LEA has been negotiated will be highlighted in the Authorities Monitoring Report as will schemes that generate commuted sums in lieu of LEA.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 All three strategic objectives in the Corporate Plan 2013 -2016 are embedded within the SPD.

In promoting responsible growth, development and success across the borough it ensures :-

- opportunities are secured through LEAs for residents and businesses to access employment and training arising from Barnet's growth

In supporting families and individuals it ensures :-

- opportunities from new development generated for young people through apprenticeships and work experience

In improving satisfaction of residents and businesses with Barnet as a place to live, work and study it ensures :-

- early notification of job vacancies for local people and highlights that developer is obliged to consider local businesses as local suppliers.

- 5.1.2 The SPD has been produced within the framework of the Skills, Employment and Enterprise Plan 2012 – 2015.

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

- 5.2.1 The cost of preparing this SPD is included in the Strategic Planning Core Fee budget for 2014/15. The cost of managing the Local Employment Agreements as well as commuted sums collected will be met by Strategic Planning and Regeneration.

5.3 Legal and Constitutional References

- 5.3.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on

the preparation and adoption of the Local Plan. Upon adoption the SPD becomes a statutory document that forms part of Barnet's planning policy framework.

- 5.3.2 Constitution, Annex A (Responsibility for Functions) Policy and Resources Committee Function 2 details that the Committee is responsible for the Local Development Framework (now known as the Local Plan).

5.4 Risk Management

- 5.4.1 The main risk is that the SPD is subject to a legal challenge in the three months following adoption. To avoid this the Council has ensured that the SPD has been prepared in accordance with Regulations and has reasonably considered the representations arising from the consultation.

5.5 Equalities and Diversity

- 5.5.1 The SPD implements policy set out in the Local Plan Core Strategy which has been subject to an Equalities Impact Assessment (EqIA).
- 5.5.2 The SPD contributes to the delivery of the emerging Entrepreneurial Barnet Strategy. An important principle embedded in the Strategy is that all people in Barnet, no matter what their background or circumstances, should have equality of opportunity to succeed and gain from the growth of the economy here and nationally.
- 5.5.3 Reflecting the Entrepreneurial Barnet Strategy key groups have been highlighted in the SPD as needing further assistance to access the opportunities arising from growth. These groups include: young people and those Not in Education, Employment or Training (NEETs); lone parents; disabled people and people with long term health conditions; residents with a learning disability; and black and minority ethnic groups. An objective of which is to support residents with the skills to succeed.

5.6 Consultation and Engagement

- 5.6.1 SPDs are prepared through powers contained within the Planning and Compulsory Purchase Act 2004 and the associated Town and Country Planning (Local Planning) Regulations 2012.
- 5.6.2 The draft SPD was subject to a six week statutory period of public consultation from February 2014. All members of Barnet's Employability Group which includes Barnet and Southgate College, Middlesex University and Job Centre Plus as well as developers and social housing providers were notified of the draft SPD. Regeneration development partners and key employment and training stakeholders were also invited to comment on the draft SPD. Further consultation on the SPD took place at the Construction and Employment Training Skills Workshop in May 2014.

5.6.3 The consultation generated 29 responses, of which the majority were from developers. Appendix B sets out proposed response to these representations.

6. BACKGROUND PAPERS

6.1 Cabinet, 18 April 2013 (Decision item 7) approved the Supplementary Planning Document on Planning Obligations from Developments for adoption.

<http://barnet.moderngov.co.uk/documents/s8349/Barnets%20Local%20Plan%20-%20Planning%20Obligations%20Supplementary%20Planning%20Document%20-%20Adoption.pdf>

6.2 Cabinet, 25 February 2013 (Decision item 9) approved that the Council progress towards adopting a Community Infrastructure Levy.

<http://barnet.moderngov.co.uk/documents/s7487/Community%20Infrastrucutre%20Levy.pdf>

6.3 Council, 11 September 2012 (Decision item 4.1) approved the Local Plan Core Strategy and Development Management Policies for adoption.

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=6671&Ver=4>

6.4 Cabinet, 20 June 2012 (Decision item 6) approved the Barnet Skills, Employment and Enterprise Action Plan.

<http://barnet.moderngov.co.uk/documents/s4354/SEE%20AND%20NEETS%20CABINET%20PAPER%20-%20FINAL%2012%20June%202012.pdf>

6.5 Delegated Powers Report, 3 February 2014, draft document approved for public consultation by Cabinet Member for Planning and Regulatory Services.

<http://barnet.moderngov.co.uk/mgDelegatedDecisions.aspx?XXR=0&&DR=02%2f02%2f2014-18%2f04%2f2014&ACT=Find&RP=0&K=0&V=0&DM=125X&HD=0&DS=2&Next=true&T=503391827&META=mgdelegateddecisions>

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Local Plan

Supplementary Planning Document:

Delivering Skills, Employment, Enterprise and Training from Development through S106

October 2014

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This document has been produced by **Re** (Regional Enterprise, a new joint venture between Capita and LB Barnet established in October 2013) on behalf of London Borough of Barnet.

Executive summary

Barnet is a growing and changing borough. Regeneration and development proposals principally in the west of the borough as well as opportunities for infill growth in Barnet's town centres will help change the borough. Regeneration at Brent Cross-Cricklewood will create a new metropolitan town centre in an area which will attract significant retail and office growth. Through the Local Plan this growth and change is being managed.

This Supplementary Planning Document (SPD) sits below Barnet's Local Plan Core Strategy and Development Management Policies documents. The SPD sets out the Council's approach to delivering skills, employment, enterprise and training initiatives from development

In ensuring that residents benefit from the job opportunities created by new development across Barnet the SPD introduces Local Employment Agreements as a legal mechanism for managing development related job opportunities.

In ensuring that appropriate employment space is available to support successful small to medium sized enterprises the SPD sets out measures to mitigate any loss of space capable of addressing modern business needs.

This SPD will be taken into account as a material planning consideration when planning applications are being considered.

1. Introduction and policy context

Introduction

- 1.1 Barnet is a vibrant diverse and successful London suburb. The popularity of Barnet as a place means it continues to grow. Over the next two decades around 28,000 new homes will be built and areas of concentrated deprivation will be regenerated. Housing and employment growth will be largely focused on the regeneration and development areas of Brent Cross – Cricklewood, Colindale and Mill Hill East with contributions across Barnet from smaller sites such as those in town centres. These areas are expected to generate 21,000 new jobs over the same time period and it is a priority that Barnet's residents are able to access these new employment opportunities.
- 1.2 Barnet's housing and economic growth will provide new opportunities for local people to secure jobs and training. Residents can develop new skills through construction, infrastructure and commercial development as well as through the activities of the new employment generating development.
- 1.3 Barnet's population is well qualified. However a significant number of residents have no qualifications and this remains a concern. Some key groups have been identified as needing further assistance to access the opportunities arising from growth. These groups include: young people and those Not in Education, Employment or Training (NEETs); lone parents; disabled people and people with long term health conditions; residents with a learning disability; and black and minority ethnic groups.
- 1.4 Some parts of Barnet experience a disproportionately high level of deprivation, and do not have the opportunity to share in the borough's success. Overall deprivation is substantially higher in Burnt Oak and Colindale than the rest of the borough. Those key groups living in areas of greater economic disadvantage should be enabled to access opportunities through employment and skills initiatives to gain from growth so that they do not get left behind as the wider economy recovers.
- 1.5 Barnet's economy is fairly self-contained with nearly 75% of the 112,000 jobs in the borough held by Barnet residents, one of the highest figures in London. To establish Barnet's status as a truly successful London suburb we must ensure that all our residents benefit from our success.
- 1.6 This SPD applies to development that generates new jobs through construction and / or end use as well as developments that involve the loss of employment space and require planning permission. The SPD sets out the mechanisms and benchmarks for ensuring that development positively contributes to Barnet's economy (Table 1 sets out requirements for delivering Skills, Employment, Enterprise and Training (SEET)).
- 1.7 The SPD sets out the role of S106 Agreements in delivering skills, employment, enterprise and training contributions for development The Entrepreneurial Barnet provides the framework for ensuring contributions are transformed into support for Barnet's economy. A Planning Obligation (S106 Agreement) is a legally binding agreement made usually between a developer and the Council in order to make an application acceptable in planning terms ie. addressing prescriptive, compensatory and site specific mitigation impacts of development.

- 1.8 S106 contributions to skills, employment, enterprise and training arising from this SPD will be independent from, and additional to, contributions towards community infrastructure through Community Infrastructure Levy (CIL). CIL is a flat rate charge for development which broadly contributes to off-site impacts generated by development. Barnet now applies CIL as set out in the CIL Charging Schedule adopted in April 2013.

Council's objectives

- 1.9 The Corporate Plan sets out the Council's commitment to creating an environment for growth in the local economy; improving skills and employment opportunities; and engaging with businesses to understand and best meet their needs.
- 1.10 The Council is working with Middlesex University to analyse opportunities for growth and to improve the environment within which businesses, existing and new, can thrive. The Corporate Plan highlights that the future success of the Borough and its residents will be based on having a skilled workforce.
- 1.11 A Local Plan core objective is to promote Barnet as a place of economic growth and prosperity. Ensuring :
- that in the borough's main commercial areas, including safeguarded employment locations and town centres, there are sufficient opportunities available to help business grow and prosper;
 - that residents are equipped with the skills to access the projected 21,000 jobs that the regeneration of the major growth areas will deliver.
- 1.12 The Entrepreneurial Barnet Strategy sets out the Council's commitments to supporting the economy to grow. The Strategy's objectives and outcomes include :
- A great place to do business
 - *Thriving town centres that people want to live, work and spend time in*
 - *Excellence in regeneration and growth*
 - *Fit for purpose infrastructure and transport networks*
 - *Healthier workplaces*
 - Skilled employees and entrepreneurs
 - *Working with employers to develop a skilled workforce*
 - *Supporting residents to develop the skills they need to succeed*
 - *Encouraging a culture of entrepreneurship*
 - Improving Access to Markets
 - *Local and small businesses can access Council contracts*
 - *Facilitating business growth*
 - *Businesses enabled to grow and thrive*
 - *Businesses connected to university expertise*
- 1.13 The initiatives to support Barnet's economy as outlined in the Entrepreneurial Barnet Strategy underpin the delivery of S106 Agreements arising from this SPD.

Barnet's Planning Obligations SPD and Community Infrastructure Levy

- 1.14 The Planning Act 2008 introduced CIL as a new method of raising money for infrastructure from development. However Planning Obligations continue to play an important role in making individual developments acceptable.
- 1.15 The Council's Planning Obligations SPD (April 2013) helps clarify the relationship between S106 Agreements and CIL. It focuses on the circumstances when S106 Agreements are required and highlights the procedure for delivering a legal S106. This is also set out at Appendix A.
- 1.16 Where specific developments may require more comprehensive off site mitigation measures to be addressed through S106 the relationship to CIL will be considered carefully to avoid double charging. This will be in accordance with CIL Regulation 122 which sets out policy tests on the use of Planning Obligations.

Viability

- 1.17 In addition to the requirements highlighted in this SPD, there may be other site-specific requirements such as Affordable Housing to be addressed in the S106 Agreement. In considering all these requirements, including CIL, due regard will be made to economic viability.
- 1.18 Appendix A sets out how a viability assessment fits into the S106 process. The onus is on the developer to provide justification as to why it may not be possible to deliver the requirements highlighted in the SEET SPD. This should be done through a development industry standard development appraisal.

Policy context

- 1.19 This SPD has been prepared to supplement policies of the Core Strategy, Development Management Policies and the London Plan. These documents form the development plan for Barnet.
- 1.20 Section 38(6) of Planning & Compulsory Purchase Act 2004 requires that in making any decision under the Planning Acts it shall be made in accordance with the development plan unless material considerations indicate otherwise.
- 1.21 The National Planning Policy Framework (NPPF) is an example of a material consideration. The most up to date policy (where there is a conflict) takes precedence.

Barnet's Local Plan

- 1.22 The Core Strategy (2012) sets out a policy framework for promoting a strong and prosperous Barnet. It supports residents in accessing work as well as supporting businesses and provision of further and higher education. The Development Management Policies document (2012) sets out borough-wide planning policies that implement the Core Strategy and is used for day to day decision making.
- 1.23 The following Core Strategy policies are important in relation to this SPD:
- CSNPPF - National Planning Policy Framework – Presumption in Favour of Sustainable Development
 - CS06 – Promoting Barnet's town centres
 - CS08 – Promoting a strong and prosperous Barnet
 - CS15 – Delivering the Core Strategy
- 1.24 Core Strategy (para 20.8.3) highlights considerations that may require S106 Agreements. This includes small business accommodation and training programmes to promote local employment and economic prosperity.
- 1.25 Core Strategy policies are supported by the Development Management Policies (DMP). The following of which are important in relation to this SPD.
- DM11 - Development principles for Barnet's town centres
 - DM14 – New and existing employment space

London Plan policies

- 1.26 In the London Plan (2011) the Mayor highlights the need to improve London's skills base, improve employment opportunities and remove barriers to employment. The Mayor identifies learning and skills as two key priorities for Planning Obligations
- 1.27 The following London Plan policies are important in relation to this SPD:
- Policy 4.6: Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision
 - Policy 4.8: Supporting a Successful and Diverse Retail Sector
 - Policy 4.9: Small Shops
 - Policy 4.10: New and Emerging Economic Sectors
 - Policy 4.12: Improving Opportunities for All
 - Policy 8.2: Planning Obligations

National Planning Policy Framework (NPPF)

- 1.28 A NPPF core principle (para 17) is to proactively drive and support sustainable economic development with every effort to be objectively made to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth.

1.29 S106 Agreements related to this SPD will be used in accordance with the NPPF (paras 203 to 205) to influence the nature of a development or mitigate or compensate for its potential impacts.

Entrepreneurial Barnet Strategy

1.30 The Council is committed to supporting the economy to grow, and to improving living standards by boosting incomes, opportunities, and wellbeing for people in Barnet. Entrepreneurial Barnet sets out in more detail what we aim to achieve, and how we will go about doing it. The pyramid diagram below sets out the objectives of the Entrepreneurial Barnet Strategy.

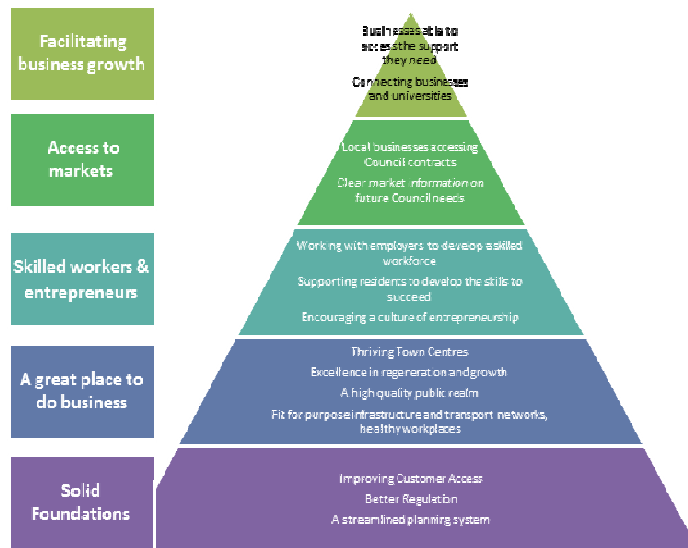


Diagram 1: The objectives of the Entrepreneurial Barnet Strategy

2. Mechanisms for delivering Skills, Employment, Enterprise and Training through Planning Obligations (S106 Agreements)

Local Employment Agreements (LEAs)

- 2.1 In order to manage development related job opportunities the Council will use a Local Employment Agreement (LEA). A LEA sets out the skills, employment and training opportunities to be delivered from development and must include all employment opportunities generated by construction as well as the end use where the development creates more than 20 FTE (full time employee) jobs. The LEA will cover end use jobs. These are the jobs created within one year of the completion of the development.
- 2.2 Subject to Council approval of a S106 Agreement linked to the planning consent the LEA is a legal obligation which is expected to cover :
- Forecasting of job opportunities
 - Local labour target
 - Apprenticeships and work experience
 - Delivery of specific LEA targets
 - Notification of job vacancies
 - Jobs brokerage and skills training
 - Use of local suppliers
- 2.3 Table 1 highlights developments where a LEA is required. Following negotiation with the Council the LEA is formally agreed and clearly sets out requirements to ensure regular information sharing from the date when development starts. The developer is ultimately responsible for the delivery of the LEA and is obliged to ensure that their contractors and sub-contractors also comply with these obligations.

Components of Local Employment Agreements

- 2.4 In the LEA the developer is expected to set out its approach to:
- **Forecasting of job opportunities:** in order to maximise local employment provision the developer and contractor will provide construction phasing / end-use jobs information and labour forecasting data in advance of each phase to the Council. For end-use jobs we will expect this information as soon as an occupier is identified for each phase. For construction jobs forecasting we will expect this information as early as possible with a minimum of at least one month in advance. This enables appropriate, job ready local candidates to be matched to job opportunities as they arise. Details of local contractors/suppliers/new employers working or locating on site should also be provided.
 - **Notification of job vacancies:** in notifying the Council (or nominated agency) of job vacancies there should be a minimum period (no less than 10 working days) of such jobs being exclusively available to Barnet residents before being advertised more widely. In those instances when this period is not practical for specific recruitment

needs then prior approval is required from the Council for exemption. The Council and nominated agencies shall identify and support local job seekers in applying for these jobs. Where applicants are unsuccessful, the developer is required to provide feedback. The developer will also advertise all vacancies through a notice board at the development site. The developer will ensure that their contractors and sub-contractors within the supply chain comply with this obligation and will provide the Council with a list of all sub-contracted firms appointed.

- Local labour target:** developer should agree that 30% of construction vacancies are filled by local residents. As part of this contribution the Council expects the developer to demonstrate how it is supporting the skills development and progression of local residents who already have construction industry experience. This is inclusive of targets as calculated through benchmarks for development schemes as set out in Appendix B. Local labour targets for end-use jobs will be agreed on a case-by-case basis dependent on the type of employment. Where there are skills gaps or a lack of work ready candidates we will accept other forms of support. This may include a lower number of local jobs in return for a higher level of support for candidates to access the jobs market. We welcome initiatives to support the return to work of the long-term unemployed particularly when this is focused on key groups such as disabled people and older people.
- Jobs brokerage and skills training:** Developers are expected to provide a skills forecast for their development and highlight current skills shortages. A developer should set out an approach for linking with Jobs Brokerage Programmes as initiated and developed by the Council, Re Ltd and that of their partners and other key employment and training stakeholders. Developer should also co-ordinate with Council and partners in relation to plans for skills training / employment initiatives. In order to ensure co-ordination and efficient use of resources it is necessary that such plans are approved in advance by the Council. We will work closely with developers to ensure such plans are approved expeditiously. Jobs Brokerage Programmes focus on finding / matching local skills to candidates and vacancies and supporting Barnet residents in receipt of out of work benefits. We particularly welcome initiatives to support the return to work of the long-term unemployed particularly when this is focused on key groups such as disabled people and older people.
- Apprenticeships and work experience:** developer or sub-contractor is required to deliver fully funded apprenticeships; work experience; and site visits and workshops for Schools / Colleges / Universities as defined in Table 2 and Appendix B.
- Use of local suppliers:** developer to consider use of local suppliers and ensure that at least two local firms (within Barnet) are represented on each subcontract or component supply tender / pricing list. Larger¹ developments will be asked to make local firms aware of contract and other business opportunities, and to support arrangements to enable local businesses to access opportunities arising from their development.
- Delivery of specific LEA targets:** developer is expected to set out approach to how they will fulfil the LEA obligations and maintain a labour and apprenticeship register.

¹ Large residential development defined in Sustainable Design and Construction SPD as development of 200+ units or site of 4+ ha. Large non residential development defined as 10,000+m2.

Included within this will be specific targets as detailed in Table 2 (Appendix B sets out a benchmark multiplier for calculating numbers of individuals for each of these employment and skills areas). The Developer is required to agree a monitoring framework with the Council as part of the LEA and to report back to the Council on a quarterly basis on progress against these targets.

Table 1 - Requirements for delivering Skills, Employment, Enterprise and Training from Development

Stages of Development			
	Construction Phase	Proposed End Use (Operational Phase)	Loss of Employment Space
Requirement	Support wider range of Barnet residents to access construction jobs	Support wider range of Barnet residents to access jobs generated by end use	Mitigate for loss of employment floorspace
		Supporting Barnet businesses in accessing affordable and flexible workspace	
Objective	Creating environment for growth in local economy		Address impact of development
Threshold	Subject to viability		
	Residential or mixed use dev. of 25+ units	Any non-residential use dev. generating 20 FTE jobs+ for its end use	All development
Process	Local Employment Agreement		Calculation for loss

2.5 Developers are required to identify a contact responsible for LEA implementation. For large scale employment generating development, the developer is obliged to provide a dedicated

Workplace Coordinator (WPC) during the development phase, based within the development company to coordinate and deliver all LEA activities. The need for a WPC will relate to the scale of opportunities. If the developer is unable to provide a dedicated WPC the Council will require payment of an equivalent cost (to be agreed with Council) to support alternative employment and training activities.

Table 2 - Local Employment Agreement (LEA) definitions

Employment and Skills Area	Definition
Jobs Brokerage	
Progression into employment (under 6 months)	<i>Barnet resident who has been in receipt of out of work benefits for up to six months being offered work lasting at least 13 weeks. This does not include apprenticeships.</i>
Progression into employment (over 6 months)	<i>Barnet resident who has been in receipt of out of work benefits for more than six months being offered work lasting at least 13 weeks. This does not include apprenticeships.</i>
Apprenticeships and work experience	
Apprenticeships	<i>Barnet resident who is employed on (and completes) apprenticeship programme recognised by the relevant sector skills council (or other such training in line with government policy at the time and determined by the council). The developer or its sub contractor is required to pay the apprentice wages and training costs and is expected to employ apprentices on at least the living wage and support training/college release arrangements until attainment of their qualification at a minimum of NVQ Level 2.</i> <i>Developer expected to provide details of trades or occupational areas offering apprenticeship opportunities and must give early notice of all Apprenticeship vacancies to council and nominated partners. Candidates should be sourced from local schools, colleges, job centres, work programme, jobs brokerage, the council and other partners.</i>
Work experience	<i>Work experience placements, minimum of 10 days, for Barnet residents. Can also include Entry to Employment and University Student Placements</i>
School / College / University site visits	<i>For example, visit by students from a Barnet school, college or University to the site to support their learning</i>
School / College workshops	<i>For example, Educational workshops delivered by the developer or their supply chain within schools, colleges, or on site. This must be by a suitably trained guest speaker.</i>

- 2.6 A pro-forma for projected construction recruitment and training requirements is set out at Appendix C. For larger developments this will be negotiated on a case-by-case basis. It is acknowledged that some uses such as a new supermarket will generate more jobs than others such as a warehouse. We therefore expect the LEA to be proportional to the scale and type of development. In assessing expected levels of employment generation the Council will have regard to evidence on employment densities of end uses². Larger developments are expected to deliver a more mixed provision of skills, employment, enterprise, and training measures.

² Homes and Communities Agency Employment Densities Guide 2010

- 2.7 In order to equip residents with the skills to access local employment opportunities generated by development we will assess development schemes as a whole. This ensures that where a site is divided between a number of different applicants, or is proposed to be developed in a number of phases, the needs generated across the whole development site are assessed. This ensures that contributions are assessed in a comprehensive, rather than piecemeal fashion therefore enabling more efficient and beneficial delivery of skills, employment, enterprise and training initiatives.

Commuted Sums in lieu of Local Employment Agreements

- 2.8 In exceptional circumstances (such as where specialised technical expertise is required by the end use and the developer is unable to deliver local access to jobs through a LEA or where there are large numbers of similar unfilled vacancies and a shortage of suitable local candidates) the Council will require a commuted sum in order to generate alternative employment opportunities. Tables 3 and 4 set out formulae for calculating contributions for alternative employment opportunities with regard to non construction and construction jobs.
- 2.9 Where there is an issue with viability then further clarifications, submissions and verifications may be required and used to adjust the final contribution.

Table 3 – Calculating Commuted Sums for alternative employment opportunities (non construction) in lieu of LEAs

Persons requiring support to access jobs market (1)
X
Approximate cost of supporting a person into work £5,340 (2)
=
Required financial contribution

Notes: (1) Based on Homes & Communities Agency benchmarks for development schemes. See Appendix B. Number of persons requiring support to access jobs market equal rows 1 to 4 multiplied by scheme value.
(2) Based on London Councils ESF Co-financing Programme 2013 to 2015. Average cost per unit of European Social Fund (ESF) projects in 2013 to 2015 to support a person into work. This cost will be fixed to the end of 2015, but indexed linked thereafter at CPI +2%.

Table 4 – Calculating Commuted Sums for alternative employment opportunities (construction) in lieu of LEAs

Approximate cost of a construction apprenticeship (scheme to be agreed by both parties)
X
Number of Apprentices (1)
=
Required Financial Contribution

Notes: (1) Based on Homes & Communities Agency benchmarks for development schemes. See Appendix B. Number of persons requiring support to access jobs market through Apprenticeships equals row 3 multiplied by scheme value.

- 2.10 Where financial contributions are agreed the funds will be retained specifically for employment, skills, training and enterprise support and initiatives delivered by the Council and its partners as set out in the Section 106 agreement. These initiatives are highlighted in the Entrepreneurial Barnet Strategy.

Specialised employment

- 2.11 People from around the world come to work in London and many work in sectors where specific training and experience is essential to their jobs. In negotiating LEAs the Council will have regard to any specialised technical jobs generated by the end use and the specific training and experience required to perform them. The Council recognises that for such specific roles it would not be appropriate to insist that local residents are employed.
- 2.12 In such circumstances the Council may agree to accept a commuted sum to support alternative employment opportunities. This will be based on the likely number of jobs created by the development. These contributions will be calculated on a case-by-case basis and form part of the final Section 106 Agreement.

Addressing Loss of Employment Space

- 2.13 Development Management Policy DM14 highlights that the Council will resist proposals to redevelop or re-use employment space³ which reduces levels of employment uses and impacts negatively on the local economy. Any proposed net loss of employment space will need to be justified and the Council will require assurance that all reasonable steps have been taken to maintain the existing use. Where it is demonstrated that it is not viable to maintain the existing use then options for alternative employment uses will need to be explored before non-employment uses can be considered.
- 2.14 Changes to the General Permitted Development Order in May 2013 relaxed criteria for conversion of buildings within the B1(a) use class (offices) to residential without need for planning consent. This temporary three year relaxation was introduced by Government in order to stimulate housing and economic activity. There may be circumstances where some loss of office employment floorspace may be acceptable, but the criteria for job losses (Policy DM14) will still apply for all proposals that require planning consent.
- 2.15 If a development involving loss of employment space is considered to be compliant with Policy DM14 it will be expected to mitigate the loss and make contributions to employment training. Calculations of such contributions will be made on a site by site basis and will take into account the following :
- existing, former (if vacant) or potential employment capacity;
 - approximate cost of supporting a person into work (see Table 3 - Note 2) to mitigate loss of employment opportunities;
 - quality of existing / any proposed B1, B2 and B8 accommodation;
 - accessibility of existing / any proposed B1, B2 and B8 accommodation.

³ Defined as being in the B1, B2 or B8 use class

- 2.16 In calculating contributions for loss of employment space consideration will be made of any positive economic impacts arising from the development. Contributions will be retained for specific employment, skills, training and enterprise support and initiatives highlighted in the Entrepreneurial Barnet Strategy.

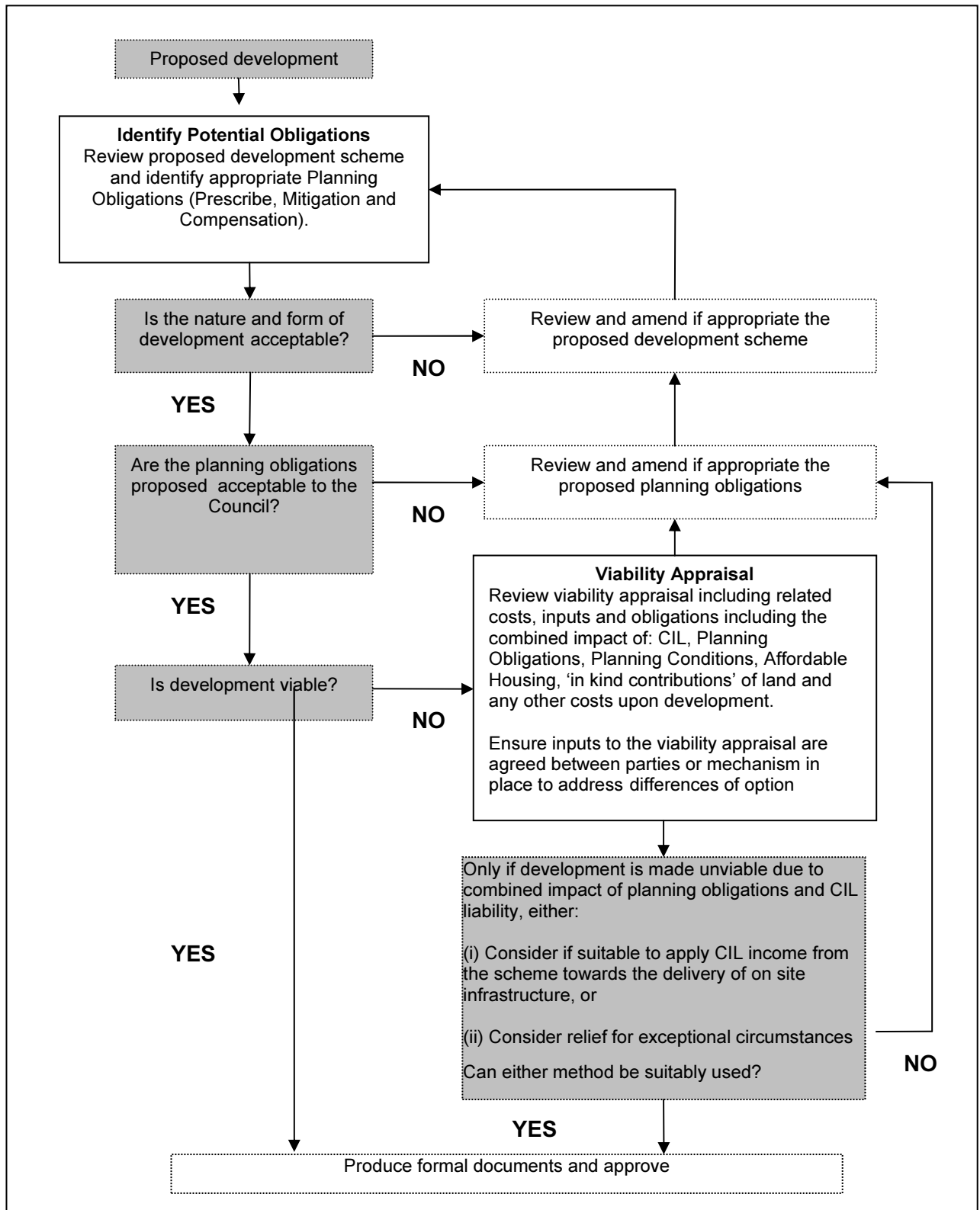
Supporting Barnet Businesses in Accessing Affordable and Flexible Workspace

- 2.17 The Council recognises that in mixed use development a net loss of employment space may have positive economic impacts if loss is balanced by improvements in accommodation quality and format. Such improvements should deliver affordable and flexible workspace that is capable of addressing the needs of small to medium enterprises (SMEs). Where such improvements are secured through S106 they will be taken into account in calculations for loss of employment space.
- 2.18 In order to support SMEs the Council will encourage, in addition to its LEA, the following:
- Flexible and affordable workspace in office development or redevelopment
 - Small and affordable shop units in major retail developments
- 2.19 The Council will consider the use of legal agreements in order to manage the rents of these units to appropriate levels, to control their size, location and the nature of the occupant.

Monitoring and cost recovery

- 2.20 The implementation of this SPD will be monitored through the Authorities Monitoring Report (AMR). The Council will monitor LEAs as well as any commuted sums collected to ensure that these are spent in accordance with the respective S106 agreement.
- 2.21 The Council incurs costs from the delivery of planning obligations from negotiation through to implementation. The Council will therefore seek payment of contributions to cover costs of securing and managing Planning Obligations related to this SPD. These costs (including admin) will be charged at a standard fee of up to 5% of the contribution. Contact the S106 team on planning.obligations@barnet.gov.uk for any further or up to date details and fees.

Appendix A: Process for Planning Obligations / S106 Agreements



Appendix B: Calculating resident outputs for development schemes

To calculate outputs for Barnet residents for the employment and skills areas as detailed in Table 3, use the formula and table below. This is based on Homes and Communities Agency benchmarks for development schemes.

e.g. Apprenticeships: a scheme with a value of £8.5m (Band 5). Output = 8.5 x (Row 3) 0.3 = 2.55 apprenticeships (rounded to 3 apprenticeships).

Local labour targets for end-use jobs will be agreed on a case-by-case basis dependent on the type of employment.

Value by Band														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Employment and Skills Areas	£1k to £0.1m	£0.1m to £0.5m	£0.5m to £1m	£1m to £3.5m	£3.5m to £10m	£10m to £20m	£20m to £30m	£30m to £40m	£40m to £50m	£50m to £60m	£60m to £70m	£70m to £80m	£80m to £90m	£90m to £100+ m
Jobs Brokerage														
1. Progression into employment (under 6 months)	0	0	1.30	0.90	0.30	0.20	0.17	0.16	0.15	0.14	0.13	0.12	0.11	0.10
2. Progression into employment (over 6 months)	0	0	0	0.50	0.20	0.13	0.09	0.11	0.10	0.09	0.08	0.07	0.067	0.065
Apprenticeships & Work Experience														
3. Apprenticeships	0	0	0	0	0.30	0.28	0.26	0.25	0.24	0.23	0.22	0.19	0.18	0.17
4. Work experience (16+)	0	0	3.0	1.5	0.8	0.5	0.45	0.40	0.35	0.30	0.27	0.25	0.22	0.22
5. School / College / University site visits	0	0	0	0	5.0	3.0	2.5	2.2	2	1.8	1.5	1.4	1.5	2
6. School / College workshops	0	0	0	8.0	4.8	2.4	2.2	2.0	1.8	1.5	1.4	1.3	1.2	1.1

Source: Homes and Communities Agency 2010 - Guidance & Toolkit for developers and contractors (employment and skills guidance) – Appendix E Part 2 and Part 4 – Benchmarks for development schemes

Appendix C: Form for projected construction recruitment and training requirements

Planning Application Ref: <i>If applicable</i>				
Name				
Company Name & Address				
Contact No.				
E-mail Address				
Name & Address of Development				
Proposed Start Date for Construction Phase				
Proposed End Date for Construction Phase				
Total Number of construction jobs				
Number of construction vacancies (by discipline/trade)				
Number of apprenticeship vacancies (by discipline/trade)				
Recruitment process				
Recruitment timetable				
Training requirements				
Proposed end-use activities				
Contact details of proposed end-Use <i>If not available, please supply as soon as possible</i>				
Proposed start date for end-use activities				
Total number of proposed end-use jobs				
Number of proposed end-use vacancies				
Number of proposed end-use apprenticeships				
Recruitment process				
Recruitment timetable				
Training requirements				
Please provide contact details in relation to the above jobs in order that the council and/or our partners can liaise on these opportunities				
Job Title	No. Of Jobs	Salary Range	Weekly Hours	Job Description/ Person Specification or detail skills/training needed
In order to support your recruitment and training needs we will share this information with our partner organisations.				
Please return the completed form to Skills and Enterprise Team, Regeneration Service, London Borough of Barnet, Building 4, North London Business Park, Oakleigh Road South, London, N11 1NP, Tel: 0208 359 2000				

Contact details

Planning Policy Group, RE, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP

Or email: forward.planning@barnet.gov.uk

Or contact us on: 0208-359-4990

Skills and Enterprise Team, RE, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP

Or email: Regeneration@barnet.gov.uk

Or contact us on: 0208-359-2000

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Ref.	Finchley Society	Section	Comments	Council's Response
1	Finchley Society	General comment	<p>It is important that developers should offset the costs imposed on the community by their developments, and (together with the Community Infrastructure Levy, Section 106 agreements are a valuable means of ensuring that they do. Securing the provision of affordable housing in the borough is high on the Finchley Society's priorities, as is keeping employment in the borough and preventing it from becoming a mere dormitory suburb. We therefore welcome in particular the section of the Draft SPD entitled 'Addressing Loss of Employment Space' and the Council's attempts to limit the adverse effects of the Government's recent changes to the General Permitted Development Order. We believe that the provision of premises for businesses to start up and thrive in the borough is probably the best way of keeping it economically vibrant, and therefore support particularly paragraphs 2.17 to 2.19 of the draft.</p>	<p>We welcome this support from the Finchley Society</p>
2	Finchley Society	Section 2	<p>We are a little less certain about the Local Employment Agreements. It seems to us that they are complex to negotiate, and even more to monitor, and we wonder what effective sanctions the Council will have if the developer (or anyone to whom a development is sold on) fails to comply.</p> <p>We do also have some doubts about the preference given to local residents. Barnet is not an island, some developments are close to the borders of other London boroughs or of Hertfordshire, and people - especially young people - are very mobile nowadays, changing their place of residence within Greater London.</p>	<p>Our aim with Local Employment Agreements is to make them practical yet flexible mechanisms capable of equipping local people to benefit from the employment opportunities arising from Barnet's growth. Making a LEA a legal obligation provides greater certainty about delivery of such opportunities. It enables the Council to enforce the LEA.</p> <p>The LEA forms part of the S106 connected to a planning consent for a development. Therefore if the development is sold on the new owner is faced with the same legal obligations.</p> <p>The SPD is a practical and realistic document. It does not expect every new job in Barnet to be filled by a local resident. Its focus is on planning the opportunities for new jobs, enabling the</p>

3	St George Central	Paras 2.1 – 2.3	<p>a) The requirement to enter into a Local Employment Agreement is broadly acceptable.</p> <p>b) The nature of long term regeneration projects such as Beaufort Park is that the end commercial users are not known when the S106 is signed as the market and demand changes. Reflecting this, we also maintain flexibility on the use class so that at the time the commercial space is delivered it can respond to current demand. This helps to avoid vacant commercial units.</p> <p>c) It is therefore not possible to predict employment accurately when the S106 is signed. This is a concern if the LEA becomes a legal obligation.</p>	<p>Council and its partners to equip those people who live in the most deprived parts of the Borough with the appropriate skills to have an opportunity to share in Barnet's success.</p> <p>a) We welcome this support from St George Central</p> <p>b) We do recognise that end users will not always be known when the S106 is signed. The SPD highlights at para 2.3 that the LEA will set out requirements to ensure regular information sharing from the date the development starts. We consider that this can reflect market change and ensure flexibility within the LEA.</p> <p>c) We have revised para 2.4 to reflect that information on end-use jobs should be provided as soon as an occupier is identified for each phase.</p>
4	St George Central	Para 2.4 bullet 3	<p>a) In our experience of working within the borough for a number of years on a large regeneration project, it is not possible to achieve 20% local employment, let alone the new target of 30%.</p> <p>b) In practice we find that 5% is nearer the achievable figure, primarily because of the nature of the London labour market and accessibility. Where most people do not work in the borough that they live in.</p>	<p>a) The SPD does not support a specific local labour target for end-use jobs as these are best negotiated on a case by case basis. Through a strong partnership approach with developers who are pro-active jobs generators higher levels of local employment can be delivered.</p> <p>b) As highlighted in para 1.3 with 3 out of 4 jobs in the Borough filled by residents Barnet's economy is fairly self-contained. High levels of local employment can be delivered as demonstrated with the regeneration of Grahame Park where local employment has reached 50% at its peak. We consider that</p>

5	St George Central	Para 2.4 bullet 5	<p>c) Is there evidence to suggest that this target is achievable and indeed is being achieved within Barnet.</p> <p>a) The overriding concern is the number of job ready candidates.</p> <p>b) At Beaufort Park, despite working closely with the council, colleges and other agencies there are not sufficient local candidates to fill vacancies in construction and the development.</p>	<p>LEAs will provide the flexibility to make adjustments to such agreed targets when local labour is not available despite the best efforts of the developer to attract local residents.</p> <p>c) We consider that this is achievable. The Council commissioned the Middlesex University Centre for Enterprise and Economic Development Research (CEEDR) to produce options for an Economic Strategy (Entrepreneurial Barnet). CEEDR have provided an analysis of Barnet's labour market including a focus on those groups who suffer labour market disadvantage. Barnet's Economic Strategy will provide a basis for negotiating local labour targets.</p> <p>a) The SPD has been revised at para 2.4 bullet 3 which states that where there are skills gaps or a lack of work ready candidates we will accept other forms of support.</p> <p>b) CEEDR have identified a resurgent construction sector in the Borough focused on regeneration schemes in the A5 Corridor. The construction sector is forecast to be an important expanding job growth sector in Barnet over the next decade and it is important that major contractors are encouraged to look to local employees and subcontractors through local labour agreements. Given this resurgence and the problems experienced in filling construction vacancies with local candidates at Beaufort Park it is imperative that we equip local</p>
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			<p>c) To increase local labour we need a larger pool of job ready candidates.</p> <p>d) There should be greater focus on the provision of job coaches to improve basic employability of candidates</p>	<p>residents with the skills to access these jobs. We recognise the need for flexibility in LEAs when local labour is not available despite the best efforts of the developer to attract local residents.</p> <p>c) The LEA can address this as it recognises the importance of support and investment in apprenticeships and work experience.</p> <p>d) Although no specific reference is made to provision of job coaches in the SPD they are recognised as a means of getting candidates job ready.</p>
6	St George Central	Para 2.4 bullet 7	<p>a) If skills training and employment initiatives are to be approved in advance by the council this will add a time delay.</p> <p>b) Developers are better placed to ensure that initiatives meet the needs of the development, contractors and local people.</p> <p>c) The skills gap is often so vast that you can not expect candidates to be ready to be enlisted onto an accredited course: they may need to start lower in order to build this</p>	<p>a) The SPD has been revised at para 2.4 bullet 4 and states that we will work closely with developers to ensure such plans are approved expeditiously. Alignment with the Economic Strategy (Entrepreneurial Barnet) and Jobs Brokerage Programmes should ensure that there are no delays with Council approval.</p> <p>b) We consider that through working in partnership with developers and contractors, utilising mechanisms such as LEAs we are in a much better position to ensure that the benefits of growth are shared with local people.</p> <p>c) The nature of skills gaps will be reflected in negotiations of local labour targets as well as through the monitoring of LEAs. Identifying</p>

			<p>standard.</p> <p>d) The focus should be on improving the quality of life and employability of the candidates rather than headline targets which often will be a short term fix without a long term benefit.</p>	<p>ways of filling these gaps can be addressed through the Council's Economic Strategy (Entrepreneurial Barnet).</p> <p>d) This is an outcome focused approach in line with Government policy. The SPD has a clear objective (see para 1.9) of equipping residents with the skills to access the projected 21,000 jobs that regeneration will deliver in Barnet in the next 20 years. Our focus is therefore on improving employability over a significant period of growth. It is not a short term fix.</p>
7	St George Central	Paras 2.20-2.22	<p>a) The council should be mindful when considering legal agreements to encourage affordable and flexible floorspace.</p> <p>b) From our experience there is not a great level of demand as many retailers for instance wish to be located on a high street and do not want to be located in larger regeneration schemes such as Beaufort Park.</p> <p>c) Similarly for office accommodation, car parking is often a factor that limits the attractiveness of modern developments to smaller businesses.</p>	<p>a) Within mixed use development that replaces employment space the SPD encourages improvements in accommodation quality and format that are capable of creating affordable and flexible workspaces. Any use of S106 contributions to ensure provision of affordable retail units or workspace will be in accordance with NPPF (paras 203 to 205).</p> <p>b) It is recognised that most retailers will want a unit in a town centre location</p> <p>c) As highlighted by CEEDR development areas as well as town centres can provide attractive locations for affordable workspace and incubator units for small businesses. Levels of PTAL have increased in development areas as regeneration has progressed. This has added to their attractiveness as business locations.</p>

			d) Is there evidence to suggest that there are businesses in demand of the space?	d) CEEDRs work for Barnet highlights the importance of affordable, accessible and flexible space to support business start-ups, small business development and the growth of home-based businesses. As of July 2014 there had been 123 Prior Approval applications in Barnet since the change to the permitted development right to allow change of use from offices (B1(a)) to residential (C3) Early indications show a restructuring of the local office market with small to medium enterprises being displaced from office premises that have Prior Approval for conversion to residential. In these changing circumstances there will remain a demand for affordable, accessible and flexible space.
8	St George Central	Appendix B	Residents output for developments are calculated using a generic HCA calculator which is applicable nationwide and therefore does not reflect Barnet's circumstances. A Barnet specific output table should be produced to accurately reflect the needs of the area.	We consider the use of a tried and tested national standard for developers and contractors to be the most practical approach for calculating resident outputs.
9	Hammerson plc	Section 2	Real need (in line with government guidelines) to consider a regional approach to skills, employment, enterprise and training. At the very least, a partnership with surrounding boroughs and a sharing/trading of targets but ideally a partnership agreement across boroughs. This would help to overcome some of the fragmentation in construction resulting in short term contracts rather than sustainable opportunities	This SPD forms an important first step to future partnership working
10	Hammerson plc	Para 2.4 bullet 2	Notification of job vacancies: 10 days ring fencing for Barnet residents will not always be realistic. For example, in construction many opportunities start the following week or are more suitable	We do recognise that in practice for some particular vacancies this will not always be practicable and have revised para 2.4 to reflect

11	Hammerson plc	Para 2.4 bullet 3	<p>for agencies</p> <p>Local labour target: <i>developer should agree that 30% of construction vacancies are filled by local residents</i>. See point 1, a joined up approach is needed here. Barnet would then get access to more and a greater variety of positions from other boroughs.</p>	<p>this. This can also be addressed through the wording of the LEA.</p> <p>The SPD is a practical and realistic document. It does not expect every new job in Barnet to be filled by a local resident. Its focus is on planning the opportunities for new jobs, enabling the Council and its partners to equip those people who live in the most deprived parts of the Borough with the appropriate skills to have an opportunity to share in Barnet's success.</p> <p>We also recognise the benefits of working in partnership with neighbouring boroughs to share the success of sub-regional growth.</p>
12	Hammerson plc	Para 2.4 bullet 5	<p>Apprenticeships and work experience: A shared system needs to be developed here (with other boroughs). Focus on sustainability rather than just new roles. Many contracts will be short term, requiring specialist skills. A shared system with other boroughs could place apprentices between projects, therefore maximising the number and sustaining more positions. Consider the cost of co-ordinating this function.</p>	<p>As highlighted above we recognise the benefits of partnership working across borough boundaries. We will work with other boroughs to explore alternative models such as apprenticeship training agencies</p>
13	Hammerson plc	Para 2.4 bullet 5	<p>Cost: There is a current mismatch between government funding for apprenticeships and the construction industry. The requirement for an employer to contribute towards the training costs of over 19's, health & safety requirements and a high number of SME's in the industry all create a significant challenge. Consider incorporating a budget to offset the employer's contribution within developments (ask the developer).</p>	<p>While we recognise the costs involved there is an anticipation that developers and the construction industry will invest in its future workforce. The developer is responsible for ensuring compliance by contractors and sub-contractors with the LEA. The Department for Business Innovation and Skills paper – UK Construction: an economic analysis of the sector (July 2013) states that the proportion of employees engaged in construction contracting with a degree, or equivalent qualification has almost doubled over the last decade. The sector continues to run a trade surplus in</p>

				construction contracting as well as in some professional services such as architecture and quantity surveying. The Industry Strategy for Construction 2025 (July 2013) sets out in detail the policies and actions that the Government and industry are jointly putting in place to address these issues.
14	Hammerson plc	Paras 2.6 & 2.7	Provision: Ask developers to generate a skills forecast for their project and include details of shortages. This is an opportunity to develop local provision and create opportunities for local people	This is a welcome suggestion. Text at para 2.4 has been amended to make reference to a skills forecast
15	Hammerson plc	Paras 2.17 to 2.19	Enterprise: Ensure there is provision to support local people start enterprises or understand self-employment	In developing the Economic Strategy (Entrepreneurial/Barnet) the Council has considered how it will help support the business community. The work by CEEDR underpins this approach and highlights a number of options for providing support including a local business hub which can provide the skills base to nurture key growth sector start-ups and early stage growth oriented businesses through the troublesome first few years where there are particularly high business failure rates. Financial contributions raised through the SPD are linked to specific employment, skills, training and enterprise support and initiatives highlighted in the Economic Strategy.
16	Hammerson plc	General	One stop shop: Facilitate and name a point of contact to assist developers/contractors meet targets	This is a welcome suggestion. One Stop Shop ideas are being explored for key employment sectors.
17	Highways Agency	General	We have reviewed the consultation document and do not have any comment to make.	n/a
18	Canal & River Trust London,	General	We have reviewed the consultation and do not have any comment at this time.	n/a

19	Natural England	General	<p>Natural England does not consider that this Delivering Skills, Employment, Enterprise and Training SPD poses any likely or significant risk to those features of the natural environment¹ for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.</p> <p>Although the draft SPD does not specifically cover transport, it does cover 'Supporting Barnet's Residents in Accessing Work'.</p> <p>I acknowledge that 'accessing' in this instance means 'job availability'. However, for clarity, it may be helpful in the policy context section to include a paragraph explaining the definition of 'access' as used in the draft SPD, and to differentiate from transport 'access'. The latter of course is equally important in providing job opportunities for Barnet residents. In particular, buses allow access to job opportunities for people without a car, which is especially (and increasingly) important for young people. As such, securing funding for improvements to bus services through S106 agreements may be equally appropriate, so you could consider including a short section on this in the SPD and/or cross refer to the relevant policies in other policy documents.</p>	n/a	<p>We recognise that good public transport access is an important factor in accessing work. Contributions to improving such public transport access are addressed through Barnet's CIL charge which was introduced in May 2013.</p>
20	Transport for London	General	<p>Planning Permission Ref (C/17559/08) for the comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area (BXC) was granted in Oct. 2010. A resolution to grant permission Ref No. F/04687/13 was obtained in Jan. 2014 for a Section 73 (S73) application to develop land without complying with conditions attached to permission Ref No. C/17559/08. The S73 Application does not seek to alter the fundamental principles of the BXC Development, and will result in the creation of over 25,000 jobs in and around a new town centre spanning across the A406.</p> <p>The DPs share LBB's desire to maximise the benefits of development for local people and are committed to producing an Employment and Skills Action Plan (incorporating a Skills</p>		
21	Brent Cross Cricklewood Development Partners	General	<p>The DPs share LBB's desire to maximise the benefits of development for local people and are committed to producing an Employment and Skills Action Plan (incorporating a Skills</p>		<p>We welcome this support from the BXC Partners</p>

23	Brent Cross Cricklewood Development Partners	Table 1 and para 2.2	<p>Development Method Statement) in line with Condition 10.1 attached to the planning permission. This Action Plan will cover most of the issues that the Draft SPD envisages as being included within an LEA.</p> <p>These interventions in employment and skills work best when all parties are committed and obligations are passed through supply chains and we have a number of concerns about the practicality of some of the measures and requirements proposed in the Draft SPD.</p> <p>Firstly, we are concerned that the minimum threshold for producing an LEA based on the number of Full Time Equivalent (FTE) jobs is very low. The Draft SPD states that any scheme that will create 20 FTE jobs would be required to produce a LEA. Applying the criteria in the Homes and Communities Agency (HCA) Employment Densities Guide 2010, the industry standard, a development creating 20 FTE jobs could be as small as 200m² of commercial space. This seems unnecessarily onerous and is inconsistent with the alternative definition in Table 1 of the Draft SPD which sets the minimum threshold for preparing a LEA at 1,000m².</p>	<p>We do not consider it onerous to link LEAs with employment generating development.</p> <p>According to Barnet's Economic Strategy (Entrepreneurial Barnet) the Borough is home to a small business economy. By March 2013, Barnet (89.7%) had a higher proportion of micro businesses (0-9 employees) than Greater London (84.8%) and England (82.9%) and a smaller proportion of businesses with 20 or more employees (4.8%) than in London as a whole (7.7%) and England (8.9%).</p> <p>A development generating 20 FTE is therefore significant in Barnet.</p> <p>Table 1 highlights that any non-residential development generating 20 or more FTE jobs for its end use should be subject to a LEA.</p> <p>Table 1 has been amended to ensure consistency with para 2.1</p>
24	Brent Cross Cricklewood Development Partners	Para 2.1	<p>The Draft SPD states that an LEA sets out the skills, employment and training opportunities to be delivered from developed and must include all employment opportunities generated by construction as well as the end use. The LEA is identified as being a legal obligation in which the developer is expected to set out their approach to a number of measures, such as forecasting of job opportunities; notification of job vacancies; and local labour</p>	<p>We do recognise that end users will not always be known when the S106 is signed. The SPD highlights at para 2.3 that the LEA will set out requirements to ensure regular information sharing from the date the development starts. We consider that this can reflect market change and ensure flexibility within the LEA.</p>

25	Brent Cross Cricklewood Development Partners	Para 2.6 bullet 1	<p>target. However, we do not consider that it will be possible to achieve the Draft SPD's ambitions for end-use occupiers to be identified in the LEA.</p> <p>Whilst we share the Council's ambition of involving occupiers in employment and training activities, the measures identified in the LEA, such as the local labour target of 30%, cannot be imposed on occupiers. More practically, in terms of forecasting job opportunities, the end-use occupiers may not be known far enough in advance and even if they are, they may not know what their recruitment needs will be. Also, providing data six month in advance of each phase of development may delay the commencement of development.</p> <p>We would therefore prefer for the Draft SPD to set out policies and mechanisms for encouraging the engagement of contractors and occupiers rather than identifying developer requirements that are impractical and/or those that cannot be imposed by landlords on tenants.</p>	<p>We have revised para 2.4 to reflect that information on end-use jobs should be provided as soon as an occupier is identified for each phase.</p> <p>The SPD does not impose a 30% labour target for end use occupiers. As stated above we have amended para 2.4 with regard to end-use job opportunities.</p>
26	Brent Cross Cricklewood Development Partners	Paras 2.5, 2.6 & 2.7	<p>In terms of construction employment, we support the Council's focus on contractors and their requirements.</p> <p>However, we are concerned about some of the detail. Firstly, we think schemes would benefit from more flexibility on Workplace Coordinators (WPCs). The need for a WPC will be based on the scale of opportunities, not necessarily the scale of development and there may be cases when other arrangements are more appropriate than a WPC. Wording that reflects such flexibility would be welcome. In addition, Government guidance (National Apprenticeship Service – <i>Working Together to Boost Local Construction Apprenticeships</i>) suggests that Councils should not seek to limit construction apprenticeships to their local authority areas as this can be unsustainable and encourages flexibility on</p>	<p>It is not the role of this SPD to go into the detail concerning engagement of contractors and occupiers. This is a role best addressed by the developer.</p> <p>We welcome this support from BXC partners</p> <p>The need for the LEA to be proportional to scale and type of development is reflected at para 2.6. We agree that the requirement for a WPC should also be related to the scale of opportunities. The text at para 2.5 has therefore been revised.</p>

			the part of local authorities.	
27	Brent Cross Cricklewood Development Partners	Para 2.6 bullet 2	Furthermore, we are of the opinion that there should be greater flexibility on advertising vacancies. An exclusivity period is fine in principle, however there will be times when recruitment needs are more urgent and the wording of the Draft SPD needs to allow for flexibility to reflect that.	We do recognise that in practice for some particular vacancies this will not always be practicable. Para 2.4 has been revised to reflect that subject to prior approval for exemption there can be flexibility on advertising vacancies for specific recruitment needs.
28	Brent Cross Cricklewood Development Partners	Para 2.6 bullet 6	Also, we are concerned that the supply chain requirement for two Barnet companies to be on tender lists may not be achievable in every case, particularly given the need for relevant experience and the fact that international and national companies are generally required for medium and large scale developments. Again, flexibility should be built into the policy wording.	The SPD asks developers to consider use of local suppliers. We do recognise that in practice this will not always be possible. Again this can be addressed through the wording of the LEA.
29	Brent Cross Cricklewood Development Partners	Appendix C	Finally, a pro-forma for projected construction requirement and training requirements is set out at Appendix C. There is some information required within the pro-forma which we consider will be difficult if not impossible to obtain, for example, the contractors are unlikely to know the number and type of vacancies and apprenticeships they will need at this early stage in the process. As such, the pro-forma should be revised.	The pro-forma at Appendix C is aimed at small scale development. For large scale developments a more individual approach is appropriate. Para 2.6 has been revised to clarify this.

	<p>AGENDA ITEM 9</p> <p style="text-align: center;">Policy and Resources Committee</p> <p style="text-align: center;">14 October 2014</p>
<p style="text-align: right;">Title</p>	<p>Area Committee Budget allocation proposals</p>
<p style="text-align: right;">Report of</p>	<p>Assistant Director, Commissioning Strategy</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p><i>1.1 Community Participation Strategy: Area Committee Budget Arrangements and Wider Community Funding (Community Leadership Committee, 11 September 2014)</i></p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Stephen Evans, Assistant Director, Commissioning Strategy stephen.evans@barnet.gov.uk 020 8359 3021</p> <p>Elissa Rospigliosi, Commissioning & Policy Advisor elissa.rospigliosi@barnet.gov.uk 020 8359 7158</p> <p>Maria Lugangira, Governance Officer maria.lugangira@barnet.gov.uk 020 8359 2761</p>

<h2>Summary</h2>
<p>On 10 June 2014 Policy and Resources Committee agreed that £100,000 per year over the next four years should be allocated to each of the Council’s three Area Committees, subject to agreement of detailed arrangements for the governance, accountability and prioritisation of these budgets by the Community Leadership Committee.</p> <p>On 11 September 2014 the Community Leadership Committee approved proposals for this scheme, to be returned to Policy and Resources Committee for final agreement.</p> <p>This paper asks Policy and Resources to note the proposals approved by the Community Leadership Committee and agree that the allocations process be taken forward for 2014-15.</p>

Recommendations

- 1. That the Committee agree the proposed process for allocating the Area Committee budgets.**

1. WHY THIS REPORT IS NEEDED

- 1.1 On 11 September, the Community Leadership Committee approved proposals for a process to allocate Area Committee budgets, designed to:
- Be open, transparent, simple and non-bureaucratic; and
 - Give Area Committees maximum flexibility and discretion to respond to local need, and assign Members a leading role.
- 1.2 This paper sets out the proposals approved by the Community Leadership Committee, including comments made at the meeting, and asks the Policy and Resources Committee to agree these.

Area Committee Budgets: Allocations process

- 1.3 It is proposed that the process for 2014-15 is used as a pilot, and reviewed at the end of the financial year to determine whether any improvements could be made.

Proposals for remit of the scheme

- 1.4 The purpose of grants – which are designed to respond to local need in each constituency – could range from environmental improvements to community projects.
- 1.5 As a default, funding should be for one-off items and Committees will need to satisfy themselves that any projects funded do not require on-going Council support, including a commitment to further expenditure on maintenance.
- 1.6 As a broad point of principle, where a project is borough-wide the applicant should be signposted towards the Corporate Grants programme in the first instance, while if it is focused in a single constituency the project should be considered by Area Committees. This is intended to reduce the likelihood of crossover or duplication of funds.

Making applications: The role of Councillors

- 1.7 The scheme will be advertised and application forms and guidance made available at the same point as other grant funding streams, using the Council's website and other communications channels.
- 1.8 For the Area Committee budgets, applicants will be encouraged to submit their applications via a Councillor. If the Councillor sponsoring the project is not one of their Ward Members, applicants will also be encouraged to contact their local Ward Members to discuss the proposals before submitting an application.

- 1.9 Applications can be put forward by organisations or individuals, who must submit forms by a specified closing date (approximately a month before Committees meet to allow time to carry out due diligence and clear papers for publication). The Councillor supporting the application will be asked to give comments and to present it as an item at the relevant Area Committee meeting for decision. In the event of that Councillor being unable to attend, the applicant will be invited to present the item or to approach a local Ward Member to do so on their behalf.
- 1.10 Ward Members will also play an essential role in promoting the scheme locally.

Audit trail and due diligence

- 1.11 Whilst the scheme is intended to be as light-touch as possible, a degree of accountability is still required to ensure that public funds are not put to inappropriate use.
- 1.12 Officers will maintain an audit log and carry out due diligence, which will avoid double-funding, identify any future expenditure which would be incurred by the Council as a result of the proposal, and confirm compliance with the Public Sector Equality Duty.
- 1.13 Applications and comments are then brought to the Area Committee for consideration and approval of the project through the normal Committee paper clearance and publication processes.

Release of funds

- 1.14 In situations where full funding is agreed, this is released following decision by Committee.
- 1.15 Applications which require additional match funding (see below) will receive a letter from the Committee Chair asking the organisation/individual to advise when the additional funds required for the project to proceed have been secured.
- 1.16 Funds will be released as soon as possible after decision. It is recommended that a time limit is placed on the spending of grants; this should happen no longer than three months after funding is received.
- 1.17 Once grants are approved and payments made, the recipient is sent confirmation which requests copy invoices to the value of the grant or above to complete the audit trail.
- 1.18 Detailed guidance will be developed to inform Area Committees, Members, and potential bidders of the process.

Size of awards

- 1.19 It is recommended that an upper and lower limit is placed on awards to ensure Committees are not asked to spend time considering very small sums or, at the upper limit, to avoid triggering procurement rules.
- 1.20 It is recommended that the lower limit be £200, though Area Committees should be given discretion to determine whether a lower amount should be awarded.
- 1.21 It is recommended that the upper limit be £9,999, to avoid triggering more complex procurement rules.
- 1.22 Members bringing projects forward may support the total project cost or propose a smaller grant offer where the applicant would then need to seek match funding to allow the project to go ahead. This can be beneficial in creating buy-in from the individual or organisation. Match funding must not come from another Council funding stream. The Council must show that it has paid due regard to the Public Sector Equality Duty when making recommendations or decisions as to the size of awards.
- 1.23 Members may also decide to give collective support to a larger application providing it is of benefit to the wider community across a number of Wards. Again, Area Committees should be given discretion to decide when this should be the case.

Priorities for awards

- 1.24 It is not proposed that many restrictions are placed on what grants can be used for. As a starting point, each application must demonstrate that the proposal supports one or more of the Council's priority outcomes, as set out in the Corporate Plan. Currently, these are:
- To maintain a well-designed, attractive and accessible place, with sustainable infrastructure across the borough.
 - To maintain the right environment for a strong and diverse local economy.
 - To create better life chances for children and young people across the borough.
 - To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health.
 - To promote a healthy, active, independent and informed over 55 population in the borough to encourage and support our residents to age well.
 - To promote family and community well-being and encourage engaged, cohesive and safe communities.
- 1.25 Area Committees have the flexibility to set their own additional priorities which reflect local need and circumstance, should they wish to do so.

Measuring impact

- 1.26 Successful applicants will be asked to submit a brief written update on the result of their project following completion. A short annual report based on

these updates, on the audit log, and on feedback from Members will be submitted to the Committee each year.

- 1.27 Officers will review this information, along with intelligence from other grant funding streams, to identify trends in community need and any other lessons to be learned from the projects funded.

Timeline for allocations

- 1.28 It is proposed that funds are usually allocated at two meetings a year. For the 2014-15 financial year, because allocations cannot begin before the final process is formally agreed and to avoid clashes with the purdah period in March 2015, it is proposed that allocations take place in a single round.
- 1.29 October's Area Committee meetings would be used for publicity and to encourage bids. The application process would close on 14 December 2014, with allocations taking place at the Area Committee meetings on 15 January 2015.
- 1.30 In subsequent years, the two funding rounds would take place in June and January, with deadlines for applications one month before. This would leave the October and March meetings to discuss other business, encourage bids, and review the progress of grants.
- 1.31 This timeline is set out in the table below:

	2014-15
22 October	Area Committee meetings and Residents' Forums used to publicise scheme to communities.
14 December	Applications close.
15 January	Area Committees meet to decide allocations.
April 2015	Review of first year of scheme.
	2015-16
June 2015	Area Committees meet to decide first round of allocations.
January 2016	Area Committees meet to decide second round of allocations.

Unallocated funds

- 1.32 If any funds remain unallocated at the close of the financial year, they can also be rolled over for spending in the next, giving Committees some additional flexibility around how they are deployed.
- 1.33 These can either be kept in reserve for use if demand is high or added to the base budget of £100,000 in the next financial year. The former approach is recommended as this allows underspend to be used in response to additional need as this arises, rather than spent to meet a deadline.

- 1.34 **The Committee is asked to agree these proposals for the allocation of Area Committee budgets.**

2. REASONS FOR RECOMMENDATIONS

- 2.1 The recommended process for allocating Area Committee budgets has been approved by the Council's Community Leadership Committee and is similar to one used successfully by Staffordshire County Council. It is designed to improve the power of local Councillors, and the ability of the Council, to respond to local need in a flexible way, while realising the benefits of coordinating the Council's grants programmes set out above.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **Use of an Advisory Panel for Area Committee Budgets:** The original proposals for allocating the Area Committee budgets included use of an Advisory Panel, incorporating local residents and community organisations as well as Ward Members. However, this process would require greater levels of resource and would constrain the Committees to making decisions once a year. It was felt that a less resource-intensive and more flexible process would be more appropriate for these funding streams.
- 3.2 **Alternative timings for the allocation rounds:** The proposals taken to the Community Leadership Committee in September proposed two allocation rounds in 2014-15 – in January and March respectively – and for allocations in subsequent years to be made at the October and March committee meetings. These proposals have been adjusted to avoid potential clashes with the purdah period.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Policy and Resources Committee approves these proposals, formal launch of the allocations scheme will take place on 16 October 2014. An application form and guidance for bidders has been developed, based on a simplified version of the Corporate Grants Programme application.
- 4.2 The scheme will be publicised through the Council's communications channels and voluntary and community sector networks. The Area Committee meetings and Residents' Forums on 22 October 2014 will be used to publicise the scheme further and encourage bids.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This decision contributes to the Corporate Plan's objective to promote family and community wellbeing and support engaged, cohesive and safe communities, by helping communities access the support they need to

become and remain independent and resilient.

- 5.1.2 The decision will also improve local people's life opportunities by helping local community groups access resources. This will empower them to take part in a broader range of activities, and increase the choices available to them for how they access services, contributing to the Health and Wellbeing Strategy's priority to increase wellbeing in the community.

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

- 5.2.1 The budget allocated to each Area Sub-Committee is £100,000 per annum and is funded from Council reserves for four years.
- 5.2.2 Officer support for the Area Committee budget allocation will be required but will be managed within existing workloads.
- 5.2.3 Initially, support will come from the Governance officer allocated to each Area Committee with support from the Policy Unit and comment from the Legal and Finance teams on the possible implications of proposals. Some transactional finance support will also be required to provide audit and due diligence and arrange for funds to be released.
- 5.2.4 However, support arrangements will need to be kept under review during this first year of the scheme and we cannot rule out the need for additional administrative support in the future around the time when applications are being processed. If this turns out to be the case, additional administrative resources may need to be made available at these times.
- 5.2.5 The upper and lower thresholds for awards have been proposed to ensure that Committee time is used effectively, avoiding time being spent administering small sums of money, and so that more complex procurement rules are not required.

5.3 **Legal and Constitutional References**

- 5.3.1 Council Constitution Part 15, Responsibility for Functions, Annex A states the terms of reference of the Policy and Resources Committee, including 'to allocate a budget, as appropriate, for Area Committees, and agree a framework for how that money may be spent'.
- 5.3.2 The council has power to make the grant awards under section 1 of the Localism Act 2011.

5.4 **Risk Management**

- 5.4.1 If the Council did not carry out due diligence on applications for any funding stream, there would be a risk that resources would not be used effectively or that inappropriate projects could be funded. The process set out for allocation of these budgets is designed to mitigate that risk.

5.5 Equalities and Diversity

5.5.1 The due diligence carried out for the Area Committee budget allocations and the proposed regular review of the process will allow the Council to comply with its public sector equality duty under s.149 of the Equality Act 2010; specifically to:

- Check that project proposals are inclusive and consider any equality implications they may raise
- Identify any equality considerations relevant to the broader allocation of resources more effectively than it can at present
- Gain a more comprehensive understanding of the needs of different groups in the community through the additional insight gained under the proposals.

5.6 Consultation and Engagement

5.6.1 The proposals to delegate Area Committee budgets were a response to the survey findings of the public consultation on the changes to the Governance system. This consultation ran from 23 August 2013 to 22 September 2013. The consultation received a total of 575 responses. 504 came from the Citizens' Panel and 71 from residents.

5.6.2 One of the key findings was that, under the previous Sub-Committee structure, residents did not feel involved and able to influence local decision-making or policy development. Common issues raised were:

- A lack of understanding as to who was responsible for delivering some of their local services
- Confusion about how the Council made its decisions and a perception that council decision-making was 'secretive and bureaucratic'
- A perception that council decisions and views of elected representatives did not reflect residents own priorities or those of their local area
- Efforts at consultation were considered to be a way to rationalise 'predetermined decisions'.

5.6.3 It was also felt that the former Area Environment Sub-Committees had limited decision-making powers, with restricted terms of reference and no budget devolved to them.

5.6.4 The Area Committee budgets were devolved, and the allocations process set out in this paper developed, in response to the findings of that consultation.

6. BACKGROUND PAPERS

6.1 [Area Environment Sub-Committees - Draft Funding Arrangements](#) (Policy & Resources Committee, 10 June 2014).

6.2 [Area Sub-Committees - Budget Allocation Draft Framework](#) (Community Leadership Committee, 25 June 2014).

6.3 [Developing a Community Participation Strategy for Barnet](#) (Community Leadership Committee, 25 June 2014).

- 6.4 [Community Participation Strategy: Area Committee Budget Arrangements and Wider Community Funding](#) (Community Leadership Committee, 11 September 2014).

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	<h2>Community Leadership Committee</h2> <h3>11 September 2014</h3>
<p style="text-align: right;">Title</p>	<p>Community Participation Strategy: Area Committee Budget arrangements and wider community funding</p>
<p style="text-align: right;">Report of</p>	<p>Assistant Director, Commissioning Strategy</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Stephen Evans, Assistant Director, Commissioning Strategy stephen.evans@barnet.gov.uk 020 8359 3021</p> <p>Elissa Rospigliosi, Commissioning & Policy Advisor elissa.rospigliosi@barnet.gov.uk 020 8359 7158</p>

<h2>Summary</h2>
<p>The Community Participation Strategy, the remit for which was approved by the Community Leadership Committee on 25 June, includes a piece of work to review the resources the Council currently uses to support the community – including funding, use of assets and premises, and officer time – and to bring these together into a coordinated package that better enables community participation. This includes the budgets of £100,000 per year allocated to each of the Council’s three Area Committees over the next four years.</p> <p>The Committee requested that a process be designed to administer the allocation of Area Committee budgets. This paper sets out proposals for that process and asks Members to agree them, to allow allocations to begin this year.</p> <p>The paper also notes wider work which is being taken forward by officers to review other funding streams used to support the community. This will form the basis of the wider resource review outlined above. Proposals will be brought back to the Committee for approval in March 2015.</p>

Recommendations

- 1. That the Committee approve the proposed process for allocating the Area Committee budgets and refer this to Policy and Resources Committee for final agreement on October 14.**
- 2. That the Committee note the work which officers are taking forward to ensure that other funding used to support the community is effective, with proposals to be brought back to the Committee for consideration in March 2015.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The scope of the Community Participation Strategy, approved by the Community Leadership Committee on 25 June, includes a review of the resources the Council uses to support community activity. These resources include use of the Council's physical assets, officer support, and financial support. This financial support includes the budgets which have been devolved to the three Area Committees – £100,000 a year for each Committee over the next four years.
- 1.2 On 25 June, the Community Leadership Committee requested that a process be designed to allocate Area Committee budgets which:
 - Is simple and non-bureaucratic;
 - Assigns Ward Members a leading role;
 - Is open and transparent; and
 - Gives Area Committees maximum flexibility and discretion to respond to local need.
- 1.3 This paper sets out proposals for the process and asks Members to agree these.
- 1.4 The paper also requests that Members note a wider review of the Council's community funding being taken forward by officers, with proposals to be brought back to Committee in March.

Area Committee Budgets: Allocations process

- 1.5 It is proposed that the process for 2014-15 is used as a pilot, and reviewed at the end of the financial year to determine whether any improvements could be made.

Proposals for remit of the scheme

- 1.6 The purpose of grants – which are designed to respond to local need in each constituency – could range from environmental improvements to community projects.

- 1.7 As a default, funding should be for one-off items and Committees will need to satisfy themselves that any projects funded do not require on-going Council support, including a commitment to further expenditure on maintenance.
- 1.8 As a broad point of principle, where a project is borough-wide the applicant should be signposted towards the Corporate Grants programme in the first instance, while if it is focused in a single constituency the project should be considered by Area Committees. This is intended to reduce the likelihood of crossover or duplication of funds.

Making applications: The role of Ward Members

- 1.9 The scheme will be advertised and application forms and guidance made available at the same point as other grant funding streams, using the Council's website and other communications channels.
- 1.10 For the Area Committee budgets, all applications for funding will be submitted via Ward Members. Applications can be put forward by organisations or individuals, who must submit forms by a specified closing date (approximately a month before Committees meet to allow time to carry out due diligence and clear papers for publication).
- 1.11 Ward Members will discuss the idea with the organisation or individual involved, comment on each application, and present it as an item at the relevant Area Committee meeting for decision. Applicants will need to contact Ward Members to discuss proposals before submitting an application.
- 1.12 Ward Members will also play an essential role in promoting the scheme locally. They will help to assess the merits of each application and recommend the level of support it should be given for consideration by the Committee.

Audit trail and due diligence

- 1.13 Officers will maintain an audit log and carry out due diligence, which will avoid double-funding, identify any future expenditure which would be incurred by the Council as a result of the proposal, and confirm compliance with the Public Sector Equality Duty.
- 1.14 Applications and comments are then brought to the Area Committee for consideration and approval of the project through the normal Committee paper clearance and publication processes.

Release of funds

- 1.15 In situations where full funding is agreed, this is released following decision by Committee.
- 1.16 Applications which require additional match funding (see below) will receive a letter from the Committee Chair asking the organisation/individual to advise

when the additional funds required for the project to proceed have been secured.

- 1.17 Funds will be released as soon as possible after decision. It is recommended that a time limit is placed on the spending of grants; this should happen no longer than three months after funding is received. Reminders of the deadline date will be sent out after two months to any organisations or individuals who have not yet claimed their grants.
- 1.18 Once grants are approved and payments made, the recipient is sent confirmation which requests copy invoices to the value of the grant or above to complete the audit trail.
- 1.19 Detailed guidance will be developed to inform Members and potential bidders of the process.

Size of awards

- 1.20 It is recommended that an upper and lower limit is placed on awards to ensure Committees are not asked to spend time considering very small sums or, at the upper limit, to avoid triggering procurement rules.
- 1.21 It is recommended that the lower limit be £200, though Area Committees should be given discretion to determine whether a lower amount should be awarded.
- 1.22 It is recommended that the upper limit be £9,999 to avoid triggering more complex procurement rules.
- 1.23 Ward Members bringing projects forward may support the total project cost or propose a smaller grant offer where the applicant would then need to seek match funding to allow the project to go ahead. This can be beneficial in creating buy-in from the individual or organisation. Match funding must not come from another Council funding stream.
- 1.24 Members may also decide to give collective support to a larger application providing it is of benefit to the wider community across a number of Wards. Again, Area Committees should be given discretion to decide when this should be the case.
- 1.25 Again, the Council must show that it has paid due regard to the Public Sector Equality Duty when making recommendations or decisions as to the size of awards.

Priorities for awards

- 1.26 It is not proposed that many restrictions are placed on what grants can be used for. As a starting point, each application must demonstrate that the proposal supports one or more of the Council's priority outcomes, as set out in the Corporate Plan. Currently, these are:

- To maintain a well-designed, attractive and accessible place, with sustainable infrastructure across the borough.
- To maintain the right environment for a strong and diverse local economy.
- To create better life chances for children and young people across the borough.
- To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health.
- To promote a healthy, active, independent and informed over 55 population in the borough to encourage and support our residents to age well.
- To promote family and community well-being and encourage engaged, cohesive and safe communities.

1.27 Area Committees have the flexibility to set their own additional priorities which reflect local need and circumstance, should they wish to do so.

Measuring impact

1.28 Successful applicants will be asked to submit a brief written update on the result of their project following completion. A short annual report based on these updates, on the audit log, and on feedback from Ward Members will be submitted to the Committee each year.

1.29 Officers will review this information, along with intelligence from other grant funding streams, to identify trends in community need and any other lessons to be learned from the projects funded.

Timeline for allocations

1.30 It is proposed that two meetings a year are used to allocate funds. For the 2014-15 financial year, allocations cannot begin until the final process is formally agreed at Policy and Resources Committee on October 14.

1.31 In 2014-15, to allow time to publicise the scheme, it is proposed that the two allocation rounds will take place in January and March 2015, with October's Area Committee meetings used for publicity and to encourage bids.

1.32 The first round would take place on 15 January 2015, with a closing date for applications of 14 December 2014.

1.33 The second round would take place on 25 March 2015, with a closing date of 22 February 2015. Funds allocated at this meeting would be awarded in April 2015 to be spent in the financial year 2015-16.

1.34 The two funding rounds would take place in October and March, with deadlines for applications one month before, and funds allocated at the March meeting disbursed and spent during the following financial year in each case. This would leave the January meetings to discuss other business and encourage bids.

1.35 This timeline is set out in the table below:

	2014-15
14 October	Policy and Resources Committee considers process for Area Committee budget allocations.
22 October	Area Committee meetings and Residents' Forums used to publicise scheme to communities.
14 December	Applications close for first round of allocations.
15 January	Area Committees meet to decide first round of allocations.
22 February	Applications close for second round of allocations.
25 March	Area Committees meet to decide second round of allocations for award in April 2015.
April 2015	Award of grants from second round of allocations. Review of first year of scheme.
	2015-16
October 2015	Area Committees meet to decide first round of allocations.
March 2016	Area Committees meet to decide second round of allocations for award in April 2016.

Unallocated funds

- 1.36 If any funds remain unallocated at the close of the financial year, they can also be rolled over for spending in the next, giving Committees some additional flexibility around how they are deployed.
- 1.37 These can either be kept in reserve for use if demand is high or added to the base budget of £100,000. The former approach is recommended as this allows underspend to be used in response to additional need as this arises, rather than spent to meet a deadline.
- 1.38 **The Committee is asked to agree these proposals for the allocation of Area Committee budgets.**

Current community funding: the wider picture

- 1.39 The Council currently funds the community through the following routes and funding streams, which total approximately £700,000:
- The Corporate Grants Programme, for which income varies year on year (£107,000 in 2013-14 and £75,000 in 2014-15);
 - The Big Society Innovation Bank Micro Fund, which is a one-off funding pot (£25,000 is currently available);
 - The Area Committee budgets, arrangements for which are detailed above (£100,000 per annum from 2014-15 to 2017-18);
 - Specific programmes run by Delivery Units, including:
 - grants to support positive activities for children and young people (£90,000, managed within Family Services);
 - the Supporting Independence Fund, which supports projects which help older or disabled adults to live independently (£162,000 in 2014-15, managed within Adults & Communities);

- grants to support increased physical activity for older adults (£40,000, managed within Public Health);
- 1.40 Various other funding streams, which are not Council grant programmes, are relevant here because their use could complement, and be complemented by, the aims the Council wishes to promote through the use of grants. These include:
- The CSG Community Development Fund, which is a one-off funding pot (£500,000 over 10 years), and
 - Services which Delivery Units commission from the voluntary and community sector.

Reviewing these funding streams and other relevant resources

- 1.41 Officers are taking forward a piece of work to review and improve the use of these funding streams.
- 1.42 This will provide guidance for residents, voluntary and community groups, and clarity around the range of different funding programmes, to make it easier for them to access the support they need.
- 1.43 Better coordination will mitigate the risk that funding could be duplicated or that funds from different streams could be disproportionately allocated to a particular priority.
- 1.44 This piece of work also aims to give the Council more opportunities to use intelligence drawn from these processes. Grant applications can be a valuable indicator of both local activity and local need, including whether or not the application process is known to, or accessible for, all sections of the community. Projects funded by grants are often a way of testing out innovative approaches which could inform commissioning decisions elsewhere in the Council. This intelligence will let the Council improve services and take a more strategic approach to its resources.
- 1.45 This piece of work underpins the wider review of the resources the Council uses to support communities.
- 1.46 **Members are asked to note that this review is taking place and that proposals will be brought back to the Committee for approval in March 2015.**

2. REASONS FOR RECOMMENDATIONS

- 2.1 The recommended process for allocating Area Committee budgets is similar to one used successfully by Staffordshire County Council. It is designed to improve the power of local Councillors, and the ability of the Council, to respond to local need in a flexible way, while realising the benefits of coordinating the Council's grants programmes set out above.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **Not coordinating community funding:** This would leave the Council open to the risks set out above and potentially fail to realise opportunities to improve the value gained from these resources.
- 3.2 **Use of an Advisory Panel for Area Committee Budgets:** The original proposals for allocating the Area Committee budgets included use of an Advisory Panel, incorporating local residents and community organisations as well as Ward Members. However, this process would require greater levels of resource and would constrain the Committees to making decisions once a year. It was felt that a less resource-intensive and more flexible process would be more appropriate for these funding streams.

4. POST DECISION IMPLEMENTATION

- 4.1 For the Area Committee budget allocations, if the Community Leadership Committee approves these proposals they will be referred to the Policy and Resources Committee on 14 October 2014 for formal agreement.
- 4.2 From 11 September 2014, Ward Members would be able to start alerting residents to the scheme and advising them of the timetable for bids, with the caveat that the scheme would still be subject to formal agreement on October 14.
- 4.3 If the Policy and Resources Committee agreed the scheme as proposed, formal launch would take place on 16 October 2014. An application form and guidance for bidders, based on a simplified version of the Corporate Grants Programme application, will be developed in time for the formal launch of the scheme. This would give just under two months for bids to be developed in time for the first round of allocations.
- 4.4 The Area Committee meetings and Residents' Forums on 22 October 2014 would then be used to publicise the scheme further and encourage bids.
- 4.5 Proposals from the wider review of community resources and support will be brought back to the Committee for approval in March 2015.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This decision contributes to the Corporate Plan's objective to promote family and community wellbeing and support engaged, cohesive and safe communities, by helping communities access the support they need to become and remain independent and resilient.
- 5.1.2 The decision will also improve local people's life opportunities by helping local community groups access resources. This will empower them to take part in a broader range of activities, and increase the choices available to them for how they access services, contributing to the Health and Wellbeing Strategy's

priority to increase wellbeing in the community.

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

5.2.1 The budget allocated to each Area Sub-Committee is £100,000 per annum and is funded from Council reserves for four years.

5.2.2 Officer support for the Area Committee budget allocation will be required but will be kept to a minimum.

5.2.3 Initially, support will come from the Governance officer allocated to each Area Committee with support from the Policy Unit and comment from the Legal and Finance teams on the possible implications of proposals. Some transactional finance support will also be required to provide audit and due diligence and arrange for funds to be released.

5.2.4 However, support arrangements will need to be kept under review during this first year of the scheme and we cannot rule out the need for additional administrative support in the future. If this turns out to be the case, additional administrative resources may need to be made available.

5.2.5 The upper and lower thresholds for awards have been proposed to ensure that Committee time is used effectively, avoiding time being spent administering small sums of money, and so that more complex procurement rules are not required.

5.2.6 The review of wider community funding is designed to ensure that the Council gains better value for money from the resources it puts into the community.

5.3 Legal and Constitutional References

5.3.1 Council Constitution Part 15, Responsibility for Functions, Annex A states the terms of reference of the Community Leadership Committee, including 'to approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to full Council or Policy & Resources'.

5.3.2 The council has power to make the grant awards under section 1 of the Localism Act 2011.

5.4 Risk Management

5.4.1 If the Council did not carry out due diligence on applications for any funding stream, there would be a risk that resources would not be used effectively or that inappropriate projects could be funded. The process set out for allocation of the Area Committee budgets is designed to mitigate that risk.

5.4.2 As set out in 1.42-1.46 above, there is a risk that without better coordination of the various community funding streams, communities would find it difficult to access the support available to them.

5.4.3 The Council would risk not making best use of its resources, or of opportunities to improve service delivery through better use of information. , The proposals set out in this paper are designed to mitigate those risks.

5.5 Equalities and Diversity

5.5.1 The due diligence process for the Area Committee budget allocations and the proposed regular reviews of both these and the wider community funding streams will allow the Council to comply with its public sector equality duty under s.149 of the Equality Act 2010; specifically to:

- Check that project proposals are inclusive and consider any equality implications they may raise
- Identify any equality considerations relevant to the broader allocation of resources more effectively than it can at present
- Gain a more comprehensive understanding of the needs of different groups in the community through the additional insight gained under the proposals.

5.6 Consultation and Engagement

5.6.1 The proposals to delegate Area Committee budgets were a response to the survey findings of the public consultation on the changes to the Governance system. This consultation ran from 23 August 2014 to 22 September 2014. The consultation received a total of 575 responses. 504 came from the Citizens' Panel and 71 from residents.

5.6.2 One of the key findings was that, under the previous Sub-Committee structure, residents did not feel involved and able to influence local decision-making or policy development (decision making or policy development). Common issues raised were:

- A lack of understanding as to who was responsible for delivering some of their local services
- Confusion about how the Council made its decisions and a perception that council decision-making was 'secretive and bureaucratic'
- A perception that council decisions and views of elected representatives did not reflect residents own priorities or those of their local area
- Efforts at consultation were considered to be a way to rationalise 'predetermined decisions'.

5.6.3 It was also felt that the previous Area Environment Sub-Committees had limited decision-making powers, with restricted terms of reference and no budget devolved to them.

5.6.4 The Area Committee budgets were devolved, and the allocations process set out in this paper developed, in response to the findings of that consultation.

5.6.5 The Community Participation Strategy has been developed in part following consultation undertaken to support the PSR, where residents identified the need for responsibility to be shared more evenly between the Council and the community and suggested some resources which would support this.

5.6.6 The Strategy's resource review, which includes this review of community funding, was developed in part as a response to those findings.

5.6.7 Further consultation and engagement will be carried out as part of the communications plan for the Strategy, which will be brought back to Members for agreement in November 2014.

6. BACKGROUND PAPERS

6.1 [Area Environment Sub-Committees - Draft Funding Arrangements](#) (Policy & Resources Committee, 10 June 2014).

6.2 [Area Sub-Committees - Budget Allocation Draft Framework](#) (Community Leadership Committee, 25 June 2014).

6.3 [Developing a Community Participation Strategy for Barnet](#) (Community Leadership Committee, 25 June 2014).

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Policy and Resources Committee
14 October 2014

Title	Policy and Resources Committee Work Programme
Report of	Andrew Travers, Chief Executive Chris Naylor, Chief Operating Officer Kate Kennally, Strategic Director for Communities Pam Wharfe, Strategic Director for Growth and Environment
Wards	All
Status	Public
Enclosures	Committee Work Programme September 2014-June 2015
Officer Contact Details	Kirstin Lambert, kirstin.lambert@barnet.gov.uk 020 83592117

Summary

The Committee is requested to consider and comment on the items included in the 2014/15 work programme

Recommendations

1. That the Committee consider and comment on the items included in the 2014/15 work programme

1. WHY THIS REPORT IS NEEDED

- 1.1 The Policy and Resources Committee's Work Programme 2014/15 indicates forthcoming items of business.
- 1.2 The work programme of this Committee is intended to be a responsive tool, which will be updated on a rolling basis following each meeting, for the inclusion of areas which may arise through the course of the year.
- 1.3 The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

2. REASONS FOR RECOMMENDATIONS

- 2.1 There are no specific recommendations in the report. The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Any alterations made by the Committee to its Work Programme will be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Committee Work Programme is in accordance with the Council's strategic objectives and priorities as stated in the Corporate Plan 2013-16.

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 The Terms of Reference of the Policy and Resources Committee is included in the Constitution, Responsibility for Functions, Annex A.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 None in the context of this report.

5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.

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**London Borough of Barnet
Policy and Resources
Committee Work Programme
September 2014 - January 2015**

Contact: Kirstin Lambert 020 8359 2177 kirstin.lambert@barnet.gov.uk

Subject	Decision requested	Report Of	Contributing Officer(s)
14 October 2014			
Delivering Skills, Employment, Enterprise & Training from Development through Section 106 SPD	To approve for adoption: Delivering Skills, Employment, Enterprise & Training from Development through S106 SPD	Enterprise & Regeneration Lead Commissioner	
Independent report on 2 June Annual Council meeting		Chief Executive	
Area Committee budget allocation proposals	Agree the process for Area Committee budget arrangements, as recommended by the Community Leadership Committee.	Commissioning Strategy Assistant Director	Maria Lulangira, Business Governance Team, Elissa Rospigliosi
2 December 2014			
Affordable Housing Supplementary Planning Document	To approve for consultation: Affordable Housing Supplementary Planning Document	Enterprise & Regeneration Lead Commissioner	
Statement of Community Involvement	To approve the draft Statement of Community Involvement	Enterprise & Regeneration Lead Commissioner	
Local Development Scheme	To approve the Local Development Scheme	Enterprise & Regeneration Lead Commissioner	

Subject	Decision requested	Report Of	Contributing Officer(s)
Business Planning 2015/16 - 2019/20	To approve the draft budget and Medium Term Financial Strategy for consultation. To agree Commissioning Priorities proposed by theme committees. To agree Corporate Plan objectives and Management Agreement targets for 2015/16 – 2019/20	Chief Operating Officer (Director of Finance / Section 151 Officer), Strategic Director for Communities, Strategic Director for Growth and Environment	
Grahame Park Stage B	To approve the Heads of Terms of a variation to the Principal Development Agreement with Choices for Grahame Park	Enterprise & Regeneration Lead Commissioner	
13 January 2015			
North London Waste Plan	To approve the North London Waste Plan (Reg 18)	Enterprise & Regeneration Lead Commissioner	
Business Planning Update	To consider an update on the Business Planning process for the period 2015/16 to 2019/20	Deputy Chief Operating Officer	
17 February 2015			
Budget and Medium Term Financial Strategy for 2015/16 - 2019/20	To approve the Corporate Plan and Budget / Medium Term Financial Strategy for 2015/16 – 2019/20 for referral to Council	Chief Operating Officer (Director of Finance / Section 151 Officer)	

Subject	Decision requested	Report Of	Contributing Officer(s)
Environment, Planning & Regeneration and StreetScene Fees and Charges	To approve referrals from the Environment and Assets, Regeneration & Growth and Environment committees on Environment, Planning & Regeneration and StreetScene Fees and Charges for 2015/16	Strategic Director for Growth and Environment	
Customer Access Strategy	To approve the Customer Access Strategy	Commercial and Customer Services Director	
24 March 2015			
Business Planning Update	To approve Management Agreements	Chief Operating Officer (Director of Finance / Section 151 Officer), Strategic Director for Communities, Strategic Director for Growth and Environment	
Affordable Housing Supplementary Planning Document	To approve for adoption: Affordable Housing Supplementary Planning Document		
Green Infrastructure Supplementary Planning Document	To approve for adoption: Green Infrastructure Supplementary Planning Document		
Grahame Park Stage B	To approve the Supplementary Planning Document for the regeneration of Grahame Park for consultation	Enterprise & Regeneration Lead Commissioner	

Subject	Decision requested	Report Of	Contributing Officer(s)
5 May 2015			

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