

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 13TH DECEMBER, 2016 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

A G E N D A



ASSURANCE GROUP

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Agenda and Timetable
Tuesday 13th December, 2016

Item	Subject	Timing	Page Nos
	Part 1 - Statutory formalities/Announcements (15 minutes)	7.00 – 7.15pm	
1.	Apologies for absence		
2.	Elect a Member to preside if the Mayor is absent		
3.	Prayer		
4.	Declarations of Interest		
5.	Minutes of the last meeting		7 - 20
6.	Official announcements		
7.	Any business remaining from last meeting		
	Part 2 - Question Time (30 minutes or until 8.15 p.m. whichever is longer)	7.15 – 7.45pm	
8.	Questions to the Leader (and Committee Chairmen if he/she has delegated)		
	Part 3 - Statutory Council Business (60 minutes)	7.45 – 8.45pm	
9.	Petitions for Debate (20 minutes). A petition organiser (up to 5 minutes) and Members responding (up to 15 minutes)		
9.1	Save Barnet Diving		21 - 24
10.	Reports from the Leader		
10.1	Report of the Leader - North Central London Sustainability and Transformation Plan		To Follow

11.	Reports from Committees		
11.1	Report of the Constitution Ethics and Probity Committee - Constitution Review		25 - 214
11.2	Referral from Performance and Contract Management Committee - Year Three Review of Customer and Support Group (CSG) Contract		215 - 330
11.3	Referral from Policy and Resources Committee - Diving Feasibility Study (Barnet Cophall Leisure Centre)		331 - 390
12.	Reports of Officers		
12.1	Report of the Head of Governance		391 - 398
13.	Questions to Council Representatives on Outside Bodies		None
	Break (15 minutes)	8.45 – 9.00pm	
	Part 4 – Business for Debate (45 minutes)	9.00 – 9.45pm	
14.	Motions (45 minutes)		
14.1	Opposition Motion in the name of Cllr Kath McGuirk		399 - 400
14.2	Administration Motion in the name of Cllr Gabriel Rozenberg		401 - 402
14.3	Administration Motion in the name of Cllr Caroline Stock		403 - 404
15.	Motions for Adjournment		
	Motion to Exclude the Press and Public		
16.	Referral from Performance and Contract Management Committee - Year Three Review of Customer and Support Group (CSG) Contract (Exempt)		405 - 422

Andrew Charlwood, Head of Governance
Building 4, North London Business Park, Oakleigh Road South, N11 1NP

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Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BQ, on 1 November 2016

PRESENT:-

AGENDA ITEM 5

The Worshipful the Mayor (Councillor David Longstaff)
The Deputy Mayor (Councillor Sury Khatri BSc (Hons) MSc (Lond))

Councillors:

Jess Brayne
Maureen Braun
Rebecca Challice
Pauline Coakley Webb
Dean Cohen
Jack Cohen
Melvin Cohen
Philip Cohen
Geof Cooke
Alison Cornelius
Richard Cornelius
Tom Davey
Val Duschinsky
Paul Edwards
Claire Farrier
Anthony Finn
Brian Gordon
Eva Greenspan
Rohit Grover
Helena Hart
John Hart

Ross Houston
Anne Hutton
Andreas Ioannidis
Adam Langleben
Kathy Levine
Kitty Lyons
John Marshall
Kath McGuirk
Arjun Mittra
Alison Moore
Ammar Naqvi
Nagus Narenthira
Graham Old
Charlie O-Macauley
Alon Or-Bach
Reema Patel
Bridget Perry
Wendy Prentice
Sachin Rajput
Barry Rawlings
Hugh Rayner

Tim Roberts
Gabriel Rozenberg
Shimon Ryde
Brian Salinger
Joan Scannell
Alan Schneiderman
Mark Shooter
Agnes Slocombe
Stephen Sowerby
Caroline Stock
Daniel Thomas
Reuben Thompstone
Jim Tierney
Laurie Williams
Peter Zinkin
Zakia Zubairi

Apologies for absence:

Councillor Lisa Rutter
Councillor Dr Devra Kay
Councillor Gill Sargeant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lisa Rutter, Councillor Gill Sargeant and Councillor Dr Devra Kay.

2. ELECT A MEMBER TO PRESIDE IF THE MAYOR IS ABSENT

The Worshipful the Mayor was present.

3. PRAYER

The Mayor's chaplain, Reverend Tristan Chapman, offered prayers.

4. DECLARATIONS OF INTEREST

The following members declared an interest:

Councillor	Subject	Interest declared
John Marshall	12.1 - Referral to Council – Street Scene Alternative Delivery Model: Initial Outline Business Case	Councillor John Marshall declared a non-pecuniary interest by virtue of being a council appointed director of the Barnet Group.
Paul Edwards	12.3 - Report of the Local Pension Board - Annual Report of the Local Pension Board	Councillor Paul Edwards declared a non-pecuniary interest by virtue of being a member of the Local Government Pension Scheme (LGPS).
Adam Langleben	12.3 - Report of the Local Pension Board - Annual Report of the Local Pension Board	Councillor Adam Langleben declared a non-pecuniary interest by virtue of being a member of the Local Government Pension Scheme (LGPS).
Ross Houston	12.3 - Report of the Local Pension Board - Annual Report of the Local Pension Board	Councillor Ross Houston declared a non-pecuniary interest by virtue of being a member of the Local Government Pension Scheme (LGPS).
Richard Cornelius	12.3 - Report of the Local Pension Board - Annual Report of the Local Pension Board	Councillor Richard Cornelius declared a non-pecuniary interest on behalf of all members who are members of the Local Government Pension Scheme (LGPS).

5. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 26 July 2016 were agreed as a correct record.

6. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor paid tribute to the late Shimon Peres on behalf of Council, who had died on 28th September 2016. The Worshipful the Mayor noted that Shimon Peres was the ninth President of Israel and served from 2007-2014. He further noted that he was also a Nobel Peace prize laureate, having been awarded the honour for his role in

the efforts to create peace in the Middle East through the Oslo Accords. A book of condolence had been made available at the Town Hall following his passing.

The Worshipful the Mayor informed Council that, further to the letter sent to the Queen wishing her Council's best wishes for her 90th birthday, Council had received a letter of thanks from the Queen.

The Worshipful the Mayor paid tribute to Sir Sigmund Sternberg, who had recently passed away aged 95. He noted that Sir Sigmund had been a renowned interfaith activist and philanthropist, and played a leading role in many Jewish communal institutions. He had been a long-time President of Reform Judaism, and the Sternberg Centre in Finchley – where the movement for Reform Judaism is based – had been named in his honour.

The Worshipful the Mayor noted that the Battle of the Somme Commemoration Service would be taking place on 6th November 2016.

The Worshipful the Mayor informed Council that in respect to the planting of snowdrops, which is undertaken by the Mayor on an annual basis at local schools to recognise those children killed in the holocaust, arrangements were to be confirmed shortly.

The Worshipful the Mayor informed Council that he had recently attended the 'Long Service Awards', which recognised staff who had been working for the authority for an extended period of time. The Worshipful the Mayor, on behalf of Council, thanked those who had received the awards for the hard work they had done for, and contribution that they made to, the borough.

The Worshipful the Mayor, on behalf of Council, congratulated Councillor Adam Langleben who had recently got engaged. He congratulated Councillor Jess Brayne who recently got married. The Worshipful the Mayor also congratulated Councillor Rebecca Challice, who recently gave birth to a baby boy, who has been named Stanley.

The Worshipful the Mayor informed Council that the audio of the meeting would be streamed live through the council's website, and that the recording of the meeting would be available following the meeting for a limited period of time.

7. RESOLUTION OF APPRECIATION

The Mayor moved the following resolution:

That the Council of the London Borough of Barnet hereby place on record their sincere appreciation for the dedicated service to local government and to the residents of Barnet rendered over a period of 30 years by Councillor Jack Cohen.

Councillor Jack Cohen was Mayor of the London Borough of Barnet in the Municipal Year of 1999 to 2000, and has served as the Leader of the Liberal Democrats Group in the London Borough of Barnet from the years 1995-1999 and 2008 to date.

He has previously served as Chairman of the:

- Town Planning and Research Committee (later became the Planning and Environment Committee)
- Central Area Development and Protection Committee

- Central Area Planning sub-committee (later known as the Finchley and Golders Green Development and Protection sub-committee)
- Recreation and Operations Committee
- Development and Protection Committee
- Golders Green and Childs Hill Area Forum

Councillor Jack Cohen is currently a member of the Licensing Committee and has served on numerous other council committees including:

- Golders Green Area Forum (Vice-Chairman)
- Education Joint Consultative Committee
- Education Committee
- Standards Committee
- Special Committee to deal with Constitution
- School Organisation Committee
- Policy and Resources Committee
- Education and Children's Scrutiny Committee
- Policy and Performance Overview and Scrutiny Committee
- Cabinet Overview and Scrutiny Committee
- Pension Fund Committee
- Teachers Joint Negotiation and Consultation Committee
- Chief Officers Appointments Committee
- Direct Services Organisation Executive Committee
- Public Works Committee
- Corporate Joint Negotiation and Consultation Committee
- Allotments Committee
- Land and Buildings Executive Committee (later became the Economic Development and Land Committee)
- Education Act 1980 Appeal Committee
- Appeals Committee
- Scrutiny Commission (Planning and Environment)
- Works and General Purposes sub-committee (later became the Schools and General Purposes sub-committee)
- Youth and Community Services sub-committee
- Awards Appeals sub-committee
- Business Management Overview and Scrutiny sub-committee
- Corporate Health and Safety JNCC
- Constitution, Ethics and Probity Committee
- Child Minder and Residential Homes Management Committee
- Ratification and Operations Committee

He has also served on various planning committees covering the Finchley & Golders Green constituency during his tenure, most recently having served on the Finchley and Golders Green Area Planning Committee.

He has also served on several panels, including: the Teachers and Lecturers Consultative Needs Panel; Special Educational Needs Panel; Teachers Grievance Panel; and Childminder & Residential Homes Management Registration Panel.

He also served on the Standing Advisory Committee for Religious Education.

He is currently a Local Authority Governor for St. Agnes Catholic Primary School.

Council extend their gratitude for his commitment to the residents of Childs Hill Ward and of the London Borough of Barnet and for his continued striving to represent their best interests.

RESOLVED that Council unanimously agreed the motion.

Following agreement of the motion, Councillor Jack Cohen was asked to come forward to the dais and receive a framed, signed velum from the Mayor. Councillor Jack Cohen then gave some words of thanks.

8. ANY BUSINESS REMAINING FROM LAST MEETING

There was none.

9. QUESTIONS TO THE LEADER (AND COMMITTEE CHAIRMEN IF HE/SHE HAS DELEGATED)

The questions, together with the answers provided and the text of any supplementary questions and answers, are set out in Appendix 1 to the minutes.

10. PETITIONS FOR DEBATE (20 MINUTES). A PETITION ORGANISER (UP TO 5 MINUTES) AND MEMBERS RESPONDING (UP TO 15 MINUTES)

There were none.

11. REPORTS FROM THE LEADER

There were none.

12. REPORTS FROM COMMITTEES

Each of the reports from committees were dealt with under the relevant sub-item.

12.1 REFERRAL TO COUNCIL - STREET SCENE ALTERNATIVE DELIVERY MODEL: INITIAL OUTLINE BUSINESS CASE

Councillor Dean Cohen, Chairman of the Environment Committee, moved reception and adoption of the recommendations in the report. Debate ensued.

The amendment in the name of Councillor Alan Schneiderman was put to the vote*:

For	29
Against	30
Abstain	0
Absent	4
TOTAL	59

* The Mayor noted that Councillor Eva Greenspan was not present when the vote was taken, meaning that her vote had not been counted.

The amendment was therefore lost.

The recommendations as set out in the report were then put to the vote. Votes were recorded as follows:

For	31
Against	29
Abstain	0
Absent	3
TOTAL	60

The recommendations in the report were therefore declared carried.

RESOLVED:

1. That Council approved the progression of the Alternative Delivery Model project towards the Revised Outline Business Case (OBC2), which will also be submitted for approval to a future Environment Committee.
2. That Council approved the recommended options shortlist for further consideration in the Revised Outline Business Case (OBC2):
 - In-house service delivery with management support from The Barnet Group;
 - Transfer service delivery to The Barnet Group as a Local Authority Trading Company;
 - Outsource service delivery to an external provider(s);
 - Share service delivery with a neighbouring local authority.
3. That Council approved a public consultation on the recommended options shortlist (as above) to inform the Revised Outline Business Case (OBC2).

12.2 REPORT OF THE AUDIT COMMITTEE - ANNUAL REPORT OF THE AUDIT COMMITTEE 2015-16

The Mayor noted that the recommendations in the report should not just be to note the report, but to note *and approve the report*. Members were asked to consider this when determining the recommendations.

Councillor Brian Salinger, Chairman of the Audit Committee, moved reception and adoption of the recommendations in the report. Debate ensued.

The recommendations as set out in the report were unanimously agreed by Council, and were therefore declared carried.

RESOLVED that Council note and approve the Annual Report of the Audit Committee for 2015/16.

12.3 REPORT OF THE LOCAL PENSION BOARD - ANNUAL REPORT OF THE LOCAL PENSION BOARD

Councillor Brian Salinger, Chairman of the Local Pension Board, moved reception and adoption of the recommendations in the report. Debate ensued.

The recommendations as set out in the report were unanimously agreed by Council, and were therefore declared carried.

RESOLVED that Council noted and approved the Annual Report of the Audit Committee for 2015-16.

13. REPORTS OF OFFICERS

There was one officer report which was dealt with under the relevant sub-item.

13.1 REPORT OF THE HEAD OF GOVERNANCE

The Head of Governance introduced the report. He noted that since the publication of the agenda Members had confirmed an additional date for the Assets, Regeneration and Growth Committee, which was 28th November 2016.

It was further noted that there was a supplementary paper to the item, which laid out a proposed change to committee membership of the Health Overview and Scrutiny Committee. This had been circulated to all Members.

The recommendations as set out in the report were unanimously agreed by Council, and were therefore declared carried.

RESOLVED:

- 1. That Council noted the changes to the Calendar of Meetings 2016/17 as outlined in Appendix A.**
- 2. That Council approve that Councillor Alison Moore be appointed to replace Councillor Arjun Mitta as a Member of the Health Overview and Scrutiny Committee.**

14. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

There were none.

15. MOTIONS (45 MINUTES)

Upon the commencement of the part 4 of the meeting, which took place after a scheduled break, Councillor Barry Rawlings, seconded by Councillor Kath McGuirk, immediately moved a motion that the 'motions now be put'. During the time that this motion was raised, more Members arrived into the Chamber. Under Full Council Procedure Rule 5.4 the Mayor ruled the motion out of order.

The Mayor then called on the Group Secretaries to state which motions they wished to put forward for debate.

The Labour Group Secretary stated that of the three motions put forward by the Opposition, the Opposition had chosen to debate the motion at 15.3 – the Opposition Motion in the name of Councillor Reema Patel (Social Care Crisis in Barnet).

The Conservative Group Secretary stated that they wished to debate the motion at 15.4 – the Administration Motion in the name of Councillor Richard Cornelius (STPs and local political involvement in health and social care integration).

The Mayor noted that under Council Procedure Rule 23.5 the Opposition Motion in the name of Arjun Mittra (agenda item 15.2) would be referred to the Policy and Resources Committee for consideration.

For the remainder of the meeting, Councillor Dean Cohen was not present.

15.3 OPPOSITION MOTION IN THE NAME OF CLLR REEMA PATEL - SOCIAL CARE CRISIS IN BARNET

Councillor Reema Patel moved the Motion in her name. Councillor Sachin Rajput moved his amendment. Debate ensued.

The amendment in the name of Councillor Sachin Rajput was put to the vote. Votes were recorded as follows:

For	30
Against	29
Abstain	0
Absent	4
TOTAL	59

The amendment was therefore carried.

The substantive motion was then put to the vote. Votes were recorded as follows:

For	30
Against	28
Abstain	1
Absent	4
TOTAL	59

The motion was therefore carried, and the following was **RESOLVED**:

As Barnet's Graph of Doom so clearly expressed, there is a crisis in social care in Barnet caused by an increasingly ageing population with more complex needs, more demand for social care services and less funding to pay for it.

Demand for assessments and support under the Care Act is rising in Barnet, with 58,822 calls to Social Care Direct in 2015/16 – 14,433 more than the previous year, although so far this has not resulted in an increase in the number of service users.

Barnet has increased-cost pressures from residential care placements (there are 91 care homes in total in Barnet), delayed transfers of care from hospital and deprivation of liberty safeguards.

Because of the increase in demand for care services overall and the almost certainty of that increasing in future years, coupled with the unique nature of individual care needs, Barnet's adults' social care budget can be pushed into overspend due to circumstances out of its control – currently by around £4m.

As a result of limited social care resources across the country, predominately due to the reckless overspending of the last Labour Government in Westminster leading to austerity measures being required, there is arguably an adverse impact on stability and capacity in the social care workforce which has an effect on care quality. It is noted that social care providers and the NHS are also under pressure.

Everyone agrees that the situation is not sustainable.

In a recent statement responding to the Care Quality Commission's State of Care 2015/16 report which finds that the sustainability of the adult social care market is approaching a tipping point, Margaret Willcox, Vice-President of the Association of Directors of Adult Social Services, said:

"We have been arguing for some time now that adult social care needs to be given adequate recognition and resourcing. Services are being cut and the outlook for future care is bleak. We are at a tipping point where social care is in jeopardy and unless the Government addresses the underfunding of the sector, there will be worrying consequences for the care market, the NHS and, most importantly, for older and disabled people, their families and carers."

Council believes that a decent society provides the necessary resources to care for its older and disabled people.

Council welcomes the possibility of additional funding through the social care precept, but notes that in one year the maximum barely covers the current local overspend in adult social care, and will not cover future demand for services.

Council therefore asks the Leader of the Council to write to the Prime Minister to express the challenges local authorities like Barnet face and seek ways for councils, the government and the health service to further work together to address them.

Council also calls on the Health & Wellbeing Board to continue to consider the social care needs of Barnet residents and how the council can work with government and partners in the health and social care sectors to deliver good outcomes, alongside the work the Childrens' and Adults' Committees do in this regard.

15.4 ADMINISTRATION MOTION IN THE NAME OF CLLR RICHARD CORNELIUS –

STP'S AND LOCAL POLITICAL INVOLVEMENT IN HEALTH AND SOCIAL CARE INTEGRATION

Councillor Richard Cornelius moved the Motion in his name. Councillor Phil Cohen moved his amendment. Debate ensued.

The amendment in the name of Councillor Phil Cohen was put to the vote. Votes were recorded as follows:

For	59
Against	0
Abstain	0
Absent	4
TOTAL	59

The amendment was therefore carried.

The substantive motion was then put to the vote. Votes were recorded as follows:

For	59
Against	0
Abstain	0
TOTAL	59

The motion was therefore carried, and the following was **RESOLVED**:

Council notes, with some concern, the significant demographic changes that are creating pressures for adult social care and health services in the North Central London (NCL) region and more widely.

For example, Council notes that in Barnet the over-65 population is forecast to grow three times faster (at 34.5%) than the overall population from 2015 to 2030, with the over-85 population set to increase by two-thirds (66.6%) during that time.

Council notes that residents are not only living longer, but longer with complex needs and disabilities. There has been a rapid increase in the number of people living with dementia in the borough and, with over 3,000 beds in residential units, Barnet continues to be a large net importer of people in need of care.

Council recognises the imperative of not only meeting such demand challenges but ensuring those residents are able to access the quality care required to meet their needs.

Council further recognises the relationship between the care sector and the health service and notes that, despite the £12bn in additional funding supplied to the NHS by the government, many areas like North Central London (of which Barnet is a part) are facing substantial deficits in the coming years unless action is taken.

Council notes the Sustainability and Transformation Plan (STP) produced by the local health service to consider its challenges and how to address them.

Council believes that greater integration between health and social care must be a key part of the solution and that local authorities should be able to play a more leading role than they are currently afforded.

Council believes that the interests of residents, patients and taxpayers, would be better served by increased local political involvement. Whilst welcoming the ambitions of the NCL STP to work in partnership to transform services, improve patient outcomes and tackle the large forecast deficits.

Council believes it would benefit from greater input and scrutiny from the council, its elected members and the public.

Council, therefore, calls for the STP to be made open for political and public consideration and for it to be discussed and scrutinised at the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and the subsequent Policy and Resources Committee.

Council also asks the Leader of the Council and the Leader of the Opposition to write together to the Secretary of State for Health to call for more meaningful local political involvement at the earliest stage in the integration of health and social care and the response to the financial and demographic challenges being faced.

Council also notes the joint-letter dated 28 September to the Regional Director for London of NHS England from the Leaders of LB Camden, LB Haringey, LB Islington, LB Enfield and LB Barnet calling for greater transparency and political accountability of the STP process which also stated that:

“We are fully aware of the financial challenges facing health and care services and we want the STP process to enable us to take ambitions (sic) and truly transformational decisions across health and council services for the longer term benefit of our residents. There is a risk that a focus on short term financial challenges, alongside the imposition of possibly unrealistic timescales for resolving these risks, will prevent us from investing in the prevention and transformation needed to deliver improved health and care outcomes and greater, although medium term, financial benefits.”

Council welcomes the sentiments of this letter to tackle health inequality and make services more efficient through greater integration, but recognises the difficulty of the financial challenge caused by substantial deficits in the coming years.

Council therefore also asks that in their joint letter to the Secretary of State for Health, the Leader of the Council and the Leader of the Opposition call for the government to review the funding deficits against the level of need in North Central London and address these accordingly.

15.1 OPPOSITION MOTION IN THE NAME OF CLLR PHIL COHEN - FUNDING OF COMMUNITY PHARMACIES

Under Council Procedure Rule 23.5 the Motion in the name of Councillor Phil Cohen, and the amendments to the Motion in the name of Councillor Phil Cohen and Councillor Alison Cornelius, were put to the vote without debate.

The amendment in the name of Councillor Phil Cohen was put to the vote. Votes were recorded as follows:

For	29
Against	30
Abstain	0
Absent	4
TOTAL	59

The amendment was therefore lost.

The amendment in the name of Councillor Alison Cornelius was put to the vote. Votes were recorded as follows:

For	30
Against	29
Abstain	0
Absent	4
TOTAL	59

The amendment was therefore carried.

The substantive motion was then put to the vote. Votes were recorded as follows:

For	30
Against	29
Abstain	0
Absent	4
TOTAL	59

The motion was therefore carried, and the following was **RESOLVED**:

Council notes the Government's proposed changes to the funding of community pharmacies following an initial consultation.

Council notes the plans would see an overall cut to community pharmacy funding of 4% for 2016/17 and 3.4% for 2017/18, but notes the list of exemptions including those that are located in the 20% most deprived areas in England or are more than a mile from another pharmacy.

Council recognises that the overall pharmacy spend has increased by 40% over the last decade to £2.8bn and that over the same period the number of pharmacies has increased by over 18%. Council notes that 40% of pharmacies are now in clusters of three or more within ten minutes' walk of each other and that the average pharmacy now receives nearly £1m per annum for the NHS goods and services it provides, of which around £220,000 is direct income. Each pharmacy currently receives an establishment fee of £25,000 irrespective of size or location.

Council acknowledges that pharmacists make a very valuable contribution in treating minor ailments and giving sound advice - quite apart from their role in dispensing medication - and that this means fewer patients have to go to either their GP or A&E. Council believes community pharmacies should be fairly funded for the vital work they do.

Council notes that this issue was discussed at the Health Overview and Scrutiny Committee (HOSC) in May and that consensus was not reached on whether the Committee should reply to the consultation as one, as not all the committee members could agree the wording, in its entirety, of the submission that Cllr Cohen proposed on the evening. However, it was agreed that individual members or political Groups could make submissions independently.

Council further notes that it was agreed that the Committee would fulfil its function of scrutiny by considering the Government's post-consultation proposals.

Council therefore calls on the HOSC to consider the issue of community pharmacy funding at an appropriate future meeting, in line with what had been agreed at its May meeting.

15.2 OPPOSITION MOTION IN THE NAME OF CLLR ARJUN MITTRA - ROYAL BRITISH LEGION "COUNT THEM IN" CAMPAIGN: MAKING THE NEXT CENSUS COUNT FOR OUR ARMED FORCES COMMUNITY


Under Council Procedure Rule 23.5 this motion was referred to the Policy and Resources Committee for consideration.

16. MOTIONS FOR ADJOURNMENT

There were none.

The meeting finished at 9.19 pm

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	<p>Council</p> <p>13 December 2016</p>
<p>Title</p>	<p>Petition – Save Barnet Diving</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>None</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance (Acting), 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

<p>Summary</p>
<p>This item provides Members with information relating to an open petition signed by over 9,000 supporters submitted to the Council.</p>

<p>Recommendations</p>
<p>1. That Council note the petition received by the Council in relation to Save Barnet Diving</p>
<p>2. Following debate on the petition, the relevant Committee Chairman responds to the issues raised and outlines the decision route (if any) he/she proposes to take.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 On the 27 November 2016, the Head of Governance was notified that a petition in relation to Save Barnet Diving had received over 9,000 signatures and the petition was submitted to the Council.

1.2 In accordance with the Public Participation Rules, petitions which receive over 7,000 signatures will be considered at the next available meeting of full Council.

1.3 The text relevant to the petition is below:

“Reverse the decision to remove the diving facility at Barnet Copthall.

With regards to the regeneration of Barnet Copthall Leisure Centre, we write to state out full objection to the removal of the diving pool.

Please do not remove the diving facilities, let’s be at the forefront of sporting excellence in the Borough. We believe all sports should be available in Barnet.

Why is this important?

Once this goes, that will be it. This is a service to the children in north London, the nearest one is Olympic park, and the other one is about 15-20 miles away.

If it closes, then taking our children diving three times a week is not going to happen.

My daughter, Hattie, only tried her first diving lesson last week, and she has been waiting to get in the team for so long, and they are all part of a team, a squad, young kids who pull together.

If they were going to tear up a football pitch, people would be up in arms.

Taking this facility away means that the current Tom Daley diving squad will have to travel 15-20 miles for the nearest like for like board heights. These kids train three times a week and take part in National Competitions.”

2. REASONS FOR RECOMMENDATIONS

2.1 It is a constitutional requirement for full Council to consider petitions which receive in excess of 7,000 signatures. The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

4.1 Council decisions will be minuted and any actions arising implemented through the relevant Commissioning Director or Committee as appropriate.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council must ensure its work of is reflective of the Council's priorities.

5.1.2 The three key priorities set out in the 2013-16 Corporate Plan are: –

- Supporting families and individuals that need it – promoting independence, learning and wellbeing,
- Improving the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study,
- Promoting responsible growth, development and success across the borough.

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

5.2.1 None specifically arising from this report.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Responsibility for Functions, Section 1, Functions of Full Council.

5.3.2 Council Constitution, Public Participation and Engagement – paragraph 7.6 provides that;

Petitions will be reported to the following decision making bodies.

25 – 1,999 Signatures The Relevant Area Committee

2,000 – 6,999 Signatures The Relevant Theme Committee

7,000 plus Signatures Full Council

5.3.3 Participation and Engagement, paragraph 7.10 provides:

“Petitions reported at Full Council meetings are required to be received 15days before the Council meeting, and only one petition will be heard per

meeting. Details of the procedure to be followed at the meeting are set below:

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

5.4 Risk Management

- 5.4.1 Failure to deal with petitions received from members of the public in a timely way and in accordance with the provisions of the Council’s Constitution carries a reputational risk for the authority.

5.5 Equalities and Diversity

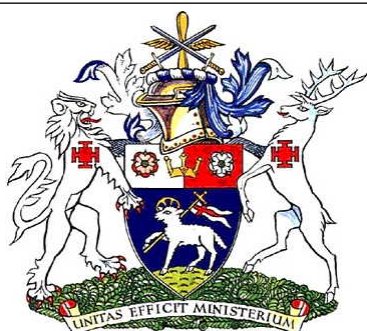
- 5.5.1 Pursuant to the Equality Act 2010 (“the Act”), the council has a legislative duty to have ‘due regard’ to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advancing equality of opportunity between those with a protected characteristic and those without; and promoting good relations between those with protected characteristics and those without. The ‘protected characteristics’ are age, race, disability, gender reassignment, pregnancy, and maternity, religion or belief and sexual orientation. The ‘protected characteristics’ also include marriage and civil partnership, with regard to eliminating discrimination.

5.6 Consultation and Engagement

- 5.6.1 None specifically arising from this report.

6 BACKGROUND PAPERS

- 6.1 #Save Barnet Diving Petition, 38 Degrees e-petition website: <https://you.38degrees.org.uk/petitions/save-diving-at-barnet-coptall>
- 6.2 Save Barnet Diving Petition, Barnet e-petition website: <http://barnet.moderngov.co.uk/mgEPetitionDisplay.aspx?ID=30&RPID=558442458&HPID=558442458>



Council

13 December 2016

<p>Title</p>	<p>Report of the Constitution Ethics and Probity Committee – Constitution Review</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Annex 1 – Report to Constitution Ethics and Probity Committee, 16 November 2016 Annex 1A – Decisions of the Constitution Ethics and Probity Committee, 16 November 2016 Appendix A: Public Participation and Engagement Rules Appendix B: HR Regulations Appendix C: Responsibility for Functions Appendix D: Responsibility for Functions, Annex A Appendix E: Article 10 – Decision Making Appendix F: Article 11 – Finance Contracts Land Disposal and Legal Matters Appendix G: Article 9 – Chief Officers Appendix H: Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers Appendix I: Article 12 – Review and Revision of the Constitution Appendix J: Article 13 – Suspension Interpretation and Publication of the Constitution Appendix L: Meetings Procedure Rules Appendix M: Licensing Code of Practice</p>

	<p>Appendix O: Council Procedure Rules</p> <p>Appendix P: Management of Assets, Land and Property Rules</p>
Officer Contact Details	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

Summary
<p>The Constitution, Ethics and Probity Committee at its meeting of 16 November 2016 considered a report on the Constitution, reviewing various sections. Only Full Council may amend the Constitution and therefore Council are recommended to approve the various recommendations of the Committee that would alter the Constitution.</p>

Recommendations
<p>1. That Council approve the recommendations contained in the report from the Constitution Ethics & Probity Committee at Annexe 1A, and the track change versions attached at Appendix A to Appendix P.</p>
<p>2. That the Monitoring Officer be authorised to implement these revisions and publish a revised Constitution.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at the annual meeting on 2 June 2014 when a Committee System form of governance was introduced. At the end of 2014, during 2015 and during 2016 a number of changes were proposed to the Constitution to ensure the smooth running of committees. These were considered by the Constitution, Ethics and Probity (CEP) Committee on and adopted by Full Council.
- 1.2 Following a further cycle of meetings some additional changes have been proposed to address inconsistencies and ensure correct processes are clearly set out. These were considered and agreed by CEP Committee meeting held on 16 November 2016. The report to the Committee (Annex 1) and decisions of the Committee (Annex 1A) set out the proposed changes agreed by the Committee for recommendation to Full Council for adoption. The actual changes to the sections of the Constitution are then set out in Appendices A to P (as amended following consideration by the Committee on 16 November 2016).

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

- 5.2.1 None.

5.3 Legal and Constitutional References

- 5.3.1 Council Constitution, Responsibility for Functions, Functions of Full Council, Paragraph 1.2: “Only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the Council”.
- 5.3.2 Council Constitution, Responsibilities for Functions – the Constitution, Ethics and Probity Committee terms of reference includes to: “Proactively to review and keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.
- 5.3.3 Council Constitution, Chief Officers “The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public”.
- 5.3.4 Council Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee Committee’s terms of reference includes “To have responsibility for overseeing the Council’s governance arrangements”.

5.4 Risk Management

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

5.5 Equalities and Diversity

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

5.6 Consultation and Engagement

- 5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

- 6.1 None.

	<p>Constitution, Ethics and Probity Committee</p> <p>16 November 2016</p>
<p>Title</p>	<p>Constitution Review</p>
<p>Report of</p>	<p>Monitoring Officer Head of Governance</p>
<p>Wards</p>	<p>N/A</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A: Public Participation and Engagement Rules Appendix B: HR Regulations Appendix C: Responsibility for Functions Appendix D: Responsibility for Functions, Annex A Appendix E: Article 10 – Decision Making Appendix F: Article 11 – Finance Contracts Land Disposal and Legal Matters Appendix G: Article 9 – Chief Officers Appendix H: Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers Appendix I: Article 12 – Review and Revision of the Constitution Appendix J: Article 13 – Suspension Interpretation and Publication of the Constitution Appendix L: Meetings Procedure Rules Appendix M: Licensing Code of Practice Appendix O: Council Procedure Rules Appendix P: Management of Assets, Land and Property Rules</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

Summary

This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.

Recommendations

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

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at their annual meeting on 2 June 2014 when a Committee System form of governance was introduced. The system has now been in operation for two municipal years.
- 1.2 The Constitution, Ethics and Probity Committee has met regularly over that period to ensure that they discharge their responsibility to proactively review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.
- 1.3 Since the Committee last met on 30th June 2016 a number of changes have been identified to ensure that the Constitution is updated in accordance with new legislative requirements and best practice.
- 1.4 Specifically the Governance Service has recently reviewed the council's procedures in relation to petitions and e-petitions to ensure that Barnet are consistent with best practice in other authorities and that it is clear to petitioners how their issues will be dealt with. A number of areas have been identified to improve the mechanism of submitting petitions, and also to provide additional information to and support for residents who wish to petition the council.

1.5 The following table represents the changes proposed to sections of the Constitution and the reasons for the changes:

No.	Section	Reference	Issue Identified	Changes Made
1	Public Participation and Engagement Rules	Section 7 – petitions: 7.1	Clarify the action that will be taken once petitions after 25 signatures have been received.	Add ‘or’ after ‘the relevant Director’... and also add ‘for information’ at the end of the paragraph.
2	Public Participation and Engagement Rules	Section 7 – petitions: insert after 7.1	Add more information to assist residents to submit petitions.	At the end of the paragraph add: The address of the Head of Governance is as follows: Head of Governance London Borough of Barnet Building 2, North London Business Park Oakleigh Road South N11 1NP
3	Public Participation and Engagement Rules	Section 7 – petitions: insert after 7.2	Insert additional information to assist residents to submit petitions.	The authority’s e-petition facility can be found here: https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1
4	Public Participation and Engagement Rules	Section 7 – petitions: add paragraph	The council currently has no information on how petitions on external sites, such as change.org, will be addresses. The council has a precedent of accepting petitions from external sites, therefore meaning that it	Add: ‘E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.

No.	Section	Reference	Issue Identified	Changes Made
			would be pertinent to clarify this in the constitution.	
5	Public Participation and Engagement Rules	Section 7 – petitions: amend paragraph 7.2	In line with other councils' approaches to petitions, it is recommended that more information is included in the constitution regarding grounds for rejecting a petition.	<p>Add:</p> <ul style="list-style-type: none"> • 'it relates to a named individual or could reveal the identity of a person; • it does not relate to the functions of the council; • it is not clear in what it is asking the council to do; • it is repetitive or deals with an issue that has previously been resolved; • relates to functions that have separate processes for appeal or challenge, such as, but not limited to: council tax banding, non-domestic rates, school admission arrangements etc...'
6	Public Participation and Engagement Rules	Section 7 – petitions: add after paragraph 7.2	To clarify the procedure that will be followed if a petition is rejected.	<p>The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.</p> <p>In such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.</p>
7	Public Participation and Engagement Rules	Section 7 – petitions: paragraph 7.4	To clarify process in line with other proposed changes.	<p>Amend wording to read:</p> <p>“Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.”</p>

No.	Section	Reference	Issue Identified	Changes Made								
8	Public Participation and Engagement Rules	Section 7 – petitions: delete old sections 7.6 to 7.11 and replace new sections	Under existing arrangements any petitions that have between 25 – 1,999 signatures are reported to an Area Committee. In practice, the issues raised in some petitions fall outside the terms of reference of an Area Committee and, where this is the case, the Area Committee often refers to petition to the relevant Theme Committee thereby creating an extra stage in the reporting process which can frustrate residents seeking to resolve an issue. To address this, it is recommended that petitions in the 25 – 1,999 threshold be reported to a Residents Forum and that the Forum Chairman resolves to either: take no action; refer the matter to a chief officer to respond to within 20 working days; or refer the matter to the relevant Area Committee (if funding is required).	<p>7.10 Petitions will be reported to the forums below using the following procedures:</p> <table border="1" data-bbox="1218 379 2123 1391"> <thead> <tr> <th data-bbox="1218 379 1630 419">Signatures</th> <th data-bbox="1630 379 2123 419">Forum and Procedure</th> </tr> </thead> <tbody> <tr> <td data-bbox="1218 419 1630 496">0-24</td> <td data-bbox="1630 419 2123 496">No action required.</td> </tr> <tr> <td data-bbox="1218 496 1630 1353">25 – 1,999 Signatures</td> <td data-bbox="1630 496 2123 1353"> <p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required) </td> </tr> <tr> <td data-bbox="1218 1353 1630 1391">2,000 – 6,999 Signatures</td> <td data-bbox="1630 1353 2123 1391">Where the petition relates to the</td> </tr> </tbody> </table>	Signatures	Forum and Procedure	0-24	No action required.	25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required) 	2,000 – 6,999 Signatures	Where the petition relates to the
Signatures	Forum and Procedure											
0-24	No action required.											
25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required) 											
2,000 – 6,999 Signatures	Where the petition relates to the											

No.	Section	Reference	Issue Identified	Changes Made	
			<p>It is proposed to reduce the time that Lead Petitioners have to make their representations from 5 minutes to 3 minutes to ensure that the Residents Forum is focussed and progresses through the issues that are required to be considered at the meeting.</p>		<p>functions and responsibilities of an Area Committee (as detailed in Responsibility for Functions, Annex A) it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee. Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> • Take no action • Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or • Instruct an officer to prepare a report for a future meeting of the Committee

No.	Section	Reference	Issue Identified	Changes Made	
					on the issue(s) raised with a recommended course of action
				7,000 plus Signatures	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> • Lead Petitioner is given five minutes to present the petition; • Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item. • The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take
				<p>7.11 Petitions are required to be received 15 days before the Residents Forum, relevant committee meeting or Full Council.</p> <p>7.12 Any hard copy petition received will be published on the Council's website via the Council's e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-</p>	

No.	Section	Reference	Issue Identified	Changes Made
				<p>petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.</p>
9	Public Participation and Engagement Rules	Section 5.1 Items and Questions at Residents Forums	<p>Full Council on 26 July 2016 passed the following Motion:</p> <p>“Role of Politicians at Residents Forums</p> <p>Council believes that the Residents’ Forum provides an excellent democratic apparatus for members of the public within Barnet to raise local issues according to their choice and engage with Officers regarding those issues.</p> <p>Council wishes to reinforce the concept that Residents’ Forums should be user-friendly and not dominated by politicians, who already have sufficient and direct access to higher echelons of local government.</p> <p>Council therefore calls for the Constitution, Ethics and Probity Committee to look at</p>	<p>Add a new section 5.3 as follows and re-number subsequent sections:</p> <p>“5.3 Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forums, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman.”</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>modifying the constitution to provide that elected politicians – be they councillors, assembly members or MPs – should not be permitted to submit questions or table motions for discussion at Residents’ Forums, although they may still be called upon during such meetings to comment on issues, entirely at the discretion of the Chair’</p>	
10	Public Participation and Engagement Rules	Section 5 – Items and Questions to Residents’ Forums	<p>It has been identified that when a resident submits multiple items and questions to residents forums that these are considered sequentially. As a consequence, one member of the public have multiple items considered and others will be required to wait a considerable time to have their issue considered. A more equitable approach is proposed to ensure that all residents have an opportunity to address forums.</p>	<p>Add new wording as follows:</p> <p>“At Residents Forums items and questions will be considered in order of receipt. Where a resident has submitted more than one item or question, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.”</p>

No.	Section	Reference	Issue Identified	Changes Made
11	Public Participation and Engagement Rules	Section 7.5	The current Public Participation & Engagement Rules do not require petitions to be signed by Barnet residents. Members are proposing that providing details of a Barnet address becomes a requirement or petitions will not be accepted.	<p>Add a new section 7.5 as follows:</p> <p>“Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified against the Electoral Register.”</p> <p>Add a new restriction in section 7.6 that:</p> <p>“A petition will not be accepted if:...</p> <ul style="list-style-type: none"> • it does not contain the address of signatories;”
12	HR Regulations	Officer Employment Procedure Rules	In March 2016 the Constitution, Ethics and Probity Committee considered a Members Item relating to chief officer appointments and agreed that committee approval was required for vacant or new post at Assistant Director level and above. Full Council agreed an amendment to the HR Regulations at the meeting on 4 April 2016. However, the HR Regulations do not stipulate which committees can approve (as specified in the Members Item) and the regulations therefore require	<p>Amend section 2.1 (Officer Employment Procedure Rules) of the HR Regulations to read:</p> <p>Sections 2.1.3 to 2.1.5 are subject to the following restriction: *No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision (<i>General Functions Committee, Policy and Resources Committee or Urgency Committee</i>) and not by delegated powers.</p>

No.	Section	Reference	Issue Identified	Changes Made
			updating to include those committees	
13	Responsibility for Functions	Exceptions	Due to the nature of Members Items it could be argued that a Members Item was a key decision as thus be eligible for referral to Full Council. As Members Items are matters for committees to discuss and debate rather than full officer reports with recommendations there is unlikely to be a full assessment of whether a decision is key or not when the Members Item report in the name of the Head of Governance is drafted. On that basis, it is recommended that a restriction be added that prevents Members Items from being referred to Full Council.	Add a new section 6.11 (and re-number the subsequent section) to add: “The seventh exception is that Members Items may not be referred to the parent committee or Council”
14	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership	Terms of reference for Area Committees	In line with changes above, to clarify what type of petitions area committees can consider.	Add at end of point 6: “...which relate to the functions of the committee as outlined in (2) above.”

No.	Section	Reference	Issue Identified	Changes Made
	Boards			
15	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Terms of reference of the Environment Committee, Housing Committee and Licensing Committee	Following consultation with the Service Director Regulatory Service in Re it is recommended that the terms of reference of the Environment Committee, Housing Committee and Licensing Committee be revised to clarify each committee's responsibilities relating to various functions that sit within the remit of Environmental Health and Trading Standards.	Amend the terms of reference of the Environment Committee, Housing Committee and Licensing Committee to clarify the functions that sit within each committees remit as set out in the revised Responsibility for Functions, Annex A document.
16	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Terms of Reference of the Planning Committee	Section 4.3.8 of the Financial Regulations state that that "For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes to fees and	Amend the terms of reference of the Planning Committee to include: "To consider for approval fees and charges for those areas under the remit of the Committee."

No.	Section	Reference	Issue Identified	Changes Made
			charges that are above inflation by 2% or more, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.” The terms of reference of the Planning Committee have not been updated to reflect this responsibility.	
17	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Terms of Reference of the Local Pension Board and Pension Fund Committee	Following a review of the terms of reference of the Pension Fund Committee and Local Pension Board it has been identified that Responsibility for Functions, Annex A does not include all of the functions that sit in the remit of the Local Pension Board as per the terms of reference that the Board agreed at their first meeting in July 2015. The terms of reference of the Board have been updated to include all of the missing functions.	<p>Amend the terms of reference of the Local Pension Board to include the following:</p> <ul style="list-style-type: none"> • “To submit an annual budget to the Pension Fund Committee for approval. • To submit an annual report on the work of the Board to the Pension Fund Committee. • To submit an annual report on the work of the Board to Full Council. • To report any breach of compliance or other significant issues to Full Council.” <p>Amend the terms of reference of the Pension Fund Committee to include the following:</p> <ul style="list-style-type: none"> • To approve the annual budget of the Pension Fund Board.

No.	Section	Reference	Issue Identified	Changes Made
18	Article 10 – Decision Making	New section 10.06 – Decision making by officers	Article 11 as currently drafted does not make reference of decisions taken by officers under delegated powers. In practice, officers have been delegated authority by Council in relation to staffing and operational matters. It is proposed to amend the Article 10 to include a reference to officer decisions.	Amend Article 10 to include a new wording as follows: “10.06 Decision making by Officers Chief officers have delegated authority to make decisions in accordance with the powers delegated by Council via Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) and the Schemes of Delegation maintained by Chief Officers and published on the council’s website.”
19	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Section 11.05	The Monitoring Officer and Head of Governance are not in possession of a key for the Common Seal of the Corporation. In practice, the Seal is held securely by the Deeds Officer in the Information Management Team. Is therefore proposed that references to the key are deleted.	Amend section 11.05 (Common Seal of the Council) to read: “The Common Seal of the Corporation shall be kept in a safe place by the Deeds Officer.”
20	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Sections 11.03 and 11.04	Article 11 currently includes references to the Head of Legal. As the Council’s legal services are delivered by HB Public Law the council does not have a post of Head of Legal in the officer structure.	Amend sections 11.03 and 11.04 to remove delete references to ‘Head of Legal’ and replace with ‘Monitoring Officer’

No.	Section	Reference	Issue Identified	Changes Made
			As such, reference to the Head of Legal need to be replaced with the Monitoring Officer who is the council's senior lawyer.	
21	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Section 11.05	References to the post of Deeds Officer are out of date and require updating.	Amend section 11.05 to refer to the 'Records Officer' and not the 'Deeds Officer'
22	Article 9 – Chief Officers	Section 9.01	The General Functions Committee on 29 June 2016 approved revisions to the senior management structure to delete the post of Strategic Director for Commissioning. Article 9 requires amendment to delete references to the post.	Delete 'Strategic Director for Commissioning' from Sections 9.01 b), 9.01 d) of Article 9 – Chief Officers
23	Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers	N/A	The General Functions Committee on 29 June 2016 approved revisions to the senior management structure to delete the post of Strategic Director for Commissioning. Responsibility for Functions,	Delete references to Strategic Director for Commissioning and associated functions and responsibilities from Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers

No.	Section	Reference	Issue Identified	Changes Made
			Annex B, Scheme of Delegated Authority to Officers requires amendment to delete references to the post.	
24	Article 12 – Review and Revision of the Constitution	Section 12.03 (a)	To reduce the number of minor constitutional amendments being reported to the Constitution, Ethics & Probity Committee and Full Council for review and approval, the Monitoring Officer is proposing that Council delegated him/her authority to make minor amendments to the Constitution in consultation with the Chairman of the Constitution, Ethics and Probity Committee.	Amend section 12.03 (a) to include the following wording: “Where minor amendments to the Constitution are required, the Monitoring Officer is authorised to make the necessary changes following consultation with the Chairman of the Constitution, Ethics and Probity Committee.”
25	Article 13 – Suspension, Interpretation and Publication of the Constitution	Section 13.01	Section 13.01 of the Constitution is unclear and is not used in practice. It is recommended that this section be deleted.	Amend Article 13 to include only the following wording – delete all other wording and sections: “13.01 Suspension of the Constitution (a) Limit to suspension. The Articles of this Constitution may not be suspended. Any of the Rules within the Constitution may be suspended by the full Council”

No.	Section	Reference	Issue Identified	Changes Made
27	Meetings Procedure Rules	Section 2 – Substitute Members	The rationale for requiring substitutions for Area Committees and Area Planning Committees to carry forward into the subsequent adjourned meeting is unclear and it is recommended that the wording relating to this be deleted.	Amend section 2.1 to delete the following wording: “If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).”
28	Meetings Procedure Rules	Section 7.11	At a recent Area Planning Committee a member of the public substituted for another member of the public from the same household resulting in one person being able to address a planning committee for up to six minutes. It is proposed to add a restriction to prevent this.	Add wording at the end of section 7.11 as follows: “It is not permissible for a substitution to be made which enables a member of the public to make two representations in respect of a single household.”
29	Licensing Code of Practice	Section 6 – Ward Members	The Licensing Act 2003 was amended to allow Members to make representations to specific licensing applications in their own right. The same requirements in relation to the representations content and submission apply to members representations as they do for other party representations.	Amend section 6.3 as follows: “6.3 Members wishing to speak at a hearing before a Licensing Sub-Committee or to have his/her representations considered in respect of Licensing matters must also: A. Comply with the deadlines for making valid representations applicable to all other parties; OR B. Advise the Chairman, Head of Governance or Governance officer appointed to the sub-committee of their wish to speak

No.	Section	Reference	Issue Identified	Changes Made
			<p>In addition to this should the Member themselves not have made a valid representation they can speak at a licensing subcommittee should they be nominated to do so by another party who has made their own valid representation.</p> <p>The word 'interested' has been omitted from the suggested amended text due to the change in the Licensing Act 2003 which remove the term 'interested party' from its text and replaced by the term 'other party'.</p>	<p>as a representative of an interested party who has made a valid representation as soon as possible and at least 15 minutes before the commencement of the meeting of the sub-committee.</p> <p>C. Not seek, or accept, or appear to seek or accept, preferential treatment.”</p>
30	Council Procedure Rules	Section 23.5	<p>Both Group Leaders support a change to Full Council Procedure Rule 23.5 which, at the moment, requires members to say if they want their motion voted on at the meeting when they submit the motion.</p> <p>The reason for the change is</p>	<p>Add the following wording to the end of section 23.5:</p> <p>“Members should advise the Head of Governance by 10.30am on the second working day before the meeting if they wish their Motion to be voted on at the meeting.”</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>that the deadline for submission of motions is usually before pre-Council Party Group meetings which is when the Full Council agenda is discussed and decisions are generally made about the approach to the meeting. It would therefore help to change this standing order so that notice about voting on motions at the meeting can be given after the Group meetings have taken place.</p>	
31	Management of Assets, Property and Land Rules	Section 3.3	<p>Previously the Management of Assets, Property and Land Rules had separate and associated Management of Property, Assets and Land Procedures which were referenced in the Constitution but did not form part of the adopted constitution. In March 2014 the Constitution, Ethics & Probity Committee updated the Management of Assets, Property and Land Rules to merge the Procedures and the Rules.</p>	<p>Delete section 3.3 of the Management of Assets, Property and Land Rules as follows:</p> <p>“The procedures associated with these Rules are as detailed in the Management of Asset, Property and Land Procedures.”</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>However, the reference in the Rules to the Management of Property, Assets and Land Procedures was not deleted. It is proposed to delete the reference to the Procedures as this is no longer relevant.</p>	

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4. POST DECISION IMPLEMENTATION

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Full Council on 13th December 2016 to make final approval.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

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

5.3 Legal and Constitutional References

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

5.4 Risk Management

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

5.5 Equalities and Diversity

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

5.6 Consultation and Engagement

- 5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

- 6.1 Council, 26 July 2016, Item 18.2, Administration Motion in the name of Councillor Brian Gordon – Roles of Politicians at Residents' Forums:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8825&Ver=4>
- 6.2 Local Pension Board, 25 July 2016, Item 7, Approval and Adoption of the Terms of Reference:
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=753&MId=8475&Ver=4>
- 6.3 General Functions Committee, 29 June 2016, Item 10, Commissioning Restructure and Associated Senior Management Positions:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=174&MID=8775#A17602>
- 6.4 Council, 4 April 2014, Item 4.3, Report from Constitution, Ethics & Probity Committee – 24 March 2014:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=7517&Ver=4>

Decisions of the Constitution, Ethics and Probity Committee

16 November 2016

Members Present:-

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

Councillor Richard Cornelius	Councillor Joan Scannell
Councillor Ross Houston	Councillor Ammar Naqvi (In place of Councillor Dr Devra Kay)
Councillor Barry Rawlings	

Apologies for Absence
Councillor Dr Devra Kay

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 30 June 2016 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

An apology for absence had been received from Councillor Dr Devra Kay who was substituted for by Councillor Ammar Naqvi.

The Committee noted that Councillor Alison Moore had incorrectly been listed as a committee member on the agenda and the committee member was Councillor Ross Houston. The Head of Governance advised Members that the committee membership would be updated accordingly.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTION AND COMMENTS (IF ANY)

Andrew Dismore AM asked supplementary questions arising from the answers provided to public questions in advance of the meeting. The Chairman and officers provided answers to supplementary questions at the meeting.

6. MEMBERS' ITEMS (IF ANY)

None.

7. CONSTITUTION REVIEW

The Committee received a public comment from Andrew Dismore AM in relation to item 1.5, section 9 (Public Participation and Engagement Rules).

During the debate on the Constitution Review report Councillor Barry Rawlings MOVED a motion in relation to item 1.5, section 9 (Public Participation and Engagement Rules) which proposed that councillors, MP's and Assembly Members are not permitted to submit items and questions for Residents Forums. He proposed that this amendment be removed from the list of Constitution amendments. Upon being put to the VOTE the motion was declared LOST. Votes were recorded as follows:

In Favour	3
Against	4
Abstentions	0

RESOLVED that the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in the table below and the track change versions attached at Appendix A to Appendix P.

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	Public Participation and Engagement Rules	Page 36	Add 'or' after 'the relevant Director'... and also add 'for information' at the end of the paragraph.	Agreed as per report
2	Public Participation and Engagement Rules	Page 36	At the end of the paragraph add: The address of the Head of Governance is as follows: Head of Governance London Borough of Barnet Building 2, North London Business Park Oakleigh Road South N11 1NP	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
3	Public Participation and Engagement Rules	Page 37	The authority's e-petition facility can be found here: https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1	Agreed as per report
4	Public Participation and Engagement Rules	Page 37	Add: 'E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.	Agreed as per report
5	Public Participation and Engagement Rules	Page 37	Add: <ul style="list-style-type: none"> • 'it relates to a named individual or could reveal the identity of a person; • it does not relate to the functions of the council; • it is not clear in what it is asking the council to do; • it is repetitive or deals with an issue that has previously been resolved; • relates to functions that have separate processes for appeal or challenge, such as, but not limited to: council tax banding, non-domestic rates, school admission arrangements etc...' 	Agreed as per report subject to the addition of: <ul style="list-style-type: none"> • it relates to a safeguarding matter
6	Public Participation and Engagement Rules	Page 37	The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above. In such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council						
			the lead petitioner and explain the reasons for rejection.							
7	Public Participation and Engagement Rules	Page 37	Amend wording to read: “Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.”	Agreed as per report						
8	Public Participation and Engagement Rules	Pages 37 – 39	<p>7.10 Petitions will be reported to the forums below using the following procedures:</p> <table border="1" data-bbox="802 943 1225 2047"> <thead> <tr> <th data-bbox="802 943 995 1016">Signatures</th> <th data-bbox="995 943 1225 1016">Forum and Procedure</th> </tr> </thead> <tbody> <tr> <td data-bbox="802 1016 995 1128">0-24</td> <td data-bbox="995 1016 1225 1128">No action required.</td> </tr> <tr> <td data-bbox="802 1128 995 2047">25 – 1,999 Signatures</td> <td data-bbox="995 1128 1225 2047"> <p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given</p> </td> </tr> </tbody> </table>	Signatures	Forum and Procedure	0-24	No action required.	25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given</p>	Agreed as per report
Signatures	Forum and Procedure									
0-24	No action required.									
25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given</p>									

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee		Recommendation to Full Council
				<p>three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required) 	
			2,000 – 6,999 Signatures	Where the petition relates to the functions and responsibilities of an Area Committee (as detailed in Responsibility for Functions, Annex A) it will be reported to the relevant Area	

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee		Recommendation to Full Council
				<p>Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee. Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> • Take no action • Refer the matter to 	

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee		Recommendation to Full Council
				<p>a chief officer to provide a written respond to Lead Petitione r within 20 working days; or</p> <ul style="list-style-type: none"> • Instruct an officer to prepare a report for a future meeting of the Committ ee on the issue(s) raised with a recomm ended course of action 	
			7,000 plus Signatures	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> • Lead Petitioner is given five minutes to present the 	

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee		Recommendation to Full Council
				<p>petition;</p> <ul style="list-style-type: none"> • Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item. • The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take 	
			<p>7.11 Petitions are required to be received 15 days before the Residents Forum, relevant committee meeting or Full Council.</p> <p>7.12 Any hard copy petition</p>		

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			received will be published on the Council's website via the Council's e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.	
9	Public Participation and Engagement Rules	Page 35	Add a new section 5.3 as follows and re-number subsequent sections: "5.3 Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forums, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman."	Agreed as per report
10	Public Participation and Engagement Rules	Page 35	Add new wording as follows: "At Residents Forums items and questions will be considered in order of receipt. Where a resident has submitted more than one item or question, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered."	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
11	Public Participation and Engagement Rules	Page 37	<p>Add a new section 7.5 as follows:</p> <p>“Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified against the Electoral Register.”</p> <p>Add a new restriction in section 7.6 that:</p> <p>“A petition will not be accepted if:...</p> <ul style="list-style-type: none"> • it does not contain the address of signatories;” 	Agreed as per report subject to the deletion of the following wording: “...against the Electoral Register.”
12	HR Regulations	Page 43	<p>Amend section 2.1 (Officer Employment Procedure Rules) of the HR Regulations to read:</p> <p>Sections 2.1.3 to 2.1.5 are subject to the following restriction:</p> <p>*No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision (<i>General Functions Committee, Policy and Resources Committee or Urgency Committee</i>) and not by delegated powers.</p>	Agreed as per report
13	Responsibility for Functions	Page 53	<p>Add a new section 6.11 (and re-number the subsequent section) to add:</p> <p>“The seventh exception is that Members Items may not be</p>	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			referred to the parent committee or Council”	
14	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 71	Add at end of point 6: “...which relate to the functions of the committee as outlined in (2) above.”	Agreed as per report
15	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Pages 63, 64, 67, 71 and 72	Amend the terms of reference of the Environment Committee, Housing Committee and Licensing Committee to clarify the functions that sit within each committees remit as set out in the revised Responsibility for Functions, Annex A document.	Agreed as per report
16	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 75	Amend the terms of reference of the Planning Committee to include: “To consider for approval fees and charges for those areas under the remit of the Committee.”	Agreed as per report
17	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 84	Amend the terms of reference of the Local Pension Board to include the following: <ul style="list-style-type: none"> • “To submit an annual budget to the Pension Fund Committee for approval. • To submit an annual report on the work of the Board to the Pension Fund Committee. • To submit an annual report on the work of the Board to Full Council. 	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
		Page 83	<ul style="list-style-type: none"> To report any breach of compliance or other significant issues to Full Council.” <p>Amend the terms of reference of the Pension Fund Committee to include the following:</p> <ul style="list-style-type: none"> To approve the annual budget of the Pension Fund Board. 	
18	Article 10 – Decision Making	Page 94	<p>Amend Article 10 to include a new wording as follows:</p> <p>“10.06 Decision making by Officers</p> <p>Chief officers have delegated authority to make decisions in accordance with the powers delegated by Council via Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) and the Schemes of Delegation maintained by Chief Officers and published on the council’s website.”</p>	Agreed as per report
19	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Page 96	<p>Amend section 11.05 (Common Seal of the Council) to read:</p> <p>“The Common Seal of the Corporation shall be kept in a safe place by the Records Officer.”</p>	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
20	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Pages 95 – 96	Amend sections 11.03 and 11.04 to remove delete references to ‘Head of Legal’ and replace with ‘Monitoring Officer’	Agreed as per report
21	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Page 96	Amend section 11.05 to refer to the ‘Records Officer’ and not the ‘Deeds Officer’	Agreed as per report
22	Article 9 – Chief Officers	Pages 99 – 100	Delete ‘Strategic Director for Commissioning’ from Sections 9.01 b), 9.01 d) of Article 9 – Chief Officers	Agreed as per report
23	Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers	Pages 112 and 122	Delete references to Strategic Director for Commissioning and associated functions and responsibilities from Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers	Agreed as per report
24	Article 12 – Review and Revision of the Constitution	Page 130	Amend section 12.03 (a) to include the following wording: “Where minor amendments to the Constitution are required, the Monitoring Officer is authorised to make the necessary changes following consultation with the Chairman of the Constitution, Ethics and Probity Committee.”	Agreed as per report
25	Article 13 – Suspension, Interpretation and Publication of the Constitution	Page 131	Amend Article 13 to include only the following wording – delete all other wording and sections: “13.01 Suspension of the Constitution	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			(a) Limit to suspension. The Articles of this Constitution may not be suspended. Any of the Rules within the Constitution may be suspended by the full Council”	
27	Meetings Procedure Rules	Page 135	Amend section 2.1 to delete the following wording: “If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).”	Agreed as per report
28	Meetings Procedure Rules	Page 139	Add wording at the end of section 7.11 as follows: "It is not permissible for a substitution to be made which enables a member of the public to make two representations in respect of a single household.”	Agreed as per report
29	Licensing Code of Practice	Page 152	Amend section 6.3 as follows: “6.3 Members wishing to speak at a hearing before a Licensing Sub-Committee or to have his/her representations considered in respect of Licensing matters must also: A. Comply with the deadlines for making valid representations applicable to all other	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			<p>parties; OR</p> <p>B. Advise the Chairman, Head of Governance or Governance officer appointed to the sub-committee of their wish to speak as a representative of an interested party who has made a valid representation as soon as possible and at least 15 minutes before the commencement of the meeting of the sub-committee.</p> <p>C. Not seek, or accept, or appear to seek or accept, preferential treatment.”</p>	
30	Council Procedure Rules	Page 166	<p>Add the following wording to the end of section 23.5:</p> <p>“Members should advise the Head of Governance by 10.30am on the second working day before the meeting if they wish their Motion to be voted on at the meeting.”</p>	Agreed as per report
31	Management of Assets, Property and Land Rules	Page 173	<p>Delete section 3.3 of the Management of Assets, Property and Land Rules as follows:</p> <p>“The procedures associated with these Rules are as detailed in the Management of Asset, Property and Land Procedures.”</p>	Agreed as per report

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

None.

The meeting finished at 7.58 pm

Public Participation and Engagement

1. Introduction

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

2. Public Questions

- 2.1 Questions must relate to an item being considered on a committee agenda and be addressed to the Committee Chairman. Questions must detail which agenda item they are in connection with. Committee agendas are published on the Council's website five working days prior to the meeting. Members of the Public should state their current/business address or organisation when submitting questions.
- 2.2 Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting (for example for a committee meeting on a Thursday the deadline would be 10am on the preceding Monday; for a committee meeting on a Tuesday the deadline would be 10am on the preceding Thursday). Any questions submitted after this time will not be considered.
- 2.3 At the meeting, a time period of up to 30 minutes, is available for public questions and comments in total.
- 2.4 Written responses to public questions will be circulated to the questioner in advance, or at the meeting. If they wish, members of the public can ask the Committee Chairman one supplementary question at the Committee

meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the Chairman.

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

3. Public Comments

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

4. Requests to speak at Planning Committees and Area Planning Committees

- 4.1 Details of the procedure for speaking at planning committee meetings is set out in section 7 of Meetings Procedure Rules (Planning Committee Procedure Rules)

5. Items and Questions to Resident Forums

- 5.1 Items and questions must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.
- 5.2 The Forum Chairman has the discretion to accept items and questions with less than five days' notice if they deem the matter to be urgent.

Responses to urgent matters will be responded to by officers at the Forum meeting.

5.3 Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forums, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman

5.4 The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.

5.5 The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.

5.6 At Residents Forums items and questions will be considered in order of receipt. Where a resident has submitted more than one item or question, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.

5.7 The Chairman will determine issues in the following way:

1. Residents will have the opportunity to discuss the issue raised
2. Chairman, Chief Officers or other relevant officers may respond to the issues raised
3. Having considered the issues the Chairman can take the following actions:
 - note the issue and take no action
 - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response
 - instruct that Ward Members are notified of the issue.
 - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee

When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.

6. Restrictions and Exceptions for Public Questions and Comments

6.1 Public questions and comments are not permitted:

- At the Planning Committee and Area Planning Committees on Town and Country Planning applications (a separate procedure is detailed in the Planning Committee Procedure Rules in Meetings Procedure Rules). Public questions and comments are permitted at the Planning Committee on planning policy matters.

- If they are requests from or in connection with the aims and activities of a political party
- If they would result in the release of confidential information, or which may prejudice enforcement
- If they relate to a matter where this is a right of appeal against any decision of the Council
- If they are defamatory, abusive or offensive
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the General Functions Committee
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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

7. **Petitions**

7.1 Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and/or the relevant Committee Chairman for information.

7.2 Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same.

The address of the Head of Governance is as follows:

Head of Governance
London Borough of Barnet
Building 2, North London Business Park
Oakleigh Road South
N11 1NP

7.3 The authority's e-petition facility can be found here:
<https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

7.4 E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.

7.5 Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified.

7.27.6 A p~~Petitions~~ will not be accepted if ~~they are:~~

- it is vexatious or abusive;
- it relates to any enactment or statutory provision;
- it relates to a safeguarding matter;
- it does not contain the address of signatories;
- it relates to a named individual or could reveal the identity of a person;
- it does not relate to the functions of the council;
- it is not clear in what it is asking the council to do;
- it deals with an issue that has previously been resolved;
- it is repetitive, vexatious, or requires action which is unlawful or for which another council procedure is available

7.7 The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.

7.8 In such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.

7.37.9 Petitions relating to planning or licensing applications, appeals or reviews will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. Petitions that are submitted to the Council that do relate to Planning or Licensing matters will be taken into account by the relevant service during the consideration of an application.

7.47.10 _____ Petitions will be acknowledged within 10 working days. The acknowledgement will include information on ~~possible action to be taken by the Council and detail of how and when the petition will be reported to a Council decision making body~~how the petition will be progressed.

7.11 Petitions will be reported to the forums below using the following procedures:

<u>Signatures</u> <u>0-24</u>	<u>Forum and Procedure</u> <u>No action required.</u>
<u>25 – 1,999</u> <u>Signatures</u>	<p><u>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</u></p> <p><u>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</u></p> <ul style="list-style-type: none"> <u>• Take no action;</u> <u>• Refer the matter to a chief officer to respond to within 20 working days; or</u> <u>• Refer the matter to the relevant Area Committee (if funding is required)</u>
<u>2,000 – 6,999</u> <u>Signatures</u>	<p><u>Where the petition relates to the functions and responsibilities of an Area Committee (as detailed in Responsibility for Functions, Annex A) it will be reported to the relevant Area Committee.</u></p> <p><u>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</u></p> <p><u>The Lead Petitioner will be given five minutes to present the petition to the committee. Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</u></p> <ul style="list-style-type: none"> <u>• Take no action</u> <u>• Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or</u> <u>• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course of action</u>

<u>7,000 plus Signatures</u>	<p><u>The petition will be considered by Full Council and the following process will be followed:</u></p> <ul style="list-style-type: none"> • <u>Lead Petitioner is given five minutes to present the petition;</u> • <u>Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.</u> • <u>The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take</u>
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7.12 Petitions are required to be received seven clear working days (or 10 calendar days) before the Residents Forum, relevant committee meeting or Full Council.

7.13 Any hard copy petition received will be published on the Council’s website via the Council’s e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.

~~7.5 — Petitions will be reported to the following decision making bodies.~~

<u>Signatures</u>	<u>Response</u>
<u>0-24</u>	<u>No action required; may be referred to a council officer.</u>
<u>25 — 1,999 Signatures</u>	<u>is accepted.</u>
<u>2,000 — 6,999 Signatures</u>	<u>The Relevant Theme Committee</u>
<u>7,000 plus Signatures</u>	<u>Full Council</u>

- ~~Petitions that are reported to Area Committees will be considered at the appropriate meeting in one of the following ways. Note the petition~~
- ~~Ask officers to present a report to a future meeting of the Area Committee~~
- ~~Formally refer to a relevant Committee~~
- ~~Formally instruct an officer (within their powers) to take action~~
- ~~To bring the matter to the attention of the Ward Councillors (who will consider and respond to the issue individually)~~

~~7.6 — Petitions that are reported to Theme Committees will be considered at the appropriate meeting in one of the following ways:~~

- ~~• Take no action~~
- ~~• Note the petition~~
- ~~• Agree a recommended course of action~~
- ~~• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised~~

~~7.7 — Petitions are required to be received 15 days before the Committee meeting and only one petition will normally be heard per meeting with the exception of Area Committees. The Chairman of the Committee may request that the relevant Chief Officer to attend the meeting to be called to give account with regard to the issue raised.~~

~~7.8 — Details of the procedure to be followed at the meeting and the actions available to the Committee are set out below:~~

- ~~i) Lead Petitioner is given five minutes to present the petition;~~
- ~~ii) Committee Members have an opportunity to ask questions of the Lead Petitioner;~~
- ~~iii) Chief Officer and Chairman of the relevant Committee respond to the issues raised in the petition;~~
- ~~iv) Committee Members ask questions of the Chief Officer and Committee Chairman~~
- ~~v) Committee will then consider the issues raised and the responses received and take action as outlined in section 7.6;~~

~~7.9 — Petitions reported at Full Council meetings are required to be received 15 days before the Council meeting, and only one petition will be heard per meeting. Details of the procedure to be followed at the meeting are set below:~~

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

~~Any received hard copy petition will be published on the Council's website via the Council's e-petition facility and processed by the Council as documented in this section.~~

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HR Regulations

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

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

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

1. The Council Establishment

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

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

2.1 Officer Employment Procedure Rules.

The Local Government Act 2000, the Local Authorities (Standing Orders) Regulations 2001 and the Local Authorities (Standing Orders) (Amendment) Regulations 2015 require the Council to have rules relating to the recruitment, appointment and dismissal of officers. These are set out below in Section 2.1.

Sections 2.1.3 to 2.1.5 are subject to the following restriction:

*No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision ([General Functions Committee, Policy and Resources Committee or Urgency Committee](#)) and not by delegated powers.

2.1.1 **Recruitment and appointment**

(a) Declarations

Rule	Action
(i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of the partner of such persons.	All candidates must complete a code of conduct declaration of interests statement as part of the appointment process.
(ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.	The application will be passed to the Human Resources Director for the relevant Chief Officer decision.

(b) Seeking support for appointment

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

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

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

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

(a) The full council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee of the council. Full Council must also approve the dismissal of the Head of Paid Service	The Chief Officer Appointments Panel will make a recommendation on the appointment of the Head of Paid Service for approval by Full Council.
(b) The full Council may only make or approve the appointment of the Head of Paid Service.	

2.1.4. *Appointment of Chief Officers

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

(a) Officers below Chief Officer.

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

(b) Appointment of political assistants

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

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

2.1.7. *Dismissal*

<p>(a) Councillors will not be involved in the</p>	<p>The Head of Paid Service will be</p>
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<p>dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.</p>	<p>responsible to ensure that the correct processes as allowed for within the Council's contractual Terms and Conditions are followed.</p>
<p>(b) Any decision to dismiss the Head of Paid Service, Chief Finance Officer and Monitoring Officer must be taken by full Council</p>	<p>Prior to Full Council considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, the council must set up a panel to give views, advise and make recommendations to Full Council.</p> <p>The council must invite at least two independent persons to sit on this panel.</p> <p>The panel must be appointed at least 20 working days before the relevant meeting of Full Council.</p> <p>Before the taking of a vote at the relevant meeting of Full Council, the authority must take into account: a) any advice, views or recommendations of the Panel; b) the conclusions of the investigation into the proposed dismissal; and c) any representations from the relevant officer.</p>
<p>(c) Decisions to dismiss a Chief Officer shall be taken by the General Functions Committee</p>	

2.2 Varying Terms and Conditions of employment

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

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

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

2.3 Leavers

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

3 Employee Records

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

4. Salaries & allowances payable to Council employees and Pensioners

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

5. Members Allowances

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

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

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

6 Pensions Administration

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

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

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

Responsibility for Functions

PREFACE

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

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

1. FUNCTIONS OF FULL COUNCIL

Only the full Council will exercise the following functions:

- 1.1 Approving the strategic financing of the Council, upon recommendations of the Policy and Resources Committee, including:
 - 1.1.1 Determination of the financial strategy;
 - 1.1.2 Approval of the Budget;
 - 1.1.3 Approval of the capital programme;
 - 1.1.4 Setting the Council Tax;
 - 1.1.5 Determination of fees and charges where authority to set these has not been delegated; and
 - 1.1.6 Determination of borrowing limits.
- 1.2 Adopting and changing the Constitution, except where otherwise provided in the Constitution or by resolution of the Council.
- 1.3 Approving and adopting the Policy Framework (as described in Article 4).
- 1.4 Approving matters which require a decision that represents a significant departure from any existing strategy, policy or budget previously agreed by the Council. This excludes determining planning applications that do not accord with the provisions of the development plan.
- 1.5 Receiving reports and recommendations from the Health Overview and Scrutiny Committee and any other Committee.
- 1.6 All policy matters and new proposals relating to significant partnerships with external agencies and local authority companies.
- 1.7 Agreeing and amending the terms of reference of Committees, deciding on their composition and making appointments to them.

- 1.8 Appointing representatives to outside bodies (including school governing bodies) where an urgent decision is required before the next scheduled General Functions Committee, unless that appointment has been delegated by the Council.
- 1.9 Delegating significant functions to other local authorities or their executives and deciding whether or not to accept such a delegation from another local authority.
- 1.10 Adopting a Members Allowance Scheme.
- 1.11 Changing the name of the Borough.
- 1.12 Electing Chairmen and Vice-Chairmen of Committees.
- 1.13 Conferring the title of Freeman of the Borough.
- 1.14 Confirming the appointment or dismissal of the Head of Paid Service.
- 1.15 Determining any delegation to Officers which does not fall within the scope or terms of reference of any Committee.
- 1.16 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills.
- 1.17 All other matters which, by law, must be reserved to the Council.
- 1.18 Electing the Leader of the Council; and electing the Mayor.
- 1.19 Appointing the Lead Member for Children's Services, who will have the responsibilities as set out in the Role Profile for the Lead Member for Children's Services published on the Council's website which will reflect relevant Regulations and Government guidance.
- 1.20 Approval of annual pay policy statement.

2. **FUNCTIONS DELEGATED TO COMMITTEES**

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

3. **OFFICER DELEGATIONS**

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

4. **INTERPRETATION**

In this part of the Constitution:

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

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

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

“the 1972 Act” means the Local Government Act, 1972.

5 LIMITATIONS ON DELEGATION TO COUNCIL COMMITTEES AND SUB-COMMITTEES

5.1 Committees and Sub-Committees of the Council (or the Council acting as Licensing Authority) are authorised to discharge all functions within their terms of reference with the exception of:

- Those matters referred to in the above list
- Decisions reserved to the Council meeting in Article 4 of the Constitution

5.2 The Area Planning Committees can take decisions within their terms of reference provided they are not within the list of matters reserved to the Planning Committee

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

6 MEMBERS' RIGHTS TO REFER MATTERS TO PARENT BODY

6.1 Any Committee listed in the following schedule may decide to report on any matter to Council and any Sub-Committee may report to its parent committee. In such cases the decision is reached by the usual process, such as a majority vote. The report may make recommendations or seek instructions.

6.2 A Chairman of an Area and/or Area Planning Committee may refer any item that it considers with a recommendation to the relevant committee within whose Terms of reference it falls, by indicating immediately after the decision is taken that they require the decision to be referred up. The report on the referral to Full Council or the relevant Committee to which the Committee or Sub-Committee reports shall set out the reasons given for the referral.

6.3 A Chairman of an Area Committee may refer applications to the Area Committee Budget to the relevant Theme Committee (Environment Committee for environment related schemes or Community Leadership Committee for community related projects). The report to the relevant Committee to which the Area Committee refers the application shall set out the reasons given for the referral.

6.4 Subject to the exceptions set out below, a specified number of Members of a Committee or Sub-Committee (see the table below) may require that any decision of the Committee or Sub-Committee is referred up to the next practicable meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, by indicating immediately after the decision is taken that they

require the decision to be referred up. The report to Full Council or the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons given for the referral.

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

6.4 In such a case:-

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

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

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

Exceptions

6.5 The first exception is that a report may not be referred up unless it is key. A key decision is one which:

- will result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- is significant in terms of its effects on communities living or working in an area comprising two or more wards

This exception does not apply to referrals from Area Planning Committees to the Planning Committee.

6.6 The second exception is that no matter that has been the subject of a decision by the Council or, in the case of Sub-Committees, the parent Committee in the previous six months may be referred up.

- 6.7 The third exception is Area Planning Committees, where no matter relating to the regulatory and enforcement functions of the Council relating to town and country planning and the control of buildings and new streets may be referred to the Planning Committee unless it falls within the terms of reference of the Planning Committee.
- 6.8 The fourth exception is the Planning Committee, where no matter relating to town and country planning may be referred up to the Council meeting except where required by law. The Planning Committee may only refer up non-planning matters.
- 6.9 The fifth exception is the Pension Fund Committee.
- 6.10 The sixth exception is that a report may not be referred up if it is urgent. An urgent report is one which sets out why a decision is required before the next meeting of the Council, and which the Chairman of the Committee and the Chief Executive have agreed is urgent.
- 6.11 The seventh exception is that Members Items may not be referred to the parent committee or Council.
- 6.12 Section 6 shall not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committee and Chief Officer Appointment Panel.

7. URGENCY PROVISIONS

- 7.1 If a decision on an issue is required as a matter of urgency and if time allows under the provisions of the Access to Information Rules then a Committee comprising of the Leader, the Deputy Leader, and the Leader of the Opposition will be called. The decision may be within the terms of reference of another committee, but this will not invalidate the decision as the arrangements to discharge the function in cases of urgency is through a committee comprising the three specified members. The Committee must consult with the Chairman of the relevant Committee.
- 7.2 In cases where a decision on the issue is so urgent that there is insufficient time to call a committee, then arrangements can be made to discharge the function through the Chief Executive in consultation with the Leader or the Chairman of the relevant Committee. The decision must be reported back to the parent committee at its next meeting or if it is a general Council matter then it should be reported to the next meeting of full Council.

8 JOINT ARRANGEMENTS

- 8.1 The following are the joint arrangements for the discharge of functions which are the responsibility of the Council:
- London Boroughs Grants Scheme under Section 48 Local Government Act 1985.
 - London Councils Transport and Environment Committee Agreement dated 13 December 2001.
 - Association of London Government agreement dated 1 April 2000.

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

Body responsible	Functions	Membership														
<p>Policy and Resources Committee</p>	<p>(1) To be the principal means by which advice on strategic policy and plans is given and co-ordinated and to recommend to Full Council, as necessary, on strategic issues. This is to include:</p> <ul style="list-style-type: none"> • Consider for approval the Corporate Plan • Council’s Capital and Revenue Budget setting (subject to Full Council) and Medium Term Financial Strategy • Ensuring effective Use of Resources and Value for Money <p>(2) To be responsible for the overall strategic direction of the Council including the following specific functions/activities:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td data-bbox="419 972 746 1137"> <ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement </td> <td data-bbox="751 972 1050 1137"> <ul style="list-style-type: none"> • Strategic Partnerships </td> </tr> <tr> <td data-bbox="419 1144 746 1310"> <ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion </td> <td data-bbox="751 1144 1050 1310"> <ul style="list-style-type: none"> • </td> </tr> <tr> <td data-bbox="419 1317 746 1473"> <ul style="list-style-type: none"> • Internal Transformation programmes </td> <td data-bbox="751 1317 1050 1473"> <ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery </td> </tr> <tr> <td data-bbox="419 1480 746 1532"> <ul style="list-style-type: none"> • Write off of debt </td> <td data-bbox="751 1480 1050 1532"> <ul style="list-style-type: none"> • Insurance </td> </tr> <tr> <td data-bbox="419 1538 746 1659"> <ul style="list-style-type: none"> • Treasury Management Strategy </td> <td data-bbox="751 1538 1050 1659"> <ul style="list-style-type: none"> • Information Technology provision </td> </tr> <tr> <td data-bbox="419 1666 746 1912"> <ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes </td> <td data-bbox="751 1666 1050 1912"> <ul style="list-style-type: none"> • Mayoralty budget </td> </tr> <tr> <td data-bbox="419 1919 746 2063"> <ul style="list-style-type: none"> • Corporate Procurement (including agreement of the </td> <td data-bbox="751 1919 1050 2063"> <ul style="list-style-type: none"> • Consider for approval and adoption emerging </td> </tr> </tbody> </table>	<ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement 	<ul style="list-style-type: none"> • Strategic Partnerships 	<ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Internal Transformation programmes 	<ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery 	<ul style="list-style-type: none"> • Write off of debt 	<ul style="list-style-type: none"> • Insurance 	<ul style="list-style-type: none"> • Treasury Management Strategy 	<ul style="list-style-type: none"> • Information Technology provision 	<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes 	<ul style="list-style-type: none"> • Mayoralty budget 	<ul style="list-style-type: none"> • Corporate Procurement (including agreement of the 	<ul style="list-style-type: none"> • Consider for approval and adoption emerging 	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality.</p>
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	<p>Procurement Forward Plan and agreeing exceptions to CPRs)</p>	<p>Neighbourhood Plans (for adoption by Council)</p>	
	<ul style="list-style-type: none"> • Consider for approval and adoption emerging statutory Local Plan Development Plan Documents (Council to consider for approval for submission to the Secretary of State and full adoption) 	<ul style="list-style-type: none"> • Consider for approval and adoption Local Development Scheme, Statement of Community Involvement, Supplementary Planning Documents and Planning Briefs 	
	<p>(3) To submit recommendations to the Council in the event of a difference of opinion arising between committees upon a matter which falls within the terms of reference of more than one committee.</p> <p>(4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.</p> <p>(5) To consider and take any necessary action upon proposals for new legislation, Bills before Parliament, Acts of Parliament and other proceedings before Parliament affecting or likely to affect the interests of the Borough or its inhabitants generally where not the specific concern of any other committee(s). The promotion of Bills and Provisional and Statutory Orders in Parliament shall be dealt with by the Council.</p> <p>(6) Consider for approval budget and business plan of the Barnet Group Ltd.</p> <p>(7) To allocate a budget, as appropriate, for Area Committees and agree a framework for governing how that budget may be spent.</p> <p>(8) To represent Barnet's strategic interests in dealings with sub-regional, regional and national Government and influence relevant tiers of Government</p>		

	<p>(9) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To receive reports on the issuance of grants below £5000 by Officers in accordance with their delegated authority.</p> <p>(12) To note decisions taken by theme committees, the Planning Committee and Licensing Committee on fees and charges within the remit of those committees.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Performance and Contract Management Committee</p>	<p>(1) Overall responsibility for quarterly budget monitoring, including monitoring trading position and financial strategy of Council Delivery Units.</p> <p>(2) Monitoring of Performance including, but not limited to, targets of Delivery Units and Support Groups including Customer Support Group; Re; the Barnet Group Ltd (including Barnet Homes and Your Choice Barnet); HB Public Law; NSL; Adults and Communities; Family Services; Education and Skills; Street Scene; Public Health; Commissioning Group; and Assurance.</p> <p>(3) Receive and scrutinise contract variations and change requests in respect of external delivery units.</p> <p>(4) To make recommendations to Policy and Resources and Theme Committees on relevant policy and commissioning implications arising from the scrutiny of</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality</p>

	<p>performance of Delivery Units and External Providers.</p> <p>(5) Specific responsibility for the following functions within the Council:</p> <table border="1" data-bbox="418 340 1045 472"> <tr> <td data-bbox="418 340 732 472"> <ul style="list-style-type: none"> • Risk Management </td> <td data-bbox="732 340 1045 472"> <ul style="list-style-type: none"> • Treasury Management Performance </td> </tr> </table> <p>(6) Note the Annual Report of the Barnet Group Ltd.</p> <p>(7) To consider reserved matters of the Joint Venture Company (JVCO).</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with Meeting Procedure Rules.</p> <p>(11) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	<ul style="list-style-type: none"> • Risk Management 	<ul style="list-style-type: none"> • Treasury Management Performance 	
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<p>Children, Education, Libraries and Safeguarding</p>	<p>1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Planning the adequate provision of school places in the Borough • Investment in educational 	<p>9 Chairman, Vice Chairman, Members and substitutes to be</p>		

<p>Committee</p>	<p>infrastructure to meet the needs of the Borough's learners</p> <ul style="list-style-type: none"> • Development and enhancement of the Library Service • Development of cultural activities • To be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools) <p>(2) Lead the Council's responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul style="list-style-type: none"> • Oversee effective support for young people in care; and enhance the Council's corporate parenting role • Oversee the multi-agency Youth Offending Team • Oversee the effective provision of support across partners for the wellbeing of vulnerable families - including the Troubled Families programme <p>(3) Consider for approval the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> • Education • Inclusion • Child Poverty • Early Intervention and Prevention <p>(4) To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(5) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(6) To receive and consider reports as appropriate from the Children's Partnership Board.</p> <p>(7) To consider for approval Fees and Charges for those areas under the remit of the Committee.</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework</p> <p>(9) To consider petitions within the remit of</p>	<p>appointed by Council. Requirement to have a Lead Member for Children's Services. Committee to be made up in accordance with proportionality</p> <p><u>Co-Opted Members</u></p> <p>The following co-opted members will be appointed. They may speak on all matters but cannot vote.</p> <p>Three Voluntary Aided School Representatives - to provide a faith perspective on education matters (Church of England; Roman Catholic; and Jewish Voluntary Aided representatives).</p> <p>One representative from the Standing Advisory Committee on Religious Education</p> <p>Two Parent governor representatives (PGRs) elected by other parent governors to represent the views of all parents and hold the authority to account by consulting with and feeding back to parents on discussions and decisions relating to education.</p>
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	<p>the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(12) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(13) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>(14) To receive and consider reports as appropriate from the Corporate Parenting Advisory Panel.</p> <p>(15) Receive an annual report from the Lead Member for Children's Services (Chairman of Children Education Libraries and Safeguarding Committee) covering key matters.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Adults and Safeguarding Committee	(1) Specific responsibilities include: To be responsible for those powers, duties and functions of the Council in relation to	9 Chairman, Vice Chairman, Members and

	<p>Adults and Communities including the following specific functions:</p> <ul style="list-style-type: none"> • Promoting the best possible Adult Social Care services <p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) To consider for approval fees and charges for those areas under the remit of the Committee</p> <p>(4) Specific responsibilities to include:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <ul style="list-style-type: none"> • Leisure Services. </div> <p>(5) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(6) To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, virements or</p>	<p>substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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<p>Environment Committee</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 1032 1050 2078"> <tr> <td data-bbox="438 1032 738 1238"> <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads </td> <td data-bbox="738 1032 1050 1238"> <ul style="list-style-type: none"> Parking provision and enforcement </td> </tr> <tr> <td data-bbox="438 1238 738 1294"> <ul style="list-style-type: none"> Road Safety </td> <td data-bbox="738 1238 1050 1294"> <ul style="list-style-type: none"> Street Lighting </td> </tr> <tr> <td data-bbox="438 1294 738 1682"> <ul style="list-style-type: none"> Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan </td> <td data-bbox="738 1294 1050 1682"> <ul style="list-style-type: none"> Refuse and recycling </td> </tr> <tr> <td data-bbox="438 1682 738 1776"> <ul style="list-style-type: none"> Street Cleaning </td> <td data-bbox="738 1682 1050 1776"> <ul style="list-style-type: none"> Waste Minimisation </td> </tr> <tr> <td data-bbox="438 1776 738 1883"> <ul style="list-style-type: none"> Waterways </td> <td data-bbox="738 1776 1050 1883"> <ul style="list-style-type: none"> Allotments </td> </tr> <tr> <td data-bbox="438 1883 738 2029"> <ul style="list-style-type: none"> Parks and Open Spaces </td> <td data-bbox="738 1883 1050 2029"> <ul style="list-style-type: none"> Fleet Management </td> </tr> <tr> <td data-bbox="438 2029 738 2078"> <ul style="list-style-type: none"> Trees </td> <td data-bbox="738 2029 1050 2078"> <ul style="list-style-type: none"> Cemetery and </td> </tr> </table>	<ul style="list-style-type: none"> Street Scene including pavements and all classes of roads 	<ul style="list-style-type: none"> Parking provision and enforcement 	<ul style="list-style-type: none"> Road Safety 	<ul style="list-style-type: none"> Street Lighting 	<ul style="list-style-type: none"> Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan 	<ul style="list-style-type: none"> Refuse and recycling 	<ul style="list-style-type: none"> Street Cleaning 	<ul style="list-style-type: none"> Waste Minimisation 	<ul style="list-style-type: none"> Waterways 	<ul style="list-style-type: none"> Allotments 	<ul style="list-style-type: none"> Parks and Open Spaces 	<ul style="list-style-type: none"> Fleet Management 	<ul style="list-style-type: none"> Trees 	<ul style="list-style-type: none"> Cemetery and 	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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	crematorium and Mortuary
<ul style="list-style-type: none"> Trading Standards 	<ul style="list-style-type: none"> <u>Environmental Health Services (excluding Private Sector Housing)</u> Contaminated land and all statutory nuisances.
<ul style="list-style-type: none"> Flood Risk Management (scrutiny aspect) 	

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

- consider for approval the annual programme of highways and footways works
- creating, stopping up and diverting footpaths and bridleways
- asserting and protecting public rights to use highways
- removing things deposited on highways which cause nuisance

(3) Environmental Health functions, including the regulation of the following:

- Food hygiene, safety and standards, including composition and labelling.
- Infectious Disease Control
- Drinking Water Quality
- Animal Feeding stuffs
- Health and Safety at Work where the Council is the Enforcing Authority
- Animal Health and Welfare
- Business training and advice
- Air Quality
- Contaminated Land
- Pollution Control
- Electromagnetic radiation
- Exhumations
- Statutory Nuisance, including noise, smoke, dust and odours

- Drainage
- Anti-social behaviour
- Pest Control
- Health Promotion in relation to any of the matters included above

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

(4) Trading Standards functions, including regulation of the following:

- Age Related Sales
- Metrology
- Fair Trading
- Safety
- Quality
- Consumer Protection

(45) To consider for approval fees and charges for those areas under the remit of the Committee

(56) To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.

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

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

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

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

<p> </p> <p> </p> <p> </p>	<p>(4011) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(4112) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>(4213) Determining applications to the Area Committee Budget referred by Area Committees.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Assets, Regeneration and Growth Committee</p>	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Develop and oversee a Regeneration Strategy • Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates • Promote skills and enterprise and approve a Skills Enterprise and Employment Strategy (having regard to the views of the Lead Member for Children’s Services on relevant matters) • Engagement with the business community and measures to support local business • Oversee major regeneration schemes- including those of key social housing estates • Town Centre regeneration programmes • Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or 	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p style="text-align: center;">disposed of by the Council</p> <p>(2) To consider for approval fees and charges for those areas under the remit of the Committee.</p> <p>(3) To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(4) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(5) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(9) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and</p>	
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	determined by the Policy and Resources Committee.	
Housing Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Housing Strategy (incorporating Homelessness Strategy) • Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing • Commissioning of Environmental Health <u>private sector housing functions</u> • Promote the better integration of privately rented properties into the Borough's framework; • <u>All matters related to regulation of private sector housing, including enforcement, licensing, empty properties and squatting</u> All matters related to Private sector Housing including Disabled Facility Grants • <u>Housing licensing and housing enforcement.</u> • <u>All matters relating to provision of disabled facilities and other housing related grants, including the operation of a Home Improvement Agency</u> <p>(2) To consider for approval fees and charges for those areas under the remit of the Committee</p> <p>(3) To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(4) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(5) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p>Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(9) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Community Leadership Committee	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector • Registration and Nationality Service • Emergency Planning • Civic events <p>(1) To oversee arrangements for cross partner co-operation including any pooling of budgets (other than those within the remit of the Health and Well Being Board) e.g. Community Budgets.</p> <p>(2) To maintain good community relations with Barnet's diverse communities ensuring that all communities have the opportunity to participate fully in the Borough's affairs.</p> <p>(3) To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti flytipping and other environmental crime, action against</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality.</p>

	<p>Domestic Violence and any other relevant Council activity.</p> <p>(4) To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.</p> <p>(5) Provide scrutiny aspect of Community Safety.</p> <p>(6) To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(12) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(13) To receive reports on relevant</p>	
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	<p>performance information on Delivery Units providing services under the remit of the Committee.</p> <p>(14) Determining applications to the Area Committee Budget referred by Area Committees.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Community Leadership Sub-Committee	To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid) when there is no scheduled meeting of the full Committee which falls within the eight week statutory deadline for determining applications	<p>3</p> <p>Community Leadership Committee Chairman, Vice-Chairman and Opposition Spokesperson</p> <p>Membership to be appointed by Community Leadership Committee</p>
Area Committees	<p>In relation to the area covered by the Committee:</p> <p>(1) Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors.</p> <p>(2) Discharge any functions, within the budget and policy framework agreed by Policy and Resources, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to:</p> <ul style="list-style-type: none"> • <i>Town Centre Regeneration and Management</i> • <i>Sewers, drainage, public conveniences, water courses</i> • <i>Refuse collection, litter, cleansing, waste and recycling</i> • <i>Parks, open spaces, nature reserves, allotments, recreation and leisure facilities</i> • <i>Libraries and Culture</i> • <i>Cemeteries and Crematoria</i> 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>One Member and one Substitute member for each Ward.</p>

	<ul style="list-style-type: none"> • <i>Day to day environmental issues and management of land on Council Housing estates</i> • <i>Local highways and safety schemes</i> <p>(4) Administer any local budget delegated from Policy and Resources Committee for these committees in accordance with the framework set by the Policy and Resources Committee.</p> <p>(5) Powers to deal with small public works.</p> <p>(6) Consider petitions which:</p> <ul style="list-style-type: none"> • <u>Receive between 25 and 1,999 signatures <i>which have been referred by a Residents Forum; or</i></u> • <u>Receive between 2,000 and 6,999 signatures and relate to the terms of reference of the Area Committee.</u> <p>Area committees should not deal with issues that are specifically within the remit of other committees (e.g. Licensing), that should be exercised at a Borough wide level or that are outside the budget and policy framework.</p>	
Council acting as the Licensing Authority	Agreeing and reviewing the Statement of Licensing Policy.	All Members of the Council
Licensing Committee	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 <u>and</u> associated Regulations, not otherwise delegated to the Licensing Sub-Committee.</p> <p><u>All functions relating to licensing of Sex Shops, Sex Cinemas and Sex Encounter Establishments</u></p> <p>Applications and appeals and revocations relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments.</p> <p><u>All functions relating to licensing of Massage and Special Treatments.</u></p> <p>Applications, appeals and revocations relating to Special Treatment Licenses.</p> <p><u>All functions relating to film classification for films shown within the borough.</u></p> <p>Application for film classification for films shown within the Borough.</p> <p><u>All functions relating to licensing of Street Trading, including designation of streets.</u></p>	<p>11</p> <p>Chairman, Vice Chairman, Members</p>

	<p>Gaming, entertainment, food and miscellaneous licensing including functions relating to: street trading including the designation of permanent pitches for street trading.</p> <p><u>All functions relating to animal licensing, including zoos, pet shops, kennels, riding establishments, animal boarding establishments, dog breeding establishments, dangerous wild animals and performing animals.</u></p> <p><u>All functions relating to licensing of Scrap Metal Dealers.</u></p> <p><u>All functions relating to licensing of explosives.</u></p> <p>Safety at sports ground certification.</p> <p>To consider for approval fees and charges for those areas under the remit of the Committee.</p>	
Licensing Sub-Committee	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p>	<p>3</p> <p>Chairman appointed at each meeting of a Sub-Committee.</p>
Audit Committee	<p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <ol style="list-style-type: none"> 1. To consider the annual internal audit opinion and plan. 2. To consider summaries of specific internal audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of internal audit services. 4. To consider a report from internal audit 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Committee to be made up in accordance with proportionality. The membership should also include two independent, non-voting Members with a period of appointment of four years.</p> <p>The Chairman should preferably be a member of an opposition party. Additionally, the Chairman should not be permitted to serve in that role for more than 4 consecutive years.</p>

	<p>on agreed recommendations not implemented within a reasonable timescale.</p> <ol style="list-style-type: none"> 5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the external auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the body responsible over the appointment of the Council's external auditors. 9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive. 10. To consider for approval revisions to the Internal Audit Charter. 11. To consider for approval decisions relating to the appointment and removal of the Chief Audit Executive 12. To make recommendations to the relevant Committee for consideration of audit assurance matters of significant concern. <p><u>Anti-Fraud Activity</u></p> <ol style="list-style-type: none"> 13. To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT). 14. To consider the anti-fraud strategy, annual anti-fraud work plan and CAFT Annual Report. 15. To consider regular anti-fraud progress reports and summaries of specific fraud issues and investigation outcomes. 16. To monitor the Council's Counter Fraud framework and policies within and recommend their application across the Council. <p><u>Regulatory Framework.</u></p> <ol style="list-style-type: none"> 17. To review any issue referred to it by the Chief Executive or a director, or any Council body. 18. To monitor the effective development and 	
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	<p>operation of risk management and corporate governance in the Council.</p> <p>19. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p><u>Accounts</u></p> <p>20. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p>21. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Annual Report</u></p> <p>22. The Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness.</p>	
<p>Planning Committee</p>	<p>To determine Applications for Planning Permission made under the Town and Country Planning Act 1990 where the recommendation is for approval and the development:</p> <ul style="list-style-type: none"> a. is within the categories which must be referred to the Mayor of London under the London Mayor Order; b. does not accord with the provisions of the Development Plan and, in the opinion of the Chief Planning Officer, constitutes a significant departure; or c. is by or on behalf of the Council and, in the opinion of the relevant Chief Planning Officer], it is a significant development <p>The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>The confirmation of Town and Village Green Registration Applications under the Commons Act 2006, including considering the recommendations of a non-statutory inquiry chaired by an independent person.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning.</p> <p>Consider for approval and confirmation Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>Recommending the creation of Conservation Areas to Full Council</p> <p>Consider approving Article 4 Directions for consultation</p> <p>Take action under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.</p> <p>Any other planning application or planning matter referred to this Committee by relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Reports on all matters reserved to the Committee shall be made direct to the Committee and not through an Area Planning Committee.</p> <p>To receive and comment on any Strategic Planning Pre-Application Briefing.</p> <p>Any Planning Area Committee agenda item referred to this Committee for consideration and determination.</p> <p><u>To consider for approval fees and charges for those areas under the remit of the Committee.</u></p>	
<p>Area Planning Committees (3)</p>	<p>To determine the following application types, except where they are referable under the Constitution to the Planning Committee:</p> <p>A. Applications for Planning Permission made under the Town and Country Planning Act 1990;</p>	<p>Chipping Barnet Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards:</p>

	<p>B. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>C. Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;</p> <p>Where the recommendation is for approval and:</p> <p>a. there is significant local public objection (defined as 5 or more objectors who have objected in writing in response to a planning application)</p> <p>b. there is a Ward Councillor referral, as defined in the meeting procedural rules</p> <p>Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.</p> <p>Any other application or planning matter referred to this Committee by the relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Applications to undertake treatment to trees included within a Tree Preservation Order</p> <p>Applications for a Hedgerow removal notice made under the Hedgerow Regulations 1997</p>	<p>Underhill High Barnet East Barnet Oakleigh Brunswick Park Coppetts Totteridge</p> <p>Finchley and Golders Green Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards: East Finchley West Finchley Woodhouse Childs Hill Finchley Church End, Garden Suburb Golders Green</p> <p>Hendon Area Planning Committee</p> <p>7 (One Councillor representing the following wards: Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill</p>
<p>General Functions Committee</p>	<p>All other Council functions that are not reserved to Full Council including</p> <ul style="list-style-type: none"> • Appointing representatives on outside bodies • Nominating local authority representatives to School Governing bodies • Staff matters (i.e. salaries and conditions of service) other than those within the 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>remit of Chief Officer Appointment Panel</p> <ul style="list-style-type: none"> • Polling Stations • Ward Boundaries • Request a ward boundary review by the Local Government Boundary Commission for England • Elections in general • Health and safety • Carry out functions in relation to approving premises for marriages and the formation of civil partnerships under the Marriage Act 1949, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 • Determine Members requests for non-committee information as specified in the Members Information Management Policy • Endorsing the calendar of meetings prior to Council approval • Agreeing the Members Diary and Year Book <p>Where decisions have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee.</p> <p>Collective Disputes - In accordance with the Council's Trade Union and Employee Engagement Framework, certain disputes may be referred to the General Functions Committee.</p> <p>(a) Only where there has been a failure to agree at People Management Group about the implementation (or proposed implementation) of change affecting working arrangements can the matter be referred to the General Functions Committee at its next scheduled meeting.</p> <p>(b) Issues concerning working arrangements which are submitted to the General Functions Committee will be supported by the minutes of the People Management Group which considered the matter.</p> <p>(c) Where the matter is not resolved at this point, the Collective Disputes Procedure is</p>	
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regarded as exhausted and the Council will advise trade unions and employees of its intentions.

(d) When considering the report, a representative of the trade unions may be requested to speak with the consent of the Chairman or be questioned by the Committee before a decision is made.

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

In accordance with supplementary guidance issued by the Department for Communities & Local Government in 2012 and February 2013 Council be given the opportunity to vote on Chief Officer salary packages, of salary packages of £100,000 or more and any severance packages at or above £100,000 and in instances where Council has delegated these functions to the General Functions Committee, then the General Functions Committee will:

Decide on and report back to Council on

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

Responsibilities

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

- a. To develop the annual pay policy statement for full Council approval and be responsible for the publication of the annual statement, which will include:
 - The level and elements of

	<ul style="list-style-type: none"> remuneration for each Chief Officer; • Relationship of the remuneration of Chief Officers and other officers; • A description of the relationship between decisions made on the lowest paid and top paid employees in the organisation; • Remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition); • Remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments; • Transparency arrangements; • Reasons for chosen approach to remuneration levels and how this is to be implemented; • Differences of approach to groups of employees and the reasons for them; • Pay dispersion. • Incremental progression factors • Use of honoraria and ex-gratia payments • Determine remuneration parameters for officers who have returned to work for a local authority • Appointment and remuneration terms <p>b. To review annually remuneration, as defined above</p> <p>c. To keep under review the terms & conditions as they relate to pay for all Council employees and where changes have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee and/or General Functions Committee.</p> <p>d. To receive information in the context of reward from organisations that have a relationship with the Council or arrangements that may influence decisions when determining pay</p> <ul style="list-style-type: none"> • The employees of Barnet Group • Contractors • Shared management schemes • Outplacements • Agency and other staff 	
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	<p>e. To have oversight to ensure that remuneration terms of appointments are appropriate.</p> <p>f. To take advice from the Pension Fund Committee with regard to decisions on pay that would impact upon pension arrangements or contributions.</p> <p>g. To set parameters for the remuneration of Chief Officers on recruitment.</p> <p>h. To ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the pay policy statement between annual reviews.</p> <p>i. To have oversight of the national pay agenda and consider the implications in the local context.</p> <p>j. To commission relevant research and/or comparative information on salaries in the public and private sectors e.g. from:</p> <ul style="list-style-type: none"> • The Council's own HR function • National and/or Regional employers' organisations • Independent consultancy organisations with relevant experience in pay market analysis • Submissions made by the Associations on behalf of their members and make recommendations thereon. <p>k. To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</p> <p>l. To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</p> <p>m. To reference back to previous year's actual remuneration for Chief Officers and senior employees (definition of senior employee is consistent with CLG Code of Recommended Practice for Local Authorities on Data Transparency).</p>	
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	<p>n. To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</p> <p>o. To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</p> <p>p. To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</p> <p>q. To refer such items as necessary to the Council.</p> <p>r. To refer to guidance from the Secretary of State.</p>	
Constitution, Ethics and Probity Committee	<p>To have responsibility for overseeing the Council's governance arrangements.</p> <p>Proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.</p> <p>To consider and make recommendations to the Council on: (i) how it can satisfy the continuing duty to promote and maintain high standards of conduct for Members; (ii) on the Code of Conduct for Members; and (iii) on ethical standards in general across the authority.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>
Standards Committee	<p>To investigate and determine allegations of a breach of the Code of Conduct for Members in the context of satisfying the Council's continuing duty to promote and maintain high standards of conduct for Members.</p>	<p>5 (2 Members each from the Administration and the Opposition, and an Independent Member Chairman)</p> <p>2 Substitute Members each from the Administration and the Opposition.</p>
Pension Fund Committee	<p>To consider approval and act in accordance with the following statutory Pension Fund documents:-</p> <ul style="list-style-type: none"> • Statement of Investment Principles • Funding Strategy Statement • Governance Policy Statement 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<ul style="list-style-type: none"> • Pension Administration Strategy • Communication Policy Statement <p>To review the above documents at least triennially, or more frequently if advised by the Chief Finance Officer of the need to do so (e.g. change in statutory guidance on what these documents should cover).</p> <p>To meet review and consider approval of the Pension Fund Statement of Accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be)</p> <p>To receive and consider approval of the Pension Fund Annual Report.</p> <p>To invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled/admitted body) to meetings of the committee. These representatives are appointed to advise the committee on behalf of the interests they represent, but are not to have any voting rights. Further invites to scheduled/admitted bodies to be decided by the chairman of the committee.</p> <p>To appoint independent investment advisors.</p> <p>To appoint Pension Fund investment managers.</p> <p>To appoint Pension Fund actuaries.</p> <p>To appoint a performance management company.</p> <p>To appoint custodians.</p> <p>To review and challenge at least quarterly the Pension Fund investment managers' performance against the Statement of Investment Principles in general and investment performance benchmarks and targets in particular. One of these meetings to be the annual review, at which the representative from the council's performance management organisation attends to comment on the relative performance of the fund managers.</p>	
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	<p>To consider actuarial valuations and their impact on the Pension Fund.</p> <p>To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.</p> <p>To consider for approval applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.</p> <p>To determine the appropriate course of action on any matter not specifically listed above that pertains to the leadership and/or strategic management of the Pension Fund, in particular any matter which could materially affect its financial performance or long-term standing.</p> <p>To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate</p> <p>To require that all voting members receive adequate training on matters relating to the operation of the Local Government Pension Scheme to enable the committee to fulfil its fiduciary responsibilities in a satisfactory manner.</p> <p><u>To approve the annual budget of the Pension Fund Board.</u></p>	
Local Pension Board	<p>The Board is responsible for assisting with:</p> <ul style="list-style-type: none"> ○ securing compliance with Local Government Pension Scheme (LGPS) Government regulations and any other legislation relating to the governance and administration of the LGPS ○ securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator. ○ such other matters that the LGPS regulations may specify <p>Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund</p>	<p>5 Members comprising:</p> <p>2 employers side representatives (one councillor and one employer representative from an admitted body)</p> <p>2 employee side representatives (one active member and one deferred member)</p> <p>1 independent member/advisor</p>

Ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; pensions administration strategy; Pension Fund annual report and accounts; statement of investment principles

Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually

Review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS

Review the Pension Fund's performance in complying with the requirements of the Pension Regulator

Annually submit a proposed work plan for the forthcoming financial year, to the Pension Fund Committee

To carry out any other activities relating to the efficient governance and administration of the Pension Fund.

To submit an annual budget to the Pension Fund Committee for approval.

To submit an annual report on the work of the Board to the Pension Fund Committee.

To submit an annual report on the work of the Board to Full Council.

To report any breach of compliance or other significant issues to Full Council.

The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other than duties which are the responsibility of the Administering Authority (refer to Pension Fund Committee terms of reference)

The Administering Authority retains ultimate responsibility for the administration and

	governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.	
Chief Officer Appointment Panel	To deal with Chief Officer Appointments, Discipline and Capability matters.	5 Chairman, Vice Chairman, Members and substitutes appointed by Council. By convention the Members comprise: Chairman – Leader of the Council Deputy Leader of the Council. Chairman of General Functions Committee. Leader of the Opposition Leader of the Minority opposition group <i>One substitute from each political group</i>
Health and Wellbeing Board	(1) To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies. (2) To agree a Health and Wellbeing Strategy (HWBS) for Barnet taking into account the findings of the JSNA and performance manage its implementation to ensure that improved outcomes are being delivered. (3) To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social wellbeing. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; the Better Care Fund; and Section 75 partnership agreements between the NHS and the Council.	Chairman, Vice Chairman, Members and substitutes appointed by Council. Three Members of the Council Director of Public Health, Barnet and Harrow Commissioning Director for Children & Young People Commissioning Director for Adults & Health Barnet Clinical Commissioning Group-Board members x 3 Barnet Clinical Commissioning Group-Chief Officer Barnet Healthwatch representative Independent Chair of the Adults and Children's

	<p>(4) To consider all relevant commissioning strategies from the CCG and the NHS England and its regional structures to ensure that they are in accordance with the JSNA and the HWBS and refer them back for reconsideration.</p> <p>(5) To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients.</p> <p>(6) To directly address health inequalities through its strategies and have a specific responsibility for regeneration and development as they relate to health and care. To champion the commissioning of services and activities across the range of responsibilities of all partners in order to achieve this.</p> <p>(7) To promote partnership and, as appropriate, integration, across all necessary areas, including the use of joined-up commissioning plans across the NHS, social care and public health. To explore partnership work across North Central London where appropriate.</p> <p>(8) Receive the Annual Report of the Director of Public Health and commission and oversee further work that will improve public health outcomes.</p> <p>(9) Specific responsibilities for:</p> <ul style="list-style-type: none"> • Overseeing public health • Developing further health and social care integration. 	<p>Safeguarding Boards (Non-Voting Member) NHS England</p> <p>NOTE 1: Each member will be able to nominate a substitute member if they are unable to attend.</p> <p>NOTE 2: The flexibilities given in the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013(SI 218) to disapply elements of the 1972 Local Government Act have been used to:</p> <p>Waive requirement for proportionality</p> <p>Allow voting rights to members other than Members of the Council.</p>
<p>Health Overview and Scrutiny Committee</p>	<ol style="list-style-type: none"> 1. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas. 2. To make reports and recommendations to Council, Health and Well Being Board, the Secretary of State for Health and/or other relevant authorities on health issues which affect or may affect the borough and its 	<p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by Council</p>

	<p>residents.</p> <p>3. To receive, consider and respond to reports, matters of concern, and consultations from the NHS Barnet, Health and Wellbeing Board, Health Watch and/or other health bodies.</p> <p>4. To scrutinise and review promotion of effective partnerships between health and social care, and other health partnerships in the public, private and voluntary sectors.</p> <p>5. Both Council and the Health Overview and Scrutiny Committee are authorized pursuant to Regulation 30 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 to establish together with the health overview and scrutiny committees of one or more other local authorities a joint overview and scrutiny committee. Any such joint overview and scrutiny committee shall have such terms of reference and shall exist for so long, as the appointing Overview and Scrutiny Committees may agree.</p> <p>6. Appointment of Members to any such Committees established can only be made by Full Council.</p>	
Urgency Committee	To consider any item of business which needs a decision as a matter of urgency and where a meeting of the relevant Committee is not scheduled to take place within the time period within which the decision is required.	3 Appointed by Council.
Residents Forums <u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards. <u>Hendon Residents Forum</u> Hale, Edgware,	<p>Residents Forums provide an opportunity for any resident to raise local matters. Local matters are any matters which are relevant to the Council except for matters relating to specific planning or licensing applications.</p> <p>Items and questions must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.</p> <p>The Forum Chairman has the discretion to accept items and questions with less than five days notice if they deem the matter to be</p>	A Chairman and Vice-Chairman of each appointed by the Council.

<p>Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards</p> <p><u>Finchley and Golders Green Residents Forum</u> Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards</p>	<p>urgent. Responses to urgent matters will be responded to by officers at the Forum meeting.</p> <p>The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.</p> <p>The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.</p> <p>The Chairman will determine issues in the following way:</p> <ol style="list-style-type: none"> 1. Residents will have the opportunity to discuss the issue raised 2. Chairman, Chief Officers or other relevant officers may respond to the issues raised 3. Having considered the issues the Chairman can take the following actions: <ul style="list-style-type: none"> - note the issue and take no action - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response - instruct that Ward Members are notified of the issue. - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee <p>When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.</p>	
<p>Local Strategic Partnership (Barnet Partnership Board)</p>	<p>(a) A Local Strategic Partnership is an advisory committee which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies. In Barnet the functions of a Local Strategic Partnership are discharged by the Barnet Partnership Board.</p>	<p>Leader of the Council</p> <p>Other Council representatives to be appointed by Annual Council</p> <p>Senior representatives from:</p> <p>Met Police</p> <p>Middlesex University</p> <p>Barnet Clinical</p>

	<p>(b) The Barnet Partnership Board is not the ultimate decision maker. All target-setting and consequential financial, commissioning or contractual commitments proposed by it must be formalised through the Council's Decision making structure or through one of the other members of the Board (for example if policing resources are involved). Note; Provisions relating to the Health and Well Being Board are slightly different and reflect Government Regulations on their remit and legal status. Terms of Reference are set out in Responsibility for Functions.</p> <p>(c) The Council will exercise a leadership role in relation to the Barnet Partnership Board and specifically will ensure that it has a formal constitution setting out its terms of reference, membership, organisational and management arrangements and the duties and responsibilities of Partnership members, such duties and responsibilities to be incorporated into a partnership agreement to be signed by all Partnership members.</p> <p>(d) The Council will ensure that the Barnet Partnership Board develops clear and transparent lines of accountability and responsibility between its members.</p> <p>(e) The Council will, on an annual basis (or at more frequent intervals should it deem it appropriate to do so), consider a report on the work and performance of the Barnet Partnership Board and its thematic Boards, Partnerships and sub-Partnerships, such annual report to include, amongst other things, a review of the governance arrangements and the progress made in respect of Sustainable Community Strategy priorities and objectives.</p> <p>(f) The Council will ensure that a Partnership Register is maintained (and regularly reviewed) by the Council's Officers which sets out key information in relation to the governance arrangements of the Barnet Partnership Board, its thematic Boards, Partnerships and Sub-Partnerships, to include details on terms of reference, membership, financial arrangements, statutory requirements, accountability, risk assessments and data sharing protocols.</p>	<p>Commissioning Group Community Barnet Brent Cross Shopping Centre Barnet and Southgate College Job Centre Plus</p>
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	<p>(g) The Council will ensure that appropriate arrangements are in place to enable appropriate review of the Barnet Partnership Board, thematic Boards, Partnerships and sub-Partnerships and relevant partner associations in accordance with statutory provision.</p>	
<p>Children's Partnership Board</p>	<p>Barnet's Children's Partnership Board brings together all services for children and young people in the borough, to focus on hearing the voice of children and young people and improving their outcomes.</p> <p>The Children's Partnership is not a separate organisation. Each partner retains its own functions and responsibilities within the wider partnership framework. Representatives from member organisations make up the Barnet Children's Partnership Board which keeps a strategic oversight of the Children and Young People's Plan. Each organisation has agreed to be responsible for implementing this plan</p> <p>The legal framework underpinning Barnet's Children's Partnership Board arrangements is the 'duty to cooperate' and improve the well-being of children across the Borough, set out in S10 of the Children Act 2004.</p> <p>Responsibilities and Functions</p> <p>The Children's Partnership Board is accountable for the following:</p> <ul style="list-style-type: none"> • Ensuring the voice of children and young people is heard in Barnet • Developing and delivering the Children & Young People's Plan. • Ensuring that the collective resources of the partners are being used to the best effect to meet the priorities in the Children & Young People's Plan. • Resolving issues that block progress against the priorities. • Signing off all Plans and Strategies relating to Children and Young People in Barnet prior to presentation to executive groups (eg CELS, HWBB) 	<p>The Board will be chaired by the Lead Member for Children's Services as appointed by the Council.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend, by agreement with the chairman.</p> <p>Current partners are:</p> <ul style="list-style-type: none"> • LB Barnet • Barnet Clinical Commissioning Group • CommUnity Barnet • Barnet and Southgate College • Metropolitan Police • Primary, Secondary and Special Schools

	<p>This includes shared responsibility for:</p> <ul style="list-style-type: none"> • Meeting the priorities in the Children & Young People’s Plan. • Jointly developing, delivering and resourcing strategies and action plans necessary to meet the priorities, • Addressing barriers to meeting the priorities and to identifying future needs, including communication, information and data sharing. • Keeping Children’s workforce informed and involved, providing clear direction, development and training as necessary. • Releasing staff to develop and attend network events. • Clarifying and simplifying governance structures and decision-making. • Ensuring that children, young people and families have a voice in decision making that affects them. • Monitoring performance towards agreed outcomes and taking remedial action where necessary. • Building upon good practice and developing an evidence-based approach to what works. <p>The Board’s remit includes the needs of all children and young people in Barnet under the age of 19, young people up to the age of 25 leaving care and young people up to the age of 25 with disabilities and/or learning difficulties. These responsibilities include effective transition arrangements, where necessary.</p> <p>The Board will meet as a Annual Children and Young People’s Conference.</p>	
<p>Safer Communities Partnership Board</p>	<p>The Safer Communities Partnership Board (SCPB) is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending and promote social cohesion. It acts as the Crime and Disorder Reduction Partnership as defined (and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act. The SCPB operates within the constitutional requirements of Barnet Council, the Metropolitan Police and other partner</p>	<p>Meetings will be quarterly and a quorum will comprise four members provided this consists of:</p> <p>The Chairman or Vice Chairman</p> <p>At least one representative each of the Council and the Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> • London Probation

	<p>agencies, who ensure that the Board's approaches to policy formulation and resource allocation are consistent with those of the agencies concerned. It is a thematic subgroup of the Barnet Partnership Board which has overall strategic responsibility and has delegated to the SCPB the responsibility for delivering the Strong Safe Communities for Everyone theme of the Sustainable Community Strategy.</p> <p>It is taking forward one of the objectives in the strategy to develop an Integrated Offender Management system that brings together the different agencies involved in managing the punishment and rehabilitation of offenders in a much more efficient and joined up way, reducing the risks of reoffending and ensuring far more offenders complete their drug rehabilitation successfully.</p> <p>Barnet Safer Communities Partnership is an unincorporated body and therefore it does not have a legal personality. Its members work collectively within their own individual legal frameworks.</p>	<p>Trust</p> <ul style="list-style-type: none"> • National Probation Service • London Fire Brigade • Barnet Clinical Commissioning Group • MOPAC- Mayor's Office for Policing and Crime • Barnet Safer Neighbourhood Board • Middlesex University • North West London Magistrates' Court • Community Barnet • Victim Support, North London Division • Department for Work and Pensions <p>The Chairman will be an elected Local Authority member to reflect the Council's role in providing community leadership in this area.</p> <p>The Vice Chairman will be from the Metropolitan Police. These chairing arrangements will be reviewed and agreed at the first meeting of the Board in each new municipal year.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend.</p>
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Article 10 - Decision Making

10.01 Responsibility for decision making

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

10.02 Principles of decision making

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

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

10.03 Type of decision

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

10.04 Decision making by the Full Council

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

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

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

10.06 **Decision making by Officers**

Chief officers have delegated authority to make decisions in accordance with the powers delegated by Council via Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) and the Schemes of Delegation maintained by Chief Officers and published on the council's website.

10.07 Decision making by Council bodies acting as tribunals

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

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

References:

Section 135, 151, 223 and 234, Local Government Act 1972

Part VIII, Local Government Finance Act 1988

11.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in the Constitution.

11.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in the Constitution.

11.03 Legal Proceedings

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

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

11.04 Authentication of Documents

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

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

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

1. the Chief Executive;
2. the Monitoring Officer;
- ~~3. the Head of Legal;~~
- 4.3. any Chief Officer of the Council concerned with the matter to which the document relates; or
- 5.4. any officer authorised in writing by such Chief Officer

11.05 Common Seal of the Council

Common Seal

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

Sealing and Execution of Documents

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

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

Officer Interests

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

Facsimiles of Common Seal

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

1. stock certificates and transfers;
2. grants of rights of burials;
3. superannuation fund documents.

Record of Sealing of Documents

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

11.06 Disposal of land and real property

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

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Article 9 – Chief Officers

9.01 Management Structure

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

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

Chief Executive (Head of Paid Service)
Chief Operating Officer (Section 151 Officer)

~~Strategic Director for Commissioning~~

Commissioning Director, Children and Young People
Commissioning Director, Growth and Development
Commissioning Director, Adults and Health
Commissioning Director, Environment
Assurance Director (Monitoring Officer)

Public Health Commissioner (Director of Public Health)

The Assurance Director will have reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution.

(c) **Statutory Officers**

The Council will designate the following posts as shown:

Post	Statutory Designation
Chief Executive	Head of Paid Service
Assurance Director	Monitoring Officer
Chief Operating Officer	Chief Finance Officer Section 151 Officer
Commissioning Director, Children and Young People	Director of Children's Services
Commissioning Director, Adults and Health	Director for Adult Social Services
Director of Resources	Deputy Section 151 Officer
Public Health Commissioner	Director of Public Health

(d) Other Chief Officers

Post
Strategic Director for Commissioning
Commissioning Director, Growth and Development
Commissioning Director, Environment

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

9.02 Functions of Head of Paid Service

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

9.03 Functions of the Monitoring Officer

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

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

References:

(Section 5), Local Government and Housing Act 1989

Sections 60, 64-66, Local Government Act 2000

Chapters 8 and 9, DETR Guidance

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

Section 29(1), Localism Act 2011

9.04 Functions of the Chief Finance Officer

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

9.05 Functions of the Director of Children's Services

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

9.06 Functions of the Director of Adult Social Services

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

9.07 Functions of the Director of Public Health (DPH)

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

9.08 Other Chief Officers

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

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

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

9.10 Conduct

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

9.11 Employment

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

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ANNEX B TO RESPONSIBILITY FOR FUNCTIONS SCHEME OF DELEGATED AUTHORITY TO OFFICERS

i. POWERS DELEGATED TO OFFICERS

General Powers

1.1 Chief Officers as listed in Article 9 can take decisions:

- to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to, Committees or Council;
- in all matters where they have managerial or professional authority;
- to authorise and accept quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules for approved schemes with sufficient estimate provision;
- to agree settlements of up to £1,000 subject to budget and audit trails;
- to agree financial settlement where recommended by the Ombudsman or a Court;
- without exception, in cases of emergency. This covers emergency decisions that were not anticipated within the budget or Service Plans but nevertheless relate to everyday business, not major changes / decisions outside the approved budget and statutory plans listed as being for decision by Council. For example school heating system fails during mid-winter, or a school roof collapses today. These decisions must be taken in consultation with the Chairman of Policy and Resources Committee.

1.2 All officers to whom powers are delegated under the Constitution will authorise another officer or officers to exercise those powers during periods for which they have given formal notification that they will be absent or unable to be contacted, or when they cannot be contacted due to illness or other indisposition, or in cases of utmost urgency where they cannot be contacted by any means.

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

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

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

Recording of delegated powers to Officers

- 1.6 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
 - The service of formal notice
 - Awarding a contract or incurring expenditure which, in either case, materially affects the Council's financial position
 - The fixing of fees and charges which are broadly in line with or lower than inflation to be levied by the Council
 - Authorisations and acceptances in accordance with the Contract Procedure Rules
 - Land or property transactions
 - The exercise of specific powers pertaining to finance, borrowing and investments
 - The issue or defence of legal proceedings
 - Granting a permission or licence
 - Affect the rights of an individual (i.e. to change an individual's legal rights)
 - Or taking other actions or decisions that are significant in the context of service delivery and/or organisation or upon individuals, external bodies or the public
- 1.7 Recording/publishing of most decisions will be in summary form and will set out the principal matters that are relevant to the decision. Detailed reporting/publishing of individual decisions (Delegated Powers Report) will be by way of exception and only when there is a clear need to do so.
- 1.8 Where formal reporting is not required, the officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant Directorate.

Each Directorate will keep its own central record of all delegated decisions. Proper administrative decision making requires that: -

- Decisions are properly made
- Appropriate reasons are given to those affected
- Decisions are fully recorded

1.9 All Directors and Chief Officers will draw up an up-to-date list of specific powers delegated which must be in accordance with the overall scheme of delegation, is updated annually and is published on the internet.

Specific Powers

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

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

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

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

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

The only exception to these Specific Powers is where:

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

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

1.11 The following Officers also have the powers indicated:

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

Restrictions and Conditions

1.12 Directors and Chief Officers will not take decisions that are reserved to another decision making body under this constitution, and in particular they will only take decisions that are reserved to Council under this Constitution in an emergency and if it is lawful for them to do so.

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

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

1.15 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

2 OFFICER DELEGATIONS

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

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

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

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

3. DELEGATION OF POWERS

3.1 In exercising delegated powers officers must:

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

- g. Authorise another officer or officers to exercise those powers when they are absent or cannot be notified;
 - h. Keep appropriate records and registers of decisions and report to Council, or Committee if required;
 - i. Be accountable to the Council and Members or Committee, from which those powers derive;
 - j. Be subject to decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power;
 - k. Operate under the terms of officers holding politically restricted posts.
- 3.2 Where appropriate the Chief Executive may exercise any function delegated to any other officer, unless prohibited by law.
- 3.3 Chief Officers may exercise any function delegated to any other officer within their Scheme of Delegation, unless prohibited by law.
- 3.4 In the event of any dispute as to the delegated powers of any senior officer the Chief Executive shall have the power to determine which officer is to exercise the power.
- 3.5. Where a function is delegated to a Chief Officer or Director, he/she may sub-delegate the function to another senior officer where any function is sub-delegated in this way, the Chief Officer retains the power to recall any matter for decision, unless prohibited by law.
- 3.6 Officers exercising delegated powers may make decisions that were not anticipated within the budget or Service Plan but nevertheless relate to everyday business.
- 3.7 Responsibility for monitoring that specific Council strategies and plans are focused on the commissioning and delivery of services to achieve the best outcomes for the people of Barnet and the delivery of outstanding customer service across all services.
- 3.8 The use of Delegated Power Reports (DPR) will be by exception and only when there is a clear need to do so.
- 3.9 There are limitations upon all delegated powers. In particular there is no delegation of power to officers of:
- a. Matters reserved specifically to Members by resolution of Council;
 - b. Approval to exceed the provision in the revenue or capital budgets for their service responsibilities;
 - c. Decisions on permanent savings in the budget to achieve the Council's policies;
 - d. The right to determine a major employee re-organisation;

- e. A matter where the officer is of the opinion that the matter is of such significance or sensitivity that it should be referred to members for decision.

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE AND EACH CHIEF OFFICER

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

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

The Chief Executive and Chief Officers have the following general powers:

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

- l. Exercise of discretionary powers in relation to all staffing matters detailed within the Council's Human Resources Policies including the appointment, promotion and dismissal of permanent and temporary staff, the remuneration and rewarding of staff within approved budgets and the authorisation of staff absence, leave, payments including overtime, expenses and ex gratia payments.

- m. Giving officers authority to enter premises where powers of entry are conferred for the purposes of fulfilling a function for which the Chief Officer is responsible.

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE

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

Responsibility for functions including:

To be the Head of the Paid Service	The Local Government and Housing Act (1989)
Authority over all officers so far as it is necessary for the efficient management and execution of the Council's affairs, functions or services - except where officers are exercising specific responsibilities under statute as set out in Article 9 as Statutory Officers.	Council
Co-ordination, direction and monitoring of the Council's initiatives to achieve efficiency and best value in the delivery of its functions.	Council
Taking any action necessary to ensure the effective and efficient management and operations of the Council.	Council
Reporting to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.	Section 4, Local Government Act and Housing Act (1989)
Taking any action necessary to ensure the effective development and delivery of the Council's key strategies and services.	Council
To make any decision delegated to another officer.	Council
The appointment, promotion and dismissal of staff including the forming, varying and ending of contracts of employment for Officers below Chief Officer as set out in the Council's Human Resources Regulations.	Section 4-12 of the Local Government and Housing Act and Section 112 of the Local Government Act 1972
Appointment of officers to deliver the statutory functions of the Council and authorise them to do so under relevant legislation.	Council
Exercise the powers of the Council in relation to general power of competence	Section 1 Localism Act 2011
Discharge of the functions of the Electoral Registration Officer and, where required, the Returning Officer	Council

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

DELEGATED AUTHORITY TO THE CHIEF OPERATING OFFICER / DIRECTOR OF FINANCE

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

Responsibility for functions including:

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

<p>or pensions which occur as a result of the death of an employee or pensioner.</p>	<p>Government (Miscellaneous Provisions) Act 1976</p>
<p>In relation to the Pension Fund:</p> <ul style="list-style-type: none"> • To implement the decisions of the Pension Fund Committee (PFC) efficiently and effectively. • To administer the Pension Fund within the parameters set by the PFC, delegating these responsibilities as appropriate to other council officers and/or external contractors. • To advise the PFC on all matters pertaining to the management of the Pension Fund, drawing upon the knowledge and expertise of other council officers, the independent advisor, the actuaries and other sources where appropriate. • To attend PFC meetings, ensuring an appropriate substitute is sent where attendance is not possible. • To require other relevant individuals to attend PFC meetings where appropriate. • To require the Fund's independent advisor to present a report each quarter to the PFC on the key and emerging issues that will or could affect the Pension Fund's future performance and standing • To organise adequate training to enable members of the PFC to be in a position meet their fiduciary responsibilities in relation to the Pension Fund. • To request that the Chairman convene additional meetings where a matter arises that requires its urgent consideration. • To prepare and submit the following Pension Fund documents for approval to the PFC on either triennially or more frequently than this should circumstances require:- <ul style="list-style-type: none"> ○ Pension Fund Annual Report ○ Statement of Investment Principles ○ Funding Strategy Statement ○ Governance Policy Statement ○ Pension Administration Strategy ○ Communication Policy Statement • To publish the documents detailed above, upon their approval by the PFC, in a timely, accessible and cost-effective manner. • To make available to scheme representatives, scheme members and any other interested bodies, 	<p>Council</p>

upon request, any other information pertaining to the London Borough of Barnet Pension Fund where this is not covered by exemptions provided by Acts of Parliament.	
With HB Public Law to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals, new leases, and acquisitions of land, whether freehold or leasehold, in accordance with legislation relating to Best Consideration and with the Asset, Land and Property Rules, specifically the thresholds set out in Annexes A and B	Local Government Act 1972
To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.	
Responsibility to report if a Council decision will, or is likely to incur, unlawful expenditure or where expenditure exceeds or is likely to exceed the resources available or would cause a loss or deficiency to the Council or entry of an unlawful item of account.	Section 114 and 114a, Local Government Finance Act (1988)
Report on the robustness of the authority's budget calculations and the adequacy of the Council's proposed financial reserves.	Section 25, Local Government 2003
Authority to provide financial information to the media, members of the public and the community.	Council
The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.	Council

**DELEGATED AUTHORITY TO THE DIRECTOR OF RESOURCES
(DEPUTY SECTION 151 OFFICER)**

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

Responsibility for functions including:

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

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

LEGAL SERVICES

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

Responsibility for functions including:

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

HEAD OF GOVERNANCE

Responsibility for functions including:

All Head of Governance functions in the constitution	Council
Members declarations of acceptance of office	Council
Members notice of resignation	Council
Giving notice of casual vacancies	Council
Convening Council to fill Mayoral casual vacancy	Council
Signing summonses for council meeting and receiving notices as to Members addresses for summonses	Council
Receiving notification of political groups for the calculation of political balance	Council Local Government and Housing Act 1989
Deposit of documents	Council
Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.	Council
Returning Officer for election of statutory parent governor representatives to serve as co-opted Members of the Children, Education, Libraries & Safeguarding Committee	Council
Facilitating the appointment of representatives to the Local Pension Board in accordance with statutory requirements	Council

DELEGATED AUTHORITY TO THE STRATGIC DIRECTOR FOR COMMISSIONING

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

Responsibility for functions including:

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

and promoting the welfare of children in the Council's area.	
Establish and maintain information databases in relation to the well-being and safeguarding of children.	Section 12 and 18, Children Act 2004
Preparation and publication of a Children's and Young People Plan	Sections 17 and 18, Children Act 2004
Duty to promote the educational achievement of looked after children.	Children's Act 1989 (as amended)
Duty to provide the Secretary of State , if so directed, with information on individual children	Children's Act 1989 (as amended)
Any function under section 75 of the National Health Act 2006 on behalf of an NHS body as far as those results relate to children.	Section 18, Children Act 2004
Responsibility for any additional functions as the authority consider appropriate	Section 18, Children Act 2004
Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of early years, schools, family support, youth services, libraries, children's safeguarding and children's social care	Council

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

Responsibility for functions including:

Exercise the functions of the Council with regard to the delivery of those functions in respect of adults (other than those for which the Director of Children's Services is responsible)	Section (1a) and Schedule 1 of the Local Authority Services Act 1970
Exercise of all functions, powers and duties of an Adult Services Authority including, but not limited to Social Services, safeguarding of adults, Deprivation of Liberty, Mental Health services and Health functions	
Arrangement for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people disabilities, older people, people with mental health needs, people with substance misuse problems and adults with learning disabilities.	Council
Assessment of the need for, and where necessary provide, services and/or residential accommodation for those suffering from a disability, including a mental disability.	Pursuant (but not limited to) the National Assistance Act 1948, the Mental Health Act, the Chronically Sick and Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act, the National Health and Community Care Act, the Health and Social Care Act and the Mental Capacity Act.
Assessment and planning to meet the needs of carers of vulnerable people.	The Carers and Disabled Children Act 2000.
Acting as the 'appropriate adult' in relation to persons with a mental disorder (which may include a disability) who are detained at a police station.	The Police and Criminal Evidence Act
Leadership of the continuous improvement of high quality care and support services to adults including the development of commissioned and care and support services and the delivery of assessment/care management services (including ensuring resource	Council

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

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR GROWTH AND DEVELOPMENT

Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of planning and development management, regeneration, housing enterprise, skills, employment, building control, land charges and strategic planning	Council
Authority, in consultation with the Chairman of the Performance and Contract Management Committee, to fulfil the Council's obligations with respect to meeting contractual requirements, which have to be made in a timely way, in the Joint Venture Agreement. These decisions would be reported retrospectively to the Performance and Contract Management Committee	Council

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR ENVIRONMENT

Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of waste management, street cleansing, community safety, cemeteries and crematorium, trading standards and licensing, environmental health, parks and open spaces, highways and regulatory services	Council
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PUBLIC HEALTH COMMISSIONER (DIRECTOR OF PUBLIC HEALTH (DPH))

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

Responsibility for functions including:

Write and publish the Annual Report on the health of the local population	Section 73B (5) & (6) of The NHS Act 2006, inserted by section 31 of the 2012 Act). (Directors of Public Health in Local Government: i. Roles, responsibilities and context (Oct. 2012, p.9., para. 3.2.)
All of the local authority's duties to take steps to improve public health	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act, Directors of Public Health in Local Government: i. Roles, responsibilities and context Oct. 2012, p.9., para. 3.3
Exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
Responsibility for the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
Responsibility for the local authority's public health response as a responsible authority in areas such as making representations about licensing applications	The Licensing Act 2003 and regulations made under section 73A (1) of the 2006 Act, inserted by section 30 of the Health and Social Care Act 2012. Sections 5 (3), 13 (4), 69 (4) and 172B (4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act.
Duty to ensure plans are in place to protect the population including through screening and immunisation. Provide independent scrutiny and challenge of the plans of the NHS Commissioning Board (CB), Public Health and Environment (PHE) and	National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5.

providers. PHE will support the Director in the duty to hold the NHS CB to account through the provision of data and information on performance against standards. The Director will need to be satisfied that the combined plans of all these organisations will deliver effective screening and immunisation programmes to their local populations.”

Definitions

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

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

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

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

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Article 12 – Review and Revision of the Constitution

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

Committee System of Governance

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

12.01 Procedure to be followed to change governance arrangements

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

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

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

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

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

12.02 Duty to monitor and review the Constitution

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

12.03 Changes to the Constitution

- (a) **Approval:**
 - i) Changes to the Constitution will only be approved by the full Council. The Council may if it considers necessary appoint a special committee to make recommendations for that purpose.

- ii) Where the Table of Chief Officers in the Constitution needs to be updated, the Head of Governance may make the necessary changes upon receipt of notification from the Chief Executive that he/she has made changes to these structures following Council or General Functions Committee approval of such changes.
 - iii) Where minor amendments to the Constitution are required, the Monitoring Officer is authorised to make the necessary changes following consultation with the Chairman of the Constitution, Ethics and Probity Committee.
- (b) **Change to a mayoral form of Executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.
- (c) **Change to a Leader and Cabinet form of governance.** If the Council intends to change the form of governance to a Leader and Cabinet form of governance within 5 years of 21st January 2014, then it must have held a referendum before passing the necessary resolution.

Article 13 – Suspension, Interpretation and Publication of the Constitution

13.01 Suspension of the Constitution

~~(a) — **Limit to suspension.** The Articles of this Constitution may not be suspended. Any of the Rules within the Constitution may be suspended by the full Council, to the extent permitted within those Rules and the law.~~

~~(b) — **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.~~

~~13.02 Interpretation~~

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

~~13.03 Publication~~

~~The Head of Governance will ensure that copies are available for inspection at Council offices.~~

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Meetings Procedure Rules

NOTE ON THE CONDUCT OF LICENSING HEARINGS

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

PROCEDURE RULES FOR COUNCIL COMMITTEES AND SUB-COMMITTEES

1. Membership and Quorum

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

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

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

and Growth Committee			
Housing Committee	9		
Community Leadership Committee	11		
Health Overview and Scrutiny Committee	9		
Policy and Resources	12	6 (3 for each political group)	3
General Functions Committee	7	6 (3 for each political group)	3
Pension Fund Committee	7	6 (3 for each political group)	3
Health and Well-Being Board	12	3 (1 for each Member)	3 This must include at least one elected Councillor
Community Leadership Committee Sub-Committee	3	3 (1 for each Member)	2

2. Substitute Members – Rules

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

3. Quorum – Rules

- 3.1 If a Committee or Sub-Committee is inquorate, it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed for up to 15 minutes. When 15 minutes have elapsed, the Head of Governance or their representative will count the number of Members present and if there is no quorum, s/he will advise the meeting that no business can be transacted and the meeting will be cancelled.
- 3.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting until such time as a quorum is returned.

4. Chairman of Meetings

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

5. Minutes

- 5.1 Apologies for absence, declaration of interests and the confirmation of the minutes of previous meetings are the first items of business at the meeting, except when there is a need to elect a Chairman.

- 5.2 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. Any questions upon their accuracy shall be raised by motion and voted on without discussion. The meeting will not proceed further until the minutes are approved, either amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

Members' Rights

6. Members' Items for the Agenda

- 6.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a Committee or Sub-Committee on which s/he serves. This rule does not apply to the Urgency Committee, Licensing Sub-Committees, Planning Committee and Area Planning Committees, except for the Planning Committee when that committee is considering planning policy matters. A referral from Full Council will not count as a Member's item for the purposes of this rule. The only exceptions to this rule are detailed in 6.4 and 6.5 below.
- 6.2 Members' Items must be relevant to the terms of reference of the body which will consider the item.
- 6.3 The Head of Governance must receive written notice of a Member's item, at least seven clear working days before the meeting. Any item received after 5pm will be recorded as received on the next working day. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.
- 6.4 The Lead Member for Children's Services is permitted to have one matter only (with no-sub items) on the agenda for a meeting of a Committee, Sub-Committee or Partnership Board on which s/he does not serve when that body is considering an item which relates to children and young people.
- 6.5 Any Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is sponsoring an application to an Area Committee Budget. Members' Items sponsoring an application to the Area Committee Budget must be submitted 12 clear working days before the meeting. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

7. Planning Committee Procedure Rules

- 7.1 For Planning Committees for any planning application where there has been a written request from a single Member of the Council setting out the planning reasons for the matter to be referred to the relevant Planning Committee the application will be referred to the relevant Planning Committee for determination. In that event the report will clearly identify that the item has been ‘called in’ and therefore the planning reasons will be set out.
- 7.2 The following process should be followed at all Planning Committee and Area Planning Committee meetings.

Officers Presentation
Questions to officers if applicable
Speaking Arrangements
Questions to speakers
Questions to Officers
Committee consideration and comments
Planning Officer and Chairman sum up
Decision making process (see section 7.17 – 7.20)

- 7.3 The relevant senior Planning Officer may circulate an addendum to the application/report. In this event this shall be circulated on the day of the meeting to all Committee Members before the start time of the meeting.
- 7.4 **Requests to speak at Planning Committees and Area Planning Committees**
- 7.5 Requests to speak should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.
- 7.6 A maximum of three speakers are able to address the committee on each application or item.
- 7.7 In respect of planning committees only, there can be a maximum of two speakers in favour or against an application. The third speaker slot is reserved for the applicant or their representative irrespective of whether the application is recommended for approval or refusal. The applicant’s representation will be taken as the last speaker on an item.
- 7.8 Where more than two requests to speak have been received, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.

- 7.9 When registering to speak, members of the public will be asked by the Council if they consent to having their details passed on to other supporters or objectors, thus enabling them to put forward views of others who have an interest in and wish to make representations on the application or item. If a member of the public is representing the views of others, they must inform the Committee who else they are representing when making their presentation.
- 7.10 At the meeting, each speaker will have a time period of up to 3 minutes to address the Committee. Committee members will then have the opportunity to question the speaker.
- 7.11 Members of the public making comments to Committees are able to send a substitute if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of the substitution prior to the meeting commencing. It is not permissible for a substitution to be made which enables a member of the public to make two representations in respect of a single household.
- 7.12 Where an application or item being considered by a Committee is referred to its parent committee for consideration, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the parent committee. Speaking rights are also automatically transferred in the event where an application has been deferred to a future meeting of an Area Planning Committee or the Planning Committee.
- 7.13 Members may only address Area Planning Committees on applications which affect their ward or on an application which that Member has 'called-in'. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes. Ward Members rights to address the Area Planning Committee are in addition to the rights of public speakers.
- 7.14 One Ward Member who is not a member of the Planning Committee will have the right to address that Committee when it considers any planning application relating to the ward in question. Where the ward is represented by Members from more than one party group one Member from each party group may address the Committee. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes. Ward Members rights to address the Planning Committee are in addition to the rights of public speakers.
- 7.15 MPs and GLA Members from the borough and MPs, GLA Members and Members from neighbouring boroughs may request to address a Planning Committee or Area Planning Committee meeting on a matter which affects their constituency or

ward. Any such Member should give notice to the Chairman of the meeting before the start of the meeting. Any such Member would be allowed up to 3 minutes

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

7.17 Determining Planning Applications

- 7.18 When the Chairman considers that there has been sufficient debate, he/she will call for a decision. A vote may be taken on the recommendations in the report, once proposed and seconded.

- 7.19 A Member of the Committee may move a motion to alter the wording of the recommendation(s), propose the addition or removal of conditions, defer an application or propose the refusal of an application. Any such motion must be seconded and be supported by planning reasons and those reasons will be set out in the minutes.

- 7.20 If the Chairman calls for the application to be determined a vote shall be taken on the recommendation(s) of the Planning Officers. If this fails, an alternative motion may be moved by any Member of the Committee. Any such motion must be seconded and be supported by planning reasons and those reasons will be set out in the minutes.

8. Urgent Business

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

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

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

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

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

9.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote.

9.2 Where a Councillor is not a member of the Committee or Sub-Committee, s/he should sit in the public gallery so that it is clear to the public that the Member is not part of the body taking decisions. However if the Committee has excluded the press and public then councillors who are not members of the Committee may in most circumstances remain. There may be occasions when they will be asked to leave by the committee if the exempt item contains personal information which they do not need to know in order to fulfil their role as a councillor.

9.3 Except for the committees detailed in section 9.5 below and section 7 above, where a Councillor has a right to attend a Committee or Sub-Committee, s/he may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent. Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.

9.4 The Lead Member for Children's Services has a right to make a speech at a meeting of Committee, Sub-Committee or Partnership Board which is considering matters which relate children and young people, subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent.

9.5 The following arrangements apply in the case of Licensing Committees:

9.5.1 Members may only attend and speak at Licensing Sub-Committees (or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act of 2003 or the Gambling Act of 2005) in accordance with the Members Licensing Code of Good Practice.

10. Disorderly Conduct

10.1 If the Chairman considers that a Member is behaving improperly or offensively they reserve the right to prevent the Member from speaking (but not voting) at the meeting. If the disorderly conduct continues the Chairman may require the Member be removed from the meeting. When a Member is removed, they must leave for the entire remaining part of the meeting.

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

Motions and Amendments

11. Validity of Motions and Amendments

- 11.1 Every motion, amendment or question shall be relevant to matters within the Committee, Sub-Committee or panel's terms of reference and to the agenda for the meeting. The Chairman of the meeting shall, if need be, give a ruling as to whether the motion is relevant.
- 11.2 An amendment must be relevant to the motion and shall be to either:-
- 10.2.1 refer a subject of debate to another Committee for consideration or re-consideration; or
 - 10.2.2 change the words (including leaving out words or adding words);
- but such changes must not merely have the effect of negating the motion before the Committee.
- 11.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 11.4 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. This is known as the substantive motion.
- 11.5 If the amendment is lost further amendments may be proposed on the original motion.
- 11.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 11.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

12. Motions which may be moved during debate

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

- 12.1 to amend the motion;
- 12.2 to adjourn the meeting;
- 12.3 to adjourn the debate;
- 12.4 that the question be now put;
- 12.5 by the Chairman
 - that a Member be prevented from speaking;
 - that a Member must leave the meeting;
- 12.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Decisions

13. After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and published on the Council's website and will be made available in paper format on request.
14. **Reports of Committees to Council or parent body**
 - 14.1 There are a number of ways Committees and Sub-Committees may refer reports to their parent bodies, other Committees or Council which are set out in Paragraph 6 of the Responsibility for Functions section of the Constitution. Where a referral is made under that paragraph, the Officer's report to the Committee and any recommendations of the Committee or Sub-Committee will be submitted to the next meeting of the Council or the Committee concerned.
15. **Reports of Sub-Committees and Panels**
 - 15.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-
 - 15.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
 - 15.1.2 any Sub-Committee or panel by agreement or majority vote has agreed to suspend a decision on a particular item until the parent Committee has considered the matter.

- 15.1.3 a Chairman of an Area Committee has referred the decision up under paragraph 12.1(2), in which case the Sub-Committee's recommendation will be referred up to the parent committee.
- 15.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.
- 15.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.
- 16. Performance and Contract Management Committee / Sub-Committee – Call-in Procedure**
- 16.1 The following procedure applies after a decision has been made by the West London Economic Prosperity Board (a Joint Committee in accordance with section 102 of the Local Government Act 2000).
- 16.2 Paragraph 24.4 of the Function and Procedure rules of the West London Economic Prosperity Board read as follows
- “Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.”
- 16.3 Where a decision is made by the Board the decision shall be published. Once the decision is published then it may be implemented on the expiry of 7 working days after publication unless 10 members of the Council wish to call it in.
- 16.4 The notice seeking to invoke the call-in procedure must be communicated to the Head of Governance who will then notify the West London Economic Prosperity Board.
- 16.5 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:
- (a) Inadequate consultation with stakeholders prior to the decision;
 - (b) The absence of adequate evidence on which to base the decision;
 - (c) The action is not proportionate to the desired outcome;
 - (d) A potential human rights challenge;
 - (e) Insufficient consideration of legal and financial advice;
 - (f) The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework of the Council;
- 16.6 A meeting of the Performance and Contract Management Committee (or Sub-Committee of the Committee created for this purpose), will be convened within 7 clear working days of the request for call-in.

If such a meeting is called the decision of the West London Economic Prosperity Board may not be implemented until the decisions of the sub-committee meeting are known.

- 16.7 The Performance and Contract Management Committee or Sub-Committee may:
- (a) Take no action,
 - (b) Refer the matter back to the West London Economic Prosperity Board for reconsideration

The Performance and Contract Management Committee or Sub-Committee may not refer the call-in to Council.

- 16.8 The call-in procedure set out above shall not apply where the decision being taken by the West London Economic Prosperity Board is urgent. For the purposes of this call-in procedure a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the West London Economic Prosperity Board and the interests of Barnet. Reports to the West London Economic Prosperity Board must state that the report is urgent and provide the reasons for urgency.
- 16.9 The Chairman of the Performance and Contract Management Committee must agree that the decision proposed should be treated as a matter of urgency
- 16.10 In the absence of the Chairman of the Performance and Contract Management Committee the consent of the Mayor is required.
- 16.11 The Performance and Contract Management Committee when considering a call-in shall consider the following business:
- (a) Minutes of the last meeting;
 - (b) Declarations of interest;
 - (c) The call-in request for which the meeting is convened.
- 16.12 Decisions taken as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Performance and Contract Management Committee, together with the reasons.

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

- 17.1 No business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void. At 10 pm and without further debate the Chairman shall immediately

- put to the vote any motion or amendment, which has been formally moved and seconded.
- 17.2 At any meeting of the Council, Planning Committee and Area Planning Committees, the Chairman at their sole discretion may extend the period for the transaction of business to 10.30pm. This will be recorded in the Committee's decisions.
- 17.3 Residents Forums will meet at 6.30pm and will conclude their business by 8.30pm at the latest, followed by the Area Committee on the same night and same venue at 7.00pm or on the conclusion of the Residents' Forum, whichever is later.
- 17.4 If any items remain on the agenda to be dealt with, the Committee or Sub-Committee may decide to call a special meeting or refer the remaining items to the next ordinary meeting.

Voting and recording of votes

18. Voting at meetings

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

19. Vote to be recorded

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

20. Filming and Recording of Meetings

- 20.1 Discreet, unlit, non-disruptive filming and recording of Council and Committee meetings by members of the public from the public gallery is allowed.

Members' Licensing Code of Practice

1. Introduction

- 1.1 This Code of Practice applies only to hearings held by the Licensing Committee or the Licensing Sub-Committee(s) to consider licence applications or appeals under the following legislation:

Licensing Act 2003

Gambling Act 2005

Local Government (Miscellaneous Provisions) Act 1982 in relation to Sex Shops, Sex Cinemas and Sex Encounter Establishments

London Local Authorities Act 1990 in relation to Street Trading

London Local Authorities Act 1991 in relation to Special Treatments Premises

Hypnotism Act 1952

London Local Authorities Act 2007 in relation to Street Trading

Manufacture and Storage of Explosives Regulations 2005

Motor Salvage Operators Regulations 2002

Poisons Act 1972

Scrap Metal Dealers Act 1964

Vehicles (Crime) Act 2001

Safety at Sports Grounds Act 1975

- 1.2 This Code of Practice has been prepared for all Members who may attend Licensing Sub-committee meetings whether as Members of a Licensing Sub-committee, or in any other capacity, including making representations to such a Sub-committee as a Ward Member, or as an Applicant or an Interested Party. It applies at all times when Members are involving themselves in the Licensing and Gambling process and not just at meetings.
- 1.3 The aim of this Code of Practice is to ensure that in the Licensing process there are no grounds to suggest that a decision has been in any way biased, partial or ill-founded. It should be applied in accordance with the Members Code of Conduct and, should there be any apparent conflict, the requirements of the Members Code of Conduct takes priority.
- 1.4 If a Member were to behave in a way not compliant with this Licensing Code of Practice this can result in:
- Putting the Council at risk of the legality and/or maladministration of the related decision; and/or
 - The Member at risk of an allegation of breach of the Members Code of Conduct.

2. Licensing Decisions

- 2.1 Decisions that the Council makes about Licensing matters can be quite controversial. Any application is likely to have significant impact on the neighbourhoods where people live and therefore they are subject to close public scrutiny.
- 2.2 Licensing decisions can be appealed to the Magistrates Court, they can be challenged in the High Court and they can be the subject of a complaint to the Local Government Ombudsman. There is also a risk that Members can be named in a report made to the Group Leaders Panel for breach of this Code. Barnet's Members Code of Conduct requires Members to avoid any possibility of being influenced by their own personal interests. However, for certain types of decision like Planning and Licensing, the requirements of the Code go further than this. Members are required to act in a quasi judicial role, without reference to their political considerations and taking into account the issues which the law says are relevant to the decision.
- 2.3 When Members are making Licensing decisions, they must be:-
- a) Open-minded: a Member must not make up his/her mind until s/he has heard all the relevant evidence, which will not happen until the meeting itself. If Members indicate which way they intend to vote before that, they are disbaring themselves from taking part in the decision.
 - b) Open and Transparent: The rules about interests in the Barnet Code of Conduct apply with particular relevance to Members who are making Licensing decisions. It is very important that in relation to each matter, Members consider whether they have an interest which should be explained to the public, or which might prevent them from participating in the committee's deliberations and the decision. A Member must seek advice as soon as s/he thinks that there may be any doubt about this.
 - c) Reasonable: Another aspect of the requirement for openness is the requirement on the Council to give clear and accurate reasons for any decision that has been taken. This applies to all decisions, but the need is greatest where permission is refused, or, where an application is approved but either the application appears to be contrary to the Council's policies or an application which appears similar has recently been refused.
 - d) Impartial: Most Licensing decisions involve applying policies to particular situations. The policies have to be applied impartially without reference to the identity of the individuals concerned. Members should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Members, who do not feel that they can be impartial in this way, should consider whether they are best suited to serve on the Licensing Committee.

- 2.4 This Code of Practice is supplementary to the Barnet Members' Code of Conduct. It is intended to show how the general principles in the Code should be applied to Licensing decisions. A breach of this Code may be a breach of the Members' Code.
- 2.5 This Code of Practice applies equally to co-opted members of Council committees as it does to elected members.

3 General Advice

- 3.1 The following general advice must be considered by all Members likely to become involved in the Licensing process in any way:-
- An application relating to a premises in the vicinity where a Member, (or their close associate) lives so that s/he is affected more than the majority of inhabitants of the Ward is likely to involve a non-pecuniary interest and potentially a disclosable pecuniary interest.
 - A Member being a frequent visitor to the premises in a personal capacity is likely to involve a non-pecuniary interest and potentially a disclosable pecuniary interest.
 - A Member belonging to a lobby or campaign group that may be directly impacted by the outcome of an application is likely to have a non-pecuniary interest and potentially a disclosable pecuniary interest. (see also section 7 on fettering discretion below)
 - A Member having any doubts as to how the Licensing Code of Practice applies should seek advice from the Monitoring Officer or their representative as early as possible.
 - The Council's Member/Officer Protocols must be abided by at all times.

4. Members of the committee and sub-committees:

- 4.1 The role of members of the committee and sub-committee(s) is to make decisions under the legislation listed in 1.1 above openly, impartially, with sound judgement and for justifiable reasons. This applies equally to policy decisions before the full Licensing Committee as it does with applications. Therefore, Members:
- a) Must not make a decision for party political reasons and should avoid any action that may give the perception that this is the case;
 - b) Must not encourage any member of the public (including but not limited to those speaking at the sub-committee) to communicate with them orally or in writing other than through the sub-committee's procedures;
 - c) Must make their decision only after due consideration of all the information and only after the presentation of the application at

the sub-committee (or committee) and thus must be present for the duration of the presentation, any oral representations, debate and other deliberations upon an item in order to be able to vote on that item;

- d) Must attend all training relevant to their role as Licensing Committee members offered by the Council;
- e) Should not meet with applicants or interested parties other than at meetings arranged through the Council. A written record should be kept of any such discussions that take place prior to the meeting of the sub-committee;
- f) Should, Members have any doubt about whether they need to declare an interest, they should seek the Monitoring Officer's advice as soon as possible and in any event, prior to the commencement of the sub-committee meeting. Noting that:
 - i. The definitions of disclosable pecuniary and non-pecuniary interests in the context of Licensing are the same as for all other areas of the Council's work, and, as provided in the Members' Code of Conduct, contained within the Council's Constitution;
 - ii. A non-pecuniary interest does not need to be declared at a meeting where the interest arises solely from a body to which the Member was appointed by the Council or another public body, unless and until the Member speaks on the item;
 - iii. A member should not if s/he has a disclosable pecuniary interest in an application sit on the sub-committee considering that application.
 - iv. A Member may sit on a sub-committee and consider an application if they have a **non pecuniary interest**, but are advised to decline to sit on the sub-committee.
 - v. A member is advised not to sit on a sub-committee when that sub-committee is considering an application in the Member's Ward, to avoid accusations of pre-determination and to reduce the risk of legal challenge and/or to reduce the possibility of decisions being taken on the basis of political judgement. This will enable Ward Members to represent their constituents at committee hearings.
 - vi. Members may sit on a sub-committee if an application is for premises in a neighbouring or other ward **only** if the premises are not in the vicinity of where the Member lives.
 - vii. As regulatory matters such as Licensing, Gambling and Sex Establishments are particularly sensitive, it is recommended that Members adopt a particularly cautious approach.

4.2 When declaring an interest at a Licensing Committee or Sub-committee meeting, taking the recommended cautious approach could

include considering that:

- a) It is often not enough for a Member to be unbiased, s/he must also be seen to be unbiased;
- b) Connections through any organisation, whether political, charitable, social or otherwise, can create an illusion of bias, even where it does not exist; thus Members who have connections with applicants, need to be transparent and quick to reveal them;
- c) It may be prudent to be on one's guard against accusations of bias, particularly in the case of applicants and/or agents who might previously have made mischievous or inappropriate applications;
- d) Ultimately, the decision as to whether or not to declare an interest must be the Member's own.

4.3 Equally, other Members should not automatically impute bias merely because an applicant and a Member know one another.

5. Members with a pecuniary Interest

5.1 A Member may wish to exercise a right to speak on his/her own behalf or on behalf of a close associate. Such a Member:

- a) Is personally affected by an application and has a disclosable pecuniary interest. S/he may make written representations to the sub-committee and may attend the meeting to make representations, answer questions and give evidence, in the same way that the public are allowed to attend the meeting for the same purpose. Unlike the public, such Members must withdraw from the committee room immediately afterwards.
- b) May appoint someone to represent him/her if s/he prefers and are advised that this is often the simplest and therefore the preferable way to proceed;
- c) Must conform to the usual deadlines for interested parties;
- d) Must not seek or accept, or appear to seek, preferential treatment.

5.2 A Member considering becoming involved in any way with a matter falling within the remit of the Licensing Committee, relating to a close associate should always consider, given the potential for perception of bias, whether their involvement is necessary.

6. Ward Members

6.1 A Member may wish to exercise a right to speak on behalf of another party, most likely in the role of Ward representative.

6.2 Where Ward Members are representing a constituent in respect of Licensing matters it is advisable, to reduce the risk of legal challenge, for the Member to:

- a) Identify the person(s) whom they represent in the form of e.g. Mr X of Smith Street or Mrs Z of Jones Lane
- b) Have a written record of their constituent's concerns. This may be in the form of an email or letter from the constituent, or the Member's note of a telephone conversation or personal meeting. Should the Sub-Committee hearing result in an appeal, it may be necessary for the Member to substantiate the representations they have made, and documentary evidence will be necessary.
- c) Use their judgement and, as far as possible, adhere to the concerns of the interested parties and refrain from self-expression.

6.3 Members representing constituents wishing to speak at a hearing before a Licensing Sub-Committee or to have his/her representations considered in respect of Licensing matters must also:

- a) Comply with the deadlines for making valid representations applicable to all other interested parties; OR
- b) Advise the Chairman, Head of Governance or Governance officer appointed to the sub-committee of their wish to speak as a representative of an interested other party who has made a valid representation as soon as possible and at least 15 minutes before the commencement of the meeting of the sub-committee.
- c) Not seek, or accept, or appear to seek or accept, preferential treatment.

6.4 For Gambling Act matters related to a premises licence, Members may make representations without being asked by a resident specifically to do so although Members are reminded of the wider issues of bias, and disclosable pecuniary and non pecuniary interests.

6.5 Members may wish to represent constituents in respect of Licensing Act matters where they have an interest in the matter also. However:

- a) Those Members who have a disclosable pecuniary interest may attend the meeting to make representations, answer questions and give evidence on that other party's behalf - including in their capacity as a Ward Councillor representing their constituents - but must withdraw from the committee room completely immediately afterwards and must not take part in the discussion part of the application. However, Members in such a position are advised that it may be simplest, and therefore preferable, to instead ask someone else, for example one of his/her fellow ward Councillors, to make the representations on behalf of the other party instead.
- b) Those who have a non pecuniary interest may appear on behalf of another party, including in their capacity as a Ward Councillor representing their constituents. They may remain in the committee room for the entire hearing. However, Members in such a position are advised that it will usually be simplest and therefore preferable to instead ask someone else, for example one of his/her fellow ward Councillors, to make the representations on behalf of the other

party instead.

7. Avoiding fettering discretion and dealing with Lobbying

- 7.1 Members are frequently approached by applicants and interested parties who wish either to 'lobby' Members or to ask advice. It is very important that no Member fetters his/or her discretion and therefore his/her ability to participate in decision-making by making up his/her mind, or appearing to have done so, prior to the matter's formal consideration and the hearing of the officer's presentation and the evidence and arguments from applicants and interested parties at the sub-committee.
- 7.2 If a sub-committee member is approached by any means by persons wanting to lobby them regarding a Licensing matter to be heard by that sub-committee then the Member is strongly advised to:
- a) Explain they cannot discuss the matter;
 - b) To refer the person to their Ward Member (not being on the sub-committee) and/or Licensing Officer;
 - c) Make and keep a written record of these instances in case the matter proceeds to an appeal;
 - d) Declare the circumstances of the lobbying at the meeting considering the item;
 - e) Pass any correspondence to the Monitoring Officer at the earliest opportunity and encourage the applicant to submit written information to the Licensing Officer;
 - f) Avoid giving any commitment or impression of a commitment; that they hold any particular view about the matter or how they will vote;
 - g) Where possible, provide information on the Council's general Licensing policies and procedures only.
- 7.3 Members, if they wish to be free to debate and vote on an application, should avoid organising support for or opposition to a Licensing matter to be determined by Committee and should not lobby other Members as such actions can easily be misunderstood by parties to the application and by the general public.
- 7.4 If a Member realises that s/he has fettered his/her discretion by some comment or action then this must be declared and the Member should not take part in the discussion on that item or vote. S/he may remain in the room but may prefer to withdraw.
- 7.5 An important element of the Members' Code of Conduct is the general obligation not to "use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage." In terms of the Licensing process, lobbying of Members can lead to the impartiality and integrity of a Member being called into question. The acceptance of lobbying can cause public mistrust of Local Licensing Authorities. Therefore, the actions and conduct of Members should be seen to be appropriate and

above suspicion to an impartial outside observer.

- 7.6 Decisions should be taken in the interests of the Borough as a whole and should not be improperly influenced by or in favour of any person, company, group or locality. The key is to demonstrate that each Member's decision was taken on relevant considerations alone.
- 7.7 No Member should accept any gifts or hospitality from an applicant or interested party in a Licensing matter. If a degree of hospitality is entirely unavoidable then the Member should ensure it is of a minimum, its acceptance is declared as soon as possible and it must be recorded in the Member's Register of Interests if its value is over £25.
- 7.8 Members of the Licensing Committee should discourage applicants or agents from approaching them, should aim to minimise social contacts with known Licensees or agents, and refrain from such contacts when an application has been submitted.
- 7.9 A Member will not have fettered his/her discretion by:
- a) Receiving or listening to viewpoints from interested parties;
 - b) Making comments to applicants, interested parties, other Members, or Officers provided the comments do not amount to pre-judging and the Member makes it clear that s/he is keeping an open mind;
 - c) Seeking information through any alternative channel other than Governance Service;
 - d) Simply being a member of a group or organisation that may make representations on a particular matter before a Sub-committee where there is no direct impact on the Member and s/he is not otherwise fettered by any actions or comments made in relation to the group's representations. However the Member should make it clear to both the group or organisation and the committee that s/he has reserved judgement on the matter prior to its consideration at committee.

8. Guidance on Site Visits

- 8.1 Site visits by Licensing Sub-Committee Members are extremely rare and generally unnecessary and can put individual Members and the Licensing Authority at risk of accusations of bias.
- 8.2 Site visits are only likely to be appropriate where one would assist the sub-committee in making a more informed decision in a shorter time such as:
- Where the application to be considered by the sub-committee is factually complicated; or
 - Where a hearing is expected to last a full day or more; and
 - Where a site visit would materially reduce the time required by the sub-committee to clarify factual matters such as details of premises layout.

- 8.3 There are restrictions on the organisation and attendance at site visits, which would be organised by Licensing Officers. These include that:
- a) Licensing Officers would accompany the sub-committee members
 - b) Governance Service Officers would not be present
 - c) All Sub-committee Members must visit at the same time
 - d) The applicant would be requested to consent to allowing all interested parties to attend at the same time and if permission was not granted the visit could not proceed
 - e) No refreshments or the like should be provided although the use of lavatories is permitted
 - f) There should be no discussion as to the application, save as was strictly necessary to clarify factual queries e.g. regarding layouts.
 - g) The site visit should only be an opportunity to seek information and to observe the site
 - h) Applicants may be invited to make a factual presentation and respond to questions
- 8.4 A report of the visit would be prepared by the Licensing Officer and would form part of the full report presented to the sub-committee.

Sub-committee Members should not visit a site that is subject to an application (or one subject to any enforcement) other than as part of an official site visit.

9. The Ombudsman

- 9.1 The Local Government Ombudsman (more properly known as the Commissioner for Local Administration in England) has a variety of powers.
- 9.2 In essence, however, the Ombudsman cannot challenge the decision made by any Licensing Sub-committee but can challenge the way in which that decision was made. If a Sub-committee fails to address a number of issues properly, then the Ombudsman might decide that this amounted to “maladministration.” If the Ombudsman also considers that injustice has been done, he then has a variety of powers to call for a remedy.
- 9.3 However, that does not mean that the Ombudsman has the power to overturn Licensing decisions; only the courts of law can do that and only in strictly defined circumstances.
- 9.4 The potential for maladministration, however, concerns the Council’s Monitoring Officer as, amongst other things, this could result in an award of compensation.

10. Sources

This Code follows the following statutory requirements and statutory guidance issued under them:

- The Licensing Act 2003
- The Gambling Act 2005
- Local Government (Miscellaneous Provisions) Act 1982 in relation to Sex Shops, Sex Cinemas and Sex Encounter Establishments
- London Local Authorities Act 1990 in relation to Street Trading
- London Local Authorities Act 1991 in relation to Special Treatments Premises
- Hypnotism Act 1952
- London Local Authorities Act 2007 in relation to Street Trading
- Manufacture and Storage of Explosives Regulations 2005
- Motor Salvage Operators Regulations 2002
- Poisons Act 1972
- Scrap Metal Dealers Act 1964
- Vehicles (Crime) Act 2001
- Safety at Sports Grounds Act 1975
- The Member Code of Conduct

and draws on the following guidance

- LACORS (Local Authorities Co-ordinators of Regulatory Services) guidance
- AcSES (Association of Council Secretaries and Solicitors) guidance
- DCMS Guidance New Gambling Act (Councillors) Explained
- Gambling Commission's Guidance/Codes of Practice
- London Borough of Barnet's Gambling Statement of Licensing Principles (Revised 2013)
- London Borough of Barnet's Statement of Licensing Policy (Revised January 2011)
- London Borough of Barnet's Film Classification Policy
- London Borough of Barnet's Street Trading Policy
- London Borough of Barnet's Sex Establishment Policy

Full Council Procedure Rules

Types of meetings

1. ANNUAL MEETINGS OF THE COUNCIL

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

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

2. ORDINARY MEETINGS

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

Part 1 - Statutory formalities/Announcements (15 minutes)

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

4. Declaration of interest
5. Minutes of last meeting
6. Official announcements
7. Any business remaining from last meeting
8. Agree the Council Calendar of meetings including for ordinary meetings of the Council

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

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

Part 3 - Statutory Council Business (60 minutes)

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

Break (15 minutes)

Part 4 – Business for Debate (45 minutes)

15. Motions (45 minutes)

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

If there is more than one motion submitted, the Opposition motion debated will be determined by the Opposition, and the Administration motion will be determined by the Administration.

16. Motions for Adjournment

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

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

3. EXTRAORDINARY MEETINGS

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

4. BUDGET COUNCIL MEETINGS

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

5. ROLE OF MAYOR.

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

6. VARIATION

The following order of business may not be changed:

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

The order of any other business may be varied:

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

7. SUSPENSION OF PROCEDURE RULES

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

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

RULES THAT APPLY TO THE WHOLE OF ALL COUNCIL MEETINGS

8. VALIDITY OF MOTIONS, AMENDMENTS AND QUESTIONS

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

9. GENERAL PROVISIONS FOR MOTIONS AND AMENDMENTS

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

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

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

10. ALTERATIONS TO MOTIONS OR AMENDMENTS

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

11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS

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

12. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

- 12.1 appoint a Chairman of the meeting;
- 12.2 question the accuracy of the minutes;
- 12.3 move that an item of business in the summons takes precedence;
- 12.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);
- 12.5 receive reports or adoption of recommendations of committees and officers and any resolutions following on from them;
- 12.6 agree to hear oral representations;
- 12.7 give leave to withdraw a Motion;
- 12.8 extend the time limit for speeches;
- 12.9 move that "the question be now put" (to the vote);
- 12.10 move that "the debate be now adjourned";

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

13 MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS

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

- 13.1 To withdraw or amend the Motion;
- 13.2 Motion moved by the Mayor or another member that a member:
 - (a) "be not further heard";
 - (b) "must leave the meeting";
- 13.3 Motion to exclude the press and public;
- 13.4 Closure Motions as follows:

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

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

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

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

14 DIVISION AND VOTING

14.1 Division bell

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

15. VOTING

- 15.1 All motions and amendments shall be determined by a show of hands except where

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

- 15.2 Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise. Members must be seated in the Chamber when voting and while the vote is being recorded.
- 15.3 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 15.4 For the Council budget meeting the minutes shall reflect on how each Member present voted, on any decision relating to the budget or Council tax.

16. VOTE TO BE RECORDED

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

17. DIVISION

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

18. VOTING ON APPOINTMENTS

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

19. QUESTION TIME

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

- 19.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.
- 19.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.
- 19.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.
- 19.5 The Leader may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.
- 19.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 19.7 Every question shall be put and answered without discussion.
- 19.8 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow further comment from the Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman further comment may be allowed from the relevant Vice-Chairman.
- 19.9 One supplementary question and answer will be allowed on the same subject from the same members.
- 19.10 The time allowed for questions will be 30 minutes. At the end of that time the Mayor will allow an oral reply to a supplementary question commenced before the expiry of the time limit and then bring this part of the meeting to a close. The Mayor has the right to prevent any member asking or giving a protracted supplementary question or answer.

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

20. Rules of Debate

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

will then have an opportunity to comment on the recommendation, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

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

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

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

21. Time for Debate

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

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

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

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

22 Motions

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

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

23. Members Motions

23.1 Any Member may put a Motion on the agenda for an ordinary meeting of the Council,

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

- 23.2 The Head of Governance shall keep a record of the date the notice was received and any member of the Council may inspect the record.
- 23.3 The Head of Governance shall set out in the summons for the meeting all Motions in order of receipt.
- 23.4 Once the Motion is on the agenda, any Member may move the Motion at the meeting. If the Motion is not moved it shall be treated as withdrawn, unless the Council agrees to postpone it.
- 23.5 If the Member's Motion is not dealt with by the end of the meeting, it will be referred to the appropriate Council Committee or sub-Committee for consideration and any necessary action. (However, if the proposer has specifically asked in his or her notice for the Motion to be voted on at that Council meeting it will be voted on without discussion). Members should advise the Head of Governance by 10.30am on the second working day before the meeting if they wish their Motion to be voted on at the meeting.
- 23.6 A Member who has a Motion on the agenda may submit a further Motion by 10.30am on the last working day before the meeting asking for the Motion to be withdrawn and referred to the appropriate council committee. The member must sign the Motion Item and deliver it to the Head of Governance by hand, post, or e-mail.

RULES THAT APPLY TO PART 2 OF THE MEETING

24. Questions on Committee reports

A member may ask the Chairman of a Committee, or a member moving the reception of the report of the committee, any question on it whilst it is being considered. Notice of the question should be given to the Chairman, or any member moving the report, where practicable. Every question shall be put and answered without discussion. The person to whom a question has been put may decline to answer.

25. Questions to Council representatives on Outside Bodies

- 25.1 At an ordinary meeting, a member, who has given 10 clear working days written notice to the Head of Governance, may ask any question about the activities of a company or outside body to any member or officer who has been appointed or nominated to the outside body.
- 25.2 The member or officer may decline to answer if the question would disclose information about the outside body that has been communicated to him or her in confidence.
- 25.3 An answer may take the form of:
- (a) an oral or written answer (officers will invariably give written answers); or

- (b) a reference to a Council publication; or
- (c) a holding reply where it is not possible to give an immediate response. A written response must be circulated to members when the information is available.

25.4 No discussion shall be permitted about any question or the reply to it.

25.5 Questions and answers will be recorded.

26. Procedure for Policy and Resources budget report

26.1 The Chairman of Policy and Resources, or in his/her absence the Vice-Chairman, must move a motion for the report to be received. The mover may speak for five minutes.

26.2 If the motion is approved, the recommendations in the report shall be moved for reception by each page number being called out.

26.3 If a member has submitted notice of an amendment on a particular item, the Mayor will invite him or her, or another member, to move the amendment. If the amendment is seconded, the mover of the amendment may speak for five minutes when moving the amendment. His or her seconder may also speak for four minutes or, on request, later in the debate. If the amendment is not moved, it shall be treated as having been withdrawn.

26.4 Only one amendment may be moved, discussed and voted on at any one time.

26.5 After all the amendments to the report have been dealt with in this way; the whole report shall be moved for adoption, subject to any amendments agreed at the meeting. The Business Item must be seconded and voted on without further discussion.

27 Public Questions to the Leader of the Council

27.1 Members of the public are permitted to submit written questions to the Leader in accordance with the following provisions:

- Any question must be delivered in writing, including by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting. Any questions submitted after that time will not be considered,
- The question should not relate to a matter previously considered by a committee and subject to the six month rule,
- The question should not relate to a matter that is within the remit of a committee, or be a matter best addressed by a committee. If this is the case, then the question should be directed to the appropriate committee.
- The question must not be in substance a question that has already been considered by the Leader in the preceding 6 months.

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



The Management of Asset, Property and Land Rules

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1 INTRODUCTION

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

2 APPLICATION

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

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

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

3 SCOPE

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

~~3.3 The procedures associated with these Rules are as detailed in the Management of Asset, Property and Land Procedures.~~

4 REGULATION & LEGISLATION

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

5 ROLES AND RESPONSIBILITIES

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

~~Appendix P - Management of Asset Land and Property Rules~~ ~~24. Management of Assets, Property and Land Rules~~

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

6 ASSET VALUE CONSIDERATION

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

7 AUTHORISATION

- 7.1 Any Asset acquisition or disposal included in the Annual Work Plan, as approved by Assets Regeneration and Growth Committee, is deemed as Authorised irrespective of value. Any Asset acquisition or disposal which has not been Authorised as set out in 7.1 must be Authorised in accordance with Delegated Powers as shown in Table A in Appendix 1 of these Management of Asset, Property and Land Rules.

- 7.2 The Chief Operating Officer or designated Officer authorised under a Scheme of Delegation may seek a change of service use decision of a Council Asset from the Assets, Regeneration and Growth Committee

8 ASSET ACQUISITION, VARIATION AND DISPOSAL METHOD

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

9 INFORMATION GOVERNANCE

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

10 ACCEPTANCE

- 10.1 Acceptance of Asset acquisition or disposal in all cases is subject to:
- a. Evidence of Best Consideration;
 - b. Evidence of appropriate consultation when required;
 - c. Budgetary provision;
 - d. A compliant Asset Management process; and
 - e. Confirmation of acceptable financial means of a buyer when considering Asset disposal.

- 10.2 Powers are delegated to Officers to accept the outcome of Asset acquisition or Disposal recommendations subject to Table B in Appendix 2.

11 CONTRACT SIGNING and SEALING

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

12 WAIVERS

- 12.1 In the event that the application of these rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, Lead Commissioners and Heads of Service may apply for a waiver. All applications for a waiver of these Land Rules must be submitted to Assets Regeneration and Growth Committee specifically identifying the reason for which a waiver is sought, including justification and risk.
- 12.2 Inadequate planning and organisation of resources does not constitute an acceptable justification for a waiver.
- 12.4 Any waiver can only be granted for a maximum period of 12 months.

13 DEFINITIONS

- 13.1 **“Acceptance”** is the authorisation to conclude an Asset acquisition, change or disposal process;
- 13.2 **“Acquisition”** is the process by which the Council adds Assets to its Asset Portfolio;
- 13.3 **“Third party Agent”** is a qualified person contracted to act on behalf of the Council;
- 13.4 **“Appropriation”** - The transfer of land from one service use to another;
- 13.5 **“Asset Life Cycle Management”** is the overall process by which a Council Asset is managed, from acquisition through ongoing maintenance and alteration, through to addressing dilapidations and disposal;
- 13.6 **“Annual Work Plan”** is the annual, detailed plan upon which Asset Portfolio actions are programmed;
- 13.7 **“Approved Officer”** means any Director, Assistant Director, Lead Commissioner or Head of Service in accordance with the Scheme of Delegation who has responsibility for client management of the Estates function. all contracts tendered and let by their respective area of responsibility including contract monitoring and management once contract is in place.
- 13.8 **“Authorisation”** is the approval required to enable an Asset acquisition, change or disposal process to commence;
- 13.9 **“Best Consideration”** is the best value that is reasonable obtained for an Asset. Under the Local Government Act 2000;.

- 13.10 **“Less Than Best Transaction”** is where Councils may dispose of land at under best value where this is done to secure the promotion or improvement of the economic, social or environmental well-being of the area;
- 13.11 **“Budget”** is the annually agreed budget and supporting plans and strategies for each Delivery;
- 13.12 **“Built Environment”** is the buildings and other human made space in which people live, work and use for recreation on a day to day basis;
- 13.13 **“Condition Surveys”** are detailed reports of the physical condition of an Asset within the Asset Portfolio of the Council;
- 13.14 **“Corporate Plan”** is the plan which set out the Council’s main strategic challenges and priorities on an annual basis, and the way in which they will be tackled;
- 13.15 **“Disposal”** is the process by which a Council Asset is sold or leased;
- 13.16 **“Strategic Asset Management Plan”** is the strategic planning document designed to develop the Asset Portfolio to achieve the Corporate Objectives of the Council;
- 13.17 **“Lease”** is a legal document which outlines the terms by which the Council agrees to exclusively rent land or property either to or from another Third Party for a specified time;
- 13.18 **“Licence”** is a right to occupy land or a property for a defined period of time;
- 13.19 **“Market Testing”** is the process by which Assets for disposal are offered in the market in order to attract competitive bids to secure best consideration;
- 13.20 **“Monitoring Officer”** is defined within the Constitution as the Chief Officer of the Council, or delegated officer;
- 13.21 **“Asset Portfolio”** is the register of Council Assets (Land and Buildings) wholly or partially owned, or leased by the Council;
- 13.22 **“Red Book”** is the Regulatory Framework of Standards and Best Practice Methods and Processes employed by Members of the Royal Institution of Chartered Surveyors when engaged in Asset Life Cycle Management and Asset Valuation;
- 13.23 **“Royal Institution of Chartered Surveyors” (RICS)** is the Regulatory Body charged with establishing a Framework of Standards, Methods and Processes which are compliant with English law and represent Best Practice within the Asset Management profession;

14 APPENDIX 1 - TABLE A – Authorisation Delegated Powersⁱ

	Authorisation Level ⁱⁱ	Acquisitions	Lease in	Lease out for Rent or Consideration	Licences, Easements and Consents	Compensations, Settlements and Covenants	Disposals
A	Less than £25,000	Summary DPR – Approved Officer	Summary DPR – Approved Officer	Summary DPR – Approved Officer	Summary DPR – Approved Officer	Summary DPR – Approved Officer	Full DPR- Director or Deputy Chief Operating Officer (unless a Less Than Best transaction, which must be reported to Assets, Regeneration and growth Committee (ARG))
B	£25,001 to £100,000	Full DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Full DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Full DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Summary DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Summary DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	
C	More than £100,001	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)

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

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

D	'Non-Value' Variations post Authorisation	Delegated Powers Report Approval	Delegated Powers Report Approval	Delegated Powers Report Approval	Delegated Powers Report Approval	Delegated Powers Report Approval	Summary DPR – Director or Deputy Chief Operating Officer Report to next Asset Regeneration and Growth Committee (ARG)
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15 **APPENDIX 2 - TABLE B – Acceptance Delegated Powers (Acquisitions and Disposals)**

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

	<p style="text-align: center;">Council</p> <p style="text-align: center;">13 December 2016</p>
<p style="text-align: center;">Title</p>	<p style="text-align: center;">Referral to Council from the Performance and Contract Management Committee – Year Three Review of Customer and Support Group (CSG) Contract</p>
<p style="text-align: center;">Report of</p>	<p>Head of Governance</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Annex 1 – Report to Performance and Contract Management Committee, 15 November 2016</p> <p>Appendix A: Summary of service improvements</p> <p>Appendix B: Public submissions</p> <p>Appendix C: Project spend slide pack</p> <p>Appendix D: Benchmarking slide pack</p> <p>Appendix E: Detail of savings proposals</p> <p>Appendix F: Project spend slide pack (Exempt)</p> <p>Appendix G: Detail of savings proposals (Exempt)</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Salar Rida, Governance Officer salar.rida@barnet.gov.uk 020 8359 7113</p>

Summary
<p>The Performance and Contract Management Committee on 15 November 2016, unanimously supported the referral of the Year Three Review of Customer and Support Group (CSG) Contract report to Council.</p>

Council is therefore requested to consider the recommendations as set out below.

Recommendations

That Council consider and vote on the recommendations contained at Annex 1 of the report which was referred from the Performance and Contract Management Committee on 15 November 2016.

1. WHY THIS REPORT IS NEEDED

- 1.1 At its meeting on 15 November 2016, the Performance and Contract Management Committee considered agenda item 8, Year Three Review of Customer and Support (CSG) Contract.
- 1.2 In line with the Council's Constitution, the requisite number of Members to support a referral from the Performance and Contract Management Committee to its parent body, Full Council, is 4 Members subject to the decision being marked as Key and Non-Urgent.
- 1.3 Following consideration of the item and the exempt appendices during the private session of the meeting, the Chairman moved to the vote on the recommendation as set out in the report.
- 1.4 With the exception of Recommendation 3b which was voted on separately, the votes were declared as follows on the Recommendations :

For	11
Against	0
Abstentions	0

- 1.5 The votes in relation to Recommendation 3b were declared as follows:

For	6
Against	5
Abstentions	0

- 1.6 Immediately following the vote, the Chairman of the Committee, Councillor Anthony Finn moved to refer the item to the next practicable meeting of Full Council. The reason given for the request to refer the item was the significance of the Year 3 Review of the CSG Contract which merited the attention of Full Council. The referral was supported by all Members of the Committee, therefore meeting the requisite number needed for referral.
- 1.7 As the Performance and Contract Management Committee immediately indicated after the decisions had been taken that they required the decision to

be referred up, the procedures to be followed will be those set out in Paragraph 20 of Full Council Procedure Rules (Rules of Debate). For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

2. REASONS FOR RECOMMENDATIONS

2.1 As set out in the substantive report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As set out in the substantive report.

4. POST DECISION IMPLEMENTATION

4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As set out in the substantive report.

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

5.2.1 As set out in the substantive report.

5.3 Legal and Constitutional References

5.3.1 Constitution, Responsibility for Functions, Paragraph 6, Members Rights to Refer Matters to Parent Body – states that “A specified number of Members of a Committee or Sub-Committee may require that any decision of the Committee or Sub-Committee is referred up to the next practicable meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, by indicating immediately after the decision is taken that they require the decision to be referred up. The report to Full Council or the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons given for the referral.”

5.3.2 Constitution, Full Council Procedure Rules, Paragraphs 20 and 21- Rules of Debate and Time for Debate

5.4 Risk Management

5.4.1 As set out in the substantive report.

5.5 Equalities and Diversity

5.5.1 As set out in the substantive report.

5.6 Consultation and Engagement

5.6.1 None

6. BACKGROUND PAPERS

6.1 None.

	<p>Performance and Contract Management Committee</p> <p>15 November 2016</p>
Title	<p>Year Three Review of Customer and Support Group (CSG) Contract</p>
Report of	<p>Interim Chief Operating Officer</p>
Wards	<p>All</p>
Status	<p>Public (except Appendices F and G, which are not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972)</p>
Urgent	<p>No</p>
Key	<p>Yes</p>
Enclosures	<p>Appendix A: Summary of service improvements Appendix B: Public submissions Appendix C: Project spend slide pack (excluding exempt information) Appendix D: Benchmarking slide pack Appendix E: Detail of savings proposals (excluding exempt information) Appendix F: Project spend slide pack (including exempt information) Appendix G: Detail of savings proposals (including exempt information)</p>
Officer Contact Details	<p>Caroline Woolf – Commercial Director caroline.woolf@barnet.gov.uk 020 8359 7082</p> <p>Deborah Hinde – Contract Review Manager deborah.hinde@barnet.gov.uk 020 8359 2461</p>

Summary

At its meeting on 7th January 2016, the Performance and Contract Management Committee considered a report outlining the proposed arrangements and recommendations for conducting a year three review of the CSG contract, in accordance with clause 10.3 of that contract. The review is designed to give both parties to the contract (Capita Business Services Ltd and the council) an opportunity to review overall performance; consider what

is going well; and identify areas for improvement.

The Committee agreed at that meeting that the Review should be undertaken and established a Member-led working group of the Committee for the purpose of overseeing the conduct of the Review.

Reports on the progress of the Review were considered by the Committee at its meetings on 31st May 2016 and 6th September 2016. The latter report included consideration of the draft desired outcomes that had been agreed by the Working Group.

The purpose of this report is to set out the detailed findings from the Review and the recommendations of the Working Group. In broad terms, the report concludes that the contract is meeting its original objectives, with significant savings having been achieved and substantial improvements in, most notably, customer satisfaction and revenue collection. Day to day service performance is generally acceptable, when judged against the Key Performance Indicators (KPIs). However, the report also recognises that there have been performance issues within certain services, some of which have been significant. The report makes recommendations to address these issues and to further develop the services to meet the council's needs, through the achievement of the outcomes that were considered by the Committee in September.

The Review has also driven the identification of further savings to the council, potentially in the order of up to £2.9m per annum. Of this, approximately £1.5m has a high degree of certainty of deliverability, whereas the remainder requires further investigation. Details of the potential savings are set out in paragraphs 1.65 to 1.88 of the report.

Although this report signals the formal end of the Review, there is still work to do to finalise negotiations around changes to certain KPIs and working arrangements to reflect where improvements are required, as well as the agreement of an implementation plan to ensure the issues set out in this report are resolved. It is therefore recommended that the Working Group continue to oversee this process through to conclusion by the end of the financial year.

Recommendations

- 1. That the Committee notes the content of the report, along with the proposed service improvements and savings, as set out in the body of the report and summarised in Appendix A to this report.**
- 2. That the Committee notes that the Chief Operating Officer is authorised under the existing Scheme of Delegation to conclude negotiations and finalise the necessary contractual arrangements to effect these changes.**
- 3. That the Committee endorses the following proposals, which will be taken forward through existing officer delegations:**
 - a. The establishment of two dedicated ICT project support teams, as set out in paragraph 1.70 of the report; and**

<p>b. The revised payment arrangements for the CSG contract in 2017, as set out in paragraph 1.74 of the report.</p>
<p>4. That the Committee agrees that progress on the following items be considered by the Member-led CSG Working Group and the outcomes reported to the Performance and Contract Management Committee before the end of the financial year:</p> <ul style="list-style-type: none"> a. Revisions to the suite of Key Performance Indicators and updated list of contractual commitments, as referenced in paragraph 1.52 of the report; b. The Partnership Development Strategy, as referenced in paragraph 1.55 of the report; c. The Partnership Communication Strategy, as referenced in paragraph 1.63 of the report; and d. Any proposals to extend the remit of the Procurement service, as set out in paragraph 1.71 of the report.
<p>5. That the Committee notes that an implementation plan is being formulated that sets out the key milestones for the delivery of the service improvements identified in the body of the report and that progress will be reported to the Committee.</p>
<p>6. That the Committee agrees that the Member-led CSG Working Group should continue to meet, as required, to provide oversight for the completion of the Review.</p>

1. WHY THIS REPORT IS NEEDED

Background and purpose of the review

- 1.1 The CSG contract commenced on the 1st September 2013 and allows for a review at the end of year three. The contract states that the review should take place within 40 business days of 1st September 2016.
- 1.2 The Review has been designed to give both the council and Capita Business Services Ltd an opportunity to: consider what is working well; identify areas for improvement; and to consider the changing needs and priorities of the council. It is also an opportunity to consider the opportunity for further savings and efficiencies within the contract, given the need for the council to continue to make revenue savings in the years ahead.
- 1.3 At its meeting on 7th January 2016, the Performance and Contract Management Committee considered a report outlining the proposed arrangements for conducting this Review. The Committee agreed that the Review be undertaken and established a Member-led Working Group of the

Committee for the purpose of overseeing the Review and reporting its recommendations to the Committee on conclusion.

- 1.4 At its meeting on 31st May 2016, the Performance and Contract Management Committee considered a report on the progress of the Review and endorsed the project brief that had been agreed by the Working Group and was appended to that report.
- 1.5 The project brief confirmed the overall aim of the Review as being to ensure that the CSG contract remains fit for purpose in the period to 2020 (by which point the year six contract review will have been carried out), recognising that the strategic context within which the contract operates has changed significantly since it was signed in 2013.
- 1.6 The main objective of the Review is to secure a formal agreement with Capita Business Services Ltd on any changes that the council requires to the Customer and Support Group contract to deliver:
 1. Maximum benefit from the opportunities that exist for the in-scope services;
 2. Improvements in the performance of the in-scope services;
 3. Budget savings;
 4. The priorities set out in the Council's Corporate Plan; and
 5. Ongoing flexibility and responsiveness to address changing and emerging needs in the future.
- 1.7 In addition, the Review has sought to identify:
 1. The benefits and achievements that have been realised through the contract; and
 2. Any changes that the council should make to improve its client-side management of the contract and ensure that its activities add value to the contractual arrangements.
- 1.8 Members of the Working Group are:

Councillor Geoffrey Cooke
Councillor Anthony Finn (Chairman)
Councillor Sury Khatri
Councillor Kathy Levine
Councillor Peter Zinkin
- 1.9 The role of the Member Working Group has been to:
 - provide strategic direction to the Review
 - agree the overall aims, objectives and desired outcomes of the Review
 - consider and challenge the evidence
 - agree the recommendations to Committee

- 1.10 The purpose of this report is to set out the detailed findings and recommendations from the Review. The report also identifies the additional work that will be required to fulfil the objective of securing a formal agreement with Capita Business Services Ltd in order to execute those recommendations.

Overview of the contract

- 1.11 The CSG contract commenced in September 2013. It is a 10 year contract, with a value of approximately £322m, including managed budgets and partnership governance costs.
- 1.12 The core services that are delivered under the contract are:
- Finance
 - ICT
 - HR, including Pensions and Safety, Health and Welfare
 - Customer Services
 - Revenues and Benefits
 - Procurement
 - Estates
 - Corporate Programmes
- 1.13 Services are provided at a fixed price, based on delivering the requirements of the council's output specifications. There are some elements of pricing that vary according to changes in the volume of transactions, for example payroll, but these are relatively marginal. Any changes to the council's requirements are governed by a change request process.
- 1.14 In addition to the reductions that the contract has delivered in the cost of delivering these core services, the contract also provides a number of guarantees in respect of further savings and income generation. The most notable of these is on procurement, which provides a net savings guarantee of £47m over the life of the contract. In order to encourage over-performance against these guarantees, the contract provides for a risk/reward mechanism, called gainshare, whereby both the council and Capita benefit from CSG exceeding the guarantees, but the risk of not achieving the guarantee remains with Capita.
- 1.15 The contract provides for ongoing performance review and improvement, but also for more formal reviews at the end of years three and six. There is also the facility to extend the contract, by up to five years, which can be exercised by the council at any point.
- 1.16 Service delivery expectations are defined in the following documents, which form part of the schedules to the contract:
- **Output specifications**, which set out a description of what the council asked for when it went out to tender:

- **Method statements**, which set out how Capita said they would deliver these requirements;
 - **Contract commitments**, which is a list of specific actions that Capita committed to delivering, as part of their bid.
- 1.17 The contract was entered into as a long term partnership, with a focus on identifying and rectifying problems as quickly as possible, without adversarial processes. However, where performance does not meet the agreed expected outcomes, the contract describes the actions that can be applied by the council. The main remedy available to the council is the ability to apply service credits (deductions) against a suite of Key Performance Indicators (KPIs). These define the required performance levels for each service area. The level of service credit that can be applied is determined by the weighting agreed for each KPI and the degree of failure. The maximum value of service credits that can be applied is defined within the contract and is a fundamental element of the commercial basis of the contract.
- 1.18 The application of service credits for failure to meet KPI targets is the only financial remedy for poor performance contained within the contract. The other main remedy for poor performance that is available to the council is to serve a remedy notice, which requires CSG to provide and implement an improvement plan within an agreed timescale. Failure to comply with a remedy notice could result in the council “stepping in” to directly manage service delivery. Ultimately, the council has the power to terminate the contract for breach, but it should be recognised that this would always be the remedy of last resort and would only apply in the event of catastrophic, continuing failure to provide a significant element of the service. It should also be noted that this course of action would have significant legal and financial consequences for the council.
- 1.19 Day to day oversight of the performance of the contract is exercised through frequent engagement between the relevant CSG service leads and the council’s Senior Responsible Officers (SROs), who play a key role in steering the strategic direction of services and monitoring service quality. Within the council’s Commercial Team, a Partnership Relationship Manager has overall responsibility for monitoring the delivery of the contract. This includes administering any change requests that are put forward by services and managing the performance reporting regime.
- 1.20 Performance reports are considered by a joint Partnership Operations Board, which meets monthly. Issues are escalated as necessary to the joint Strategic Partnership Board, which also provides strategic oversight and direction to the partnership as a whole.
- 1.21 The Performance and Contract Management Committee exercises Member oversight of performance, receiving quarterly reports on all aspects of the contract’s performance. Services that are provided through the contract are subject to the council’s normal internal audit arrangements, which includes referral to the Audit Committee, where internal control arrangements do not meet the required standard.

Conduct of the review

- 1.22 The council has adopted an evidence-based and collaborative approach to conducting the Review, recognising that both parties to the contract have a valuable contribution to make in developing the contract and the partnership environment within which it operates. It is also recognised that both parties can learn from the operation of the contract and the partnership to date. Capita have engaged proactively and effectively during the review process, through a number of challenge sessions between senior officers and senior members of Capita's management team in Barnet, to discuss various elements of the Review and specific services.
- 1.23 The Review has focussed primarily on future requirements, whilst acknowledging the benefits of identifying and articulating both the successes and frustrations experienced by both parties during the first three years of the contract, with a view to maximising the likelihood of the contract succeeding in the future.
- 1.24 Over the last few months, the council's SROs for each service within the contract have been reviewing performance against the contract in terms of:
1. Delivery of contractual commitments;
 2. Compliance with output specifications; and
 3. Compliance with method statements.
- 1.25 Based on these assessments, SROs then prepared a SWOT (strengths, weaknesses, opportunities and threats) analysis for each of their service areas, along with identifying a range of opportunities for service development and cost reductions or income generation. These were agreed with CSG service leads and then subjected to review and challenge by the project team, prior to them forming the basis of a presentation pack to the Member Working Group.
- 1.26 Alongside this work, the project team carried out a series of interviews and workshops with Barnet's Commissioning and Delivery Unit Directors, Assistant Directors, Service Managers and staff to seek their views on what is working well with the services and what needs improvement. Schools were invited to participate in workshops or submit written comments, but only one school chose to participate. A report on the outcomes of these interviews and workshops is included in the evidence pack referenced in section 6 of this report. These outcomes also informed the challenge sessions that were held with SROs and CSG service leads.
- 1.27 At their meetings on 25th May 2016 and 5th July 2016, the Member Working Group considered the resulting service overview presentation pack for each service and, following discussion and challenge, confirmed the opportunities that they wanted officers to progress. These presentation packs are also included in the evidence pack referenced in section 6 of this report.

- 1.28 At these meetings, the Working Group also received updates on the progress of the Review and considered papers setting out some of the key commercial arrangements contained in the contract.
- 1.29 Based on the outcomes of these meetings, officers commenced the development of more detailed proposals, in dialogue with CSG colleagues.
- 1.30 The Working Group meeting on 25th July 2016 was held in public and sought the views of residents, traders and local businesses about the contract. Four residents submitted statements about their experiences of the services provided under the contract. One resident presented their views to the meeting and subsequently provided a copy of their presentation. At the meeting, Members considered the statements that had been submitted and identified a number of areas that required further attention as part of officers' continuing work on the Review. The submissions from members of the public are attached as Appendix B. Responses to the concerns raised are incorporated in the relevant sections of the report and summarised within the Appendix.
- 1.31 At its meeting on 4th August 2016, the Working Group considered a presentation pack summarising the performance of each service covered by the contract. This is included in the evidence pack referenced in section 6 of this report. It identified, for the contract to date:
- Progress on delivering contractual commitments
 - Service cost
 - Performance against KPIs
 - Any performance remedies applied
 - Key service risks
- 1.32 Based on their consideration of the service overviews and performance assessments, the Working Group agreed a range of draft desired outcomes for the Review and tasked officers to proceed with securing these, in dialogue with CSG colleagues. The draft desired outcomes were considered by the Performance and Contract Management Committee at its meeting on 6th September 2016.
- 1.33 The Working Group also considered a paper setting out the current arrangements for ensuring value for money from expenditure incurred in supporting the delivery of capital, transformation and ICT projects. This expenditure is not included in the core contract price and varies from year to year, depending on what projects are commissioned by the council. The Working Group agreed a number of opportunities for securing further assurance on the value for money achieved through this expenditure, for further exploration by officers. The paper, excluding exempt information, is attached as Appendix C. The same paper, including exempt information, is attached as Appendix F.

- 1.34 At its meeting on 28th September 2016, the Working Group considered a more in-depth assessment of performance in respect of the ICT service, which is included in the evidence pack referenced in section 6 of this report.
- 1.35 The Group also considered a paper setting out the results of a CIPFA benchmarking exercise, which compared the current cost of various services covered by the contract with those provided within similar councils. The paper is attached as Appendix D. Key elements are included in the service outcomes sections of the report, but in broad terms, the benchmarking exercise shows that the services provided under the contract are generally low cost, compared to similar services provided from within similar councils. This should be regarded as an indicator of comparative cost, as membership of benchmarking clubs is self-selecting and service definitions and treatment of cost will vary to some extent within the councils that do choose to participate.
- 1.36 Alongside the consideration of evidence by the Working Group, officers have been continuing dialogue with CSG colleagues to work up proposals for delivering the desired outcomes from the Review. These proposals are at various stages of development and implementation. Detail on the content and status of the proposals is set out in the remaining sections of the report.

Overview of contract performance

- 1.37 The key drivers for entering into the CSG contract in 2013 were to:
- a) Achieve significant cost reduction;
 - b) Maintain service quality; and
 - c) Secure investment in improving Customer Services.
- 1.38 Overall, the contract is delivering against these objectives. Most notably, the services covered by the contract are being delivered at considerably lower cost than prior to the contract being put in place and they are generally low cost compared to similar services in other councils. Prior to the contract, the annual cost for the core services was approximately £31m. Under the contract, the annual cost of those services is now approximately £25m, representing an annual saving of approximately £6m.
- 1.39 Over the 10-year term of the contract, savings on the provision of core services, together with procurement savings and increases in income, are anticipated to be in the region of £125m.
- 1.40 Notable achievements through the contract to date are:
- Office moves at North London Business Park have saved the council £5.2m per year
 - The Revenues and Benefits service collected £5.1m more in 2015/16 than in the previous year

- 76% of customers are satisfied with the service, which is up from 52% pre-contract
- 94% of face to face customers are satisfied, up from 35% pre-contract. As of August 2016, the service is rated the top Face to Face service for all councils using GovMetric scoring
- There has been an unqualified audit opinion for the annual accounts since contract start
- £5.6m procurement savings have been delivered to date and the service is on track to meet the overall commitment
- Introductions to the wider Capita Group, for example Capita Asset Services, whose review of the council's financing arrangements in respect of Minimum Revenue Provision has released an additional £18m of revenue funding over the life of the contract

1.41 Overall, performance against the Key Performance Indicators (the main objective measure of service quality) is acceptable. In 2015/16, 27 of the 30 service-delivery KPIs achieved their target over the year as a whole. Detailed performance information is provided in the service outcomes sections of the report. Performance information is reported regularly to the Performance and Contract Management Committee, including details of service credits that have been applied where targets have not been achieved within the quarter. The total credit applied for service-delivery KPIs in 2015/16 was approximately £81k, compared to approximately £164k in the previous year, which suggests that service performance is generally improving.

1.42 In respect of contractual commitments, a comprehensive review of these has been carried out. Overall, over 85% of the 294 certain contractual commitments have been substantially delivered, are in progress or are classified as "ongoing", i.e. they are an obligation that continues for the duration of the contract. The Review has highlighted that some contractual commitments were delivered later than anticipated in the contract. Reasons for late delivery vary. In some cases, effort has been re-prioritised in agreement with the council's SRO, in other cases commitments that were made in the original bid have proved to be more complex to deliver than was anticipated. The Review has also highlighted that many of the items listed as contractual commitments repeat things that are covered elsewhere in the contract, for example within KPIs.

1.43 Not surprisingly with a contract of this scale and complexity, there have been performance challenges in all services, some of which have been significant. This has most notably been the case with the ICT and Estates services, both of which it is acknowledged had performance issues going back a number of years prior to contract commencement. Instability in the senior management of these services is likely to have contributed to these issues. There were also substantial issues with the performance of the HR service in the early years of the contract, but these have been turned around over the last year and the service is generally regarded to be improving under the new CSG HR Director. Unified Reward is a significant achievement for the service and excellent progress has been made on reviewing and updating key HR policies. It is also recognised that issues such as the libraries' system failure

have had an impact on public perception of the performance of the contract. The Performance and Contract Management Committee has received regular reports on any performance issues and, where necessary, improvement plans have been put in place. Further service improvements have been identified as a result of this Review and are set out in the following sections.

- 1.44 One key area of concern in terms of overall performance is internal customer satisfaction. This is measured through annual surveys of commissioners and staff, using standard CIPFA survey questions. The survey results in respect of the financial year 2014/15 were not statistically valid, due to there being an insufficient response rate. Survey results in respect of the financial year 2015/16 were universally poor, with all services failing to meet the target of upper quartile customer satisfaction. As a result, service credits to a total value of £116k have been applied in respect of these KPIs.
- 1.45 To some extent, a degree of dissatisfaction amongst internal service users is to be expected, given the fact that cost reductions have been achieved to a large extent through increased self-service for both managers and staff, along with more restrictive processes and controls over things like the payment of invoices and the appointment of staff. Despite the survey outcomes indicating a low level of satisfaction, the interviews conducted with staff and managers as part of this Review suggest that services are generally considered to be improving. The survey itself does not require respondents to provide a rationale for scores below an acceptable level and therefore provides no qualitative information on which to base improvement planning.
- 1.46 Discussions are continuing with CSG to develop a method of defining and measuring internal customer satisfaction KPIs that provides more meaningful information on which to base improvement planning. This is likely to include surveys augmented with a more qualitative approach, such as workshops with key users to better understand their concerns and needs.
- 1.47 It is considered that the successful implementation of the service improvements identified as a result of this Review will contribute to improving internal customers' perception of the services.
- 1.48 The council's contract management approach has developed and been strengthened over the first three years of the contract, for example with additional client resource being put into the HR, Estates and ICT services. In broad terms, the current arrangements for governance and performance management of the contract are considered to be robust, but the Review has identified the potential for further enhancements to the contract management arrangements to streamline reporting arrangements and clarify accountabilities.

Review outcomes at partnership level

- 1.49 In addition to reviewing the performance of each service provided under the contract, the Review has also sought to identify issues and improvements that have an impact on the performance of the contract as a whole. Based on their consideration of service performance, together with the key issues that were identified by the council's managers and staff, a range of partnership level desired outcomes were agreed by the Working Group.

Performance management

- 1.50 The first desired outcome related to performance management and involved reviewing and refreshing KPIs, commitments and obligations across all services, to reflect corporate priorities and drive desired behaviours. This work has been undertaken within each service workstream and coordinated by the review team. The changes required to KPIs generally involve adjusting definitions or reporting arrangements, to ensure that they remain relevant to changing circumstances. Specific proposed changes are set out in the service outcomes sections of the report.
- 1.51 The Review provides an appropriate opportunity to update the list of contractual commitments and to:
- a) Close off those commitments that have been delivered; are no longer relevant or are covered elsewhere within the contract;
 - b) Transfer "ongoing" commitments to the method statement or output specification, as appropriate;
 - c) Review and agree the wording of remaining commitments to ensure that they are clear and relevant (i.e. SMART); and
 - d) Confirm future monitoring and reporting arrangements, including reporting of progress to the Performance and Contract Management Committee.
- 1.52 It is recommended that progress on finalising amendments to KPIs and updating the contractual commitments list be considered by the Member Working Group and reported to the Performance and Contract Management Committee, before the end of the financial year.

Governance

- 1.53 On governance arrangements, the desired outcome was to ensure that governance arrangements, reporting processes and a shared organisational development strategy would collectively drive improvement, develop an effective partnership culture and support staff retention. It was also acknowledged that changes may be required to enable the council to be a better client.
- 1.54 Good progress has been made on identifying and agreeing changes to the operation of the Strategic Partnership Board and the Partnership Operations Board, in order to streamline reporting arrangements and ensure that meetings can be more focussed on resolving issues and driving improvement. Work is also well under way on refining the roles of SROs, the Commercial

team and CSG workstream leads, to provide greater clarity on responsibilities and accountabilities.

- 1.55 A “partnership development strategy” is being developed with the aim of improving the effectiveness of partnership working and maximising the benefits of the council’s relationship with both CSG and the wider Capita organisation. The strategy will:
- a) incorporate the changes to management arrangements referred to above;
 - b) set out agreed principles that underpin effective partnership working and ensure joint responsibility for securing success and resolving problems, together with a programme of activity designed to develop effective partnership working behaviours that support the achievement of those principles;
 - c) identify approaches to ensuring more regular and effective interaction with council commissioners and delivery unit management teams, in order to strengthen the contribution to the council’s strategic and business planning activities; and
 - d) set out arrangements to improve interaction with Capita’s other key partnerships, such as Birmingham and Sheffield, for example through an annual horizon-scanning conference.
- 1.56 It is anticipated that the implementation of this strategy will support staff retention by creating a greater sense of being part of an effective partnership arrangement.
- 1.57 It is recommended that progress on finalising the partnership development strategy be considered by the Member Working Group and reported to the Performance and Contact Management Committee, before the end of the financial year.

Systems

- 1.58 In response to concerns raised by managers and staff, the need for an agreed plan for improving basic systems performance and delivery (including management information) was identified as a key desired outcome of the Review. The main systems concerned were the Integra finance system and the Core HR system. The approach to maximising the benefits of these systems, through a combination of system development, training and communication, is set out in the relevant service outcomes sections of the report.

Resources

- 1.59 Similarly, the desired outcome of ensuring that sufficient, suitable, expert resources are in the right place to provide the strategic support the council needs has been addressed through the Finance, ICT and Estates workstreams. Specific proposals include improving the effectiveness of the business partnering model in Finance, strengthening the leadership team and increasing capacity within Estates and enhancing the project and programmes management function within ICT.

Innovation

- 1.60 A particular concern amongst the council's senior management and Members of the Working Group has been the perception that the council does not appear to have benefited from the injection of innovation and forward thinking that was anticipated from links with the broader Capita organisation. Through discussions, it has been identified that the key issue here has been highlighting and evidencing relevant activity and contributions, leading to a communications gap on sharing best practice. Recent developments in the use of the Innovation Lab to consider issues such as the Adults web refresh and Smart Cities have demonstrated an increased impetus in this aspect of the contract.
- 1.61 The partnership development strategy will include a programme of activities to encourage and raise the profile of innovation arising out of the operation of the partnership. It will also drive modifications to the Strategic Partnership Board agenda, enabling more time for horizon-scanning and consideration of innovation.

Flexibility

- 1.62 A further desired outcome at partnership level was to create more flexibility within the contract model to better adapt to the council's changing needs. This outcome was identified in response to the fact that various services within the council are currently considering the development of alternative delivery vehicles, which may have an impact on future demands upon the CSG contract. The dialogue process has identified that any significant changes in this respect would fundamentally change the commercial model on which the contract is based and it is not therefore feasible to secure the desired flexibility through changes to the contract itself. However, good progress has been made on developing a protocol that will guide future discussions about any potential reduction in the scope of the contract as a result of strategic decisions by the council. Dialogue is continuing to complete the protocol, the outcome of which will be included in the partnership development strategy and reported to the Member Working Group in due course.

Communication

- 1.63 The final desired outcome at partnership level was to develop a communications strategy to raise awareness of achievements and improvements amongst key stakeholders. A framework document has been developed for this, which will be populated and considered by the Member Working Group at the conclusion of the Review work.
- 1.64 One further matter that has been explored as an important part of this Review at partnership level is the council's appetite to extend of the contract beyond the original 10-year term at this stage. In terms of benefits, similar contract reviews conducted within other councils have secured significant additional savings by linking the Review with a contract extension. Capita were keen to explore these options and conveyed a desire to proceed with discussions as part of this Review. However, it is considered that any improvements to

services, plus new initiatives, as set out in this report, should be the primary focus at this stage. It is therefore proposed that the outcomes of this Review be seen as an enabler to aid discussions of a possible extension towards the end of this financial year.

Savings proposals

- 1.65 Given the need for the council to continue to make further significant budget savings to the end of the decade and beyond, the council needs to look at all major contracts to see where further efficiencies and savings can be achieved. As such, one of the desired outcomes of this Review has been to deliver further savings to the council – alongside service improvements – through cost reductions, income generation and/or de-scoping of activity. This desired outcome has informed discussions with CSG at both partnership and service level, with a wide range of opportunities being explored through the dialogue process. In total, potential savings in the order of up to £2.9m per year have been identified by 2018. There are a number of caveats in relation to this figure, of which the Committee should be aware.
- 1.66 Firstly, it should be made clear that this is an overall savings envelope and that the £2.9m figure is seen as the upper end of what could be achieved, without impacts on the services within the contract, and given that there is a contract in place, which already provides savings of £125m over the contract term, and that Capita are under no contractual obligation to offer further savings as part of the current contract.
- 1.67 Secondly, it should also be made clear that this figure is an estimate and further work will be required to determine the precise levels of savings that can be achieved in relation to some of the specific areas of opportunity identified. The overall potential savings envelope is based on a mix of direct cost reductions, savings guarantees and future cost avoidance and some of these will be easier to implement and achieve than others. In broad terms, it is considered that there is a high degree of certainty in the delivery of approximately £1.5m of the total identified.
- 1.68 Finally, there is a trade-off between the level of savings that can be achieved and the potential impact on the quality of services within the contract. This is a delicate balance and officers will continue to work with CSG to ensure that the delivery of savings does not put at risk the required improvements to services that have been identified through this Review, or indeed lead to a deterioration of quality against current service levels.
- 1.69 The main elements of the overall £2.9m potential savings are set out in the following paragraphs.

Establish dedicated ICT project support teams

- 1.70 In order to improve the effectiveness of project management in respect of the ICT service, it is proposed that two further dedicated project teams be established to support the ICT transformation programme, under the auspices

of the Programmes service. One team would focus on programme and project management, whilst the other would provide the key technical resource required to deliver the council's ICT strategy. In addition to improving the quality of the service, the certainty that this would provide in respect of resourcing levels would also enable savings of approximately **£660k** to be achieved against contracted rates. The cost of the two teams would be approximately £700k per annum. As this expenditure relates to future projects, it represents future cost avoidance. It is recommended that Members endorse the establishment of a dedicated ICT project support team.

Increase remit of Procurement service

- 1.71 The procurement service is generally considered to be performing well and savings guarantees have been exceeded over the first three years of the contract. However, the contract does not currently cover all aspects of the council's procurement activity and it has been identified that there may be significant additional savings to be achieved by applying the procurement team's expertise to a broader range of activity.
- 1.72 A number of areas of expenditure have been explored and it is considered that an additional savings guarantee of approximately **£500k** could be achieved by extending the procurement team's remit to include the capital programme. Work is progressing on the detailed analysis that is required to secure this guarantee. Safeguards will need to be built into the final proposal to ensure that the calculation of gainshare is fair and transparent, and that savings are both real and achievable. At this stage it is recommended that officers proceed with the detailed analysis and negotiation that is required to secure a firm proposal, which would be brought back to Members for consideration in due course, with a clear view about the risks and benefits of such an approach.
- 1.73 Discussions have also taken place with a view to extending the remit of the Procurement team to include the Barnet Group's expenditure. There have been initial, positive discussions with the Group's management, but further analysis of expenditure, existing contract arrangements and the future needs of the service is required before a formal proposal can be developed. It is proposed that this opportunity be taken forward as part of the discussions about a potential alternative delivery vehicle for Street Scene, in order to avoid any double counting of potential savings.

Management Fee Payment Profile

- 1.74 A direct cost saving in the order of **£500k** could be achieved by amending the payment arrangements for CSG. The bulk of this is the saving that could be achieved through amending the payment profile of the annual contract management fee, which the council is contractually required to pay each year. This fee – which overall costs around £25m each year - is currently payable on a quarterly basis, i.e. for 2017, it is due to be paid in four instalments due in March, June, September and December. Paying the fee as one payment in December 2016, would trigger the saving.

- 1.75 This would represent a genuine, guaranteed, cashable saving, without any impact on the scope or quality of services, and significantly in excess of the opportunity cost to the council. The prepayment relates to that element of the contract that the council is obliged to pay in any event and does not create additional risk in that regard. The key additional risk associated with this proposal would arise in the event of Capita ceasing to trade during the period to which the payment relates. This has been reviewed by the council's financial officers and is considered to be highly unlikely. Contract withdrawal is a lengthy process and the contract would ensure that any surplus monies would be returned to the authority. Paying the management fee up front does not impinge on the council's ability to issue service improvement notices or apply service credits in year, if services do not meet agreed performance levels.
- 1.76 A further saving could be achieved by adopting a similar arrangement for the payment of invoices associated with the dedicated project teams that have been established to support the council's transformation and capital programmes. This would involve a pre-payment of approximately £1.9m, based on one year's spend. Whilst these fees do not form part of the core contract payment, the council has already committed to funding these teams to March 2018 (transformation projects team) and March 2020 (capital projects team) and this is therefore considered to be low risk.
- 1.77 Further detail on these proposals is set out in Appendix E, which is redacted to exclude exempt information, and Appendix G, which includes the exempt information.
- 1.78 It is recommended that Members endorse the proposal to amend the payment arrangements for 2017.
- 1.79 As part of the discussions on this proposal, the benefits of paying more than one year in advance were explored. Whilst the financial benefits of doing this would be significant, it was considered to be a higher risk option and it is therefore considered that the one year payment options be accepted. However, the Committee should also note that further savings could be achieved in future years if fees were paid up front again – say, in 2018. At this stage, it is not recommended that any commitments are made to any future prepayments.

Reduction in agency spend

- 1.80 Members will be aware that the level of expenditure on agency staff is a continuing concern for this council, as with many others. As a result of this Review, the HR team have developed a proposal to secure a direct reduction of approximately **£330k** against current expenditure on interim roles, which is a term used to describe contractors that are:
- Engaged to fill a senior established role;
 - Engaged to provide additional capacity at management level; or
 - Engaged to provide specialist skills to complete a discrete piece of work/project on a time limited basis.

- 1.81 Such roles are generally recruited through agencies that typically charge a higher fee level than those that are used to recruit to more routine agency roles. The saving would be achieved by either transferring existing interims to agencies that charge a lower percentage fee, or by re-negotiating the fee level with the interim's existing agency. Whilst some degree of caution has been applied in calculating the estimate given above, there is a risk that not all of it will be achieved, so a more cautious estimate of **£220k** is considered to be prudent.
- 1.82 This saving would be covered by the existing procurement guarantee arrangements, so it does not represent an additional, cashable saving. However, it does have the effect of accelerating achievement of the existing procurement guarantee and it will have the effect of reducing the overall amount that the council spends on agency staff, so it is recommended that the proposal be noted at this stage, pending further analysis and dialogue with CSG to explore the risks and benefits of the approach.

Employee benefits scheme

- 1.83 The HR service has developed an employee benefits scheme, centred on the use of Orbit, which is Capita's proprietary online employee benefits system. In summary, the scheme allows employees to select a range of benefits through the Orbit online system (for example additional annual leave, child care vouchers, discounted car purchases, life insurance), for which they "sacrifice" an appropriate element of their salary. The scheme has been introduced on the basis of it being at no additional cost to the council. In addition, there are potential significant financial benefits to the council in respect of the reduction in Employer National Insurance contributions that it would have to make.
- 1.84 Based on average take-up of the scheme elsewhere, savings could potentially be up to around **£900k** per annum. However, this is entirely dependent upon the level of take-up by employees and the effectiveness of communication and engagement in securing that, so a prudent estimate of approximately **£125k** is proposed as having a high degree of certainty, for the purpose of this report. This would represent a genuine saving against council budgets, although it is acknowledged that accounting for this may be problematic, given that take-up levels are likely to vary across different services. It should be noted that this scheme will also be available to schools that purchase CSG's HR service and a similar level of savings could be achieved across that customer base. Introduction of the scheme itself has already been approved, so it is recommended that Members note that the Review has identified that this potential additional saving to the council has arisen as a result of the implementation of the scheme. The arrangements for monitoring and accounting for savings will be incorporated in the annual budget report.

Summary of savings proposals

- 1.85 The following table provides a summary of the savings proposals set out above:

Description of saving	Certain £000	Potential £000	Total £000	Type of saving
Establishment of dedicated ICT project teams	660	-	660	Guaranteed – avoidance of future costs
Procurement team remit	-	500	500	Guaranteed – additional procurement savings
Payment profile	500	-	500	Guaranteed – reduction of cost against the contract
Interims' agency fees	220	110	330	Not guaranteed – avoidance of future costs
Employee benefits scheme	125	775	900	Not guaranteed – savings against council staffing budgets
Total	1,505	1,385	2,890	

Other potential savings

- 1.86 The savings identified above represent the key areas that have been explored through dialogue. There are additional areas of potential savings that have been identified that may deliver further savings in the longer term, but these cannot be quantified at this point. These include:
- Reduction in print volumes;
 - Increase the scope of the contract management function carried out by the Procurement service (at present most contracts are managed by delivery units); and
 - Introduction of a corporate landlord model in the Estates service, whereby the Estates function “owns” and manages all property on behalf of the council.
- 1.87 Work on developing these proposals and quantifying any future potential benefits will continue as part of the ongoing arrangements for managing the implementation of the outcomes of this Review. It is recommended that Members note that further savings opportunities may be identified in due course.
- 1.88 In respect of income generation, for example through the expansion of traded services, various opportunities continue to be explored, but it is considered unlikely that they will deliver significant additional benefit to the council in the short term. Existing provisions regarding income gainshare will ensure that the council does secure a benefit from any expansion of these services that is achieved in due course.

REVIEW OUTCOMES AT SERVICE LEVEL

Service outcomes – Finance

1.89 Summary of the service

The main function of the Finance service is to provide a full range of financial management services to the council's Delivery Units and Commissioning Directors. In addition, it:

- Provides a finance and accountancy traded service to schools;
- Supports development of the council's Medium Term Financial Strategy, the dedicated schools grant and development of the 30 year Housing Revenue Account business plan;
- Produces the Pension Fund and the council's financial statements;
- Provides transactional financial services, including accounts payable, accounts receivable, cash collection and cashiers; and
- Provides treasury management services for the council and the Pension Fund.

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Current annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB baseline cost before contract (£000k)	Reduction from baseline
3,147	69	3,216	4,173	25%

This represents 14% of the annual cost of service delivery under the contract.

1.90 Achievements and challenges

The key achievements of the service since contract commencement have been identified as:

- The successful introduction of a new finance system (Integra) at a significantly reduced annual cost, within timescale and delivering the required outcomes;
- The service has ensured that the council has consistently been one of the first London boroughs to prepare its annual Statement of Accounts and has done this to a high quality standard; and
- The traded service to schools continues to grow, despite increased competition within the market.

However, the service has not been without its challenges, the main ones being:

- Notwithstanding the successful introduction of the Integra system, users find it awkward to use and there is a need to improve their experience of using the system;
- The need to strengthen the Finance team's challenge to budget managers to improve the robustness of budget forecasting and monitoring, recognising that the service is highly dependent on the quality and timeliness of information received from council service areas; and
- Providing the flexibility and strategic input required to support transformation and changes in the council's structure and delivery models.

1.91 Key performance and benchmarking information

In broad terms, the service is performing well against its main Key Performance Indicators (KPIs), which relate to the council's accounts. The annual outturn for each of the Service's KPIs is shown in the following table:

KPI	2013/14		2014/15		2015/16	
	Target	Outcome	Target	Outcome	Target	Outcome
KPI FIN 29 Budget forecasting - % variance to budget	0%	Pass	0%	Pass	0%	Pass
KPI FIN 30 Percentage of savings implemented	97%	Pass	98%	Pass	100%	Fail
KPI FIN 31 Production of draft Statement of Accounts and to pass to the Authority's external auditors, and provide External Audit with all working papers to the Statement of Accounts	May 14	Reported after June	May 15	Pass	May 16	Pass
KPI FIN 32 External audit completed and draft ISA 260 produced	Jul 14	Pass	Jul 15	Pass	Jul 16	Pass
KPI FIN 33 Unqualified external audit opinion and submitted in line with required deadlines.	Pass	Pass	Pass	Pass	Pass	Pass

Service credits for failing to meet KPIs within the Finance service have been applied as follows:

Year	KPI	Service credit value
2016-17	KPI FIN 30 - % of savings implemented (not yet reported - treated as a fail until data becomes available)	£13,758
Total		£13,758

It should be noted that the failure to meet the target for KPI 30 related to one quarter only and discussions are continuing regarding the application of the above service credit.

Of the 27 contractual commitments relating to the Finance service, 15 have been delivered or are substantially complete. A further 11 are classified as “ongoing”. Those that fall in this latter category will be transferred into the method statement. There are no contractual commitments for the Finance service that are classified as “not delivered”.

CIPFA cost benchmarking data shows that the accountancy service is low cost relative to other organisations in the benchmark group. The service costs £3.40 per £1,000 of council spend, which is below the average cost of £4.00 per £1,000. The number of staff employed in the service is 0.5 FTE per £1m of expenditure, compared to an average of 0.8 FTE.

1.92 Call for evidence outcomes

The key points made about the Finance service by council service managers and staff were:

- The transactional finance service generally works well;
- Particular personnel and teams are highly regarded, e.g. Schools Finance Team;
- Some service areas receive good financial advice and support with budget management, though others would like improvements in these areas;
- More strategic advice and proactive challenge around budget monitoring is needed from CSG Finance, rooted in a solid understanding of the business. Increased interaction between the Finance team and service areas in between monthly budget monitoring meetings would help with this;
- Many users raised issues with the Integra finance system, describing it as clunky and not user-friendly or intuitive.

There were no comments from members of the public on the Finance service, which is primarily an internal support service.

1.93 Review outcomes

Based on the evidence outlined above, two priority outcomes for the Finance service were identified by the Member Working Group:

- a) Developing the business partner model, associated structure, governance arrangements and resources; and
- b) Maximising the benefits of the Integra finance system.

Council officers have been working with CSG colleagues to develop detailed proposals for achieving these outcomes.

Significant progress has been made on the development of the business partner model, with additional resources being allocated to work with service managers to better understand their needs. Work is now under way on a comprehensive re-design of the service to meet those needs, covering both the structure and the competencies required to deliver this new working model.

Work on maximising the benefits of the Integra system has centred on improving communication, primarily through the Integra User Group, and enhanced training provision. The approach to development of the system itself, to enable more automation and an improved user experience, will be set out in a system development roadmap that is being prepared in conjunction with the council's SRO.

Members are asked to note the proposed service improvements. Key milestones for the delivery of these improvements will be agreed as part of the implementation plan and progress against them reported to the Performance and Management Committee.

1.94 Proposed changes to contractual arrangements

In broad terms, it is considered that the KPIs for the Finance service cover the right items. However, some adjustments to definitions would provide greater clarity. In particular, the detail of KPIs 29 (budget forecasting) and 30 (percentage of savings implemented) is being reviewed, with a view to reducing the subjectivity in measuring these, if at all possible.

Service outcomes – ICT

1.95 Summary of the service

The ICT service covers all aspects of the provision of technology support to the council, including:

- ICT delivery services:
 - Programme management
 - Project management
 - Service management
- Infrastructure
- Telephony
- Desktop services

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB Baseline Cost Before Contract (£000k)	Reduction from baseline
5,716	598	6,314	7,917	28%

This represents 25% of the annual cost of service delivery.

1.96 Achievements and challenges

The ICT service that transferred to CSG has generally been acknowledged to have been in a relatively poor state, so a significant focus in the early stages of the contract was on putting the service on a more solid footing, most notably through the:

- Successful implementation of a new data centre; and
- Implementation of a more stable infrastructure and responsive service desk.

The service has experienced some significant challenges, notably:

- Translation of strategy into delivery and the capacity of CSG ICT to deliver;
- Service specific systems support and applications management; and
- Members' ICT.

1.97 Key performance and benchmarking information

Notwithstanding the known issues with the ICT service, it has performed well against its Key Performance Indicators (KPIs), which relate to the fundamental day to day delivery of the service. The annual outturn for each of the Service's KPIs is shown in the following table:

KPI	2013/14		2014/15		2015/16	
	Annual Target	Annual Outturn	Target	Annual Outturn	Target	Annual Outturn
KPI IS 15 - Incident Resolution (Percentage of incidents resolved within agreed service levels)	83%	88%	87%	91%	91%	98%
KPI IS 13 - Critical System Availability (Percentage availability of top 7 IT systems & services ("core council systems") over supported hours)	99.5%	99.87%	99.5%	99.93%	99.5%	99.5%

There have been no service credits applied to the ICT Service, but in May 2014 a "notice to remedy" was issued, following repeated failures to provide a

reliable telephony service. This was resolved in accordance with the requirements of that notice.

There were 33 contractual commitments relating to the Service, of which 20 have been delivered and 10 are in the process of being delivered. There are two commitments that have not yet been delivered within the required timescale and a further one commitment that is not yet due for delivery.

CIPFA benchmarking data shows that the cost of the ICT service is slightly above the median, but below upper quartile in terms of the cost of the service as a percentage of organisational running costs. The average cost of ICT for organisations in the benchmark group is 3.4% of organisational running costs, whereas for Barnet, it is 3.5%.

Members will be aware that there have also been two limited assurance audits this year in respect of the Service, on disaster recovery and change management, together with the failure earlier this year of the library management system. These issues have been the subject of in-depth consideration by the Audit Committee and the Performance and Contract Management Committee, so were not subjected to further scrutiny as part of this Review process. However, in the light of these issues, the Working Group did conduct a more detailed examination of the performance of this Service.

1.98 Key points from the call for evidence

The key points made about the ICT service by council service managers and staff were:

- Business as usual systems and server stability has improved;
- IT Service Desk staff are helpful and issues are resolved relatively quickly;
- The lack of proactive strategic support from IT is a significant issue – CSG IT need to improve their capacity to lead change, bring forward innovation, forward plan for hardware/software/system updates and identify risk;
- The IT service has too much of a technical focus and needs to improve its advisory function, particularly given the lack of specialist IT staff on the client side;
- Slow responsiveness of IT strategic advice acts as a barrier to service and project delivery;
- Inflexibility and lack of an agile approach around security and hardware is a major issue, with current systems and hardware not supportive of flexible or mobile working;
- It is difficult to get accurate performance data for IT and current KPIs do not reflect actual performance;
- The lack of out of hours IT support is a particular issue for Family Services;
- Insufficient notice is given for system upgrades and down times, and the times chosen are often unhelpful; and
- The poor coverage for WiFi in parts of Building 2 is challenging for flexible working and the lack of guest WiFi impacts on visitors and external staff.

There were no comments from members of the public on the ICT service, which is primarily an internal support service.

1.99 Review outcomes

Based on the evidence outlined above, four priority outcomes for the ICT service were identified by the Member Working Group:

- a) Support the delivery of the Council's Locality Strategy through the deployment of innovative approaches to flexible and mobile working and a new document management system;
- b) Improving support for the management and operation of delivery unit systems;
- c) Injecting innovation and improving interaction of strategic and tactical capability; and
- d) Meeting Members' ICT needs.

In respect of the first outcome, various enhancements to systems are underway. This includes the deployment of upgraded Local Area and Wide Area Networks. This work has been brought forward from year six of the contract and will allow better wireless connectivity across all of the council's sites. Wireless mobility upgrades are also being reviewed to avoid location drops and the Blackberry upgrade across the council has been completed. Work is progressing on revising the structure of the ICT service, to improve coordination with key strategic programmes and ensure that service changes support the strategic direction of the council.

To improve support for delivery unit systems, a review of all council ICT applications has been completed to provide clarity on the current position regarding back-ups, disaster recovery arrangements, resilience and support arrangements. The applications register is now being updated to provide a forward plan of key system upgrades and improvements. Engagement with delivery units is being improved through the implementation of changes to governance forums, such as the IT User Group, and the updating of ICT pages on the intranet to improve the information that is available on ICT services for staff. The structure changes mentioned above will also secure improved engagement between application management teams and delivery units. A detailed service improvement plan is being implemented to improve the way that CSG manage incidents, changes and security for delivery unit key systems.

The establishment of stronger senior management roles within ICT, together with changes that have been made to the operating model within Capita Local Government, will improve strategic support and innovation-led development. The ICT strategy has been updated and aligned with the Customer Access strategy and will deliver closer working with digital teams to support improvements to the website, intranet and Adults Services team. These changes have also delivered improvements in the management of key

projects, including Mosaic (the replacement Adults social care system). It has also been aligned with the Colindale Business Case, to support the implementation of new technology and systems that will enable a more flexible and mobile workforce. Proposed changes to the arrangements for the delivery of ICT projects are set out in the Programmes section of this report.

Since this Review started, significant progress has been made on improving support for Members' ICT needs. This work has been overseen by a separate Member-led Working Group. The creation of a Members' ICT improvement plan has resulted in over 70 Member ICT support issues being closed. Members' ICT requirements have been discussed at length during Working Group sessions to inform the development of proposals to deliver improved ICT for Members. These include:

- Out-of-hours ICT support arrangements;
- Self-service password reset;
- Implementation of Office 365 and email with numerous enhancements that Members and council officers would benefit from, whilst at the same time contributing to the council's flexible and smarter working strategic objectives;
- Options appraisal for the upgrading or replacement of Modern.Gov; and
- Options for reducing network security for Members, to allow greater flexibility.

To further increase support and visibility for Members ICT, a Members' ICT Handbook has been produced, to provide all the relevant training material and key policies that Members might need to refer to. Additional support has also been targeted at key events that Members attend and a number of additional out-of-hours surgeries have been offered.

Members are asked to note the improvements that have been, and continue to be, made to the delivery of the ICT service. Key milestones for the continued delivery of improvements will be agreed as part of the implementation plan and progress against them reported to the Performance and Management Committee.

1.100 Proposed changes to contractual arrangements

It is considered that the KPIs for the ICT remain appropriate. However, a change has been proposed on the detailed definition of KPI 13 (critical systems availability), to extend the KPI to cover the telephony system at Coventry. Additional Performance Indicators on non-critical system availability and response times for dealing with service requests have also been proposed. Discussions are continuing to finalise the detail of these.

Service outcomes – HR

1.101 Summary of the service

The HR service provides a full range of transactional and professional services to support the organisation in managing all aspects of its workforce. The Service covers:

- Pay & reward and pensions administration
- Strategic HR advice and consultancy
- Customer contact centre
- Recruitment and compliance
- Safety, health and wellbeing
- Employee relations
- Business partners and change
- Strategic data
- Industrial relations
- Policy and equalities
- Workforce planning and organisational development

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB Baseline Cost Before Contract (£000k)	Reduction from baseline
2,466	152	2,618	3,765	35%

This represents 11% of the annual cost of service delivery under the contract.

1.102 Achievements and challenges

The key achievements of the Service since contract commencement have been identified as:

- Securing agreement on, and implementing, the Unified Reward agreement– a new pay and reward model and approach to improve productivity and reward performance;
- Introducing new approaches to Learning and Development, with a strong focus on organisational management, for example management and leadership academies;
- The high quality of strategic advice to senior team;
- Transformation of the social care agency spend, enabling the council to have the lowest spend on agency staff in this area of activity across London;

- Good handling of extensive restructuring and alternative service delivery models; and
- The service has now stabilised and there have been clear reductions in organisational “noise”.

As the final point indicates, the Service has not been without its challenges during the early years of the contract, the key ones being:

- Significant operational challenges during the first 18 months of the contract, which are now either resolved or nearing resolution;
- The lack of high quality, accessible data for managers to help them manage their staff (sickness and performance data and, more historically, establishment data). This has improved significantly this year;
- The multi-system HR environment (Comensura for agency staff, Core HR for establishment information, Tribal for recruitment) adds complexity to the process and affects data management; and
- Improving the council’s workforce management, where CSG provides support, but are reliant on action from council managers.

1.103 Key performance and benchmarking information

The annual outturn for each of the Service’s KPIs is shown in the following table.

KPI	2013/14		2014/15		2015/16	
	Target	Outturn	Target	Outturn	Target	Outturn
KPI HR 16: DBS Verification Audits	100%	100%	100%	100%	100%	99.9%
<i>To facilitate compliance with statutory legislation and Council Policy to ensure that every employee who has a requirement to have a Criminal Record Check (CRB) undertaken, has a valid check in place which should be no more than three years old</i>						
KPI HR 17a: Payroll Accuracy – Payroll Error Rates	0.34%	0.16%	0.32%	2.45%	0.15%	3.1%
<i>Pay Accuracy - ensure all employees are paid correctly including ensuring all statutory and other deductions of pay are correct. Subject to the following definition: Pay Errors - an error is defined as made directly by HR and excludes any errors resulting from incorrect authorisation or information supplied by line managers</i>						

KPI HR 17b: Payroll Accuracy - Correct pay Dates	100%	100%	100%	100%	100%	100%
<i>Pay Date - to ensure all employees are paid on the published 'pay date' Subject to the following definitions: Pay Date - this excludes any non-payments as a result of a customer missing the published HR payroll cut-off date or failure to provide the correctly completed or authorised documentation to HR.</i>						
KPI HR 18: Absence projects and interventions	N/A	N/A	Pass	Fail	Pass	Pass
<i>All projects/interventions that have been agreed are delivered in a rolling quarterly Programme of Work order to positively reduce the Authority's absence in levels where completion is within the Service Providers span of control.</i>						

Payroll accuracy has improved through the contract term. For the current financial year to date, the overall error rate has been 0.05% of the 43,734 employees paid during the period, which is within contract tolerance.

The Service has been the subject of two “notices to remedy”, one in August 2014 and one in May 2015. The actions required under these notices have been completed.

Service credits have been applied as follows:

Year	KPI	Service credit value
2013-14	KPI HR 017a – Payroll accuracy – error rates	£2,752
2014-15	KPI HR 017a – Payroll accuracy – error rates	£20,635
	KPI HR 018 – Absence and Intervention	£38,466
2015-16	KPI HR 017a – Payroll Accuracy – error rates	£19,260
	KPI HR 016 – DBS Verification Audits	£2,137
	KPI HR 018 – Absence and Intervention	£28,850
2016-17	KPI HR 017a – Payroll accuracy – error rates	£34,864
Total		£146,964

Of the 23 contractual commitments that relate to the HR service, 18 have been delivered or are substantially complete and five are in progress. There are no contractual commitments that have not been delivered within the required timescale.

The CIPFA benchmarking information shows that the cost per payslip for Barnet is significantly below the average for the benchmark group, at £1.01 in 2015/16, against an average of £3.50. Overall, the cost of the service as a percentage of organisational running costs is below average. In line with this, the ratio of council employees to HR staff members is relatively high.

1.104 Key points from the call for evidence

The key points made about the HR service by council service managers and staff were:

- This is an improving service, following a decline in service quality in the early stage of the contract;
- Employee relations, training, learning and development and Unified Reward were highlighted as particular areas of high performance;
- There have been significant issues about the accessibility and quality of HR data, in particular establishment, sickness and absence data;
- Processes are overly complicated and Core HR system is poor;
- There have been some significant delays in the on-boarding process, particularly with pension transfers and new starter set-up;
- Some directors reported issues with HR not engaging with service areas early enough on key projects, with others raising concerns about the lack of proactive, strategic support from HR; and
- In general, the payroll service works well, but there have been issues with payments for staff who work irregular hours and on transfer to alternative delivery models.

There was one comment from a member of the public, regarding teachers' ability to contact CSG directly on payroll matters. This was the case at the start of the contract, but an employee help-line number has subsequently been provided.

1.105 Review outcomes

Based on the evidence outlined above, five key outcomes for the HR service were identified by the Working Group:

- Stepping up workforce management support, for example on sickness absence, recruitment, staff retention (within CSG and the council as a whole) and performance management;
- Developing an integrated, efficient "on-boarding" process;
- Developing a council-wide learning and development service offer;
- Maximising the benefit of the Core HR system; and
- Provision of HR support to the move to Colindale and delivery of the Council's Locality Strategy.

Proposals in respect of workforce management support have been worked up alongside this Review process and considered by the Workforce Board. Within this, specific proposals on reductions in agency spend have been agreed. Otherwise, amendments to KPI definitions and performance indicators will assist in driving the service forward to support the council with its future requirements.

Progress on developing an integrated “on-boarding” process is dependent upon decisions that the council needs to make on the recruitment portal. Specific proposals on this will be incorporated in the plan for implementing the Review outcomes.

The learning and development offer has been developed and approved through the Workforce Board and has now been implemented.

Maximising the benefits of Core will be driven by the cycle of system upgrades. Improvements will be articulated in a system road map, key milestones from which will be included in the Review implementation plan.

The move to Colindale will be supported by the HR Lead and Change Lead resources identified for this project, who will utilise the skills of existing resources and bring in additional resources, as necessary, to ensure that employees and partner organisation staff have the equipment and training needed to work in a much more agile way.

1.106 Proposed changes to contractual arrangements

A new KPI is being developed to measure “time to hire”. This will measure the time taken between HR being informed about the successful candidate and an unconditional contract being signed. It will replace the existing KPI HR 17b (correct pay date). The new KPI has been agreed in principle and details of how it will be measured are being finalised. The definition in respect of KPI HR 18 (absence projects and interventions) is being strengthened. New performance indicators on training and agency staff reduction are also being developed.

Service outcomes – Customer Services

1.107 Summary of the service

Customer Services provides the main interface between the public and the majority of the council’s services, including:

- Street Scene (waste, recycling, green spaces, street cleaning, etc.)
- Council tax, Housing Benefits, NNDR
- Parking
- Assisted travel (blue badges & freedom passes)
- Libraries

- School admissions
- Registrars
- Electoral registration and call centre – we provide general enquiries service for electoral calls, not the registrations
- Social Care Direct (adults’ social care)
- Youth services
- Children’s service front door
- Switchboard

The majority of the service is delivered through the telephone, email and web form contact centre based in Coventry, but the service also delivers face to face services at Barnet House, including through Social Care Direct, and Burnt Oak. The service manages the council’s website and My Account facility, which is an increasingly important part of the overall service, and handles Members’ enquiries.

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Current annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB baseline cost before contract (£000k)	Reduction from baseline
2,634	78	2,712	3,379	22%

This represents 11% of the annual cost of service delivery under the contract.

1.108 Achievements and challenges

A key objective of entering into the CSG contract was to secure investment in improving Customer Services. To this end, the service went through significant transformation during the early stages of the contract. Particular achievements have been:

- Moving towards an outcome-based approach, focusing on customer satisfaction with delivery;
- Performance on delivering cases in time, which is a key driver for satisfaction, is very high in Parking and Assisted Travel;
- Introducing an advocacy service for vulnerable customers, who require additional support;
- Operational effectiveness and efficiency, together with increased satisfaction with telephone and face-to-face customer contact, including building a new contact centre operation off-site, in Coventry;
- Introducing improved queue management in the face to face centres;
- Introducing new automated telephony, a new website and My Account; and

- An agreed direction of travel through the customer access strategy, which is a key enabler for the council's business planning for the next three years and will provide the platform for the next stage of transformation.

The achievement of transformation on this scale has not been without its challenges, the most significant of which have been:

- Striking the right balance between achieving efficient, automated processes and maintaining or improving customer satisfaction;
- Achieving a one-team model and approach, ensuring organisational design is based around the customer and using contractual levers to incentivise other areas of the council, CSG and partners to support the delivery of customer outcomes, for example Revenues & Benefits, IT, Re;
- Delivering some of the strategic aspirations in the contract, for example a customer insight-led service, customer advocacy across the service and learning and continuous improvement; and
- Digital challenge and service design – moving from a customer service operation based primarily on telephone and email contact towards a more self-service oriented operation, where transactions are conducted primarily through the web and interactive voice recognition (IVR) systems.

1.109 Key performance and benchmarking information

The service is performing well against its main KPIs and, overall, there has been substantial improvement in customer satisfaction. Whilst the service did not meet its target against KPI 10a in 2015/16, performance still represented an improvement against the previous year.

KPI	2013/14		2014/15		2015/16	
	Target	Outturn	Target	Outturn	Target	Outturn
KPI CSO 10a: GovMetric Customer Services % customers rating services as good over phone, email, face to face and web	65%	65.2%	70%	72%	80%	74% target not met
KPI CSO 12: Escalations per case outside SLA for customers needing additional support	N/A		1.5	3.30	1	4
KPI CSO 13a: Percentage of cases delivered on time for Parking and Assisted Travel	N/A		N/A		85%	93.2%
KPI CSO 13b: Percentage of cases delivered on time for customers needing additional support	N/A		N/A		100%	100%
Super KPI 35b: Resident Satisfaction - It is easy to access Council services	55%	70%	54%	66%	54.0%	70%

Super KPI 35a: Resident Satisfaction - staff are friendly and polite	78%	81%	78%	80%	78.0%	84%
Super KPI 35c: Resident Satisfaction - Responds quickly when asked for help	49%	50%	49%	50%	49.0%	56%

Service credits for failing to achieve KPI targets in Customer Services have been applied as follows:

Year	KPI	Service credit value
2014/15	KPI CSO 12a – Customer Advocacy – 80/20 call answering	£57,322
2015/16	KPI CSO 10a - GovMetric Customer Services	£18,905
	Total	£76,227

Of the 23 contractual commitments that relate to Customer Services, 16 have been delivered or are substantially complete. Five are in progress and two are not yet due for delivery.

1.110 Key points from the call for evidence

The key points made about Customer Services by council managers and staff were:

- The work on My Account was highlighted as a particular area of high performance;
- It was considered that the Service needs greater awareness of the diversity of the council's customers, for example businesses, under 18s and residents with protected characteristics;
- Website and web forms need improvement to drive channel shift. Innovation in customer access would support this, for example the use of smartphone apps;
- The handover between day and out of hours call centres needs to be improved; and
- Within the specialist areas of Social Care Direct and Schools Admissions there are particular challenges around the lack of service expertise, incorrect advice or challenge given, staff turnover and the need for better links with the rest of the service.

One member of the public raised concerns about the fact that the IVR system on the council's switchboard number does not provide an option for connecting directly with an operator. This is because it uses voice recognition to direct customer calls, which is more efficient and saves the council money. If the voice recognition is not successful, customers are transferred to a member of staff. The IVR systems are constantly reviewed to ensure that they are directing calls appropriately and providing callers with the information they need.

Another member of the public highlighted concerns related to call answering times within particular service areas, providing graphs that suggested that the headline achievement of the target was masking poor performance within housing benefits, council tax and adults' social care, with high levels of calls being abandoned.

It is acknowledged that these services do have lower performance levels on call answering time than other services. This is primarily due to the longer call handling times that are associated with the more complex enquiries that are associated with these services. Staffing levels are generally flexed to reflect expected peaks and troughs in demand, but the complex nature of these services requires much more in-depth training than more straightforward services, so it is not always feasible to staff the operation to meet all of the peaks in demand.

In order to maximise efficiency, Customer Services is considering a number of further developments:

- Better utilisation of trained Revenue and Benefits officers in the Blackburn office during busier times;
- Upgrading technology to virtualise the council's contact centres, i.e. enable calls to be directed to different physical locations. This will mean there would be more resilience and ability to multi-skill a wider pool of people;
- Performance and operational improvements in Social Care Direct; and
- Further implementation of digital solutions, so that customers can more easily resolve their query using the website, rather than needing to rely on the telephone.

At a previous meeting, the Working Group had acknowledged that answering calls within 60 seconds was not the most effective measure of performance, as the ability of the call handler to resolve the caller's query was far more important to achieving customer satisfaction. The council measures customer satisfaction with call handling via the GovMetric measurement tool and associated KPI.

1.111 Review outcomes

Alongside this Review, a substantial piece of work has also been taking place to develop a new Customer Access Strategy and associated Customer Transformation Programme, the outline business case for which was approved by the Policy and Resources Committee on 5th October 2016. The Working Group has acknowledged that future developments and service improvements in the customer services arena will be addressed through the implementation of that strategy and the associated programme, but has highlighted the following outcomes as being of particular concern:

- Drive joined up approach with delivery units to achieve improvements in web experience to minimise the cost of client interaction and improve customer satisfaction;

- Develop an excellent digital/self-service experience for customers; and
- Support the digitally excluded to access services.

The report to Policy and Resources Committee identified an investment requirement of £5.4m to deliver the Customer Transformation Programme and the Committee approved a capital allocation of £1.5m in 2016/17. The Programme will deliver significant improvements in the functionality and content of the website, enabling greater self-service for customers.

In addition, this Review has facilitated a move towards improved joint working between Customer Services and ICT and more joined up management of the two services. Improvements are also planned for the Service's Continual Service Improvement Plans, and the governance arrangements, to ensure that resources are focussed on priority areas.

Customer Services has also committed to strengthening its approach to user involvement in the changes and improvements being made to its services, through better use of co-design and customer feedback.

Within the dialogue sessions, there has been some discussion about the future direction of the Social Care Direct element of the service. Current demands on the service mean that it is being delivered with additional, temporary resources, which is not sustainable in the long term. The service is critical to reducing demand on the wider Adult Social Care service and further work is required to develop a robust and sustainable delivery model that is aligned both to the delivery of the Customer Transformation Plan and to the direction of travel that is still to be determined through the work that is being done to develop an alternative delivery vehicle for the Adults service.

Members are asked to note the approach to delivering improvements in Customer Services. Key milestones for the implementation of the Customer Transformation Programme will be agreed as part of the implementation plan and progress against them reported to the Performance and Management Committee.

1.112 Proposed changes to contractual arrangements

Various changes to KPIs and Performance Indicators have been agreed and implemented from April 2016. Key changes include the introduction of a KPI specifically to cover customer satisfaction with the web and increasing the target for customer satisfaction with phone calls, emails and face to face. Discussions are continuing regarding the performance indicator for calls answered within 60 seconds, to ensure an appropriate focus on query resolution.

Service outcomes – Revenues and Benefits

1.113 Summary of the service

The main functions of the Revenues and Benefits service are:

- Billing, collection and recovery (including preparatory work on any committal cases) of Council Tax;
- Billing, collection and recovery (including preparatory work on any committal cases) of Business Rates; and
- Assessment and award of Housing Benefit, Council Tax Support, residual Council Tax Benefit/Support, Local Assistance (Crisis Fund) and Discretionary Housing Payments.

The service is also responsible for:

- Completing and submitting Non Domestic Rates Returns, CTB1 returns and QRC returns;
- Recovery of Housing Benefit overpayments;
- Administering and organisation of Housing Benefit appeals; and
- Administering of benefit subsidies.

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB Baseline Cost Before Contract (£000k)	Reduction from baseline
3,510	26	3,536	5,566	37%

This represents 15% of the annual cost of service delivery under the contract.

1.114 Achievements and challenges

The Revenues and Benefits service has been the subject of significant transformation activity since the contract began. The key achievements over the first three years of the contract have been:

- The successful transition of service delivery from the council to CSG;
- Service transformation and the move to increased self-service is well underway;
- There has been an increase of the in-year collection rate for business rates for three consecutive years;
- Good outturn in number of days to process benefit claims, with overall good performance against performance measures; and
- The Welfare Reform Task Force is a good example of partnership working with other areas of the council.

There remains further work to be done to complete the transformation of the service, including the move to more self-service, and the following particular challenges to achieving that have been identified:

- Insufficient level of, and ability to flex, resources has led to complaints around turnaround time for correspondence, though there is an improvement plan in place; and
- Streamlining the links between Customer Services and Revenues & Benefits, to ensure that more can be resolved at first contact, although integration between the services is improving.

1.115 Key performance and benchmarking information

In broad terms, the service is performing well against its Key Performance Indicators (KPIs). The annual outturn for each of the Service's KPIs is shown in the following table:

KPI	2013/14		2014/15		2015/16	
	Target	Annual Outturn	Target	Annual Outturn	Target	Annual Outturn
KPI RB 08 : Benefits claims processing - new claims <i>The average time taken to process new claims for Housing Benefit (HB) and Council Tax Benefit (CTB). Speed of processing is the mean average processing time in calendar days, rounded to the nearest day</i>	12	6	9	8	9	8
KPI RB 09 : Benefits claims processing - changes in circumstances <i>The average time taken to process changes in circs for Housing Benefit (HB) and Council Tax Benefit (CTB). Speed of processing is the mean average processing time in calendar days, rounded to the nearest day</i>	6	5	6	5.56	6	4
KPI RB 09a : Accuracy of benefit assessments <i>Percentage of cases without critical errors (defined as those affecting payment amount or timing) following random sample checks. At present a minimum of 4% of cases are randomly checked, plus payments of >£1600</i>	93%	94%	94%	96%	94%	95.40%

Although the Service has met its targets on an annual basis during each year of the contract, there were in-year failures to meet the target for KPI RB 09, speed of processing changes for benefit claimants, in 2014-15, which resulted in service credits totalling £38,521 being applied.

Of the 22 contractual commitments that relate to Revenues and Benefits, four have been delivered or are substantially complete, five are in the process of being delivered and 12 relate to ongoing activity. There is one contractual commitment that has not been delivered. This relates to the use of Insight in council tax collection. A plan will be agreed for achieving this.

The CIPFA benchmarking data shows that the Service is low cost relative to the benchmark group, across all elements of the Service. For Council Tax, collection rates and balance outstanding amounts are performing slightly worse than the average. For NNDR, collection rates are below average, although performance has been improving year on year since 2010 and that improvement has continued since the contract commenced.

1.116 Key points from the call for evidence

As the Service is more outward-facing than others that are covered by the contract, there were very few comments about it from council managers and staff. However, there was a general view that it is a very good transactional service, which has increased collection rates, although some concerns were expressed about CSG's ability to deliver a more strategic service in the context of business rates localisation.

Two comments were received from members of the public in respect of the Revenues and Benefits service. One of these related to the time taken to process a Council Tax refund, whilst the other related to the approach taken in respect of validating entitlement to Single Person Discount. Both comments were passed to the Service for consideration as part of the Review process.

In respect of the comment on the time taken to process a Council Tax refund, the issue of backlogs had been identified prior to the commencement of the Review and acknowledged as being one of the main challenges for the Service, as set out above. The progress that has been made on dealing with this is set out in the following section of this report.

In respect of the comments made about the approach to validating entitlement to Single Person Discount, it should be noted that, in 2015-16, this annual activity of conducting detailed checking and validation on a sample of residences where Single Person Discount is claimed resulted in an additional £860k of Council Tax being collected. However, it is acknowledged that this is a particularly sensitive area of activity that requires careful handling. To that end, training programmes are continually reviewed and updated as required. The CSG Quality Team is responsible for the advisor call monitoring and they also conduct risk monitoring, where particular behaviours are reacted to promptly. The service has a high customer satisfaction level,

which is exceeding 80% for the telephony line, and does respond to individual customer feedback.

1.117 Review outcomes

Based on the evidence outlined above, three priority outcomes for the Revenues and Benefits service have been identified by the Member Working Group:

- a) Increase council tax collection rates, with an aspiration to be the best in London;
- b) Improve management of workload to reduce backlog at peak times; and
- c) Improve customer satisfaction through better integration of Customer Services and Revenues & Benefits and an improved web experience.

Part way during this Review, there was a change in senior management within CSG for this service. Whilst this has had the benefit of introducing some fresh thinking into the service, it has resulted in proposals for achieving the desired outcomes not being as advanced as in other areas.

Council tax collection rates are relatively stable given the welfare reform change of reducing the maximum support from 100%, to 91.5% from 2013 and 80% from 2015, but are still slightly below average. Various means of increasing collection rates are being considered, but any significant improvement is dependent upon the implementation of the planned upgrade of Civica (the service's main ICT system), which will facilitate the introduction of more self-service for customers, making it easier for them to set up direct debit payments. Ultimate collection rates (the measure of the debt collected against the net due after 4 years) has exceeded the target for each of the last three years.

Significant effort has been applied to reducing the backlog within the service, through the implementation of a recovery plan. This has dealt with the outstanding issues and monitoring arrangements, through a new performance indicator, have been put in place to ensure the situation is managed effectively going forward.

This Review has proved to be a useful tool for improving the links between Revenues and Benefits and Customer Services. A Continual Service Improvement Plan for Revenues and Benefits has been developed by Customer Services and agreed with Revenues and Benefits management. Delivery of this will be monitored through regular meetings between the services' senior managers and council SROs. Improvements in the web experience will be achieved through the planned upgrade of the Civica system, together with the wider improvements that will be delivered through the Customer Transformation Programme.

A development roadmap is now being put together that will set out the key actions and milestones for improving the service over the next year.

Members are asked to note the improvements that have been, and continue to be, made in the delivery of the Revenues and Benefits service. Key milestones for the continued delivery of these improvements will be agreed as part of the implementation plan and progress against them reported to the Performance and Management Committee.

1.118 Proposed changes to contractual arrangements

Discussions are continuing regarding potential changes to the methodology for calculating KPI 09a (accuracy of benefit assessments), with a view to improving SRO confidence in the validation process. Other proposed changes to Performance Indicators, for the purpose of driving improvements in processing speeds, will also be considered as part of the conclusion of these discussions.

It is proposed that the contractual commitment T3-043 regarding the use of Experian Mosaic be amended to exclude its application to increase NNDR collection, as it has been determined that this tool is not relevant to businesses.

Service outcomes – Procurement

1.119 Summary of the service

The Procurement service covers the following activities:

- Sourcing (corporate catalogues/framework agreements; market analysis; drafting and publishing of contract notices; supplier feasibility reviews);
- Ensuring compliance the Authority's contract rules as well as EU Regulations and UK Legislation;
- Providing procurement guidance and advice;
- Project managing procurements and leading renegotiations;
- Corporate contract management;
- Management of the contract database and contracts repository;
- Delivery of the sustainability agenda;
- Supplier and stakeholder relationship management; and
- Procurement training.

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB Baseline Cost Before Contract (£000k)	Reduction from baseline
825	11	836	1,045	20%

This represents 4% of the annual cost of service delivery under the contract.

1.120 Achievements and challenges

The key achievement of the Service has been that it is currently exceeding contractual guarantees in respect of delivering savings from procurement activity, as set out in the table below.

	Aug-14	Aug-15	Aug-16
Contract Guarantee (cumulative) £000	£1,040	£3,274	£4,774
Actual/forecast (cumulative) £000	£1,941	£3,978	£5,193

The following achievements have also been identified in respect of the Procurement service:

- There has been consistently high quality procurement expertise and support to the council, including on major projects such as SPA and Aggregated Procurement;
- There is continued good compliance with Contract Procedure Rules; and
- There is an increased focus on social value.

The Service is generally well-regarded and considered to be performing well, but there are still challenges for it, most notably:

- There is work to be done by both CSG and the council to improve the perception of savings gainshare (the mechanism through which savings are shared between the parties to the contract);
- There is scope for better integration with commissioners, particularly in providing supply and demand insight;
- Procurement currently have limited scope to influence contract and demand management; and
- There is potential to further increase compliance.

1.121 Key performance and benchmarking information

The Service has performed consistently well against all of its KPIs. The annual outturn for each of the Service's KPIs is set out in the following table.

KPI	Target	2013/14	2014/15	2015/16
KPI PR 20a: Contract compliance – New contracts over 25K	100%	100%	100%	100%
<i>% of the value of new contracts over £25k awarded and managed in accordance with CPR's and procurement legislation</i>				

KPI PR 20b: Contract compliance – Legacy contracts over 25K	98.90%	99.87%	99.80%	100%
<i>% of the value of legacy contracts over £25k managed in accordance with CPR's and procurement legislation</i>				
KPI PR 21: Effective contract management complex legacy contracts CPR's	60.00%	N/A	100%	Pass
<i>All Complex/High Risk managed in accordance with Contract Procedure Rules (CPR's) and Code of Practice (Note: Complex/High Risk means legacy contracts over £250k and/or considered high risk. Process for determining high risk in relation to LBB to be developed and agreed prior to contract signature, but will be based on the standard Procurement 4 box model).</i>				
KPI PR 22a London Procurement Pledge cumulative apprenticeships	Varied	N/A	17 against target of 4 (Pass)	37 against target of 12 (Pass)
<i>No of apprenticeships through new procurement activity. No of apprenticeships within existing supply chain</i>				
KPI PR 22b London Procurement Pledge cumulative work experience	Varied	2 against target of 1 (Pass)	12 against target of 8 (Pass)	93 against target of 48 (Pass)
<i>No of work experience placements through new procurement activity. No of work experience opportunities within existing supply chain</i>				

There have been no service credits, or other performance remedies, applied to the Procurement service.

Of the 34 contractual commitments that relate to the Procurement service, 27 have been delivered, or are substantially complete. Six are not yet due for delivery. There is one commitment that has not been delivered within the required timescale. This relates to the facilitation of Local Business Development Boards of local suppliers. Discussions are taking place to clarify the most appropriate means of achieving this, in tandem with the council's commissioning strategies.

1.122 Key points from the call for evidence

The key points made about the Procurement service by council service managers and staff were:

- Some service areas have benefited from the flexible approach and helpful challenge provided by Procurement, though others would like improvements in these areas. For example, some service areas were concerned by the lack of flexibility from Procurement in interpreting the Contract Procedure Rules and others requested more strategic procurement advice;
- Staff in CSG Procurement are helpful and engaged, although sometimes different members of staff give inconsistent advice;

- More proactivity needed from Procurement to join up procurement activity across the organisation;
- Concerns were raised about gainshare arrangements and a perception that there is potential for Procurement to benefit from gainshare, even where the service feels that it undertakes the majority of procurement activity; and
- There is also a concern that the prospect of gainshare may influence the advice that Procurement gives to service areas.

There were no comments from members of the public on the Procurement service, which is primarily an internal support service.

1.123 Review outcomes

Based on the evidence outlined above, five priority outcomes for the Procurement service were identified by the Member Working Group:

- Enhanced service offer on contract management;
- Achieving additional savings through increasing the remit of the service to cover areas of spend over which it currently has no influence;
- Driving increased compliance;
- Revised arrangements for dealing with gainshare; and
- Revised arrangements for managing the third party highways contractor under the Re contract.

Draft proposals have been developed in respect of contract management and compliance, but further work is required to confirm the commercial implications of these and secure the necessary support within the council.

Detailed work on a proposal to extend the remit of the service is continuing. As this is likely to generate additional savings, more information on this proposal is set out in paragraph 1.71 of this report.

A proposal for managing and accounting for gainshare corporately has been developed. The implications of this will require further consideration as part of the council's budget setting process.

Management of the highways contractor has now been taken on board by the service.

Key milestones for finalising proposals will be agreed and progress against them reported to the Performance and Management Committee.

1.124 Proposed changes to contractual arrangements

The KPIs for Procurement are considered to be appropriate and no changes are proposed.

Service outcomes – Estates

1.125 Summary of the service

The Estates service is contracted to act as a strategic enabler for the delivery of property and facilities management services, including:

- Property Services, covering:
 - Commercial estate management, management of leases granted to the council and landlord and tenant services;
 - Compulsory purchase order and planning applications;
 - Valuations and rating advice; and
 - Acquisitions and disposals.
- Building Services, covering planned, preventative and emergency maintenance, statutory testing and inspection, building surveying and adaptations, energy and utilities, cemeteries and war memorials;
- Facilities management, including management of building custodians, cleaning and security; and
- Document production and mail room

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB Baseline Cost Before Contract (£000k)	Reduction from baseline
4,442	246	4,688	4,735	6%

This represents 19% of the annual cost of service delivery under the contract.

1.126 Achievements and challenges

The following key achievements have been identified for the Estates service:

- The contract has helped the council to better prioritise the Estates service and develop its understanding of strategic estates objectives through a strategic asset management plan delivered in the first twelve months;
- The ability of CSG Estates to lever in additional resource through the contract, for example Locality Strategy and Property and Building Services;
- The Service has successfully provided a strategic business case to save the council £38m and has delivered the office rationalisation strategy which underpinned these savings; and
- The Service negotiated a rebate of £600k from third party suppliers for the poor condition surveys provided prior to transfer.

The main challenges for the Service have been:

- Lack of clarity in the contract that CSG Estates are responsible for all assets owned or leased-in by the council;
- Lack of proactivity in strategic areas and income generation opportunities, for example corporate landlord, horizon scanning for funding opportunities, strategies driven from client side;
- Inconsistent leadership and lack of coherence in how Capita are managing the team with Building Services and Property Services not working together;
- KPIs are unwieldy and need tidying up – the way they are currently measured and baselined is difficult; and
- There are perceived challenges around how CSG and Re work together.

1.127 Key performance and benchmarking information

The Service has generally performed well against its KPIs. The annual outturn for each of the Service's KPIs is set out in the following table.

KPI	2013/14		2014/15		2015/16	
	Target	Outturn	Target	Outturn	Target	Outturn
KPI ES 24a : Property Performance - Civic Estate Condition	Pass	Pass	Pass	Pass	Pass	Pass
<i>This KPI measures the condition of the Council's Civic Estate (only where the Authority has tenant's responsibilities for NLBP 2&4) property portfolio in accordance with a set of agreed indicators (i.e. RICS).</i>						
KPI ES 24b : Building Statutory Compliance	Pass	Fail	Pass	Pass	Pass	Pass
<i>KPI to measure % of buildings that meet statutory legislation with respect to 5 key statutory compliance test areas (Asbestos, Gas, Electricity, Water and Fire).</i>						
KPI ES 25 : Facilities Management Incident Resolution	100%	100%	100%	100%	100%	100%
<i>KPI to measure performance against the timescales agreed to resolve FM calls logged by customers</i>						
KPI ES 28 : Occupancy and Utilisation	N/A		Pass	Pass	Pass	Pass

<p><i>KPI to record occupancy and utilisation indicators in respect of the Civic Estate property portfolio: NLBP 2 & 4; Barnet House; Mill Hill depot; Hendon Town Hall; Colinhurst (note - Friary House not included as rented out to non-service area). This indicator reports on the total number of office floor space measured in square metres occupied each service area within the stated buildings of the Civic Estate</i></p>					
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No service credits have been applied for failure to meet targets on service delivery KPIs.

There are 41 contractual commitments in respect of the Estates service. 20 of these have been delivered, or are substantially complete. 15 are in progress, the most notable of which relate to the Colindale development. There are three commitments that have not been delivered within the required timescale, including the development of a Corporate Landlord Model. There are also three contractual commitments that are not yet due for delivery.

CIPFA benchmarking information shows that total property costs (including all occupancy, operational and management costs) per square metre of gross internal area for the entire Barnet-owned property estate are below average, compared to other councils in the benchmarking group. The cost of the Estates Management service, a subset of total property costs, is also below average and in the lower quartile. However, both total property costs and the costs of the Estates Management service per square metre of gross internal area in the council's administrative buildings are within the top (most expensive) quartile compared to other councils in the benchmarking group. It is considered that this is in large part due to the costs associated with leasing North London Business Park, which is driving the strategy to build Colindale, rather than continue to rent expensive office space.

1.128 Key points from the call for evidence

The main points made by council managers and staff with respect to the Estates service were:

- Particular personnel are highly regarded, for example members of the Estates maintenance team;
- There is considered to be a high turnover of staff in the Service;
- Some contractors are poor quality and lack local knowledge, which is a key risk given the corporate priority of growth and regeneration and where Estates is public facing, for example when working with schools;
- The quality of some pieces of work is not fit for purpose and lack of service expertise is an issue;

- There have been significant delays in project delivery, including key projects such as the Locality Strategy; and
- There are challenges with clienting arrangements, where CSG are also clients of Capita, for example on the Schools Capital Programme. More assurance and transparency is needed to ensure that value for money is being delivered.

There were no comments from members of the public on the Estates service, which is primarily an internal support service.

1.129 Review outcomes

Based on the evidence outlined above, four priority outcomes for the Estates service were identified by the Member Working Group:

- Install effective and competent leadership and capacity;
- Develop an agreed annual workplan;
- Develop a corporate landlord model to deliver savings on running costs and income generation from specific development opportunities, such as empty properties, acquisitions and disposals; and
- Develop a strategy for reducing spending on print.

Since this Review began, there have been significant changes in the leadership of the Service. A revised structure has been agreed with the SRO and population of that structure is nearing completion. This includes plans to establish a pan-service project management office to improve the coordination and delivery of planned activity. Additional resources have been brought in to deal with backlog works and case management. It is now considered that resource level is appropriate in Property Services. However, it would be appropriate to review the impact of changes that have been made in due course.

A draft template for the annual workplan has been developed and work is progressing on populating it, in conjunction with the SRO. The completed workplan for 2017/18 will be presented to the Assets and Capital Board in due course. Closely linked to this, work has also been progressing on reviewing and re-drafting the Strategic Asset Management Plan.

An outline proposal has been developed for implementing a corporate landlord model. Work is now taking place to develop the proposal further, through a feasibility study that will inform the development of a strategic outline case, which will be considered by senior officers in due course.

A firm proposal on achieving print volume reduction is nearing completion, although it is acknowledged that significant progress on this will be dependent on the opportunities to change business practices that are afforded by the move to Colindale.

Members are asked to note the improvements that have been, and continue to be, made in the delivery of the Estates service. Key milestones for the delivery of further improvements will be agreed as part of the implementation plan and progress against them reported to the Performance and Management Committee.

1.130 Proposed changes to contractual arrangements

There are some quite substantive changes proposed to the targets and measurement of the existing KPIs. These will be reviewed, negotiated and amended alongside the development of the annual workplan for 2017/18, in order to ensure that they drive delivery of that workplan and secure continual improvement over the remainder of the contract.

Service outcomes – Safety, Health and Welfare

1.131 Summary of the service

Contractually, the Safety, Health and Welfare service sits within the HR service. However, although it is relatively small in scale, the Service is considered to be important in its own right and has a designated SRO within the council. It has, therefore, been considered separately within this Review.

The Service covers:

- Professional advice and support;
- Monitoring of internal and external Delivery Units' health and safety compliance and health and safety performance;
- Monitoring of contractor health and safety performance;
- Occupational Health provision and health promotion;
- Employee assistance – counselling, medication, trauma response and conflict resolution and wellbeing promotion;
- Accident and incident investigation;
- Providing and managing the council's health and safety e-learning and accident/incident reporting systems; and
- Provision of training.

The following table provides an indication of the current cost of the service and compares this to the cost of the service prior to the commencement of the contract.

Annual cost (£000k)	Share of annual transformation spend (£000k)	Total annual cost (£000k)	LBB Baseline Cost Before Contract (£000k)	Increase from baseline
195	3	198	169	15%

This represents 1% of the annual cost of service delivery under the contract. It is the only service covered by the contract where the cost of delivery has increased from before the contract, due to greater investment in the provision of the service.

1.132 Achievements and challenges

The key achievements for the Service have been identified as:

- The introduction of a web-based health and safety management system, which has led to an increase in reporting and investigation activity;
- The introduction of a more consistent health and safety learning system, including e-learning and training;
- A move to a more robust occupational health provider, with improved referral process and reports; and
- Overall, the service runs well and is highly regarded.

The main challenges for the Service have been:

- The council is monitoring the delivery of the Service, due to concerns over turnover of staff at the Southampton Centre of Excellence, from which most of the service is delivered, although handover processes have improved;
- There have been potential conflicts of interest in investigations, where incidents involve other areas of CSG or Capita;
- Audit and monitoring requirements are no longer relevant, given changes within the council;
- The quality of information and communication platforms (council website and intranet) make it difficult for the service to engage with managers and staff; and
- Within the council there is a lack of consequences for non-compliance, both for health and safety and other areas of business compliance.

1.133 Key performance and benchmarking information

There are no KPIs for the Safety, Health and Welfare service, but performance against the Service's performance indicators is generally good.

1.134 Key points from the call for evidence

There were no specific comments on the Safety, Health and Welfare service, either from service managers and staff, or from the public.

1.135 Review outcomes

The following priority outcomes were identified for the Safety, Health and Welfare service by the Working Group:

- Develop a more integrated approach and systems for operational health and safety risk management and corporate risk management; and
- Increase (and evidence) impact on work-related incidents of ill-health.

Investigations into the procurement of a new system to support a more integrated approach are under way and are likely to result in the production of an outline business case for consideration in due course. This will require consultation and coordination with other teams that are involved in the broader aspects of risk management.

The approach to increasing (and evidencing) the impact on work-related ill-health will be driven through changes to the output specification and method statement, work on which is progressing well and may lead to changes in the mode of operation.

Members are asked to note the approach to developing the Safety, Health and Welfare service. Key milestones for the delivery of these developments will be agreed as part of the implementation plan and progress against them reported to the Performance and Management Committee.

1.136 Proposed changes to contractual arrangements

The current suite of performance indicators is considered to be appropriate for the Service. As indicated above, changes to the output specification and method statements are in the process of being negotiated.

Service outcomes – Corporate Programmes

1.137 Summary of the service

The Corporate Programmes service provides the following project and programme management services:

- Project management function – delivery of capital and transformation projects, where commissioned to an agreed methodology, meeting the council's objectives within agreed time, budget and quality constraints;
- Ensure availability of project resources and project management skills to meet the needs of project;
- Act as the client on major construction projects;
- Coordinate procurement process and drafting and agreement of contracts with commercial partners involved in delivering project outputs (including the council's primary school construction partner) and manage these contracts;

- Programme reporting. Drafting of reports and documentation required for various stages of project approval; and
- Risk management across the project portfolio, budget monitoring, profiling and reporting.

The arrangements for funding the Corporate Programmes service are different from other services and vary from year to year, depending on the level of project activity required by the council. Details on the cost of the Service are set out in the Project Spend Briefing paper, which is attached as Appendix C.

1.138 Achievements and challenges

The main achievements of the Service have been identified as:

- Delivery of a number of complex and impactful programmes, including additional school places and progress on other major schemes including Sport and Physical Activity (leisure centres);
- CSG have built a strong, trusted and highly regarded Programmes function at a cost to the council that is substantially below the contractual rate card;
- Corporate Programmes has a good track record of delivering success and achieving savings for Barnet (including savings within schemes and budget savings); and
- There have been innovative approaches to securing value, including through working across CSG service groups, for example Aggregated Procurement.

The main challenges for the Service have been:

- The quality and depth of key suppliers, particularly in ICT, which needs organisational attention from both CSG and the council;
- Its ability to recruit additional project resources quickly, to meet unanticipated demand; and
- How the council continues to demonstrate value for money from its project-related spend with Capita.

1.139 Key performance and benchmarking information

Performance of the Service is managed on a project-by-project basis, so it is not covered by the KPI and service credit regime. Payments are linked to project milestones as standard, to ensure that payment is only made following satisfactory completion of key stages within a project.

Of the 13 commitments that relate to Corporate Programmes, 12 have been delivered. The one commitment that has not yet been delivered relates to maximising the capacity and capability of the Corporate Programme and Transformation teams to undertake external project sales and delivery activity for third parties.

1.140 Key points from the call for evidence

The main points made by service managers and staff on the Corporate Programmes service were:

- Many service areas considered that they have benefited from good quality project managers, although some have said that the quality of project managers and officers does vary;
- The CSG project pool is a good resource. However, these resources do need to be shared evenly across the council's transformation and capital programme requirements and not assigned solely to a single service area;
- There are significant concerns around high costs and day rates;
- There are some instances of project scope creep; and
- There are some perceived issues around accountability and transparency, with some concerns expressed about whether CSG project managers are accountable to Capita or to the council, especially where there are issues in a project related to services delivered by Capita.

There were no comments from members of the public on the Corporate Programmes service, which is primarily an internal support service.

1.141 Review outcomes

Based on the evidence outlined above, three priority outcomes for the Corporate Programmes service have been identified by the Member Working Group:

- Demonstrate value from project support spend;
- Increase scope to include areas not currently delivered through programmes team; and
- Improve arrangements for commissioning project support.

At its meeting on 4th August 2016, the Working Group considered a detailed paper, setting out the arrangements for securing value for money from project support expenditure. The paper provided a comparison of the cost of current arrangements for supporting capital and transformation projects against both market rates and the "rate card" rates provided for within the contract. It demonstrated that the council is paying significantly less for project support services than it would through the open market, or through contracted rates. Rates will continue to be benchmarked and subjected to independent assurance, to ensure that the council continues to secure value for money on this discretionary expenditure. The paper is attached as Appendix C and it is recommended that Members note its content.

A key area for concern in respect of project delivery has been ICT. In view of the success of the approach on capital and transformation projects, both in respect of value for money and the consistency and quality of support, proposals have been developed to establish two dedicated project support

teams for ICT projects. As this will generate additional savings, the details of the proposal are set out in paragraph 1.70 of this report.

In respect of the final outcome for the Corporate Programmes service, the internal process for approving requests for “special projects” has been strengthened to ensure that only genuine projects are commissioned through the process and that small-scale works that do not constitute projects are dealt with through the purchase order process.

1.142 Proposed changes to contractual arrangements

No changes are proposed to the existing contractual arrangements. The establishment of dedicated ICT project support teams will be actioned through existing resource allocation processes.

Service outcomes – Insight

1.143 Summary of the service

The Insight service delivers high quality, detailed data analysis products, which inform future policy and service configuration decisions across the range of services provided by the council. The Service enables the council to target resources effectively and make service decisions that are informed by evidence of what will work.

Strong insight is also essential to the delivery of effective demand management interventions and the Insight Team’s work will sit at the heart of the development and successful delivery of the council’s emerging Demand Management Framework.

In addition to producing bespoke insight reports, the Insight Team is also responsible for the production of both the Members’ Dashboard and the Customer Experience Report.

The CSG contract established the Insight Team at four FTEs and originally envisaged that this resource would drop to two FTEs in September 2015 and to one FTE in 2018; with at least the equivalent resource being embedded in directorates across the council in order to embed the total insight capability. However, the council has recognised a number of benefits to maintaining a central service as a centre of excellence for the council, rather than dissipating capacity across the organisation, and has therefore chosen to maintain the capacity of the team at four FTE until the end of December 2016. Further consideration is now being given to the future shape and size of the Insight team and the opportunities that may exist for a more commercial model.

1.144 Achievements and challenges

The work of the Insight Service is fundamental to allowing the Council to make the informed decisions required to effectively redesign local services and to ensure its principles of fairness, responsibility and opportunity are reflected in all that the council does.

Over the past three years, the Insight Team has delivered a range of products which have informed policy and service decisions across the breadth of council services, underpinning the delivery of all four Corporate Plan priorities. For example:

- The development of the social isolation index enabled the council to target resources and interventions at neighbourhood level and to better understand community resources and capacity, helping those vulnerable people most in need, and ensuring scarce public resources are targeted effectively to help build *resilient communities*;
- An analysis of green waste collection, which identified a minimum £110,000 in savings which could be realised through *service transformation* by optimising collection routes and staffing allocations without impacting service quality;
- Analysis of the demographics behind who in the borough fosters, at what life stage, and what motivates them enabled the council to target foster carer recruitment far more precisely, driving a 300% increase in enquiries about becoming foster carers, thus *managing demand* for expensive services such as out-of-borough placements; and
- Analysis of business births and deaths has identified the highest performing business sectors, quantified the positive impact that regeneration areas have on net business growth (15% higher than the Barnet average) and demonstrated that current non-domestic rates are not a significant factor in business success or failure; informing the council's approach to *responsible growth and regeneration*.

1.145 Key performance and benchmarking information

There are no KPIs relating to the Insight service, as each assignment is managed as a discrete piece of work. The Service has successfully delivered against eight of its nine contractual commitments. The ninth commitment, which is in the process of being delivered, relates to the creation of a Leadership panel. This will be taken forward through the Innovation Lab.

1.146 Key points from the call for evidence

Commissioning and Delivery Unit Directors highlighted the work of the Insight team as being a particular area of high performance. However, it was also considered that the Insight Team has low capacity and the council would benefit from a broader commissioning, rather than customer services, focus

and by embedding Insight into more of what the council does and delivering to the original vision and system wide commitments.

There were no comments from members of the public on the Insight service, which is primarily an internal support service.

1.147 Review outcomes

Based on the evidence outlined above, two priority outcomes for the Insight service have been identified by the Member Working Group:

- An agreed strategy for maximising the benefits of Insight; and
- An agreed strategy for the future use of Innovation Lab.

The Service is commissioned through the councils Strategic Commissioning Board (SCB). A work plan for 2017 is currently in development for discussion with service areas and agreement through SCB. The programme is based around key MTFs savings commitments, which it will play a key role in enabling. It will be structured against the emerging Demand Management Framework, which the Insight service will also be key in delivering.

Given the fundamental role that insight can and should play in the delivery of savings, the management of demand and the redesign of local services, consideration is being given to maintaining a central Insight service, at current staffing levels. A proposal to that effect is being developed and is being considered by the relevant officers. This also covers the further development of the Innovation Lab.

In commissioning insight work, SCB will also be asked to prioritise those projects relating to a service or areas where a key decision or change is required, which insight would inform – thus ensuring that insight is never commissioned purely because the subject is interesting, but always because there is a key decision which should be informed by insight analysis. SCB will also be encouraged to track outcomes against commissioned Insight work.

1.148 Proposed changes to contractual arrangements

Any changes that are required to contractual arrangements for the Insight service will be identified through the consideration of the detailed proposals in respect of the Service.

2. REASONS FOR RECOMMENDATIONS

- 2.1 A key element of effective financial management is to plan ahead to ensure the council is well placed to meet future challenges. Implementing the changes and service improvements that have been identified as a result of this Review will ensure that the CSG contract continues to deliver savings and is aligned to the council's future strategic objectives.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None.

4. POST DECISION IMPLEMENTATION

4.1 Key milestones for the delivery of the outcomes of the Review will be collated into an implementation plan, progress against which will be reported to the Performance and Contract Management Committee. It is anticipated that the implementation plan will be agreed by December 2016. Work is also continuing to conclude detailed negotiations in relation to changes to KPIs and other contract amendments. It is anticipated that this work will be completed by the end of the financial year.

5. IMPLICATIONS OF DECISION

Corporate Priorities and Performance

5.1 The council's corporate plan for 2015-20 sets the vision and strategy for the next five years based on the core principles of **fairness, responsibility** and **opportunity**, to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life;
- Where people are helped to help themselves, recognising that prevention is better than cure;
- Where responsibility is shared, fairly;
- Where services are delivered efficiently to get value for money for the taxpayer.

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

5.2 The CSG contract, including managed budgets, has a value of £321m over the life of the contract. The contract is to deliver savings of approximately £70m over a ten year period on the core services that transferred. £13m of this has been delivered, as at the end of 2015/16. Details of savings proposals arising from the Review are set out in the body of the report and will be incorporated, as appropriate, in future budget reports to the Policy and Resources Committee and full Council.

Social Value

5.3 As a result of the Review, it has been confirmed that the achievement of social value through the activities of the CSG Procurement service remains a high priority, with no changes to KPIs in respect of social value being proposed.

Legal and Constitutional References

5.4 The Council's Constitution, in Part 15 Annex A, Responsibility for Functions,

states the functions of the Performance and Contract Management Committee include (amongst other responsibilities):

- a) Overall responsibility for quarterly budget monitoring, including monitoring trading position and financial strategy of Council Delivery Units.
- b) Monitoring of Performance against targets by Delivery Units and Support Groups including Customer and Support Group; Re; the Barnet Group (Including Barnet Homes and Your Choice Barnet); HB Public Law; NSL (Parking Contractor); Adults and Communities; Family Services; Education and Skills; Streetscene; Public Health; Commissioning Group; and Assurance.
- c) Receive and Scrutinise contract variations and change requests in respect of external delivery units.
- d) To make recommendations to Policy and Resources and Theme Committees on relevant policy and commissioning implications arising from the scrutiny of performance of Delivery Units and External Providers.
- e) Specific responsibility for the following function within the Council:
 - a. Risk Management
 - b. Treasury Management Performance
- f) Note the Annual Report of the Barnet Group Ltd.

5.5 Regulation 72 (1) of the Public Contracts Regulations 2015 says that “Contracts...may be modified without a new procurement procedure:

- (a) Where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses:
 - (i) State the scope and nature of possible modifications or options as well as the conditions under which they may be used; and
 - (ii) Do not provide for modifications or options that would alter the overall nature of the contract...’

5.6 Clause 10.3 of the CSG contract expressly provides for this year three outcome review and expressly allows for modification to the contract resulting from that review. Therefore, any agreed changes to the contract will not breach the Public Contract Regulations 2015 as long as the changes do not alter the overall nature of the contract.

5.7 The contract changes agreed will need to be documented in a Deed of Variation or similar legal form to ensure that they are legally binding on both parties.

Risk Management

5.8 The council has taken steps to improve its risk management processes by integrating the management of financial and other risks facing the organisation.

5.9 The council’s future savings proposals as set out in its Business Planning report require a fundamental change in the way the council’s services are delivered. Ensuring the contract with CSG remains aligned to the priorities of

the council will ensure that key services like Human Resources continue to support staff within the organisation in achieving this.

Equalities and Diversity

5.10 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:

- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advancement of equality of opportunity between people from different groups.
- Fostering of good relations between people from different groups.

5.11 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex and sexual orientation.

5.12 In order to assist in meeting the duty the Council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

This is also what we expect of our partners.

5.13 This is set out in the Council's Equalities Policy together with our strategic Equalities Objective - as set out in the Corporate Plan - that citizens will be treated equally with understanding and respect; have equal opportunities and receive quality services provided to best value principles.

5.14 The equalities implications of proposals have been considered as part of the Review process and no specific implications have been identified in relation to the proposals outlined in this report. It should be noted that the Customer Access Strategy and Customer Transformation Programme have been the subject of detailed equalities impact assessments, the outcomes of which have previously been reported to the Policy and Resources Committee.

Consultation and Engagement

5.15 Consultation and engagement has taken place as set out in paragraph xxx of this report. The outcomes of that consultation and engagement are set out in the relevant service outcomes sections of the report.

Insight

5.16 CIPFA benchmarking data has been considered as part of the Review.

6. BACKGROUND PAPERS

- 6.1 Evidence pack containing a report on the outcomes of internal interviews and the slide packs on service overviews and service performance assessments, as referenced in paragraphs 1.26, 1.27, 1.31 and 1.34 of the report.
<https://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13790&path=0>
- 6.2 Performance and Contract Management Committee, 6 September 2016 – Agenda Item 13 – Year Three Review of Customer and Support Group (CSG) Contract.
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=693&MId=8795>
- 6.3 Performance and Contract Management Committee, 31 May 2016 – Agenda Item 13 – Year Three Review of Customer and Support Group (CSG) Contract.
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=693&MId=8412&Ver=4>
- 6.4 Performance and Contract Management Committee, 7 January 2016 – Agenda Item 10 – Fundamental Review of Customer and Support Group (CSG) Contract.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=693&MId=8407&Ver=4>
- 6.5 Approval of NSCSO full business case:
<http://barnet.moderngov.co.uk/documents/s6649/NSCSO.pdf>

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Customer and Support Group Year Three Contract Review

Summary of proposed service enhancements and improvements

Service	Proposed improvements	Status
Finance	Introduction of business partnering model	In progress
	Improvements to Integra finance system	In progress
ICT	Deployment of Local Area and Wide Area Networks, brought forward from contract year six	In progress
	Review of wireless mobility upgrades	In progress
	Blackberry upgrade programme	Complete
	Review of council ICT systems	Complete
	Improved support for Delivery Unit systems, including applications management to ensure a more proactive approach for planning upgrades etc.	In progress
	Service improvement plan to improve, for example, the management of incidents, changes and security	In progress
	Re-structure of the ICT service	Ongoing – initial restructure implemented
	Resolution of specific Member ICT support issues	Complete
	Clarification and improvement of out of hours support	In progress
	Implementation of strategic fixes for Members' ICT, for example implementation of Office 365	In progress
HR	Council-wide learning and development offer	Implemented
	Reduction in agency spend	In progress
	Employee benefits package	Goes live November 2016
	Stepping up of workforce management support for sickness absence, recruitment and performance management	In progress
	Integrated "on boarding" process	Detailed proposal to be developed
	Improvements to Core HR system	In progress
	Arrangements for supporting move to Colindale and delivery of the Locality Strategy	In place
Customer Services	The new head of customer services to oversee more joined up working between the different parts of customer services run by Capita, including Re, and the IT work on managing the website and My Account.	In progress
	Creation of an annual operational improvement plan, together with a set of Continuous Service Improvement Plans for each service, with a stronger emphasis on digital improvements. To be monitored and managed through monthly highlight reports and new governance arrangements.	In progress

	Strengthened commitment to customer and user involvement in service changes and improvements	In progress
	The Customer Transformation Programme approved by Policy & Resources Committee will invest £5.4m in significantly improving online services and end-to-end service delivery for customers, and address digital exclusion.	In progress
Revenues and Benefits	Improvements in collection rates	Pending upgrade of Civica ICT system
	Reduction in workload backlog and arrangements put in place to monitor future performance	Complete
	Develop roadmap for the service, setting out improvements to be derived from Customer Transformation Programme and Civica upgrade	In progress
Procurement	Enhanced service offer on contract management	In progress
	Proposals for increasing remit of the service	In progress
	Revised arrangements for dealing with gainshare	Will be progressed through budget process
	Revised arrangements for managing third party highways contractor	In place
Estates	Revised service leadership arrangements and increased capacity	In place
	Development of annual work plan	In progress
	Development and implementation of Corporate Landlord model	In progress
Safety, Health and Welfare	Integrated approach to operational health and safety management and corporate risk management	In progress
	Increase impact on work-related incidents of ill-health	In progress
Corporate Programmes	Establish dedicated ICT project support teams	Requires officer approval

Response to comments from members of the public

Comments submitted in writing	Response
<p>I am a teacher at a Barnet school and Capita do our salary/payslips. It has been my experience that Capita's insistence on no communication between the individual and themselves to be extremely cumbersome. Whilst I understand that they prefer to deal with an institution representative (finance officer) several serious errors added to unclear labeling on the payslip mean that I am unsure of my pay which has fluctuated seriously. This has had an effect on my tax rate and I am still unsure of the corrections made.</p>	<p>At the beginning of the contract, all payroll enquiries were channelled through designated officers. In order to improve the quality of the service a direct employee help-line was subsequently introduced. The number is 0208 328 7912 and has been widely publicised.</p>
<p>I have been acting on behalf of a friend who is 91 years old with major eyesight problems, in communication with the Benefits and Council Tax Departments, since December 2015. The Benefits Department agreed that significant rebates were owed to him in March 2016, including a Council Tax refund of nearly £1,000. It has taken a further four months to get the Council Tax Department to refund the money. Luckily, he was not financially embarrassed by this delay, but had I not been available to help, I dread to think when, and if, he would have received what was due to him. I regard this situation as pathetic and place the blame on the CSG. I can provide further details if required.</p>	<p>There have been issues with backlogs in the service, which were identified prior to the commencement of this Review and have been acknowledged as being one of the main challenges for the Service in the main report.</p> <p>Significant effort has been applied to reducing the backlog within the service, through the implementation of a recovery plan. This has dealt with the outstanding issues and monitoring arrangements, through a new performance indicator, have been put in place to ensure the situation is managed effectively going forward.</p>
<p>Initial contact by phone using 0208 359 2000. The automated voice welcomes the call but then asks for either the name of person or the issue you are calling about. This is not ideal considering this is "first contact" and therefore unlikely that the person is able to give a name. When trying to give details of issue I have been calling about - the system cannot help and in fact has lead me on "a wild goose chase". I do now know the trick. It is to not give a name and not say anything. After hanging on in silence we are then told to hold for an operator. Please can this message be amended. Residents need to be clearly given the option to hold for an operator at the beginning of the call. ie please hold for an operator or give the name of the person you wish to speak to or the issue.</p>	<p>The Interactive Voice Recognition (IVR) system on the council's switchboard number does not provide an option for connecting directly with an operator. This is because it uses voice recognition to direct customer calls, which is more efficient and saves the council money. If the voice recognition is not successful, customers are transferred to a member of staff. The IVR systems are constantly reviewed to ensure that they are directing calls appropriately and providing callers with the information they need.</p>

<p>I am a resident in Barnet. This is about my experience with the council tax. I am eligible for a single person discount. In my experience, Capita's attitude to the residents is totally unacceptable. They are bullying and threatening and treat us as guilty of cheating the council unless proved otherwise. I was asked to prove that I was deserving the discount for the previous 8 years, although it had all been approved by the council. As this was in the process of clarification, I discovered that they took thousands of pounds from my account. I never expected that an arrangement for direct debit would allow them to do this. Communication with them is poor. Calling is a waste of time, takes hours. They never reply to emails within 5 days. Their style is intimidating. I eventually paid hundreds of pounds unjustifiably in order to get rid of their intimidation as the stress was too much for me. We deserve better. I wish the council got rid of them.</p>	<p>The Service carries out an annual process of conducting detailed checking and validation on a sample of residences where Single Person Discount is claimed. It should be noted that, in 2015-16, this process resulted in an additional £860k of Council Tax being collected. However, it is acknowledged that this is a particularly sensitive area of activity that requires careful handling. To that end, training programmes are continually reviewed and updated as required. The CSG Quality Team is responsible for the advisor call monitoring and they also conduct risk monitoring, where particular behaviours are reacted to promptly. The service has a high customer satisfaction level, which is exceeding 80% for the telephony line, and does respond to individual customer feedback.</p>
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The following comments were made at the meeting held on 25th July 2016 and supported by a slide pack, which is attached.

Comments	Response
<p>Concerns were expressed about call answering times within particular service areas. Graphs were provided that suggested that the headline achievement of the target was masking poor performance within housing benefits, council tax and adults' social care, with high levels of calls being abandoned.</p>	<p>It is acknowledged that these services do have lower performance levels on call answering time than other services. This is primarily due to the longer call handling times that are associated with the more complex enquiries that are associated with these services. Staffing levels are generally flexed to reflect expected peaks and troughs in demand, but the complex nature of these services requires much more in-depth training than more straightforward services, so it is not always feasible to staff the operation to meet all of the peaks in demand. In order to maximise efficiency, Customer Services is considering a number of further developments:</p> <ul style="list-style-type: none"> • Better utilisation of trained Revenue and Benefits officers in the Blackburn office during busier times;

	<ul style="list-style-type: none"> • Upgrading technology to virtualise the council’s contact centres, i.e. enable calls to be directed to different physical locations. This will mean there would be more resilience and ability to multi-skill a wider pool of people; • Performance and operational improvements in Social Care Direct; and • Further implementation of digital solutions, so that customers can more easily resolve their query using the website, rather than needing to rely on the telephone. <p>At a previous meeting, the Working Group had acknowledged that answering calls within 60 seconds was not the most effective measure of performance, as the ability of the call handler to resolve the caller’s query was far more important to achieving customer satisfaction. The council measures customer satisfaction with call handling via the GovMetric measurement tool and associated KPI.</p>
<p>Links to audit committee - example this week’s audit committee has a poor review for parking permit administration which is administered by Capita. There is a real concern that under performance is batted between the two committees and dealt with by neither. There is also a concern around the tracking of underperformance and what follow up measures are taken not just at the next meeting but over a longer period to identify trends.</p>	<p>The two Committees have quite different roles, which are set out in the council’s Constitution. The main purpose of the Audit Committee is to provide independent assurance of the risk management framework and associated control environment. The purpose of the Performance and Contract Management Committee is to review the performance of the council’s services, whether they are delivered through in-house Delivery Units or through contracts with external providers. External providers are subject to the same internal audit requirements as in-house units, so it is entirely appropriate that any issues relating to risk and control mechanisms are referred to the Audit Committee.</p>
<p>Concerns were expressed about the level of actual spend with Capita, against the level of contracted spend and, in particular that project spend is paid at consultancy rates. How these variations are controlled was also questioned.</p>	<p>The Working Group has scrutinised the approach to managing project-related expenditure through the contract and noted the arrangements that are in place to control it. Since the contract commenced, dedicated project support teams have been put in place, payment for which is based on salaried rates, not day rates. The report sets out further recommendations for expanding this approach.</p>
<p>The following summary points were made at the meeting:</p> <ul style="list-style-type: none"> • Ensure the contract is being adequately monitored and there 	<p>This Review will result in an Implementation Plan, progress against which will be reported to the Performance and Contract Management</p>

<p>are sufficient resources for this</p> <ul style="list-style-type: none"> • Monitoring and contract variations need to be communicated better to PCM • Need to ensure the council is getting what was promised by Capita, given redundancies from contract 	<p>Committee. It also sets out proposals to strengthen the reporting of progress against delivering the remaining contractual commitments.</p>
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The following questions were raised in respect of contractual commitments.

Question	Response
<p>To what extent has anyone checked against the 324 contractual commitments made</p>	<p>Monitoring of contractual commitments forms part of the regular monitoring undertaken by the Commercial team, in conjunction with the Senior Responsible Officer (SRO) for each service. Progress is recorded in a tracker spreadsheet.</p>
<p>•T2-6 Agile workspace – yet we are still in building 4 which I thought was due to be handed back T2-34 not met</p>	<p>LBB has exited Building 4. CSG continue to occupy part of Building 4 under a separate arrangement with the landlord. Implementation of the Agile Workplace Programme and management of space utilisation through cultural change management are ongoing and will continue throughout the life of the contract.</p>
<p>•T2-11 staff survey what were the results</p>	<p>This commitment was signed off by the SRO as completed in 2014. Capita conducts a company-wide Staff Satisfaction Survey on an annual basis. Employees are actively encouraged to partake. Results from the survey are shared with senior and middle management to ensure key feedback is heard and opportunities to enhance Capita's working ethos are explored. Employees have visibility of Capita's overall staff satisfaction results. Results are disseminated on a divisional, rather than contract/service level, to help with cross fertilisation of good initiatives that seem to motivate and highlight any negative trends so that all learn.</p>
<p>•T2-15 Access to Capita's Learning & Development academy</p>	<p>This commitment was signed off by the SRO as completed in 2014.</p>
<p>•T2-32 Leadership Panel who are they have they ever sat asked about them at the last meeting and you said the composition of the panel was being reviewed who has sat on it they don't publish minutes who are they</p>	<p>This commitment is classified as "not delivered" and will be addressed through the Partnership Development Strategy. The Leadership Panel does not have a fixed membership and is, in essence, about bringing together relevant people from different parts of Capita's business to advise on specific issues.</p>

•T2 -39 Innovation partners	This is an annual activity throughout the life of the contract and is, therefore, “ongoing”.
•T2-64 Employee discount scheme	Implementation of this has been delayed by LBB to November 2016 in order to: a) secure a better scheme than the original offer; and b) link it to the overall Unified Reward package.
•T3-8 Local Supply Chain Champion & T3-10 Opportunity matching for SME's	This was delivered in 2014.
•T3-31 How many staff have achieved Institute of Customer Service professional accreditation – Linked to £904k investment in transferring staff has that happened	This has been signed off as delivered. All staff within the Contact Centre that required training received it, but through NVQ rather than ICS qualifications. New staff continue to be trained to the same level. The investment quoted related to all transferring staff, not just those in the Contact Centre.
T3-43 conflict between what that says and the contract variation published on 18 July but relating to a DPR decision taken in October 2015 to: The Council wish to procure through Capita a service provided by Inform CPI Ltd using their Analyse Local software to identify missing or undervalued NNDR properties and for forecasting the impact of rateable value (RV) appeals. The service provided by Inform CPI Ltd has been used on a London contract administered by Capita and has to date been successful in increasing the tax base and is a service that Capita can recommend.	This contractual commitment is classified as “in progress”, as it has been partly delivered. The commitment related to the use of tools to assess “propensity to pay”, some of which have proved to be unsuitable for that purpose. The DPR relates to a tool which is to be used for a different purpose.
•T3-103 payroll accuracy problems still seem to be occurring	This commitment duplicates the KPI relating to payroll accuracy and the latter takes precedence. Performance against the KPI is reported in the “Service Outcomes – HR” section of this report. When Barnet set up the contract with Capita they negotiated a KPI that is set at a very high threshold and therefore only a few errors will trigger a fail. CSG largely performs very well on a month by month basis. There have been a few instances where the payroll has been affected by a software update issue and controls have been put in place to make sure that this cannot be repeated.
•T3-105 absence and sickness failed in the data provided at the last PCM committee how often is it failing	This commitment relates to the provision of reports to LBB management, which is where the responsibility for managing absence sits. The commitment is classified as “ongoing”.

	<p>Barnet's absence levels have been averaging at about 8-9 days for a number of years and we have a desire to achieve a target of 6 days. As part of Unified Reward we have now introduced tighter and more robust sickness triggers from the 1st October 2016, which means that we can intervene earlier. These are linked to financial penalties, implementation of which has been deferred for 12 months as part of the negotiations with trade unions. If sickness does not reduce as a result of the more stringent triggers, then we will implement the financial penalties as a deterrent. Barnet will remain a supportive employer where sickness is genuine but taking a much more robust approach in all other circumstances. HR Business Partners are supporting managers with occupational health referrals, individual return to work plans (which may include phased returns), with the focus being on supporting the individual back to work as soon as possible, or exiting the long term sick who are unable to return. We expect to see these measures have an impact and see sickness levels start to fall during 2017.</p>
<p>•T3-184 Reduction in gas electricity & water</p>	<p>This commitment relates to a reduction in usage that is built into the contract price, so LBB benefits from the cost reduction regardless of whether CSG achieves it or not. However, monitoring information indicates that the reduction in usage is being achieved.</p>
<p>•I note that in a recent DPR http://barnet.moderngov.co.uk/documents/s33627/Monthly%20Table%20List%20of%20Actions%20Taken%20Under%20Summary%20DPRs-%20June%202016.pdf one contract monitoring post has been converted to a quality in care advisor – authorised by James Mass. Given the complexity of the contract I cannot see how reducing the number of contract monitoring staff at this time makes any sense.</p>	<p>This DPR relates to posts deployed within Adult services to monitor contracts with care providers and has no involvement with the CSG contract. This is monitored by the Commercial Team, the capacity in which has been strengthened since the contract commenced.</p>

Capita Contract Review

25 July 2016

Commitments Performance Cost

Commitments

- To what extent has anyone checked against the 324 contractual commitments made
- T2-6 Agile workspace – yet we are still in building 4 which I thought was due to be handed back T2-34 not met
- T2-11 staff survey what were the results
- T2-15 Access to Capita's Learning & Development academy
- T2-32 Leadership Panel who are they have they ever sat asked about them at the last meeting and you said the composition of the panel was being reviewed who has sat on it they don't publish minutes who are they
- T2 -39 Innovation partners
- T2-64 Employee discount scheme
- T3-8 Local Supply Chain Champion & T3-10 Opportunity matching for SME's
- T3-31 How many staff have achieved Institute of Customer Service professional accreditation – Linked to £904k investment in transferring staff has that happened.

Commitments

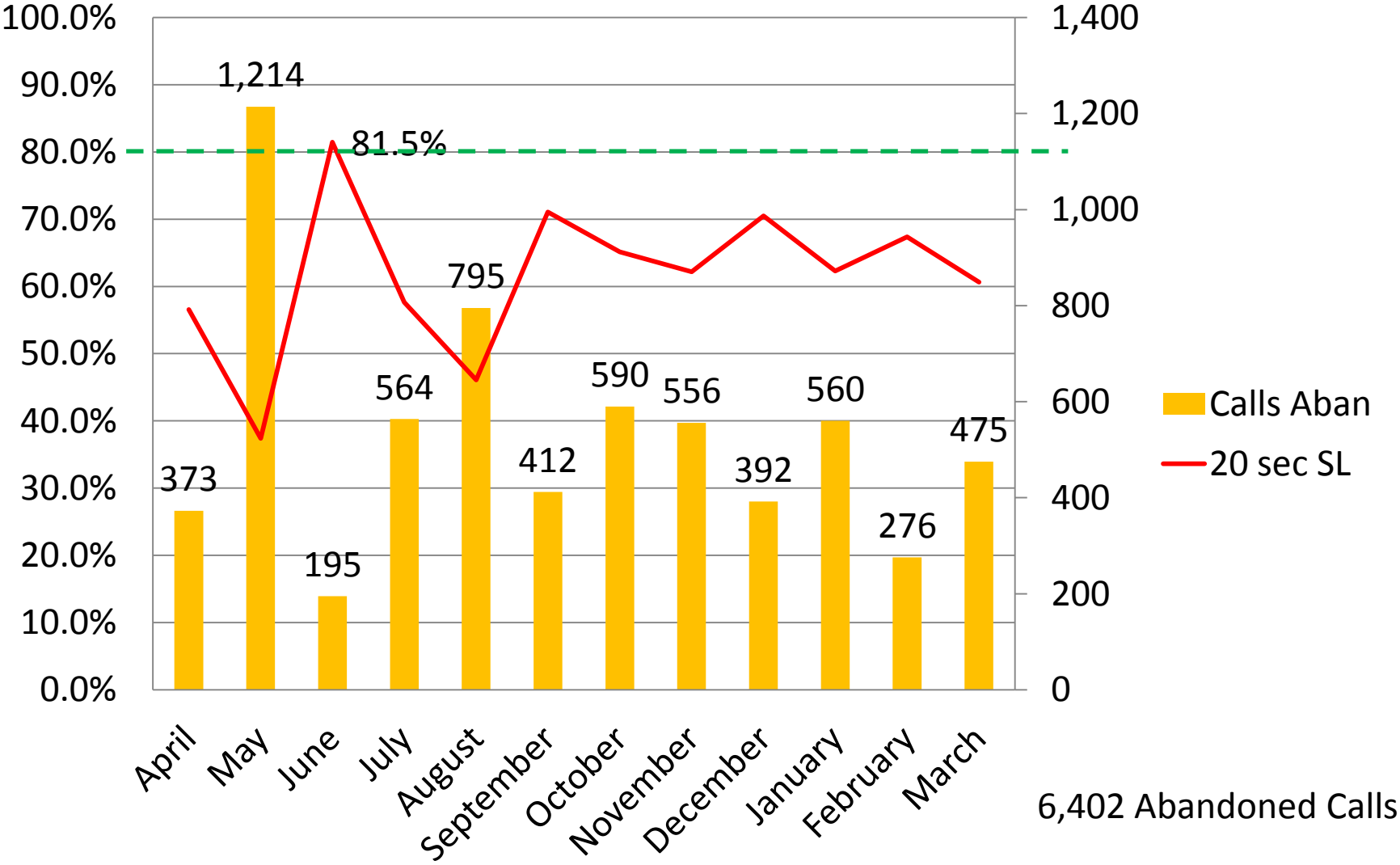
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- T3-184 Reduction in gas electricity & water
- I note that in a recent DPR
<http://barnet.moderngov.co.uk/documents/s33627/Monthly%20Table%20List%20of%20Actions%20Taken%20Under%20Summary%20DPRs-%20June%202016.pdf>
one contract monitoring post has been converted to a quality in care advisor – authorised by James Mass. Given the complexity of the contract I cannot see how reducing the number of contract monitoring staff at this time makes any sense.

Telephony Performance

- Telephony satisfaction targets are apparently being met - question how it is measured
- Telephony performance mixed picture
- Virtual assistant skews results
- Need to examine the detail

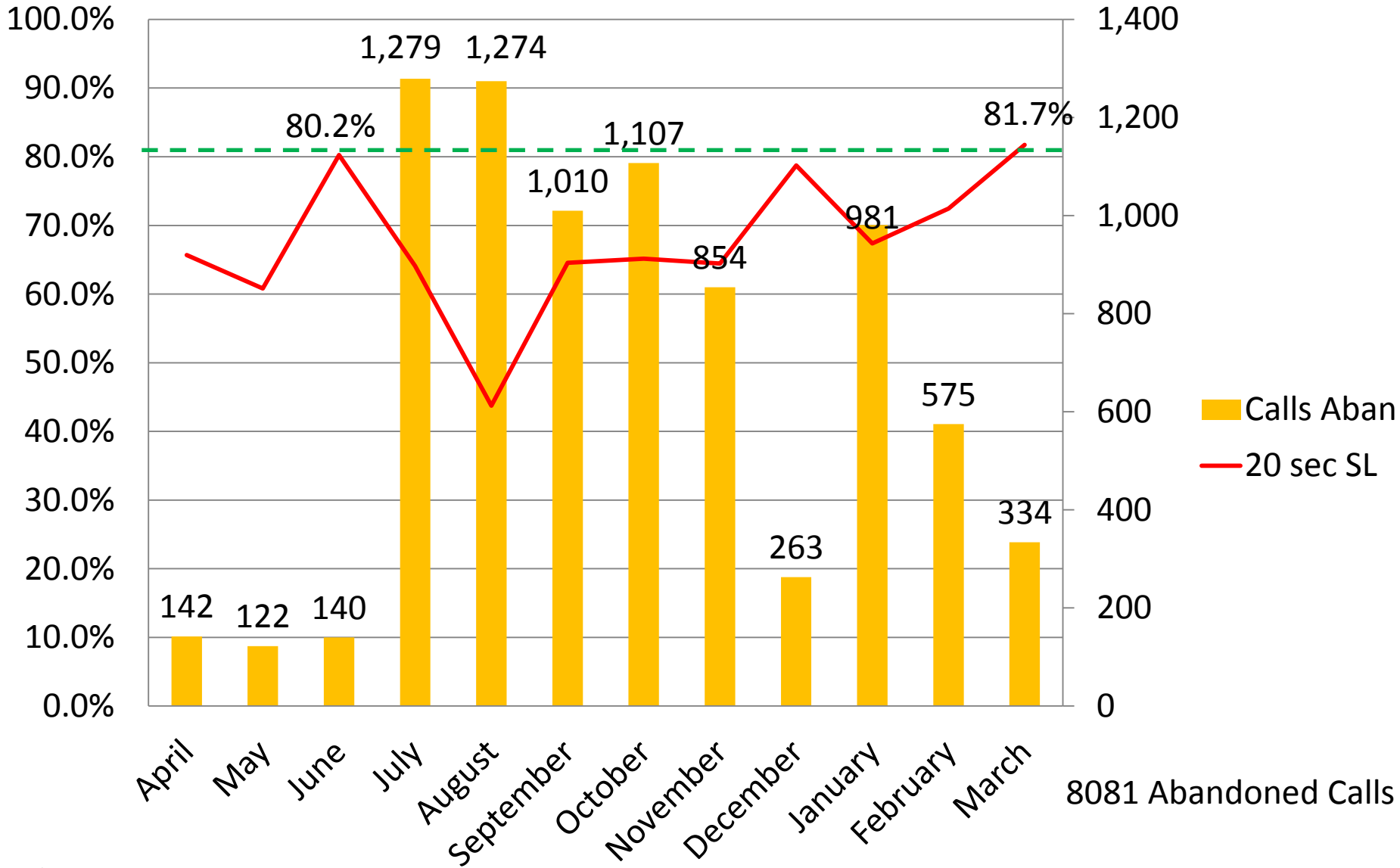
Who is getting short changed?

Housing Benefit Call Analysis

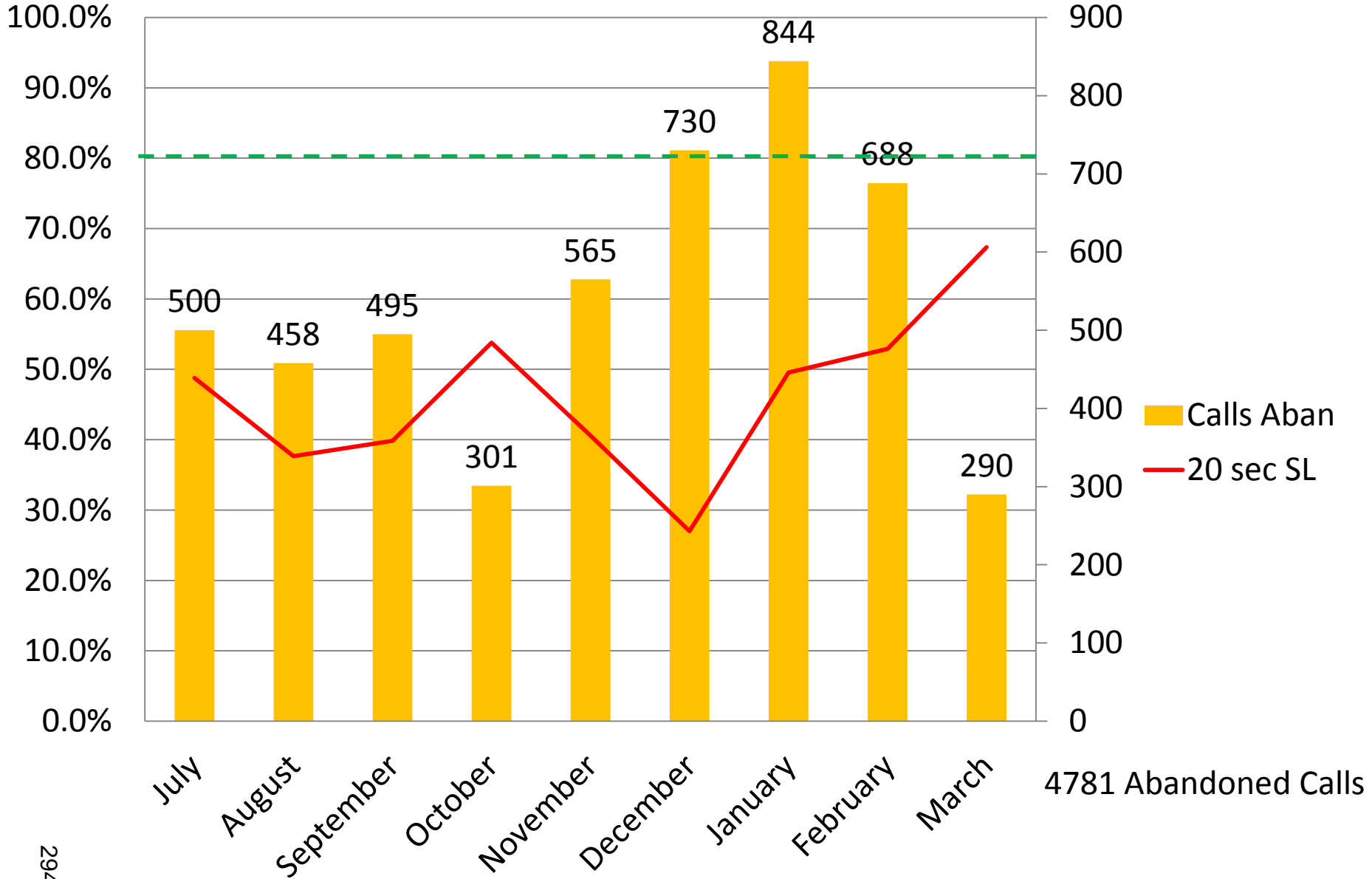


6,402 Abandoned Calls

Council Tax Call Analysis



Adult Social Care Call Analysis



4781 Abandoned Calls

Other Performance

- Links to audit committee - example this week's audit committee has a poor review for parking permit administration which is administered by Capita. There is a real concern that under performance is batted between the two committees and dealt with by neither. There is also a concern around the tracking of underperformance and what follow up measures are taken not just at the next meeting but over a longer period to identify trends.

Cost

LBB Charges and Savings													
Contract Year	Baseline cost of NSCSO services (2013/14)	Additional council tax income	Reducing no. of single person discount CTax claimants	Savings in retained council procurement spend	Savings on core service price	Interim Agreement Adjustment	Change to Managed budgets	Total core service savings	% saving on core service price	Annual savings totals	Annual Capita fee to council	Managed budgets	Total fee
Year 1 of the Contract Period	3,400,000										3,400,000		3,400,000
Year 1 of the Contract Period	38,757,596		190,800	624,031	5,281,048	(98,167)		5,182,881	13%	5,997,712	24,877,788	8,632,760	33,510,548
Year 2 of the Contract Period	38,757,596	80,685	381,600	5,916,047	5,748,636	£152,446		5,901,082	15%	12,279,413	24,376,200	8,632,760	33,008,960
Year 3 of the Contract Period	38,757,596	376,530	508,800	2,633,546	7,800,065	£414,795	(2,029,085)	6,185,774	16%	9,704,651	26,451,017	4,506,515	30,957,531
Year 4 of the Contract Period	38,757,596	484,110	508,800	3,393,225	7,545,748	(1,494,539)		6,051,210	16%	10,437,344	27,516,967	3,694,881	31,211,848
Year 5 of the Contract Period	38,757,596	484,110	508,800	4,233,875	7,610,090	(1,588,398)		6,021,692	16%	11,248,477	27,452,625	3,694,881	31,147,506
Year 6 of the Contract Period	38,757,596	484,110	508,800	4,763,109	7,111,552	(1,109,612)		6,001,940	15%	11,757,959	27,951,164	3,694,881	31,646,044
Year 7 of the Contract Period	38,757,596	484,110	508,800	5,317,156	8,783,638	(1,479,718)	(219,420)	7,084,500	18%	13,394,567	26,498,498	3,475,461	29,973,958
Year 8 of the Contract Period	38,757,596	484,110	508,800	6,186,295	10,508,224	(1,450,433)	(329,130)	8,728,661	23%	15,907,865	25,871,012	2,378,361	28,249,372
Year 9 of the Contract Period	38,757,596	484,110	508,800	6,693,772	10,666,912	(1,602,445)		9,064,467	23%	16,751,150	25,712,323	2,378,361	28,090,684
Year 10 of the Contract Period	38,757,596	484,110	508,800	7,213,491	10,891,726	(1,480,984)		9,410,741	24%	17,617,143	25,487,510	2,378,361	27,865,870
Contract totals	390,975,960	3,845,986	4,642,800	46,974,547	81,947,638	(9,737,054)	(2,577,635)	69,632,948	18%	125,096,281	265,595,104	43,467,218	309,062,322

**Published
payments
schedule:**

	2013/14	2014/15 to date	2014/15 Remaining	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Total
Contracted	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
CSG	35,962	21,418	3,063	26,671	29,482	25,453	25,951	24,198	17,203	20,467	25,106	10,621	265,595
Re	8,610	11,193	3,658	15,083	15,310	15,308	15,345	15,455	15,484	15,533	15,597	3,907	150,483

Additional payments:

	2013/14	2014/15 to date	2014/15 Remaining	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Total
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
CSG	2,843	11,748											14,591
Re	775	2,574											3,349
Additional items	14,933												14,933

Additional payments to CSG represent payments for procurement gainshare and projects spend. This is explained in further detail in the questions above (Q64, 65).

Additional payments to Re relate to payments for undertaking Transport for London highways works, which are grant funded by TFL, and spend on regeneration projects, costs for which are typically recovered from development partners.

The final additional payment line relates to the interim service agreement with Capita.

Contracted vs Spend to Date

£millions

Capita (CSG)	2013-14	2014-15	2015-16	Total
Contracted	35.96	24.48	26.67	87.11
Actual YTD	46.68	37.02	36.85	120.55
Difference	10.72	12.54	10.18	33.44

Special Projects, Gainshare & Contract Variations

Special Projects

- Projects like the Sport and Physical Activity Review, Waste Depot Relocation and Libraries Strategy
- Paid at consultancy rates

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Appendix C – CSG Project Spend

Considered by the Member-led Working Group on 4th August 2016

EXCLUDES information that is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972

What is the Council investing in and why?

Capital programme

●The Council has agreed its capital investment programme, with £761m planned investment to 2020, funded through capital receipts, borrowing, revenue and external grant.

Transformation programme

●The Council has agreed its Medium Term Financial Savings (MTFS) plans to meet the £81m funding gap to 2020.

●A transformation programme has been established containing the 61 projects required to deliver £63m of these savings (sample of key projects on the right).

●The Council has agreed a transformation reserve of £22.3m to deliver the programme, including a split of spend against each project.

Major capital investments

- £215m in Brent Cross Thameslink
- £145m in schools build programme
- £145m in housing development pipeline
- £51m in improvements to roads & pavements
- £50m in new Colindale Offices
- £30m investment in our parks
- £23m investment in two new leisure centres
- £9m in IT equipment & services

Key projects within the programme

- New delivery models for adults and children's social care, education & skills and street scene
- Improved social work practice for adults & children
- Integrated health and social care services
- Strategy to hit 50% recycling rate by 2020
- Older people supported to live more independently
- Targeted support to reduce the numbers of children & adolescents in statutory care
- Changes to the way residents transact with the council

What does the Council buy from CSG?

The Council uses a number of suppliers to support the delivery of these vital programmes, including CSG, from whom we buy the following services:

For the capital programme

- **Multi-Disciplinary Design Services (c.£3.7m spent to Mar '16)** (e.g. Architect, Engineering Services, Landscape Architecture)
- **Technical Advisory Services (c.£2.8m)** (e.g. Technical Lead, Quantity Surveyor, Principal Designer, Supervisor)
- **IT specialist labour (c.£2.8m)**
- **IT hardware & software (c.2.0m)**
- **Project management (£2.1m)**
- **Programme management (£0.5m)**

For the transformation programme

- **Subject matter expertise (c.£3.6m)** (e.g. procurement support, HR input into staff re-organisations, IT input)
- **Project-specific resource (c.£1.5m)** (e.g. for Libraries, Unified Reward and Customer Transformation)
- **Project management (c.£2.0m)**
- **Change management (c.£0.4m)**
- **Programme management (c.£2.4m)**

These services, which the Council would need to procure elsewhere if not from CSG, are in addition to the 'core' contract.

What did £25.6m of CSG spend support since Dec 2013?

New Council Tax Support Scheme; Welfare Reform Taskforce; and additional Revs & Bens Face to Face services

£1,800,000

2013 and 2015 Schools Build Programmes



Schools Modernisation



Children's Transformation Programme



Designs for New Barnet & Cophall Leisure Centres

£9,900,000

£13,900,000



Streetscene Efficiencies



Future Model for Libraries



Designs for two Community Centres



Adults Transformation



Design for a replacement depot



New Laptops and Ipads, Infrastructure & Systems

unified reward

■ Critical infrastructure incl. schools & IT ■ Transformation Projects ■ Temporary teams / specialist resource

What will c.£39m spend with CSG from 2016-20 get us?

Capital schemes

- £24m expected to support development of vital infrastructure, as follows:
 - Schools - £14.4m (10% of forecast total capital spend)*
 - Leisure Centres - £3.9m (12% of forecast total capital spend)
 - Community Centres – £2.4m (15% of forecast total capital spend)
 - Depots & other infrastructure - £3.0m (10% of forecast total capital spend)
- £9m on ICT specialist labour (c.£4m), hardware & software (c.£5m) to enable improvements to customer services and how we work, including secure mobile working, electronic record management system to ensure less reliance on paper, more reliable infrastructure, and collaborative working tools.

Transformation projects

- £6m of spend (48% of total expected £12.8m transformation spend) delivering projects identified within the transformation portfolios including new delivery models for adults social care, street scene and family services.

** If all planned additional school places for 2020 will be built by LBB*

Capital schemes

Ad hoc use of various suppliers.

Construction partnership with Kier and Gardiner Theobold for school builds on whom £2.1m was spent to support £12.8m investment within the 2013 primary school build programme (16%).

Various IT suppliers including ComputerLand.

Transformation projects

In-house transformation team supported by external consultants including £7.1m of spend on Impower and Agilisys on the One Barnet Programme by the end of 2013.

How can we assess value?

Area	Are we paying less than we would in the open market?	Are we getting what we paid for?	Can we get better value in the future?
Capital schemes	✓	✓	✓
Transformation projects	✓	✓	✓

In total we expect to save over £5m between 2014 to 2020 compared to what we spend through the open market.

This saving is made through the better than market rates we have negotiated with CSG, as explained in more detail on the next slides.

Capital schemes

- **Are the contractual rate cards better value than the market?**
 - Contractual rate cards are c.11% below rates that would be paid to equivalent companies.
- **How are we getting better value than the rate cards?**
 - Design, Technical Advisory & Project Management fees for building schools has reduced from 16% average before the contract to 10% average. See Appendix A.
 - Project Management delivered by 7 FTE salaried team (11% below rates Council would pay to recruit fixed term project managers).

Are we paying less than we would in the open market?

9

Transformation projects

- **Are the contractual rate cards better value than the market?**
 - Contractual rate cards are c.11% below rates that would be paid to equivalent companies.
- **How are we getting better value than the rate cards?**
 - 16 FTE salaried team has been established that is c50%-60% below consultancy market rates.
 - Current ROI is c.£3 saved per £1 spent which is better than previous programmes (e.g. One Barnet ROI was c.£2 saved per £1 spent).

Capital schemes

- Officer and members decision-points at key stages in accordance with industry-standard 'RIBA' approach
- Assurance partner scrutinises plans at key points of major capital schemes; procuring an IT assurance partner to scrutinise IT investment plans
- Milestone and deferred payments used as standard

Projects delivered/under way

- Delivery of new school build programme to deliver school places
- Depot Relocation
- Delivery of business case and initial designs for new leisure centres in Barnet
- Children's IT transformation
- Tarling Road Community Centre
- Aggregated Procurement
- Libraries Digital Transformation
- Members' IT
- Investing in IT
- Daws Lane Community Centre

Transformation projects

- Officer and member decision-points at key stages in accordance with LBB project management methodology
- Milestone and deferred payments used as standard
- Use of Local Partnerships & PWC to review plans.

Projects delivered/under way

- Smarter Working – move from NLBP4
- Unified Reward
- Family Services Transformation Programme
- Phase 2 of Adults transformation programme
- Libraries Strategy
- Early Years – Free Early Education Places
- Streetscene Transformation Programme
- Phase 1 of adults transformation programme

Can we get better value in the future?

Capital scheme specific opportunities

- New strategic construction partnership to provide substantial efficiencies for construction costs and improve delivery of capital schemes
- Procure services from alternative suppliers through frameworks.

Transformation projects specific opportunities

- Transfer on-going arrangements, such as programme management, into the core contract.

General opportunities

- Improve delivery of key investments (i.e. for IT) and reducing costs by establishing further salaried teams / gaining commitments to maintain existing teams (enforcing penalties where not maintained)
- Negotiate discounts based on forecast spend – or as leverage to achieve further base budget contract savings
- Regularly review benchmark market rates and use information to inform purchasing choices and negotiations with CSG.

Appendix A – School Build fees comparison

Category	Pre-CSG	With CSG
Construction Total	12,818,046	24,529,617
Design, Technical Advisory & PM Fees	2,071,907	2,446,044
% Design, Technical Advisory & PM Fees	16%	10%

Pre-CSG figures are from the 2013 Primary School expansion programme carried out through the support of Kier and Gardiner Theobold.

With CSG figures are from the 2015 Primary School expansion programme in which CSG provided design, technical advisory and project management support.

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Appendix D – CSG Service Benchmarking

Considered by the Member-led Working Group on 28th September 2016

Introduction

- The CSG contract review is currently in progress
- The review should be informed by an understanding of the value for money we get currently for CSG's provision of core services
- CIPFA has carried out a benchmarking exercise of the following services where data was available:

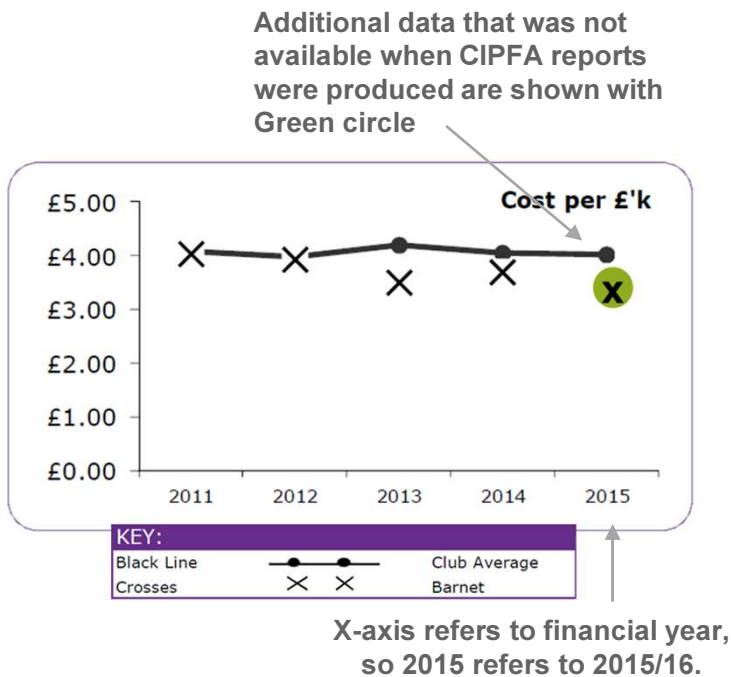
Benchmarked Services	
<ul style="list-style-type: none">• Accountancy• Payroll• Benefits• NDR	<ul style="list-style-type: none">• Council Tax• HR• ICT• Estates

- This report summarises the results of this exercise.

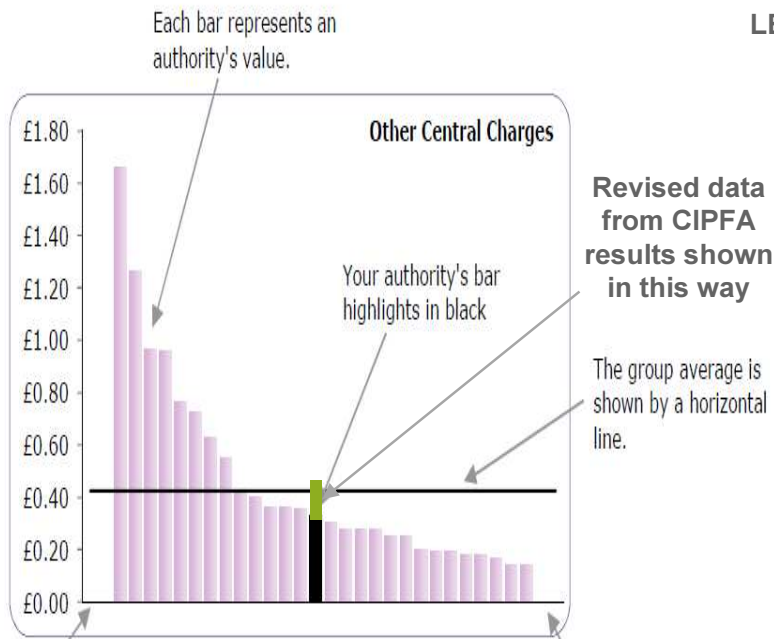
Explanation of data

- CIPFA benchmark cost and performance data for a number of core services against statistical peer groups such as other Outer London Boroughs (the exact group varies for each service)
- Data in the reports is summarised in three main ways:

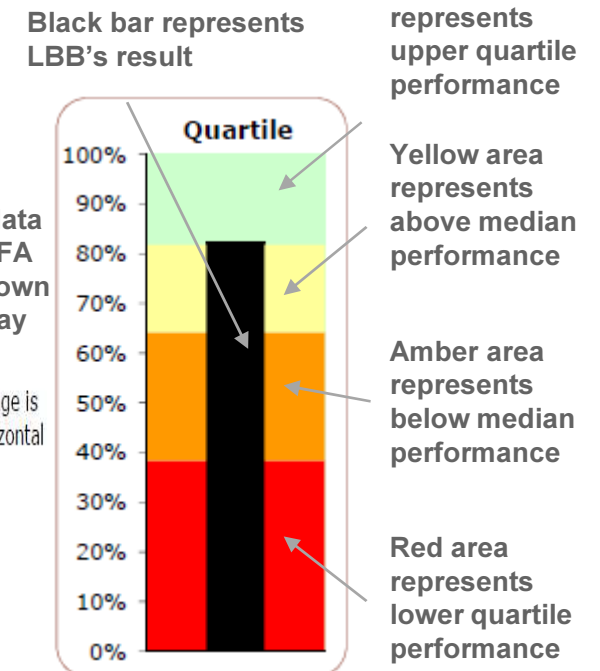
Method 1



Method 2



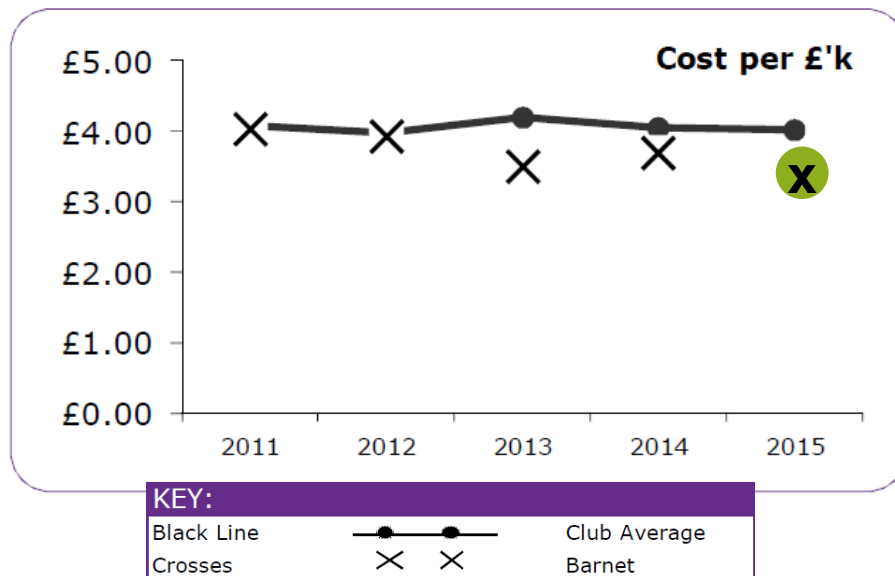
Method 3



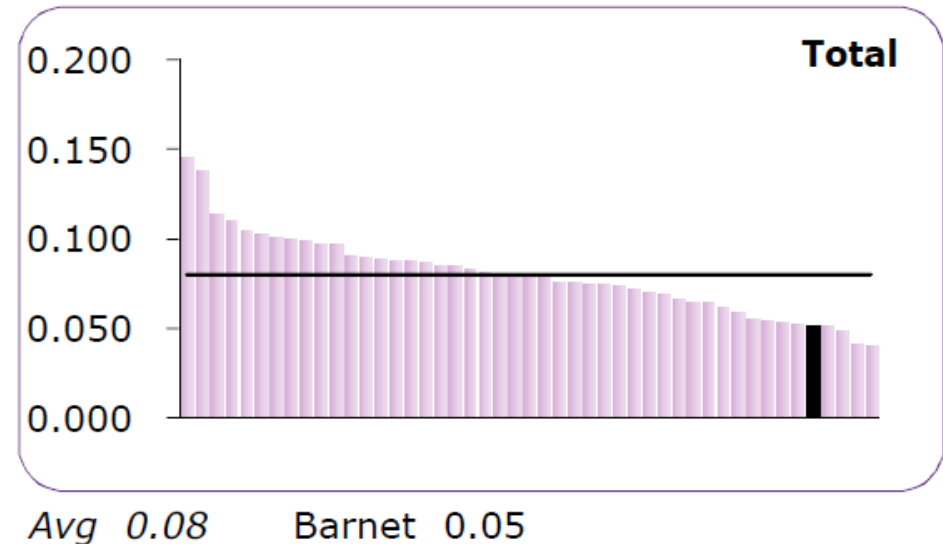
Accountancy service

- Bar chart shows 2015/16 data
- Vs. 46 organisations in benchmarking group

Service cost as a proportion of turnover



FTE per £m of Gross Revenue Turnover



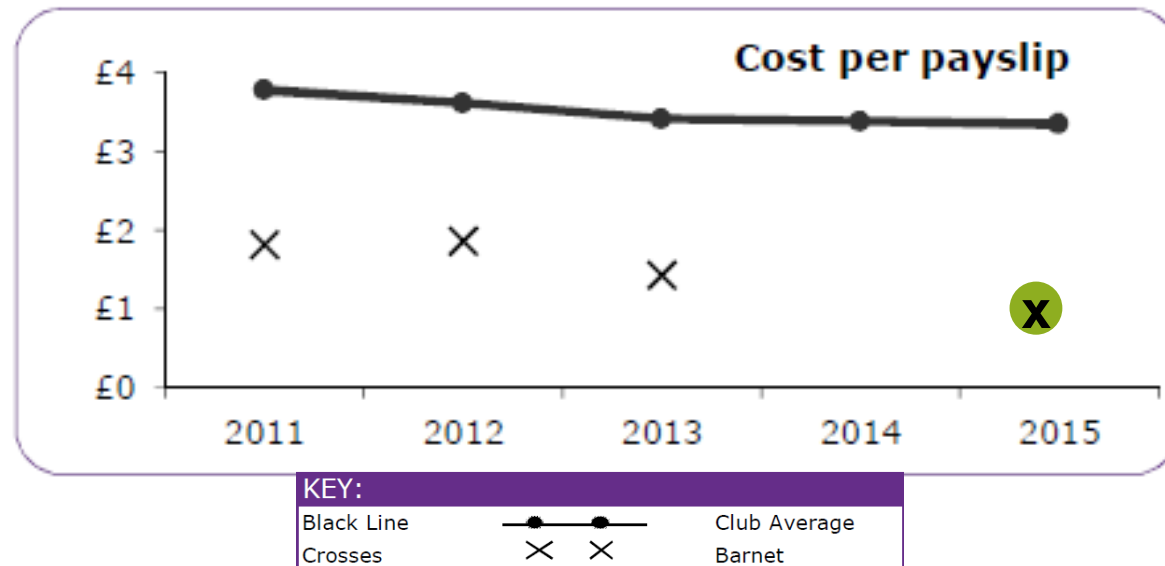
Commentary

Appears to be low cost relative to benchmark group likely driven by a relatively small team. 2015 data is not included in CIPFA report but calculations show service cost is 3.4 per £k of gross turnover, maintaining Barnet's low cost position relative to the benchmarking group.

Payroll Service

- 2015/16 data
- Vs. 28 organisations in benchmarking group

Net Service Cost per payslip



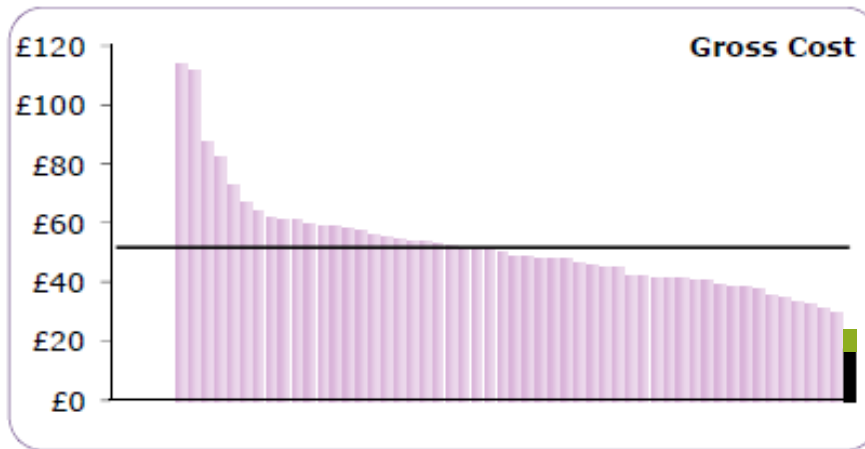
Commentary

Low cost relative to benchmark group although latest figures are not included in CIPFA reports for 2014 and 2015. Calculations show cost per payslip in 2015 was £1.01 so below 2013 level and club average.

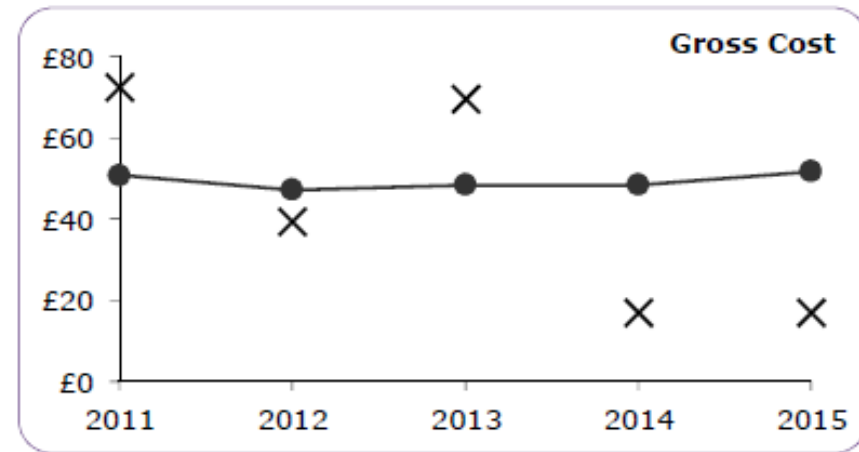
Benefits Service

- 2015/16 data
- Vs. 57 organisations in benchmarking group

GROSS COST/WEIGHTED CASELOAD



KEY:
Club average ●
Barnet X



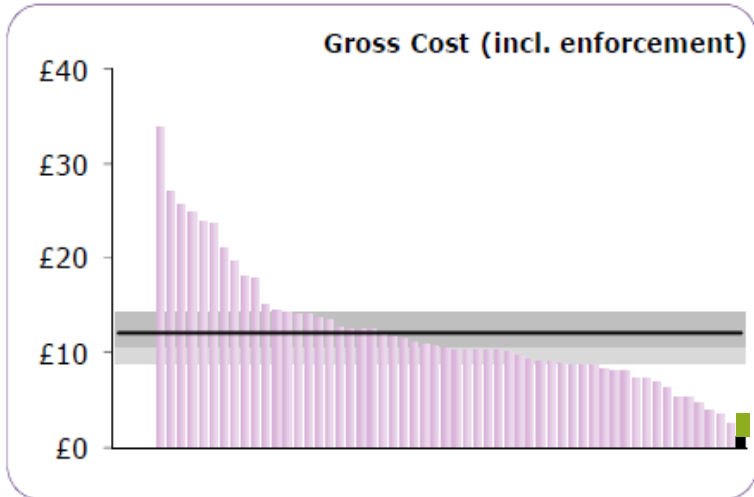
Commentary

Very low cost relative to benchmark group which maintains position from previous year. CIPFA data had not included software costs and other small items. Once accounted for Gross Cost per case is £20.6 from £17 as shown on bar chart graph on left.

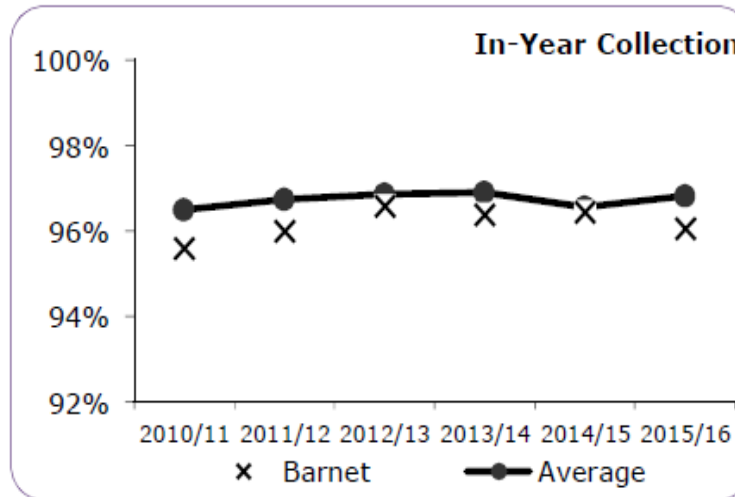
Council Tax Service

- 2015/16 data
- Vs. 58 organisations in benchmarking group

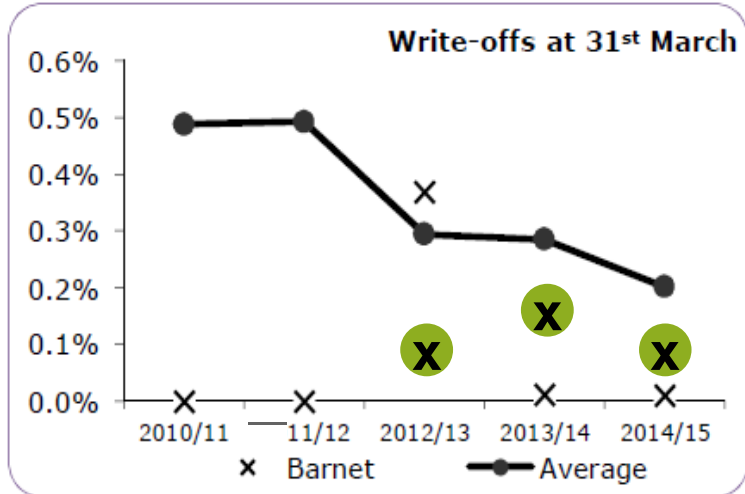
Gross Collection Cost per Banded Dwelling



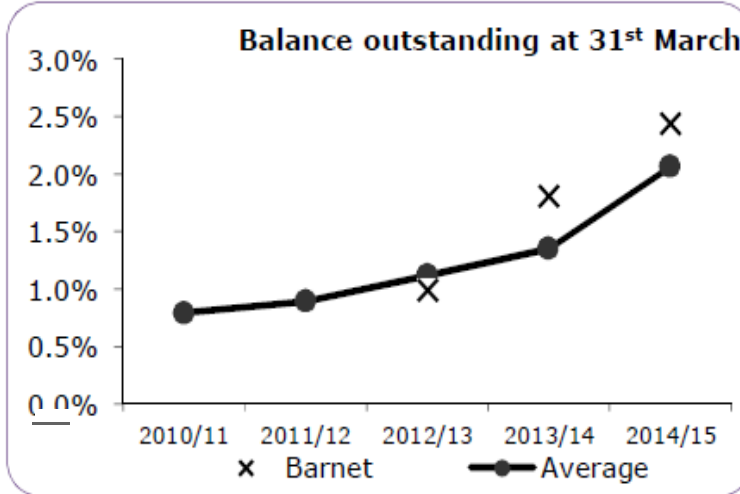
In Year Collection Rates



Amount written off as a % of Net Debit



Net Balance Outstanding as % of Net Debit



Commentary

Council tax service cost per banded dwelling is extremely low relative to the benchmarking group, likely due to low costs, including low relative enforcement costs (net of income). Software costs are missing from CIPFA data. Once accounted for Gross Cost is £3.4, as shown on graph.

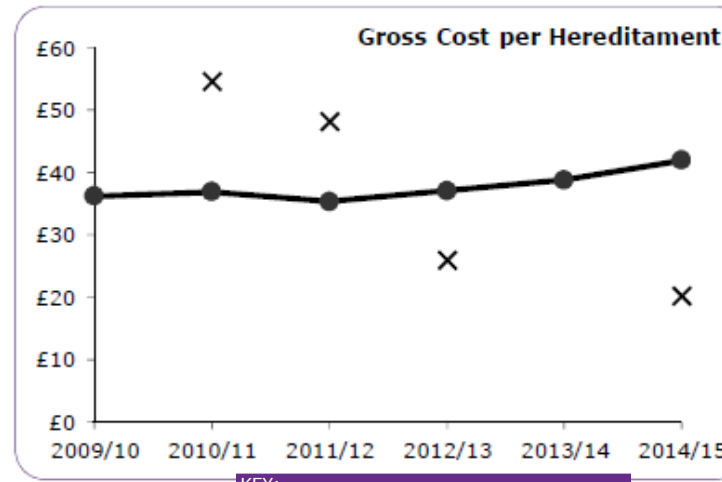
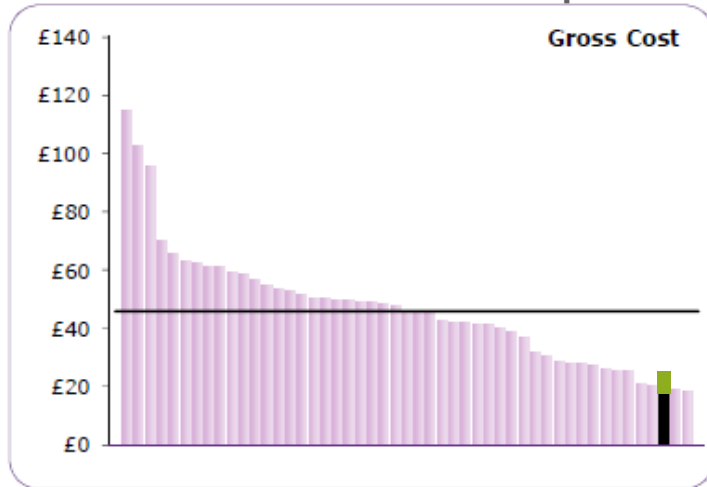
In year collection rates and balance outstanding are worse than average, however the Council is on track at Sept '16 to collect 98.49% of the previous 4 years' debt by Mar '17 (this is the corporate target, rather than in year rates which vary.) Debt is still collected after 4 years but gains reduce as cost of collection increases.

Write-offs shows the amount of each year's debit written off at the 31st March 2016. Revisions to data provided to CIPFA shown on graph.

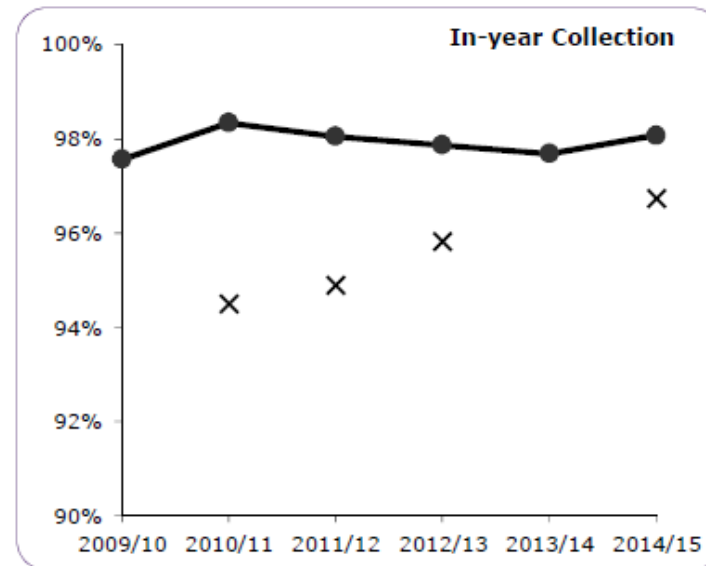
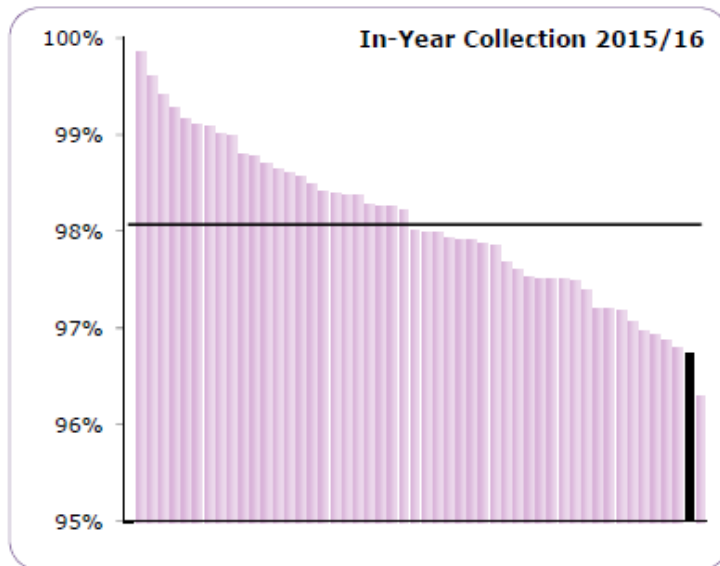
Non-Domestic Rates (NDR) Service

- 2015/16 data
- Vs. 50 organisations in benchmarking group

Cost per Hereditament (land/building)



NDR Collection Rate



Commentary

NDR service cost per banded dwelling is low relative to the benchmarking group, moving from being an above average costing service in 2010 and 2011.

CIPFA data had not included software costs and other small items. Once accounted for Gross Cost per Hereditament is £22.3 as shown on graph.

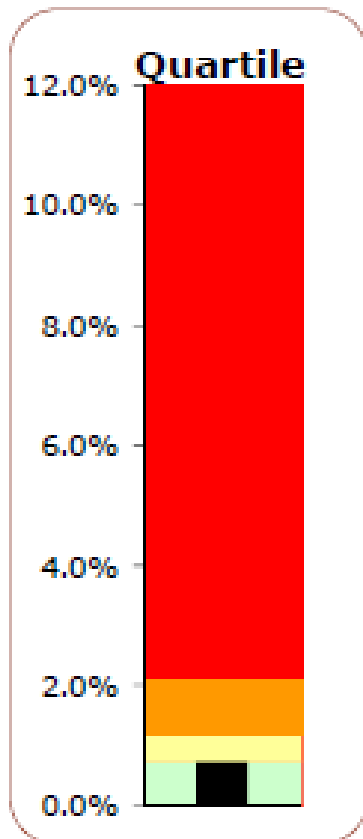
Collection rates are below average and low relative to others, although performance has been improving year on year since 2010 while cost has been decreasing.

KEY:
 Black Line Club Average
 Crosses Barnet

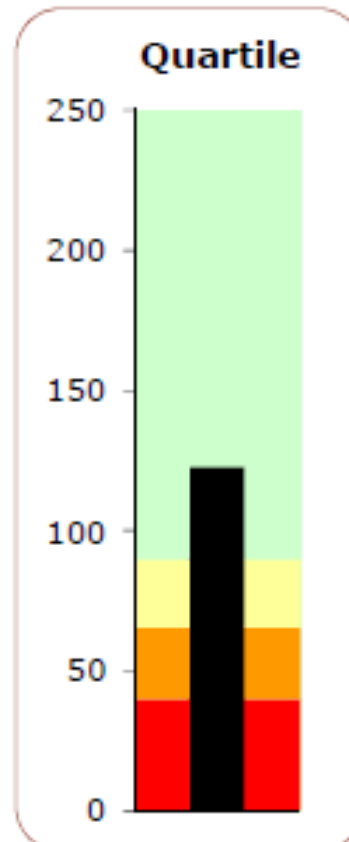
HR Service

- 2015/16 data
- Vs. 262 organisations in benchmarking group

Costs as a % of organisational running costs



Ratio of employees to HR Staff (including L&D)



Commentary

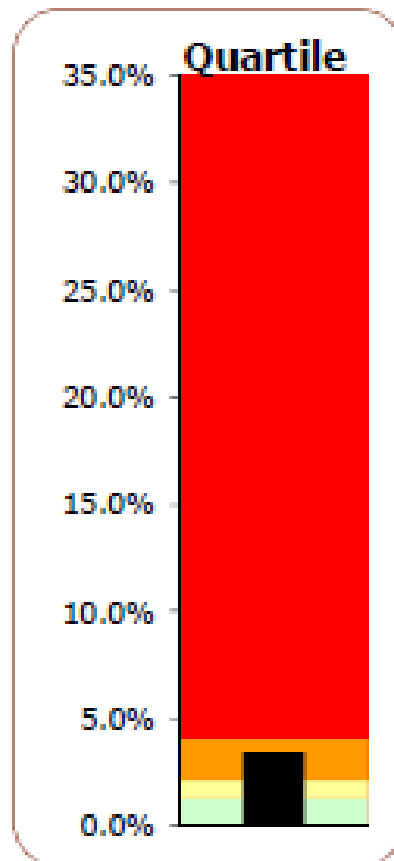
HR service costs are below average, although slightly above the lower quartile, against all CIPFA members as a % of running costs.

In line with this relatively low cost, the ratio of employees per HR staff is high.

ICT Service

- 2015/16 data
- Vs. 230 organisations in benchmarking group

Costs as a % of organisational running costs



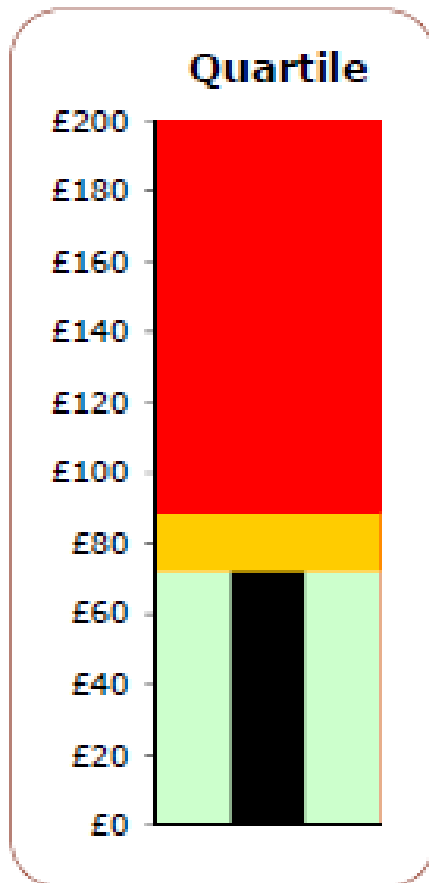
Commentary

The ICT Service is above the median but below the upper quartile in terms of costs as a % of organisational running costs. It is only slightly higher than average (3.5% vs. 3.4% average).

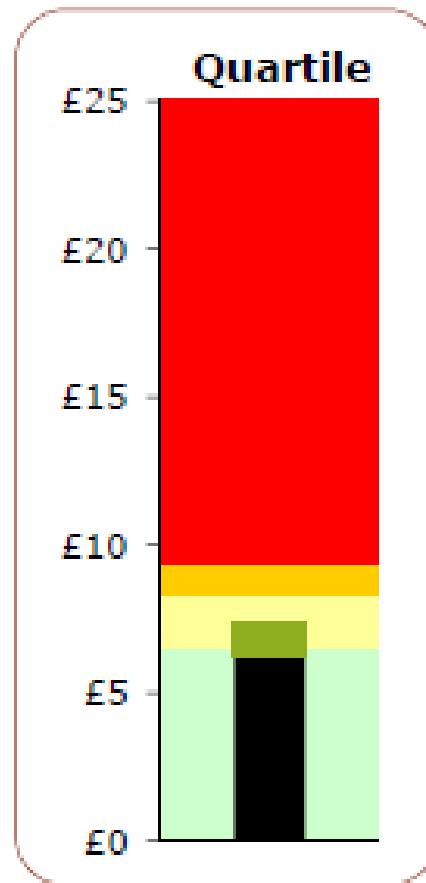
Estates Service – whole estate

- 2015/16 data
- Vs. 7 organisations in benchmarking group

Total Property Costs per square metre Gross Internal Area (GIA)



Costs of the Estates Management Function per square meter GIA



Commentary

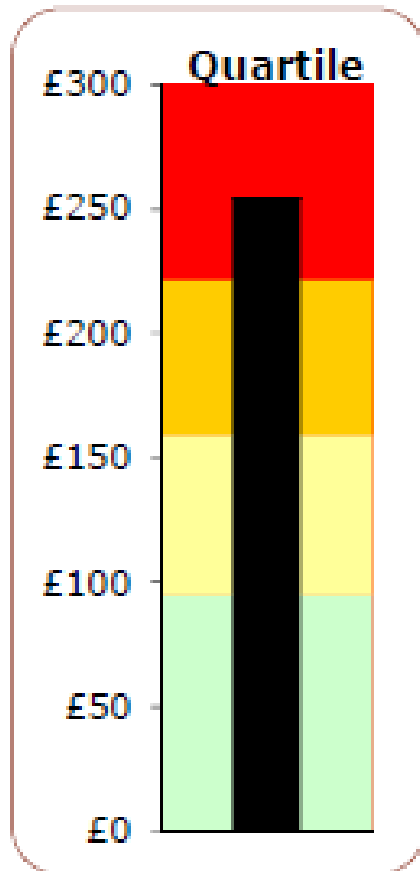
Total property costs (including all occupancy, operational and management costs) per square meter of gross internal area for the entire Barnet-owned property estate are below average, although slightly above the lower quartile. The cost of the Estates management service, a subset of total property costs, is also below average and in the lower quartile.

A review of the data subsequent to the CIPFA submission has shown that the split of Estates Management function costs between the whole estate and admin offices was incorrect. Once correcting for this error, the cost of the function per square meter increases to £7.39 from £6.21, still below the mean of £8.31. There is a minimal impact on total property costs per square metre.

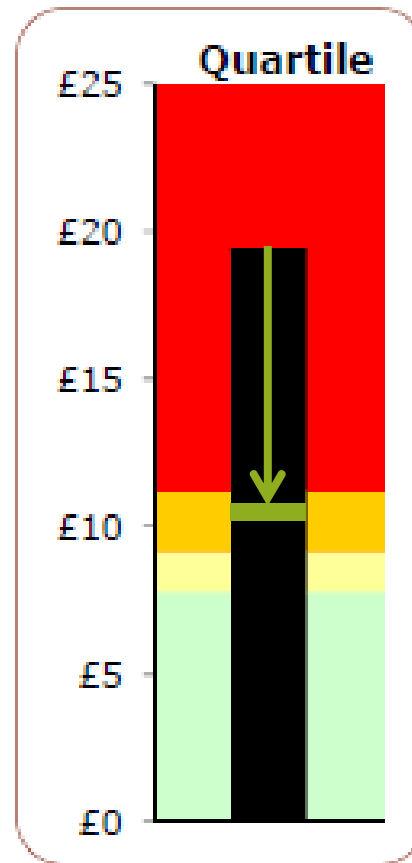
Estates Service – admin buildings only

- 2015/16 data
- Vs. 7 organisations in benchmarking group

Total Property Costs per square metre Gross Internal Area (GIA)



Costs of the Estates Management Function per square meter GIA



Commentary

Both total property costs and the costs of the Estates Management service per square meter of gross internal area in the Council's administrative buildings are within the top (most expensive) quartile compared to other outer London boroughs.

A review of the data subsequent to the CIPFA submission has shown that the split of Estates Management function costs between the whole estate and admin offices was incorrect. Once correcting for this error, the cost of the function per square meter decreases to £10.32 from £19.39, above the mean but below upper quartile. There is a minimal impact on total property costs per square metre.

Appendix E: Financial Savings

Redacted to exclude information that is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972

This document sets out further details of the proposed amendment to payment arrangements in 2017, as referenced in paragraphs 1.74 to 1.79 of the main report.

A direct cost saving in the order of £500k could be achieved by amending the payment arrangements for CSG. [REDACTED] of this is the saving that could be achieved through amending the payment profile of the annual contract management fee, which the council is contractually required to pay each year. This fee – which overall costs around £25m each year – is currently payable on a quarterly basis, i.e. for 2017, it is due to be paid in four instalments due in March, June, September and December. Paying the fee as one payment in December 2016, would trigger the saving. At the request of the Resources Director, the reduction would be credited to the council in the next financial year.

A further saving of [REDACTED] would be achieved by adopting a similar arrangement for the payment of invoices associated with the dedicated project teams that have been established to support the council's transformation and capital programmes. This would involve a pre-payment of approximately £1.9m, based on one year's spend. Whilst these fees do not form part of the core contract payment, the council has already committed to funding these teams to March 2018 (transformation projects team) and March 2020 (capital projects team) and this is therefore considered to be low risk.

This would represent a genuine, guaranteed, cashable saving, without any impact on the scope or quality of services. The saving is equivalent to approximately [REDACTED], which is significantly in excess of the opportunity cost to the council of retaining funds on deposit.

A pre-payment for 2017 needs to be considered against a position where, under the current payment profile, the council starts the year effectively in arrears. The council would then return to a position of being arrears by the end of October.

The prepayment relates to that element of the contract that the council is obliged to pay in any event and does not create additional risk in that regard. The key additional risk associated with this proposal would arise in the event of Capita ceasing to trade during the period to which the payment relates. Mitigation against such an event is set out in the "Financial Distress" section of the contract. This identifies a range of key accounting ratios that are used to assess financial risk. If Capita were to exceed the thresholds set out in the contract, various measures would be put in place to protect the council's interests.

The key ratios are:

1. Net Total Interest Cover ratio – [REDACTED] and

2. Total Net Debt to EBITDA – [REDACTED].

EBITDA is “earnings before interest, taxes, depreciation and amortization”, which is an accounting measure that is used as a proxy for a company’s current operating profitability and cash flow.

For 2015 the actual reported ratios were:

1. Net Total Interest Cover ratio – **14**
2. Total Net Debt to EBITDA – **2.5**


For 2016 and beyond, Capita expects to remain well within these targets, specifically:

1. Net Total Interest Cover ratio – forecast to be remain above [REDACTED] over the medium term; and
2. Total Net Debt to EBITDA – forecast to remain [REDACTED] over the medium term.

Therefore, on both measures, Capita are a very long way from being near either threshold. The proposed prepayment is, therefore, considered to be low risk.

In respect of Capita’s recent trading statement (profit warning), it should be noted that this related only to a reduction in the level of profit being forecast for the year (from £630m for the year to £550m). The profit forecast for the year is now broadly in line with what Capita achieved last year. Previous expectations were that profit would grow in 2016 and the trading statement forecasts that this will be the case in 2017.

Paying the management fee up front does not impinge on the council’s ability to issue service improvement notices or apply service credits in year, if services do not meet agreed performance levels.

	<p>Council</p> <p>13 December 2016</p>
<p style="text-align: right;">Title</p>	<p>Referral to Council from the Policy and Resources Committee – Diving Feasibility Study (Barnet Cophall Leisure Centre)</p>
<p style="text-align: right;">Report of</p>	<p>Head of Governance</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>Annex 1 – Report to Policy and Resources Committee, 1 December 2016</p> <p>Appendix 1 – Diving Feasibility Report</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Kirstin Lambert Governance Team Leader kirstin.lambert@barnet.gov.uk 020 8359 2177</p>

Summary

The Policy and Resources Committee on 1 December 2016, unanimously supported the referral of the Diving Feasibility Study (Barnet Cophall Leisure Centre) report to Council. Council is therefore requested to consider the recommendations as set out below.

Recommendations

That Council consider and vote on the recommendations contained at Annex 1 of the report which was referred from the Policy and Resources Committee on 1 December 2016.

1. WHY THIS REPORT IS NEEDED

- 1.1 At its meeting on 1 December 2016, the Policy and Resources Committee considered agenda item 7, Diving Feasibility Study (Barnet Cophall Leisure Centre).
- 1.2 In line with the Council's Constitution, the requisite number of Members to support a referral from the Policy and Resources Committee to its parent body, Full Council, is four Members subject to the decision being marked as Key and Non-Urgent.
- 1.3 Following consideration of the item, the Chairman moved to the vote on the recommendations as set out in the report.
- 1.4 With the exception of recommendation 6 which was voted on separately the votes were declared as follows on the recommendations:

For	12
Against	0
Abstentions	0

- 1.5 The votes in relation to recommendation 6 were declared as follows:

For	7
Against	5
Abstentions	0

- 1.6 Immediately following the vote, the Committee unanimously moved to refer the item to the next practicable meeting of Full Council. The reason given for the request to refer the item was a recognition of significance of the issue and the public interest in the item in the context of a petition submitted to Council on 28 November 2016 with over 9,000 signatures, due to be considered at 13 December 2016 Council meeting. In referring the item, the Committee requested that officers provide additional information on the financial implications and on the analysis of options as set out in the Diving Feasibility Study. The additional financial information requested will be circulated to Full Council as an addendum to this report as soon as it becomes available.
- 1.7 As the Policy and Resources Committee immediately indicated after the decisions had been taken that they required the decision to be referred up, the procedures to be followed will be those set out in Paragraph 20 of Full Council Procedure Rules (Rules of Debate). For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation, and at the end of the time allowed the Mayor will bring this part of the debate to an

end, whether or not all those entitled have spoken or completed their speeches.

2. REASONS FOR RECOMMENDATIONS

2.1 As set out in the substantive report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As set out in the substantive report.

4. POST DECISION IMPLEMENTATION

4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As set out in the substantive report.

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

5.2.1 As set out in the substantive report.

5.3 Legal and Constitutional References

5.3.1 Constitution, Responsibility for Functions, Paragraph 6, Members Rights to Refer Matters to Parent Body – states that “A specified number of Members of a Committee or Sub-Committee may require that any decision of the Committee or Sub-Committee is referred up to the next practicable meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, by indicating immediately after the decision is taken that they require the decision to be referred up. The report to Full Council or the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons given for the referral.”

5.3.2 Constitution, Full Council Procedure Rules, Paragraphs 20 and 21- Rules of Debate and Time for Debate

5.4 Risk Management

5.4.1 As set out in the substantive report.

5.5 Equalities and Diversity

5.5.1 As set out in the substantive report.

5.6 Consultation and Engagement

5.6.1 None

6. BACKGROUND PAPERS

6.1 None.

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	<h2>Policy and Resources Committee</h2> <h3>1st December 2016</h3>
<p style="text-align: right;">Title</p>	<p>Barnet Copthall Leisure Centre: Diving Feasibility</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director, Adults and Health</p>
<p style="text-align: right;">Wards</p>	<p>All Wards</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – Diving Feasibility Study Report</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Cassie Bridger, Sport & Physical Activity: Strategic Lead Cassie.Bridger@barnet.gov.uk Rebecca Jakob, Sport & Physical Activity: Project Manager Rebecca.Jakob@barnet.gov.uk</p>

<h2>Summary</h2>
<p>On the 1st September 2016, Policy and Resources Committee resolved to review the feasibility of including diving within the core facilities mix of the proposed new Barnet Copthall Leisure Centre. This paper sets out the results of the feasibility study and supporting evidence. The Policy and Resources Committee asked officers to identify:</p> <ul style="list-style-type: none"> - The additional capital costs of including diving - The impact of including diving on revenue costs and income. - The participation numbers for diving and other aquatic activities. - Planning implications of the inclusion of diving. <p>The feasibility study considered two options to include diving in detail. Both have been assessed against the elements above. The total financial impact of including diving, depending on the options assessed, is £6.03m or £10.01m respectively.</p> <p>The feasibility study shows that there are between 132- 140 participants in total who participate in diving or synchronised swimming activity per week. The numbers participating in swimming are per week are approximately; 3,511 (this does not include casual swimmers, which would increase this number). The inclusion of diving in the community pool would displace approximately 332 individual swimming participants per week and/or 16,603 swimming visits per</p>

year.

Initial planning advice suggests that neither Option 1 nor Option 2 would have any significant impact on the final decision made by Planning Committee.

The feasibility study shows that both options presented in this report to include a diving facility at a redeveloped Barnet Copthall Leisure Centre are unaffordable. The financial evaluation is based on the additional capital cost required which leads to borrowing costs becoming unaffordable and has a negative impact on the overall revenue position.

This report therefore recommends that the core facilities mix for the proposed Barnet Copthall Leisure Centre remains as agreed in December 2015.

Recommendations

That the Policy and Resources Committee:

1. **Note the additional capital costs required to include a diving facility at Barnet Copthall Leisure Centre.**
2. **Note the negative revenue impact of including a diving facility at Barnet Copthall Leisure Centre.**
3. **Note the impact on swimming participation of the Option 1 diving facility at Barnet Copthall Leisure Centre.**
4. **Note the cost per head of the Option 2 diving facility at Barnet Copthall Leisure Centre.**
5. **Note the associated risks of including a diving facility at Barnet Copthall Leisure Centre.**
6. **Agrees that the core facilities mix for the proposed Barnet Copthall Leisure Centre remains as agreed in December 2015**

1. WHY THIS REPORT IS NEEDED

- 1.1 In February 2015, the Policy and Resources Committee approved a Revised Outline Business Case (ROBC) setting out recommendations for re-providing the Church Farm and Barnet Copthall Leisure centres through a design and build process.
- 1.2 Following a period of resident consultation in 2015 and the completion of health and equalities impact assessments, a further report was presented to Policy and Resources Committee on 15th December 2015 outlining a core facilities mix for the proposed leisure centre schemes (set out in para 2.1 below). This core facility mix, which excluded diving, was approved unanimously, along with the approval of Victoria Recreation Ground as the selected location to replace the existing Church Farm Leisure Centre.
- 1.3 In August 2016 the Council received a petition, entitled '#SaveBarnetDiving' which requested that the Council reverse the decision to exclude diving from the core facilities mix at Barnet Copthall Leisure Centre. At the time of submitting the petition to the Council,

#SaveBarnetDiving had gained approximately 2,161 signatures, of which approximately 55% were Barnet residents.

- 1.4 It is expected that a petition will be submitted to the Council with over 7,000 signatures. In this event the petition will be reported to the next Full Council meeting on 13 December 2016 if submitted. All Members of the Council will therefore be requested to consider the petition.
- 1.5 At Policy and Resources Committee on 1st September 2016, the Committee considered the #SaveBarnetDiving petition, along with a member's item on diving in the name of Councillor Alison Moore. The Committee resolved that a further report be brought back for consideration, which considered the feasibility of including diving in the new Barnet Copthall Leisure Centre.
- 1.6 The Committee resolved that the potential for the inclusion of diving be reassessed but without delay to the existing construction project (as set out in the minutes of the meeting of December 2015)
- 1.7 Policy and Resources Committee asked that feasibility study addressed::
 - The numbers participating in diving
 - The costs of including diving, both in capital and revenue terms
 - The impact on swimming participation
 - Planning implications of including
- 1.8 The findings of the feasibility study have been determined by participant numbers, capital costs, revenue position (including operational expenditure), leisure management income and future contract position, planning guidance, total programme cost and timescales for construction.

2. REASONS FOR RECOMMENDATIONS

Barnet Copthall Core Facilities Mix

- 2.1 In December 2015 Policy and Resources Committee approved the core facilities mix for a proposed redeveloped Barnet Copthall Leisure Centre; as set out below.
 - 25m, 8 lane, regional short course swimming pool (static floor) with spectator viewing area and poolside competitor seating
 - 25m, 6 lane, community swimming pool (static floor) with poolside spectator seating
 - 13m x 8m learner swimming pool (static floor)
 - Village change
 - Café
 - Fitness suite
 - Flexible studio space
 - Dedicated dry fitness change

- Managers office / timing room
 - Pool store, staff accommodation, admin space and plant room
- 2.2 The approved core facilities mix was developed considering a number of aspects including the feasibility study (2015), public consultation; a research and needs assessment; engagement with National Governing Bodies.
- 2.3 A diving facility was not recommended as part of the approved core facilities mix (Dec 2015) as conclusions suggested that the inclusion of diving would result in a less affordable scheme, with increased capital costs and an overall impact on the revenue position.
- 2.4 The current pool configuration at Barnet Copthall Leisure Centre is two 25m pools and a multi-activity pool, which is used for diving, synchronised swimming, aqua aerobics and water tots. The latter two activities can be accommodated within the new proposal for Barnet Copthall.

Diving Feasibility Study

- 2.5 A diving feasibility study was undertaken throughout October and November 2016, co-ordinated by Council officers, and including architects, surveyors, cost consultants, and sport and physical activity analysts specialising in costs and income. This included design, verification of numbers and participation levels for diving and the impact of including a diving facility at Barnet Copthall Leisure Centre.
- 2.6 The design approach modelled two options to include diving:
- To incorporate a diving facility within the main community pool
 - To include a separate purpose built diving pool and hall.
- 2.7 The feasibility study includes:
- Confirmation of participation, capacity, and weekly programme hours for swimming, diving and synchronised swimming at the existing Centre.
 - Impact on participation in swimming if diving were included.
 - Confirmation of the income and expenditure attributable to swimming, diving and synchronised swimming at the existing Barnet Copthall Leisure Centre.
 - Analysis of the financial impact of including diving on the current business case, capital programme, revenue costs and future contract, based on both options.

- Confirmation of details of the current operator booking system and promotion of diving at the existing Barnet Copthall Leisure Centre.
- Investigation into potential funding sources for diving provision.

2.8 In developing the design, meetings were co-ordinated with a number of stakeholders to determine, for both options: the estimated capital costs, impact on the revenue position (including operational expenditure), and verification of associated participants, a leisure management fee and future contract position, planning guidance, total programme cost and timescales for delivery.

2.9 The table below presents a summary of the headline information in the Diving Feasibility Summary Report.

2.10 **Table 1**

	Agreed facilities mix and design at RIBA Stage 3	Diving – Option 1	Diving - Option 2
Additional capital cost required (one-off cost)	N/A	£2,428,000	£4,517,000
Barnet Copthall Leisure Centre total capital cost	£22,540,000	£24,968,000	£27,057,000
Total lost revenue (management fee from leisure contract over the borrowing / modelling period (30 years))	N/A	£3,600,000	£5,490,000
Total capital + revenue impact	N/A	£6,028,000	£10,007,000
Affordability of prudential borrowing	Affordable	Not affordable	Not affordable
Projected annual participation throughput (total number of attendances) at redeveloped Barnet Copthall	624,629	608,046	641,597
Projected annual aquatics throughput (total number of attendances) at Barnet Copthall	255,512	238,908	272,459
Numbers of swimmers / attendances displaced per week / year	n/a	332 swimmers displaced per week 16,603 swimming visits displaced per year	n/a
Number of divers and synchronised swimmers	132	132	260
Cost (capital + revenue impact) per current diver/synchronised swimmer*	n/a	£45,667	£75,810

*figure is based on approximate annual average total of 132 participants (total for diving and synchronised swimming)

- 2.11 The feasibility study included communication with Sport England and the Amateur Swimming Association (ASA) and engagement with Greenwich Leisure Limited (GLL) as the current leisure management operator, Barnet Copthall Swimming Club and the #SaveBarnetDiving petition group, including a meeting with each group.
- 2.12 Further engagement with the London Borough of Waltham Forest and the London Borough of Merton was also undertaken to explore the respective approaches to accommodating diving within newly developed Borough facilities.

Barnet Copthall: Aquatics Programme

- 2.13 The Sport and Physical Activity Needs Assessment Report (2012), Sport England Facility Planning Model (2015) and demand analysis indicated that there was a need as a minimum to maintain the current level of swimming provision at Barnet Copthall Leisure Centre, particularly given the projected population growth. It was noted that the pools at the current Barnet Copthall Leisure Centre are already uncomfortably busy.
- 2.14 Maximising participation in sport and physical activity and reducing inactivity among Barnet residents is a key priority for the Council, as agreed in the Adults and Safeguarding Committee's commissioning plan and Council corporate priorities. Sport England's Active People Data shows that 50.1% of the Barnet population do not currently participate in sport weekly (APS 9). Maintaining and increasing swimming provision provides a key opportunity for all residents to participate in physical activity, across the spectrum of age and abilities.
- 2.15 As referenced in the Policy and Resources Committee Report in December 2015, the swimming programme at Barnet Copthall is a large and successful one. There is an average throughput (total number of attendances) of 400,000 visits to the Centre each year, with over 312,000 attendances in 2015 attributed to the aquatics programme.
- 2.16 The swimming programme at Barnet Copthall includes casual swimming, school swimming, GLL learn to swim lessons, Barnet Copthall Swimming Club swimming usage and GLL run swim fit classes. Additional hours are delivered for other activities, such as public diving sessions (c. 1hr per week) and the sub-aqua club (c. 1hr per week). The programme contains opportunities for all ages and abilities to participate in water based provision of swimming, although it should be noted that analysis has shown that demand is increasing. The aim for the future design is to maximise and increase participation.
- 2.17 The predominant use of the programme (including peak usage) at Barnet Copthall is currently casual swimming (35%), swimming lessons (including schools, 33%) and BCSC usage (18%). All of the current programme, apart from diving and synchronised swimming can be accommodated in the agreed core facilities mix. Data for the first half of this year (January –

June 2016) is presented in the table below. Swimming accounts for over 150,000 attendances in this six month period.

2.18 Table 2: Throughput and Participant Numbers (Swimming / Diving)

Area	Throughput (total attendances)	Individuals
GLL Learn to Swim lessons	24,202	1,362 enrolled
School Swimming	38,070	1,599 enrolled
BCSC Swimming Squad	51,260	550 members
Casual Swimming	32,829	Participants could include all or some of current members, pay and play members and non-members
Tom Daley Academy (GLL Learn to Dive lessons)	1,575	63 enrolled
BCSC Diving Squad	2,250	34 enrolled
Public diving	306	Not comparable – average of 12 per week

2.19 Participant numbers and usage figures in relation to the diving/ multi activity pool at Barnet Cophall were provided by Greenwich Leisure Limited (GLL), Barnet Cophall Swimming Club and the campaign, #SaveBarnetDiving. In addition, GLL staff took manual counts of participants in public diving sessions over a 6 week period, and this was also factored in alongside the GLL system data. The evidence provided by all parties was very similar with no significant discrepancy between information provided by the three separate sources. The data was combined into the table above. The data shows diving accounts for a small proportion of overall aquatic usage, at 6%,

2.20 The table below shows participant numbers for diving and synchronised swimming which currently take place in the diving/multi activity pool. This pool is also used for swimming lessons, water workout sessions and toddler swimming sessions, all of which can be accommodated within the agreed facilities mix for the new centre.

2.21 Table 3: Diving & Synchro Participant Numbers – Diving/ Multi Activity Pool

Programme area	Annual Average Participant Total	Noting Information
Public Diving	Approx. 12 participants (average per session)	Data combined from GLL hard copy tally and booking system for each public diving session was taken for 6 weeks; from 10th September 2016 – 15th October 2016. The figure was taken at the midpoint during the hour session. The maximum capacity during this session is 35 individuals.

Tom Daley Diving (GLL Learn to Dive lessons)	Approximately 63 individuals in lessons.	Tom Daley Diving is a partnership brand with GLL which is part of the organisation's nationwide programme. Maximum capacity is estimated at 80-100.
Barnet Copthall Swimming Club: Diving Squad	Approx. 28 members (annual average)	Current live membership is 34 members (Oct 2016). This can fluctuate +/- per annum as participants progress from lessons. Approximately 20 Barnet residents are diving squad members.
Barnet Copthall Swimming Club: Synchronised Swimming Squad	Approx. 19 members (annual average)	Current live membership is 22 members (Oct 2016). Approximately 11 Barnet residents are synchronised swimming squad members.
GLL Synchronised Swimming: Lessons	Approximately 10 individuals in lessons.	10 participants enrolled in lessons. Lessons are delivered by GLL.
Approximate Total Participants	Annual Average Total; 132 participants (103 diving, 29 synchronised swimming)	Total 141 participants (109 diving, 32 synchronised swimming) Figure includes average number for public diving and current live total for lessons. It is not possible to identify any overlap in individuals.

2.22 The figures in the above table show that there are approximately an annual average of 103 participants who take part in diving and 29 who take part in synchronised swimming at Barnet Copthall Leisure Centre per year through lessons/squad activity. However, there is likely to be a crossover of participants that attend public and lesson/squad based diving activity and therefore some duplication of individual participants in the public session numbers.

2.23 These numbers, when compared to the large scale swimming numbers in paragraph 2.14, show that the greatest opportunity to increase participation and sustain revenue income derives from swimming lessons and BCSC swimming which provide the 76% of current aquatics programme income. This is vital to the affordability of the new build centre and can be enhanced within the current proposed facility mix (Dec 2015).

2.24 The income figures show that diving is significantly subsidised. Diving and synchronised swimming activity (lessons and club) accounts for 6% of the total aquatics programme income. The cost of delivery as a % of income equals 20% for Tom Daley GLL diving lessons

2.25 Based on the data collated, including diving within the core facilities mix would place pressure on the ability to significantly increase participant numbers and ensure that a sustainable financial position can be achieved.

Design Development – Diving Options

- 2.26 The design aspect of feasibility study included the full assessment of two options (Appendix 1: Option 1 and Option 2) which accommodate the inclusion of a diving facility at Barnet Copthall Leisure Centre. Both options developed include the current diving board heights of 3x1m boards, 1x3m board, 1x5m board and 1x0.5m board.
- 2.27 Two other options were considered but not progressed for technical and practical reasons. The inclusion of a diving facility within the 'learner pool' was discounted as it would require a complete redesign of the new leisure centre (i.e. starting the RIBA process again from the beginning). A complete redesign would be required to accommodate programme flexibility, required standards for diving, policy guidelines and. changes to the building infrastructure, as the fitness suite is located on the first floor of the proposed facility at RIBA stage 3 and does not permit the building height required.
- 2.28 An option to include diving in the 'competition pool' was also not progressed as it would further decrease the ability to provide swimming lessons, casual swimming, competitive swimming and galas. Including diving within this pool would limit opportunities to maximise swimming participation for the wider population of Barnet. Moreover, the creation of a moveable boom across the 'competition pool' for operational flexibility would increase capital costs and result in reduced participation and income.
- 2.29 The final options, 1 and 2 were developed based on RIBA Stage 3 design information and include amendments to the design detail in incorporate the full adjustments required. This included:
- Assessment of the impact to landscape proposals
 - Mechanical and Electrical Plant Developed design report
 - Structural Engineering survey

Diving Option 1

- 2.30 Option 1 explored the potential to include diving provision within the 'community pool' in the existing proposed design. This option requires an increased building footprint to enable the necessary increased pool surrounds. Although the total water area remains unchanged from the proposed RIBA stage 3 design, the following additional amendments would be essential to accommodate diving provision:
- Increased pool size to permit moveable floor for programming requirements.
 - A moveable pool floor to allow the required pool depth and to separate the diving area from the rest of the community pool when in use.

- Increased depth of pool tank (3.8m depth required for a 5m diving platform).
 - Infrastructure for diving boards and platforms.
 - Additional diving equipment.
 - Change to roof to support increased height required.
 - Increased services to support additional roof height and additional pool hall.
- 2.31 In this option, diving and synchronised swimming would displace swimming usage during the peak hours of operation, as the community pool cannot be used for other activities while deep water activity is taking place. The inclusion of diving provision in this pool would have a significant impact on operational use. When the diving boards were in use, it would decrease swimming lane numbers, with a resultant impact on offering a varied swimming programme (e.g. public swimming, inclusive disability sessions, and gender specific sessions) and meet current and future demand.
- 2.32 This option would reduce swimming numbers as a significant proportion of programming is lost. It also places a risk on securing of potential external investment which would require an increase in participant numbers.
- 2.33 This option would cost £2.4m capital to build and also reduces the operator's ability to generate sustained income. Reduced programme flexibility restricts the ability to increase levels of attendance and increases operational expenditure. This option would reduce overall revenue income by c£120,000 less per annum, in terms of an annual management fee paid to the Authority. This has a potential impact of c£3.6 million lost over the modelling period (30 years). This is a cautious estimate given it is based on mid-range (not optimum) estimates for revenue and does not take into account any potential further lost revenue after expiry of a new leisure management contract.
- 2.34 In summary, this option jeopardises the overall affordability of the proposed scheme, would result in a decrease in swimming attendances and increase operational expenditure.

Diving Option 2

- 2.35 Option 2 explored the potential to include a separate diving pool (17m x 13m) located to the north of the 'competition pool'. This approach would accommodate existing diving and synchronised swimming provision and create increased capacity.
- 2.36 This option results in a significant increase of water area and an enlarged building footprint of approximately 19%. This is due to necessary changes in operational requirements and the following amendments:
- A moveable pool floor to allow the required pool depth dependant on programmed activity.

- Increased village change area to accommodate additional pool hall.
- Additional spectator viewing to accommodate pool hall.
- Additional plant space required to support additional pool hall.
- Additional infrastructure changes to support increased footprint of building.
- Changes to the façade to reflect amended design.
- Additional services to support provision of new diving pool and increased plant area.
- Additional diving equipment.

2.37 The significantly increased building footprint means that certain construction and operating expenditure items are increased proportionally. The increased building footprint has a negative impact on the ability to adequately re-site the current sports pitches and run off areas at Barnet Copthall, so this option could reduce sports activity levels on the wider site. This option would increase attendances at the centre by 17,000 per annum (which incorporates all the uses of a multi-activity pool).

2.38 This option would increase operating costs through increased utility consumption, extra lifecycle costs for repairs and maintenance and increased staffing costs to manage extra pool space. This option has a significant negative impact on the financial modelling of the proposed scheme and the ability to generate sustained income.

2.39 This option would cost £4.5m capital to build. This option reduces income by c£183,000 per annum, in terms of an annual management fee paid to the Authority. This has a potential impact of c£5.49 million lost over the modelling period (30 years). This is a cautious estimate given it is based on mid-range (not optimum) estimates for revenue and does not take into account any potential further lost revenue after expiry of a new leisure management contract.

2.40 In summary, this option makes the new Barnet Copthall Leisure Centre building unaffordable, would increase operational expenditure and reduce revenue income. Whilst does not reduce swimming attendances, it would increase the costs of the scheme by £10.01m.

2.41 Both the design options developed present a significant affordability risk to the Council and are estimated to have a negative financial impact on the business plan for the new Centre.

Planning Guidance

2.42 In both of the options, the massing of the building has changed from 6.5m to 8.5m high, to accommodate an increased ceiling height above the diving boards.

2.43 Subject to further development of any future amendment to the current design, or a separate application to incorporate either Option 1 or 2 into

the scheme, initial planning advice has suggested this will not have any significant impact on the final decision made. However, the potential inclusion of a diving facility and amendments would require a re-submission of proposals to the planning authority which would include an additional cost.

- 2.44 On the 19th September 2016 the applications for the proposed developments were submitted to planning, and include commentary relating to the potential inclusion of diving subject to a feasibility study and committee approval.

Capital Costs

- 2.45 The inclusion of diving in the original Feasibility Study (Policy and Resources February 2015) was estimated to increase capital costs of the total scheme by £675,920. This approximate cost was indicative at a point in time and prior to the start of the formal RIBA stage design process, to inform the development of an affordable facility mix. The cost of incorporating diving into the current Barnet Copthall design is now significantly greater than the original estimate. This is to be expected, as the costs are based on designs that are now at RIBA Stage 3.
- 2.46 The capital cost envelope for the scheme agreed by Policy and Resources Committee in 2015 was a range between £18,000,000 - £35,000,000. At RIBA Stage 3 the core cost for the proposed schemes has increased to the top end of the range set, i.e. £35m. Final cost certainty is reached at the end of RIBA Stage 4. At this stage, an increase in the capital cost would risk the entire scheme becoming unaffordable and over the budget range previously agreed by Policy and Resources Committee.
- 2.47 It is worth noting that the capital costs indicated in Appendix 1: Option 1 and 2 do not account for any additional costs that may occur due to the need to continue to operate the existing centres for a longer period of time. These costs would incur if the decision was taken to include diving as this would result in the elongation of the development, planning and construction programme for the new centre.
- 2.48 The table below shows the capital cost increase of including diving at the redeveloped Barnet Copthall Leisure Centre, at RIBA Stage 3.

2.49 **Table 4: Capital Cost Estimates**

	New Barnet Copthall Centre RIBA Stage 3 Estimate	Diving - Option1	Diving - Option 2
Capital cost of including diving facility	N/A	+ £2,428,000	+ £4,517,000
Estimated Total: Barnet Copthall Leisure Centre	£22,540,000	£24,968,000	£27,057,000
Increased revenue required	N/A	£132,000	£246,000

per annum to repay borrowing			
Total capital + revenue impact over 30 years	N/A	£6,028,000	£10,007,000
Affordability (3.5% - 30 years)	Affordable	Not Affordable	Not Affordable

2.50 Cost certainty for the proposed overall scheme will not be achieved until RIBA Stage 4 (planned January 2017). In terms of overall affordability both of the schemes not only reduce the revenue income to the Council from the operator, but also bring an increased capital requirement.

2.51 It is therefore concluded that the inclusion of diving would make the proposed scheme less viable, as the increased capital, operational and programme costs would have an adverse effect on the overall affordability of the new leisure centre construction which would be managed through prudential borrowing.

Associated Programme Risks

2.52 In addition to the financial risk of including diving and the impact on swimming participation in Option 1, the following risks would also occur if diving were to be included: :

- 6 weeks minimum elongation of the design programme due to design amendments, with additional design costs incurred.
- Delayed opening of new centre.
- Increased construction costs, subject to inflation and due to revised timescales.
- Programme delay whilst a new planning application is amended and prepared.
- Longer construction period, affecting the future leisure management contract income.
- Adverse impact on Barnet Copthall sports pitches and relocation review in Option 2.

External Funding Opportunities

2.53 The capital cost and affordability implications outlined within this report indicate that the potential inclusion of diving would be reliant upon external financial support. The diving feasibility summary report (Appendix 1) references available funding opportunities which are substantially limited.

2.54 The diving feasibility summary report (Appendix 1) has not identified any capital funding schemes that are directed specifically at diving clubs aligned to the total costs required. The two relevant national governing bodies, the Amateur Swimming Association and British Diving do not offer any diving funding of this nature on a club basis. There are other funding bodies such as the London Marathon Trust; however, they only fund up to £150,000 as a maximum.

- 2.55 Sport England currently funds capital schemes through their Strategic Facilities Investment Fund, with a maximum allocation of £2m for any application. Barnet Council has already submitted an expression of interest to Sport England in May 2016 for the two new proposed leisure centres and agreed facilities mix, and this funding is already included in the affordability modelling within this report. There is no other opportunity to seek additional Sport England funding for this scheme.

Developing competitive & elite divers

- 2.56 The Tom Daley Diving Academy is the GLL Learn to Dive programme, branded in partnership with Olympic Medallist Diver Tom Daley. The programme is designed for all ages and abilities seeking to take up diving.
- 2.57 The Academy's hub is at the London Aquatics Centre, but the lesson programme extends across GLL contracts nationwide. The courses are available in 2 formats: a rolling programme that allows customers to join at any stage and progress at their own pace, attending one lesson a week; and intensive courses.
- 2.58 GLL coaches in the Tom Daley Academy are suitably qualified diving coaches, and do signpost individuals into competitive clubs. Within Barnet, this currently operates at a local level whereby participants who have the ambition and ability are signposted to the Barnet Copthall Swimming Club (BCSC) Diving Squad of which there are currently 34 members (an annual average is 28).
- 2.59 The BCSC diving squad is divided into three groups: junior, intermediate and senior. All sections of the squad are offered the opportunity to progress through development stages.
- 2.60 The majority of BCSC diving squad members currently participate in skill based competition at 1m and 3m heights, which is an introduction to diving competition within the British Diving pathway. There are no Great Britain Junior Elite divers in the Barnet Copthall Swimming Club diving squad.
- 2.61 Importantly, training sessions for divers at elite competitive level will often be split. Fifty per cent of their time will be spent on dry based technical and physical preparatory work and 50% on water based activity, developing dives. Barnet Copthall does not have the dry side space to enable the dry side requirements. Without an extensive 'dry side' space (e.g. sports hall with dry diving boards, crash mats, trampolines, wall bars and storage space) the ability to operate competitive diving and training is limited. Participants who have the ability to progress into elite diving training would need to train in a centre with dry side facilities.
- 2.62 This was endorsed during a meeting with members of the Barnet Copthall Swimming Club Committee in October 2016 who referenced members that train at other local authority facilities in order to develop their potential. This is also dependant on the number of coaching staff trained, qualified and available to support an extensive diving programme, which is limited.

Current regional facilities with a 5m + platform and the ability to support a competitive/elite pathway for Barnet residents include the London Aquatics Centre (Olympic Park), Crystal Palace National Sports Centre and Luton Sports Village.

Promotion of Diving

- 2.63 At the September 2015 Policy and Resources Committee meeting, #SaveBarnetDiving suggested that there is a waiting list for lessons at the Tom Daley Academy, which was suggested as being between 18-30 individuals. This has been checked with GLL, which has confirmed that there was no current waiting list, although it is now possible to join one. However, Junior Dive Beginner sessions are full to capacity.
- 2.64 It was also noted by #SaveBarnetDiving that there can be difficulties with booking diving lessons as they are not currently advertised through the website. This review showed that the online booking portal is not simple to find through the GLL Barnet Copthall website and people may be directed to contact the Centre directly, at which point it is possible to book lessons directly. Alternatively, once the online booking portal is located, lessons and their availability are clearly shown. It is not possible to join a waiting list online although this is now possible directly through the Centre.
- 2.65 During 2016 there are expected to be 19 diving pool sessions closed in total due to swimming galas. During galas the diving pool is used by competitive swimmers for essential warm ups. GLL provides all leisure centre users with a minimum of two weeks' notice of planned closures via web alert and information displayed within the centre.
- 2.66 Operational improvements which related to both the promotion and booking system for diving lessons have been raised with GLL, which include a future review in relation to the management and programming of public diving sessions. However commercial analysis has presented that this would not materially impact the financial viability of diving and generate the wide inclusive reach of swimming and other programmed activity.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1. Options to develop designs to include diving in the learner pool and competition pool have both been discounted for reasons above.

4. POST DECISION IMPLEMENTATION

- 4.1. Pending the approval of Policy and Resources Committee. The project will continue to commence towards the key milestones detailed below in 5.2.

5. IMPLICATIONS OF DECISION

- 5.1. Subject to the recommendations within this report and planning approval, it is anticipated that construction will commence in early 2017. The proposed new leisure facilities are projected to open by March 2019. The existing Barnet Copthall Leisure Centre will remain operational until a new facility is complete.
- 5.2. An anticipated planning decision is likely to be reported at Planning Committee on 15th December 2016. Subject to future approval and consent, Council officers will work in partnership with Barnet Copthall Swimming Club and the Council's leisure operator to review signposting to diving opportunities within the region.

Date	Key milestone
19 th September 2016	Submission of Planning Application
14 th October 2016	Appointment of construction partner RIBA Stage 4 (Technical Design) commences
15 th December 2016	Anticipated Planning Committee
Feb – March 2017	Anticipated construction start, subject to planning consent.
September 2017	Leisure Management Contract Award
1 st January 2018	New leisure management contract commences
Early 2019	Anticipated opening of proposed new facilities

Corporate Priorities and Performance

- 5.3. The Corporate Plan 2015-20 sets out the following strategic objectives in ensuring that Barnet is a place:-
- Of opportunity, where people can further their quality of life.
The proposed re-provision of the Council's leisure facilities will create destinations which integrate sport and physical activity with open spaces which people will want to go to.
 - Where people are helped to help themselves, recognising that

prevention is better than cure.

The new leisure management contract with a focus on sports development and public health measures will encourage people in Barnet to keep fit and active and therefore support their wellbeing as well as contribute to addressing issues such as social isolation.

- Where services are delivered efficiently to get value for money for the taxpayer.

The proposed re-provision of the Council's leisure estate will provide facilities and services that residents will continue to value and that meet their needs whilst remaining affordable.

- 5.4. The project will directly support the Joint Health and Wellbeing Strategy for Barnet 2015 – 2020 and its commitment to increase wellbeing through participation in sport and physical activity across the borough.

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

Capital cost estimates

- 5.5. The feasibility study commissioned during the previous project phase suggested a best cost estimate for the two proposed new centres. Due to the high level nature of this estimate, and the volatility of the construction market, the study included a range of costs that the final construction could fall into. At Policy and Resources Committee in February 2015, the Committee approved a cost range from £18m to £35m. An additional capital bid to support the maximum scheme value has been included within the Business Planning – Medium Term Financial Strategy 2017/20 and draft budget for 2017/18. The full scheme value has been factored into the business case and financial modelling to determine the overall affordability. The inclusion of diving has been found unaffordable based on projected future income and the additional capital.
- 5.6. As part of a developed design, more detailed investigation into the sites and the functionality of buildings has been considered, the current predicted cost range at RIBA Stage 3 for Barnet Copthall Leisure Centre is £22,540,000.
- 5.7. Both options (1 and 2) considered as part of the diving feasibility study increase the capital cost estimates above the approved maximum cost range of £35m. Further details are included at 2.10 (Table 1) and 2.44-2.50 (Capital Costs).
- 5.8. The Revised Outline Business Case took the capital cost estimates and income predictions from the feasibility study (2015) and showed that, with CIL money, and prudential borrowing funded from income predictions, the Council could afford to build the two proposed leisure centres. The current financial modelling indicates that any further increase above the capital costs (at RIBA 3) cannot be offset by income as the mid to optimum projections have already

been utilised.

Leisure Management Contract

- 5.9. The feasibility study estimated the potential income for each of the Council's five leisure centres and calculated the likely cost of running the individual facilities to create a model of the total average annual income that the Council could reasonably expect from the whole leisure estate.
- 5.10. The leisure management procurement is critical to delivering guaranteed an annual income as part of a new leisure management contract. A new contract will take effect from January 2018 and assume the management and operation of Barnet leisure facilities.
- 5.11. The procurement process to deliver a new leisure management contract commenced in October 2016, with an anticipated contract recommendation and award by September 2017. Any fundamental changes to the proposed schemes risk the projected annual income and business plan deliverability of the leisure estate. Any subsequent changes to include a diving facility could possibly require re-start of the procurement process and would require extension of the current leisure management contract to facilitate changes. This would bear an additional cost of approximately £123,000 for each month extended.

Social Value

- 5.12. The project began its procurement phase during October 2016. Throughout the procurement process all social value implications, in accordance with the Public Services (Social Value) Act 2012, will be considered.

Legal and Constitutional References

- 5.13. Constitution, Responsibility for Functions, Annex A, sets out the terms of reference of the Policy and Resources Committee and states that 'if any report comes with the remit of more than one committee, to avoid the report being discussed at several committees the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee'.
- 5.14. In this case the report recommendations cut across the Adults and Safeguarding Committee, whose commissioning plan contains this project, and the Assets Regeneration and Growth Committee. Policy and Resources Committee considered the #SaveBarnetDiving petition in September after its submission to the Council and the Committee requested an options appraisal for the inclusion of diving facilities at the redeveloped Barnet Cophall Leisure Centre.
- 5.15. HB Public Law will advise on the procurement process and will draft the contract documents for the Leisure Management Services Contract, with

support from Bevan Brittan as required.

- 5.16. HB Public Law has been consulted on this matter and its comments have been incorporated into the body of this report.

Risk Management

- 5.17. The key risks relating to the recommended options are outlined in Appendix 1.

Equalities and Diversity

- 5.18. The objectives of the project are to increase participation across all population groups and to ensure that improved sport and physical activity provision in the borough reflects the diverse needs of Barnet residents.
- 5.19. As part of the Outline Business Case and the development of the core facilities mix, consultation and engagement were conducted with Barnet residents and discussions with community groups were carried out. The consultation process involved eight focus groups for residents with protected characteristics, to understand their needs and views on the current and future leisure service provision and to inform the equality impact assessment (EIA) for the project. The focus groups were: young people; leisure centre non-users; BME people; women; older people; people with learning disabilities; deprived communities and people with physical disabilities.
- 5.20. An Equalities Impact Assessment carried out in December 2014 suggested that the outcomes of the project would not discriminate against any group and indicate a potential overall positive impact of the proposals. The proposals will contribute to Barnet's strategic equalities objective by enabling all Barnet's residents to share the benefits of growth and improve life expectancy.
- 5.21. The EIA noted that if diving was not part of the core facilities mix, this would have a negative impact on members of the diving and synchronised swimming clubs. If the plans are approved with the current facilities mix, Council officers will work in partnership with Barnet Copthall Swimming Club and the Council's leisure operator to review signposting to diving opportunities within the region.

Consultation and Engagement

- 5.22. Subsequent to agreement of the core facilities mix in December 2015, two informal public engagement sessions were held in March and July 2016 at Barnet Copthall Leisure Centre and near to Victoria Recreation Ground as part of the pre-application process for a planning application. Responses and comments submitted were used to inform and assist in developing designs as part of the pre-application process.

- 5.23. These drop in sessions were communicated via letters to an approximate total of 4,800 households, detail displayed on information boards and display screens within Barnet Better leisure facilities and publicised on the Council's website and social media.
- 5.24. 367 informal questionnaires were completed either at the sessions or online, with 145 relating to Barnet Copthall. These showed that 76% (March) and 66% (July) supported the new scheme at Barnet Copthall as shown in the preliminary designs.

Barnet Copthall Swimming Club

- 5.25. In order to assist with developing and further verification of detail, a meeting was held with Barnet Copthall Swimming Club (BCSC) Committee members in October 2016. Representatives included the Club Secretary, Head Coach and Committee members for diving and synchronised swimming.
- 5.26. The Club confirmed that they run squads across a range of disciplines including: swimming, masters (18 years +), diving and synchronised swimming. The diving squad is part of Barnet Copthall Swimming Club and has equal status with the other disciplines. As part of the Club constitution all disciplines have a representative on the Management Committee
- 5.27. BCSC swimming membership (including masters) comprises approx. 500-550 members. This compares to an average of 28 for diving and 19 for synchronised swimming.
- 5.28. Communication was received from the Chairman and Head Coach of Barnet Copthall Swimming Club in August 2016, outlining their support of the Council's proposals and confirming no affiliation with the #SaveBarnetDiving petition

#SaveBarnetDiving

- 5.29. Subsequent to an informal drop in session at Barnet Copthall Leisure Centre in July 2016, a petition was initiated by '#SaveBarnetDiving', opposing the exclusion of diving facilities from the proposed new Barnet Copthall Leisure Centre.
- 5.30. This petition is an online petition hosted via website 38 degrees, which has a tool enabling members of the public to create campaigns and petitions. The #SaveBarnetDiving petition has been shared widely; including local, regional and national press coverage and has also been extensively promoted on social media.
- 5.31. This campaign has now reached approximately 7,624 signatures (as at 22 November). However, individuals who have signed the petition cannot be verified as living, working or studying within Barnet. Whilst the

Council's constitution does not require petitioners to live in Barnet; but they must live, work or study in Barnet, at the point of submission in August 2016 the petition had approximately 55% of signatures from those who had registered with a Barnet postcode.

- 5.32. In October 2016 officers conducting the feasibility study met members of the #SaveBarnetDiving petition group, which included the lead petitioner. The petition group provided information to officers which was cross checked and used to form part of the feasibility study.

6. Other Local Authority Engagement

London Borough of Merton (LBM)

- 6.1 During the feasibility study the project consulted with the London Borough of Merton. LBM are currently building a new leisure centre to replace the existing Morden Park Pools. The new centre will be a wet and dry based leisure facility with a commitment to include diving.
- 6.2 The Council has a vision to create a 'family friendly facility' (which was endorsed during local elections). Further importance was also placed on providing school swimming (curriculum based) as schools do not have facilities. There was also a commitment to increase opportunities for the increasing numbers of young people in the borough as well as addressing the leisure needs of an increasingly diverse community and ageing population.
- 6.3 The consultation approach focused on the available budget, creating a 'pick and mix' style approach. The tone of this approach highlighted the desire to develop a new facility but placed an emphasis on affordability. The consultation was carried out by an independent consultation company in 2014.
- 6.4 The top three consultation responses were; café, diving and a 6 lane 25m pool. The LB Merton officer could not recall the total number of respondents, but did note that there was a strong diving lobby which was represented within the consultation results.
- 6.5 The recommended facility mix was reported to Merton's Cabinet which endorsed the public consultation and agreed mix of facilities. Diving was retained in the smaller pool which will operate as a multi pool hall. Merton stated that the inclusion of diving does not have a positive impact on income or a strong and sustainable business case.
- 6.6 There are presently two independent diving clubs based at Morden Park Pools. The clubs offer opportunities at a development standard according the diving pathway.
- 6.7 A future facility is due to commence construction in Spring 2017 and is included in the leisure management contract which is operated by GLL

7. Insight

- 7.1 Insight information was used in the previous Revised Outline Business Case, which informed the consultation and communications planning for this phase.

8. BACKGROUND PAPERS

Committee Papers

- 8.1 Cabinet Resources Committee, 27 September 2011 (Decision item 15) – approved the negotiation of terms, with the Contractor, Greenwich Leisure Limited, for termination of the current Leisure Management Contract.
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=151&MeetingId=456&DF=27%2f09%2f2011&Ver=2>
- 8.2 Cabinet Resources Committee, 18 October 2012 (Decision item 15) – approved the Sport and Physical Activity Strategic Outline Case, including the draft SPA Strategy Statement.
<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=4416>
- 8.3 Cabinet Resources Committee, 4 November 2013 (Decision item 5) – approved the Sport and Physical Activity Outline Business Case.
<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=5035>
- 8.4 Health and Well-Being Board, 12 June 2014 (agenda item 14) – approved the establishment of the Fit and Active Barnet (FAB) Partnership Board and noted the Sport and Physical Activity (SPA) Strategy delivery plan
<http://barnet.moderngov.co.uk/documents/s15393/Fit%20and%20Active%20Barnet%20Partnership%20Board%20and%20Sport%20and%20Physical%20Activity%20Strategy%20Delivery%20Plan.pdf>
- 8.5 Policy and Resources Committee, 21 July 2014 (agenda Item 8) – approved the Sport and Physical Activity Outline Business Case.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7860>

- 8.6 Policy and Resources Committee, Tuesday 17th February 2015 7.00pm (Agenda Item 9) Sport and Physical Activity Review Revised Outline Business Case
<http://barnet.moderngov.co.uk/mgAi.aspx?ID=11370#mgDocuments>
- 8.7 Policy and Resources Committee, Wednesday 16th December 2015 7.00pm (Agenda Item 12) The relocation and redevelopment of Church Farm Leisure Centre and the redevelopment of Barnet Copthall Leisure Centre
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8349&Ver=4>
- 8.8 Policy and Resources Committee, Thursday 1st September 2016, 7.00pm (Agenda Item 6c) Member's Item: Cllr Alison Moore - #SaveBarnetDiving and (Agenda Item
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8729&Ver=4>

Consultation Reports

- 8.9 **Phase 1 2012 – Needs assessment;**
<http://barnet.moderngov.co.uk/documents/s16260/Appendix%20C%20-%20SPA%20Needs%20Assessment.pdf>
- 8.10 **Phase 2 2013 – ORS Final report-**
https://engage.barnet.gov.uk/adult-social-services/sport-and-physical-activity-review/user_uploads/final-leisure-services-report.pdf
- 8.11 **Phase 3 2014 - ORS Final report**
<http://barnet.moderngov.co.uk/documents/s21252/Appendix%205%20-%20ORS%20Consultation%20report.pdf>
- 8.12 **Phase 4 2015 - ORS Final report – Appendix 1**
https://engage.barnet.gov.uk/adult-social-services/sports-and-physical-activity-cf-copthall/supporting_documents/Barnet%20SPA%20Phase%204%20%20Final%20report%20v6.0.pdf
- 8.13 **Health Impact Assessment (HIA) 2015 – Appendix 2**
https://engage.barnet.gov.uk/adult-social-services/sports-and-physical-activity-cf-copthall/supporting_documents/CF%20%20HIA%202015%20Final.pdf

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Sport & Physical Activity Project

Diving Feasibility Study

October 2016

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1. Executive Summary

Introduction

Following the Policy and Resources Committee meeting on the 1st September 2016, the council commissioned a feasibility study to assess the feasibility of including diving within the new Barnet Copthall Leisure Centre. The study has developed options to amend the current approved facility mix for the proposed redevelopment of the Centre to include diving and in doing so, provide details on the capital cost, revenue financial impact, participation levels and impact, and planning implications. The feasibility study has matched the existing diving facilities in the current Barnet Copthall Leisure Centre. This report sets out the potential implications of its possible inclusion within the proposed redevelopment.

The feasibility study includes the following elements:

1. Development of design options to include diving facilities in the new Barnet Copthall Leisure Centre, to include necessary ancillary circulation, changing and plant areas. Four options were identified, with two options developed in detail.
2. Undertake required engagement on the proposals e.g. through meetings with Planning Officers.
3. Undertake analysis of the capital cost and impact linked to the required design amendments.
4. Undertake analysis of risks associated with incorporation of either option at this stage of the project e.g. planning, environment, and likely delay to programme.
5. Confirm the capacity, usage and weekly programme hours for swimming, diving and synchronised swimming at the existing Leisure Centre.
6. Confirm the income and expenditure attributable to swimming, diving and synchronised swimming at the existing Leisure Centre.
7. Estimate the financial impact on the current business case for the new Centre of including diving within the facility mix.
8. Confirm details of the booking system and promotion of diving at the existing Centre
9. Investigate potential grant funding sources for the diving provision.
10. Engage with other relevant London local authorities to understand their approach to diving and methodology

The study has been carried out by council officers and CSG, with specialist input from Saunders Boston architects (development of design options) and the Sports Consultancy (elements 5-9 above).

Design

Two design options were developed:

- To include diving within the current facilities mix arrangement (Option 1)
- To include diving in a separate pool hall (Option 2)

As part of the feasibility study, further consultation was undertaken with relevant stakeholders, namely: GLL (the current Leisure Management Operator); Barnet Copthall Swimming Club (BCSC); the #SaveBarnetDiving petition group and Planning Officers.

The options were reviewed against the current design submitted for planning approval, by the technical design team, and areas requiring change were highlighted. The options and information supplied by the technical design team were then costed, using elemental rates as per the Royal Institute of British Architects (RIBA) Stage 3 cost plan, and adjusted for inflation.

Financial impact

The extra over cost for providing each option has been estimated as follows:

	Option 1	Option 2
Extra over cost from Stage 3 design	£2,428,000	£4,517,000

It should be noted that the above cost is for the capital construction costs only. It does not include any additional costs that may occur due to the need to continue to operate the existing centres for a longer period of time as a result of any decision to include diving and the subsequent programme elongation to gain planning approval and construct the new centre.

In participation terms, this review has confirmed that diving and synchronised swimming form a relatively small element of overall swimming participation at the Centre.

In income terms, diving and synchronised swimming combined provide only about 6% of the total wetside revenue.

Analysis undertaken by The Sports Consultancy of the diving options presented are estimated to have a negative financial impact when compared to the RIBA Stage 3 business plan for the Centre.

In the case of Option 1, this is largely because the inclusion of diving and synchronised swimming in the training pool reduces the swimming lesson programme and hence income. In the case of Option 2, overall income increased with the provision of a fourth pool. However, this benefit is outweighed by the fact that the significantly larger building brings with it increased costs, for premises operations and staffing.

The increased capital requirement of both options means an increased prudential borrowing requirement, which will be paid back through the management fee provided to the council through the new leisure management contract. There are no additional grant funding sources that will address the additional capital cost. Overall, the impact of the two options has been estimated as follows:

- **Option 1:** reduced revenue income to the council of £120,000 per annum and increased annual revenue required to fund borrowing of £132,000
- **Option 2:** reduced revenue income to the council of £183,000 per annum and increased annual revenue required to fund borrowing of £246,000

There are also additional risks to the project, especially in relation to Option 2, in that it may impact on the ability to re-site the Mill Hill Rugby Club pitches. This is due to the increased building footprint and need to increase the size of the drainage swales around the building.

The diving petition group has highlighted concerns around the ease of booking diving sessions and also with the number of cancellations of diving sessions through the year due to swimming galas. While Sports Consultancy analysis indicates that there is validity in both of these points, their assessment shows they are unlikely to materially improve the increased revenue burden that diving presents.

2. Design Options

The design aspect of the feasibility study modelled two options, outlined below, which accommodate the inclusion of a diving facility. Both options developed include the current diving board heights of 3x1m boards, 1x3m board, 1x5m board and 1x0.5m board

The proposals have modelled:

- a. To include diving within the main community pool ('Option 1')
- b. To include diving in a separate purpose built pool hall ('Option 2')

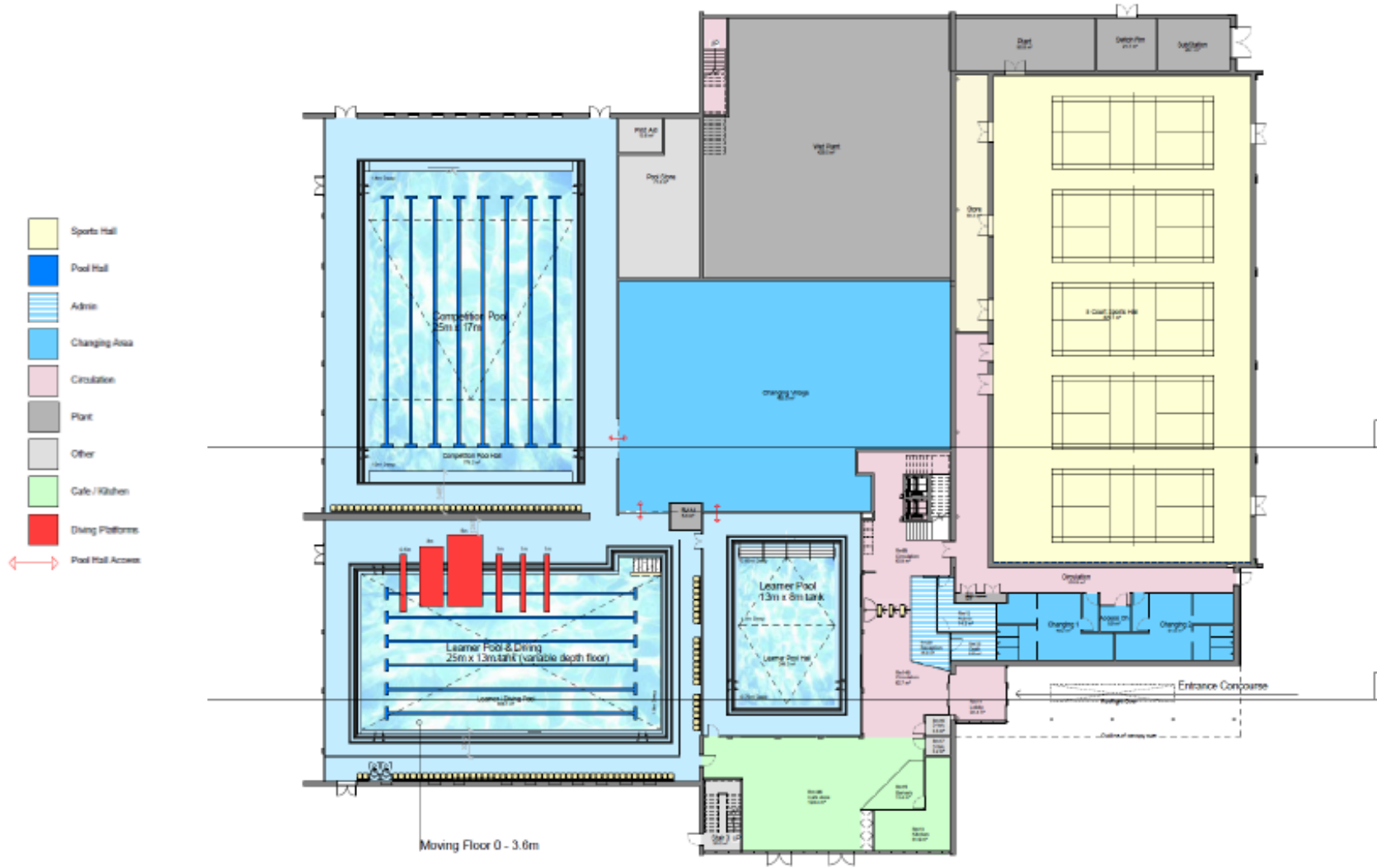
The methodology for this was as follows:

- Architects developed the options, to include necessary ancillary circulation, changing and plant areas;
- The design team reviewed the options to understand the main design changes needed to facilitate each of the two options;
- Engagement was undertaken with Greenwich Leisure Limited (GLL, current leisure operator), Barnet Copthall Swimming Club (full committee including swimming, diving and synchronised swimming representatives), Planning officers and the #SaveBarnetDiving petition groups;
- Cost manager reviewed options and related comments from the design team to develop high level capital costs to incorporate each of the options.

Option 1- Community Pool

This option, developed by Saunders Boston Architects, uses the plans developed at RIBA 3 and incorporates diving within the existing layout of the proposed building, as follows:

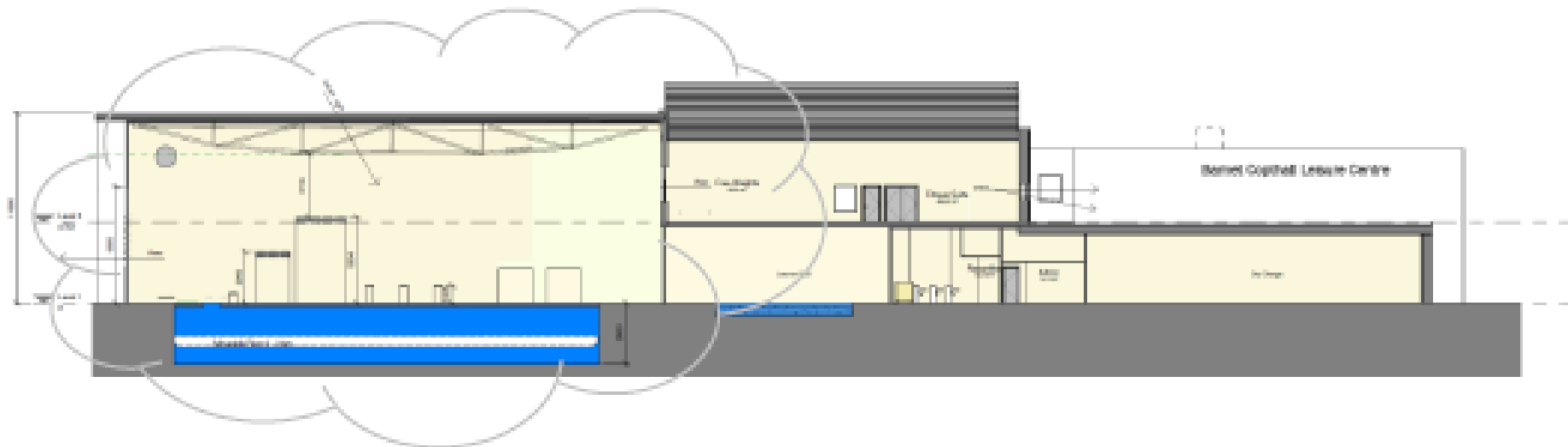
Option 1



Ground floor layout



Section of building as shown in Stage 3 Design (without diving)



Section of building to show building with diving added to the Community Pool illustrating increased height and deeper pool tank / moveable floor (Note: detail has been removed from remaining building area as this is unchanged)

Option 1



Illustration to show the massing of the building, with diving added to the community pool

Key considerations:

- The length of the pool is used to place the diving boards to meet regulations, as the width of the existing pool is insufficient to place the required number of boards.
- Due to the width / length of the pool and required regulations, the pool could not be used in a mixed mode with diving and swimming operating at the same time.
- As the water area has not significantly increased, additional requirements to filter and heat the water would be minimal, with no increase in the size of the plant rooms and village change areas.
- The width of the pool surrounds behind the diving boards to the community pool would need to be enlarged, resulting in an overall increase in area of circa 100 sq.m.
- The height of the building over the community pool area would need to be increased to accommodate diving, ensuring minimum clearances are achieved.
- An increased depth of pool tank, with moveable floor, would need to be introduced to the whole area of the pool with ancillary localised plant room for hydraulic ram to operate the floor.
- The scale and volume of pool hall would change with a very high ceiling. This would create a more cavernous atmosphere, which would be less welcoming than the standard height ceiling for young people engaging in the learn to swim programme.
- The first floor layout largely remains unchanged, apart from the extra width of the community pool hall to accommodate the diving boards on the ground floor.

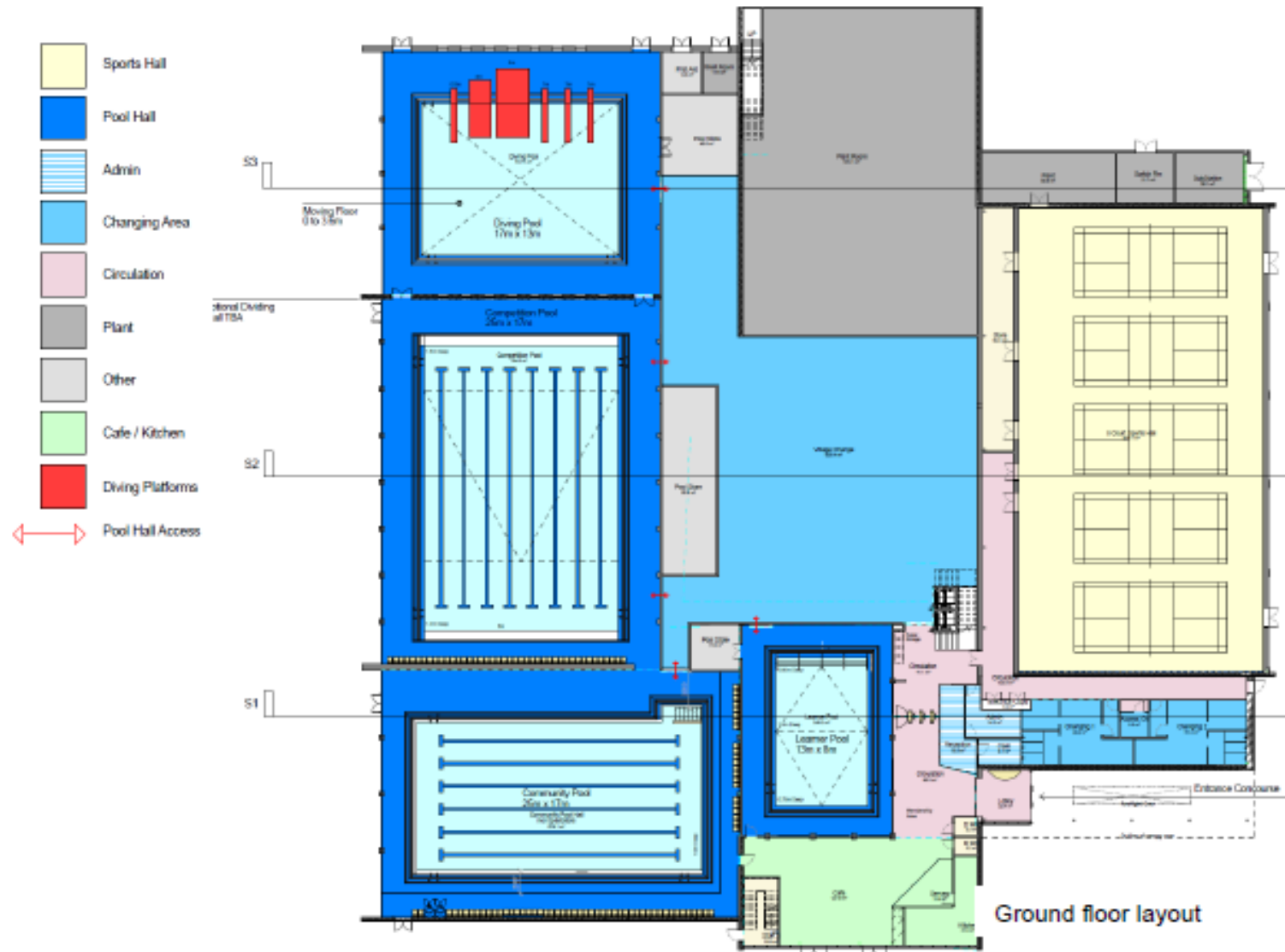
Pool temperatures

- Water temperatures for different activities vary. The temperature difference between the community pool and diving pool is circa 2 degrees Celsius. It is thought that with planning and management input, this should not present a significant issue in operating the community pool as a swimming and diving pool.

Option 2

Saunders Boston Architects considered the plans developed at RIBA 3 to incorporate diving facilities as a separate additional pool hall, as follows:

Option 2



Option 2

- Sports Hall
- Pool Hall
- Admin
- Changing Area
- Circulation
- Plant
- Other
- Cafe / Kitchen
- Diving Platforms
- Pool Hall Access
- Gym & Free Weights
- Studio
- Spectator Seating



Option 2



Section of building to show additional diving pool hall located to the North West

Option 2



Illustration to show the massing of the building, with a separate diving pool added to the North West

Key considerations:

- A separate pool hall and tank is created to the north west of the building.
- Additional plant requirements to filter and heat the additional volume of water would be required.
- Due to the increase in water area, additional village changing facilities would be required and ancillary circulation areas etc.
- The additional floor area required would be circa 1000 sq.m.
- The height of the building over the diving pool area would need to be increased from that of the proposed centre at RIBA Stage 3, to accommodate the diving boards as per Option 1.
- A moveable floor would be included to facilitate other uses such as synchronised swimming and gym fit classes.
- A spectator viewing area could be created to watch diving competitions, as shown in the section below.
- The learn to swim programme and timetabled use of the community pool would remain unaffected (as opposed to Option 1).
- The first floor layout remains the same for facilities previously proposed, but the plant room area is enlarged and there is additional area created by void space over the diving pool and an area of spectator seating.

Options discounted at an early stage

The feasibility study identified four (4) initial options for the inclusion of diving. Options 1 and 2 were progressed. Two others were discounted at an early stage for the following reasons:

An option to use the learner pool to include diving. This was excluded because:

- To use this pool would require a wholesale re-design of the whole centre.
- The size of the pool is too small to accommodate the requirement to replicate existing provision.
- The gym area is located directly above it, and therefore there is insufficient height to include diving boards.

An option to use the competition pool to include diving. This was excluded because:

- Inclusion in this pool would further decrease the ability to provide swimming lessons and run competitions.
- Due to the width of the pool, diving could be placed across the width, but there would be an increased cost as a moveable boom would need to be incorporated to separate divers and swimmers.
- The remaining area of the pool would only be suitable for lessons for those learning to swim due to depth and length.

3. Engagement

The feasibility study included engagement with Greenwich Leisure Limited (GLL) as the current leisure management operator, Sport England, the Amateur Swimming Association (ASA), Barnet Copthall Swimming Club and the #SaveBarnetDiving petition group.

The design options were only shared with Planning Officers and GLL as the leisure management operator and for commercial confidentiality reasons

A summary of points of discussion are noted below:

Meeting participants	Date	Venue	Summary of main points noted in relation to the Technical Options
Barnet Copthall Swimming Club Committee Representatives from Swimming, Diving and Synchronised Swimming were present	19/10/16	Barnet Copthall Leisure Centre	The meeting mainly focussed on user numbers, competition and elite development, coaching, Club income and expenditure, current use of the pools and management. It was noted (by LBB) that feasibility would look at diving in addition to the current pool mix as well as part of it. Any option must be financially sustainable.
Greenwich Leisure Limited (GLL) Barnet Partnership Manager and National Sports and Aquatics Manager were present	19/10/16	London Aquatics Centre	Option 1 – would require less staff cover (than Option 2) but would significantly impact on the ability to provide swimming lessons. Option 2 – it would be unlikely that the diving pool and learner pool would be used at the same time, as demand for the learner pool has subsided by the time the diving pool becomes popular on weekday evenings. Additional staff cover would be required to manage the separate diving pool and the depth / additional area and volume would increase running costs.
Planning Officer	17/10/16	Barnet House	Subject to further development of any future amendment to the current design, or separate application to incorporate Option 1 or 2 into the scheme, would not have a significant impact on the final decision made.
#SaveBarnetDiving petition group	13/10/16	North London Business Park	LBB officers noted that feasibility study will look at options to include diving provision, capital costs and future running costs, views of Planning officers, as well as future predicted usage and income to develop an overall picture. The study will focus on diving but will consider other users of the multi-activity pool. #SaveBarnetDiving provided officers with a copy of participation figures. In addition to operational issues which were highlighted throughout the discussion.

4. Analysis of design amendments (from RIBA Stage 3)

Design options developed by Saunders Boston Architects were circulated to the Sport and Physical Activity design team for comparisons to be made against the current RIBA Stage 3 designs with the agreed facility mix. Changes that would be needed to accommodate each of the design options were reported back and the main points are summarised below:

Discipline	Comments on Option 1	Comments on Option 2
Architect	<ul style="list-style-type: none"> • Lower capital cost increase compared to option 2 • Plant & Village Change size remain unaltered other than increased filter sizes for deeper water • Reduced learn to swim programme to accommodate diving programme • Potential revenue reduction • High level spectator seating limited • Change in water temperature can affect user experience – but thought to be manageable 	<ul style="list-style-type: none"> • Separate diving facility to support diving programme • Spectator seating provided for diving • Additional flexible water option for synchro etc. • Existing community pool and learn to swim programme unaffected • Increase in mass at rear of building not front Champions Way • Larger footprint / mass / floor area • Additional pool hall requirement • Increased Village Change size • Increased plant room size
Civil Engineer	<ul style="list-style-type: none"> • No significant impact 	<ul style="list-style-type: none"> • Pond will require reprofiling along the southern elevation of the building to the west of the café to allow for sufficient footways for fire escape and maintenance • Increase in impermeable area for option 2 would be approximately 1,010 m², which cannot be accommodated within the current pond design. Pond to be increased by approximately 8% to allow for sufficient additional surface water storage.
Landscape Architect	<ul style="list-style-type: none"> • A circulation path to the south will need to be re-instated along the southern elevation and re-providing the path as shown presently will not impact on the proposed swales 	<ul style="list-style-type: none"> • The proposed hard standing area along the northern boundary will still need to be provided (on the increased building footprint) adjacent to the new building which will reduce the area that has been identified for use by the neighbouring rugby club. • The proposed service access will still need to remain in roughly the same location due to root protection zones of existing trees. The proposed area of the access road will therefore increase by approximately 15% to allow it to align with the new location of the service area
Mechanical and Electrical Engineer	<ul style="list-style-type: none"> • Increase in size of some air handling equipment due to increased volume • Increase in lighting requirements 	<ul style="list-style-type: none"> • Additional air handling units • Additional supply and extract ductwork

	<p>due to increased volume.</p> <ul style="list-style-type: none"> • Power supply to moving floor required 	<ul style="list-style-type: none"> • Additional LPHW pipework to serve AHUs • Power supply to moving floor • Additional lighting for new pool hall • Additional filter and heating vessels for increased water volume in new pool
<p>Structural Engineer</p>	<ul style="list-style-type: none"> • The addition of diving boards will require an increase in the width of the pool surround • The pool tank wall thickness may need to be increased to reflect the increase in water pressure due to the increased depth • An additional steel trussed structural bay supporting the pool hall roof. This will require steel beams where the change from the pitched roof to flat roof occurs. Quantity of columns and curtain walling will also need to increase 	<ul style="list-style-type: none"> • Additional 17.0x13.0m concrete pool tank has been included to a depth of 3.6m below ground floor level, with thicker walls than the standard pools, due to the increased depth/pressure • Additional columns will be required for the roof above the new pool hall, and to support the increased in first floor and roof area above the plant room. These will require additional foundations of reinforced concrete pile caps, piles and concrete ground beams • Additional steel truss roof and curtain walling will be required to encapsulate the new pool hall

5. Capital Cost Impact

The current costs presented below have been developed considering design changes required for each of the design options. An allowance for inflation, based on the construction programme, has been included, also as per the Stage 3 Cost Report.

	Barnet Copthall Stage 3 Cost Plan	Barnet Copthall Diving Option 1	Barnet Copthall Diving Option 2
Gross Internal Floor Area	6,287m ²	6,387m ²	7,511m ²
Stage 3 Cost Plan	£22,540,000	£22,540,000	£22,540,000
Additional capital cost for Diving Provision	n/a	£2,428,000	£4,517,000
Total Stage 3 Cost incl. Diving Provision	n/a	£24,968,000	£27,057,000

Overall affordability is considered in section 9, taking into account the revenue forecasts set out in section 8.

It should be noted that the costs above are for the construction elements only. Costs do not take account of any additional costs / loss of revenue to the London Borough of Barnet through the current Leisure Centres remaining operational for a longer period of time due to programme elongation caused by revised planning approvals or additional construction requirements.

6. Current Capacity, Usage and Weekly Programme Hours for Swimming, Diving and Synchronised Swimming

Programming

The existing Barnet Copthall Leisure Centre has three pools:

- 25m main pool
- 25m training pool
- A multi-activity pool with a moveable floor (which accommodates diving provision)

The weekly swimming programme for the existing centre is made up of the following main types of usage:

Type	Hours (Source: GLL)	% of Hours
Casual swimming	75.00	35%
School swimming	51.50	24%
Barnet Copthall Swimming Club (BCSC) Swimming section/squad	30.00	14%
GLL/Better Learn to Swim School	19.25	9%
BCSC Diving section/squad	3.75	1.5%%
GLL/Better Learn to Dive School (aka Tom Daley Academy)	9.50	4%
BCSC Synchronised Swimming section/squad	4.00	2%
Swim fit Classes	21.25	10%
GLL/Better Synchronised Swimming lessons	0.75	0.5%

There are also limited hours given over to other activities such as public diving sessions (circa 1 hour per week), the sub-aqua club (circa one hour per week) and birthday parties.

The activity that takes place in the multi-activity (diving) pool is as follows:

Type	Hours (Source: GLL)	Hours (Source: petition group)
Barnet Copthall Swimming Club (BCSC) Swimming section/squad	0.50	0.00
GLL/Better Learn to Swim School	5.00	4.50
BCSC Diving section/squad	3.75	Not provided
GLL/Better Learn to Dive School (aka Tom Daley Academy)	9.50	9.50
BCSC Synchronised Swimming section/squad	4.00	5.50
GLL/Better Synchronised Swimming lessons	0.75	0.00
Sub-aqua club	0.00	1.00
Other*	3.00	15.00
Subtotal: All diving activity	13.25	9.50
Subtotal: All synchronised swimming activity	4.75	5.50

*Other category included classes, water workout sessions, deep water workout sessions and toddler swimming sessions.

Importantly, all of the sessions in the table above, other than diving, synchronised swimming and sub-aqua can be accommodated in the proposed new facility.

This table shows there is not a significant discrepancy between the information provided by GLL and that provided by the petition group in terms of the key usage areas that concern this feasibility study (i.e. diving and synchronised swimming). These figures are used to inform the financial analysis in section 8.

Participation and usage

Through consultation with GLL, the petition group and BCSC the following participation information was collated (casual swimming and public diving not included):

Type	Participants (Source: GLL)	Participants (Source: BCSC)	Participants (Source: Petition group)
Barnet Copthall Swimming Club (BCSC) Swimming section/squad	Not provided	500-550	Not provided
GLL/Better Learn to Swim School	1,362	Not provided	Not provided
BCSC Diving section/squad	26	28 (has varied between 24-40)	28
GLL/Better Learn to Dive School (aka Tom Daley Academy)	63 ¹	Not provided	80-100
BCSC Synchronised Swimming section/squad	Not provided	20 (has varied between 12-24)	Not provided
GLL/Better Synchronised Swimming lessons	10	9	Not provided
School swimming	1,599	Not provided	Not provided

Both BCSC and the petition group have suggested that there is a waiting list for lessons on the Tom Daley Academy. BCSC estimates that about 18 people are on list, whereas the petition group believes it is 20-30. There is also a reported waiting list of 6 for synchronised swimming lessons.

The figures in Table 3 show that for BCSC membership, swimming makes up by far the largest part of the membership with 500-550 compared to 26-28 for diving and around 20 for synchronised swimming. Given that there are 9.5 hours of GLL/Better Learn to Dive lessons provided at the moment per week with a maximum capacity of 10 people per class; it suggests that 80-100 participants can be accommodated in the current programme timetable.

¹ Individuals enrolled on GLL system, October 2016

7. Current Income and Expenditure

GLL provided income data for the first half of the year January to June 2016, for the full swimming programme at Barnet Copthall. The table below summarises how this is broken down across the key income categories:

Type	% of total swimming income)	Cost of delivery as a % of income
Casual swimming	11%	n/a
School swimming	26%	n/a
Barnet Copthall Swimming Club (BCSC) Swimming section/squad	18%	31%
GLL/Better Learn to Swim School	32%	19%
BCSC Diving section/squad	2%	88%
GLL/Better Learn to Dive School (aka Tom Daley Academy)	2%	20%
BCSC Synchronised Swimming section/squad	2%	40%
Other	4%	n/a

The income data provided supports the data on participation shown in the previous section, in that the GLL/Better Learn to Swim programme, the BCSC swimming programme and school swimming provide the largest proportion of the overall wetside income. As a comparison, the BCSC swimming programme generates about 18% of income (and about 500 participants) compared to 2% for both the diving and the synchronised swimming programmes (and circa 28 and 20 participants respectively).

Of the uses outlined above, the only ones that definitively could not be accommodated in the new Centre are diving and synchronised swimming (6% of income in total), although some elements of the "Other" category (4%) may also not be accommodated, e.g. the sub-aqua club.

8. Revenue Implications

As set out in section 5, the capital cost impact of including diving in the facilities mix is £2.4m for Option 1 and £4.5m for Option 2.

In order to estimate the revenue impact of diving, the RIBA Stage 3 business plan was used as a basis. This has been developed using The Sports Consultancy's (TSC) business planning model with all revenue projections benchmarked against TSC's Operational Database, which contains over 1,000 financial year records from over 350 public leisure facilities across the UK. The specific assumptions and adjustments for the two options were as follows:

Option 1

- As the diving provision is included within the training pool, the diving and synchronised swimming hours of usage displace programmed usage during the peak hours of operation as the pool cannot be used for other activities while it is taking place. Most of the programming lost is for swimming lessons
- For this reason, diving and synchronised swimming hours as per current levels have been assumed.
- The increased building footprint means that certain expenditure items (e.g. utilities and repairs and maintenance) have been increased proportionately
- Lifecycle costs (which are based on a percentage of construction cost per annum) have been increased in line with the increase in capital costs
- No extra lifeguard provision is required as the number of pools and pool sizes remains unchanged
- Lesson staff provision has been adjusted in line with the revised programme of usage.

Option 2

- As a separate diving pool is provided in this option, there is no reduction to the existing swimming programme and the diving and synchronised swimming usage is additional
- Given the additional pool space, an allowance has been made for an increased diving programme and a proposed increase in participants to circa 200 in the medium term
- An allowance has been included for additional swimming usage; however, this has been taken in the context of Sport England's Facilities Planning Model report for the area (from the original feasibility study), which indicated that the level of supply in the Barnet Copthall area was above the London average but uncomfortably busy (with quality of provision being the main issue)
- The significantly increased building footprint (circa 19%) means that certain expenditure items (e.g. utilities and repairs and maintenance) have been increased proportionately
- Lifecycle costs (which are based on a percentage of construction cost per annum) have been increased in line with the increase in capital costs
- Additional lifeguard provision has been included to reflect the provision of an additional pool
- Lesson staff provision has been adjusted in line with the revised programme of usage.

Based on these assumptions, the implications of the two options compared to the RIBA Stage 3 business plan (Mid-Range scenario) are summarised in the table below:

BASE (MID-RANGE) SCENARIO ESTIMATES	RIBA Stage 3 BC Option	BC Diving Option 1	BC Diving Option 2
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APPENDIX 1



MANAGEMENT FEE TO LBB	£491,416	£371,184	£308,441
Difference from RIBA Stage 3	n/a	(£120,232)	(£182,975)

The table shows that both options are estimated to have a negative financial impact on the business plan for the new Centre. In the case of Option 1, this is largely because the inclusion of diving and synchronised swimming in the training pool reduces the swimming lesson programme and hence income. In the case of Option 2, overall income increases with the provision of a fourth pool; however, the significantly larger building brings with it increased premises costs as well as the need for increased staffing (lifeguards) for the new pool.

9. Affordability and Overall Financial Impact

In terms of overall affordability both of the schemes not only reduce the revenue income to the Council from the operator, but also bring an increased capital requirement. To illustrate this, if this increased capital requirement is funded through prudential borrowing and assuming an interest rate of 3.5% and a borrowing term of 30 years, the total revenue implications of the Base scenarios for the two options would be as follows:

- **Option 1:** reduced revenue income to Council of £120,000 per annum plus increased annual revenue required to fund borrowing of £132,000
- **Option 2:** reduced revenue income to Council of £183,000 per annum plus increased annual revenue required to fund borrowing of £246,000

Financial analysis indicates that while the existing RIBA Stage 3 cost estimate is considered affordable under these assumptions, both Options 1 and 2 are unaffordable.

10. Booking System and Diving Promotion

During communication with #SaveBarnetDiving and the Barnet Copthall Swimming Club, it was suggested that there is a waiting list for lessons on the GLL Learn to Dive programme (aka Tom Daley Academy).

Two issues relating to the promotion of diving at Barnet Copthall have been raised by the petition group:

- There are difficulties with booking diving lessons as they are not clearly advertised through the website
- Diving sessions are cancelled at short notice to accommodate swimming competitions, which impacts on the continuity of the diving programme.

Booking system

Places in the GLL Learn to Dive programme (aka Tom Daley Diving Academy) lessons can be booked in person at the Centre or online through the GLL online booking system, "home portal". From our review, the portal is difficult to locate on the main GLL Barnet Copthall website. If you are searching for lessons through the main website you are directed to contact the Centre directly through telephone or internal e-mail. This latter route is again not straightforward.

However, once the home portal is located, lessons and their availability are clearly displayed. Junior Dive Beginner sessions are not included on the home portal and these are currently full to capacity.

Cancellation of Diving Sessions

The petition group stated that there are a large number of occasions when the training pool is closed to accommodate swimming competitions. The group reported that there have been more than ten cancellations in 2016 and that they are often at only a week's notice.

GLL confirmed that by December 2016 there will have been 19 closures due to galas throughout the calendar year. The closures only take place when a large gala is booked on a Sunday, as the diving pool is used for competitor warm-up to support the event. This is a longstanding arrangement that has been in place since early 2002 as warm-ups are an essential requirement for competitive swimmers. Barnet Copthall hosts 25 m short course regional swimming championships.

GLL stated that notice of closure is given three weeks beforehand and is advertised in the Centre and online. The BCSC coaches are also informed.

The most recent closure was on 30 October and the cancellation was listed on the website. There was no information displayed as to the possible rescheduling of diving activities. Operational improvements which relate to both the promotion and booking system for diving lessons have been raised with GLL, which include a future review of the management and programming of public diving sessions.

11. Funding Opportunities

The capital cost and affordability implications outlined in Section 4 mean that any potential additional grant funding opportunities would be important to the Council. A review of possible additional grant funding sources has been undertaken and the findings are as follows:

- No significant capital funding schemes directed at diving clubs have been identified.
- British Diving does not currently offer any diving funding on a club basis. Their input is targeted at individuals on elite performance talent pathways.
- British Diving focuses on the regional 'Beacon' centres, e.g. Luton and Manchester, which provide the full range of diving facilities, including dry diving. Talented athletes are channelled to these facilities.
- The Amateur Swimming Association (ASA) has indicated previously, in regards to other projects that they are unable to provide capital funding for diving.
- It is unlikely that Sport England would specifically fund the diving schemes proposed here as the maximum amount of funding from their Strategic Facilities Investment Fund has already been provisionally ring-fenced for the combined redevelopment of Barnet Copthall and Victoria Recreation Ground..

12. Key Risks

Risk No.	Diving Option	Risk Description and Consequence	Mitigation	Status	Date Opened	Risk Nature	Risk Rating	RAG	Risk Owner	Latest update
1	n/a	If diving is not included within the facilities mix, there will be a negative impact on those residents who participate in diving and synchronised swimming and a loss of the sport from Barnet.	Subject to planning approval of the proposed scheme. The Council and operator will need to work with BCSC and lesson participants to identify opportunities to signpost individuals to other facilities within the region	Open	15/11/2015	Reputational	8	G	Cassie Bridger	
2	n/a	If diving is not included within the facilities mix, the council could be at risk of legal challenge, leading to increased costs, damage to reputation and potential requirement to redesign the scheme (with subsequent programme delays/financial impact)	Regular and comprehensive resident consultation and engagement has been undertaken throughout the project. Legal advice has been provided on an ongoing basis and specialist external legal advice will be obtained if required. Comprehensive review of diving feasibility being undertaken to inform P&R decision in December.	Open	01/08/2016	Reputational/ Financial	8	G	Dawn Wakeling	Legal consult and review of P&R reporting information in November 2016.
3	1, 2	If diving is included within the facilities mix at the redeveloped Barnet Copthall Leisure Centre, then the programme will be delayed whilst a new design is prepared and a new planning application is submitted, leading to financial loss to the council	Early engagement with planning officers to understand implications and requirements. Engagement with construction partner to identify potential mitigation. Progression of New Barnet Leisure Centre without delay.	Open	02/09/2016	Financial	12	A	Dawn Wakeling	
4	1, 2	If diving is included within the facilities mix then there will be an increased capital cost, leading to increased financial burden to the council and potential inability to pay back the prudential borrowing required.	Ongoing financial analysis to understand impact. Potential value engineering with construction partner to identify cost reductions. Review any potential additional funding sources.	Open	02/09/2016	Financial	12	A	Dawn Wakeling	10/11/16: Feasibility work has identified increase in capital cost will be £2.4m for Option 1, £4.5m for Option 2, subject to inflation. No additional funding sources have been identified.

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Risk No.	Diving Option	Risk Description and Consequence	Mitigation	Status	Date Opened	Risk Nature	Risk Rating	RAG	Risk Owner	Latest update
5	2	If option 2 is selected, there will be an increased construction period, leading to loss of income to the council and potential inability to pay back the prudential borrowing required	Ongoing financial analysis to understand impact. Potential value engineering with construction partner to identify cost reductions and time savings.	Open	02/09/2016	Financial	12	A	Dawn Wakeling	
6	2	If option 2 is selected, planners may not approve the scheme due to a significant increase in building size, leading to a requirement to redesign the scheme and subsequent programme delays/financial impact to the council	Early engagement with planning officers to understand implications and requirements.	Open	02/09/2016	Planning/ Financial	8	G	John Stimpson	14/11/16: Planners have indicated that subject to further development any future amendment to the current design, or separate application to incorporate Option 1 or 2 into the scheme, would not have a significant impact on the final decision made.
7	n/a	If diving is not included within the facilities mix, the council reputation could be damaged, with a reduction in satisfaction ratings from residents	Regular and comprehensive resident consultation and engagement has been undertaken throughout the project. Subject to planning consent, work closely with GLL and BCSC to identify opportunities to signpost participants to other facilities within the region.	Open	02/09/2016	Reputational	12	A	Cassie Bridger	
8	1, 2	If the inclusion of diving within the facilities mix reduces interest from leisure operators, then there may be a failed procurement exercise leading to the council having no leisure operator to run the centres	Significant engagement has been undertaken with potential bidders to gauge interest. Specialist leisure consultancy secured to provide advice. Early engagement with bidders to be undertaken if a decision is taken to include diving in the facilities mix.	Open	02/09/2016	Reputational/ Business Continuity	8	G	Dawn Wakeling	

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Risk No.	Diving Option	Risk Description and Consequence	Mitigation	Status	Date Opened	Risk Nature	Risk Rating	RAG	Risk Owner	Latest update
9	1,2	If the inclusion of diving within the facilities mix reduces interest from leisure operators, then there may be a less competitive procurement exercise, leading to reduced benefits to residents, a reduction in management fee to the council, decreased satisfaction and potential inability to pay back the prudential borrowing required	Significant engagement has been undertaken with potential bidders to gauge interest. Ongoing financial modelling to understand realistic expectations of management fee. Early engagement with bidders to be undertaken if a decision is taken to include diving in the facilities mix.	Open	02/09/2016	Reputational/ Financial	12	A	Dawn Wakeling	
10	1, 2	If diving is included within the facilities mix, the council may not be able to afford to include the 5 court sports hall at Barnet Copthall Leisure Centre, leading to a reduction in participation, reduced satisfaction from residents	Regular and comprehensive resident consultation and engagement has been undertaken throughout the project. Ongoing financial analysis to understand requirements.	Open	02/09/2016	Reputational	12	A	Cassie Bridger	
11	1, 2	If diving is included within the facilities mix, the council may not be able to afford to include the 5 court sports hall at Barnet Copthall Leisure Centre, risking successful achievement of the Sport England Strategic Facilities Fund. Prudential borrowing requirements will increased with potential inability to pay back as required.	Regular and comprehensive resident consultation and engagement has been undertaken throughout the project. Ongoing financial analysis to understand requirements.	Open	02/09/2016	Financial	12	A	Dawn Wakeling	


APPENDIX 1

Risk No.	Diving Option	Risk Description and Consequence	Mitigation	Status	Date Opened	Risk Nature	Risk Rating	RAG	Risk Owner	Latest update
12	1, 2	If diving is included within the facilities mix then there will be a decreased management fee from a leisure management contract, leading to loss of income to the council and potential inability to pay back the prudential borrowing required.	Ongoing financial modelling to understand realistic expectations of management fee and council requirements.	Open	02/09/2016	Financial	12	A	Dawn Wakeling	10/11/16: Feasibility work has identified an estimated reduction in management fee of ~£120k for Option 1, ~£183k for Option 2, subject to procurement
13	1,2	If diving is included within the facilities mix, it may be difficult to recruit the coaches required, leading to inability of the leisure provider to provide the desired programme of diving and synchronised swimming activity	Early engagement with leisure bidders if decision is taken to include diving in the facilities mix, to understand likelihood and potential mitigation	Open	15/10/2016	Business Continuity	8	G	Cassie Bridger / Leisure operator	
14	2	If option 2 is selected, it may not be possible to adequately re-site the Mill Hill Rugby Club pitches and run off areas, leading to a requirement to find an alternative location for the pitches	Further analysis of impact to site required	Open	14/11/2016	Business Continuity/ Reputational	12	A	Dennis Holmes	

13. Sources

- Saunders Boston – design development.
- *SPA Development Project – Barnet Copthall Diving Feasibility Report (Design Options and Implications)* – October 2016 –
- *London Borough of Barnet – Diving at Barnet Copthall Leisure Centre* – November 2016 – The Sports Consultancy
- Data provided by Greenwich Leisure Limited (GLL) in relation to participation, programming, expenditure and income.
- Data provided by Barnet Copthall Swimming Club in relation to participation, programming, expenditure, income and competitions.
- Data provided by #SaveBarnetDiving petition group in relation to participation, programming and operations.

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	<p>COUNCIL</p> <p>13 December 2016</p>
<p>Title</p>	<p>Report of Head of Governance</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A – Changes to the Calendar of Meetings 2016/17 Appendix B – Changes to Committee membership</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

Summary

This item presents various constitutional and administrative matters for Council's agreement. Full details are as set out in the appended reports.

Recommendations

1. That Council note the changes to the Calendar of Meetings 2016/17 as attached in Appendix A
2. That the Council agree the changes of committee membership as attached in Appendix B.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Head of Governance report seeks Council's approval for various matters of business relating to the Council's statutory and constitutional functions.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the attached appendices.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Council decisions will be minuted and implemented through the Head of Governance.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 As set out in attached appendices.

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

- 5.2.1 Any specific implications are set out in the attached appendices.

5.3 Legal and Constitutional References

- 5.3.1 Council Constitution, Full Council Procedure Rules – requires that Council “Agree the Council Calendar of meetings including for ordinary meetings of the Council”.

- 5.3.2 Council Constitution, Full Council Procedure Rules details that Council has responsibility for Appointing the Chairman, Vice Chairman and members of Committees and other regulatory bodies and approving their respective terms of reference”

5.4 Risk Management

- 5.4.1 None specifically arising from this report.

5.5 Equalities and Diversity

- 5.5.1 None specifically arising from this report.

5.6 Consultation and Engagement

5.6.1 None specifically arising from this report.

6. BACKGROUND PAPERS

6.1 None.

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CHANGES TO THE CALENDAR OF MEETINGS**2016/17 and 20170-18 Municipal Years**

Committee	Date(s) of Meeting(s)	New date(s) of Meeting(s)
Finchley and Golders Green Area Committee	N/A	30 November 2016
Children Education Libraries and Safeguarding Committee	17 th January 2017	N/A
Barnet Partnership Board	N/A	30 January 2017
Performance and Contract Management Committee	13 February 2017	27 February 2017
Performance and Contract Management Committee	24 May 2017 (Q4)	6 June 2017 (Q4)
Performance and Contract Management Committee	14 Nov 2017 (Q2)	28 Nov 2017 (Q2)
Performance and Contract Management Committee	10 Jan 2018	16 Jan 2018
Performance and Contract Management Committee	12 Feb 2018 (Q3)	27 Feb 2018 (Q3)
Performance and Contract Management Committee	22 May 2018 (Q4)	6 June 2018 (Q4)

RECOMMEND that Council note the changes to the calendar of meetings contained in the table above.

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APPOINTMENT TO COMMITTEES AND OTHER BODIES

Changes to Committee Membership

The Opposition Group Secretary has moved that the following Membership changes be moved at Council on 13 December 2016.

These committees are not subject to political balance (proportionality) rules. Each committee must include 1 Member of the Council from the following Wards: Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge.

Committee	Current Member	Replacement Member
Chipping Barnet Area Planning Committee	Cllr Andreas Ioannidis	Cllr Kathy Levine
Chipping Barnet Area Planning Committee	Cllr Kathy Levine (substitute member)	Cllr Andreas Ioannidis (substitute member)
Chipping Barnet Area Committee	Cllr Kathy Levine	Cllr Andreas Ioannidis
Chipping Barnet Area Committee	Cllr Andreas Ioannidis (substitute member)	Cllr Kathy Levine (substitute member)

The Administration Group Secretary has moved that the following Membership change be moved at Council on 13 December 2016. This committee is subject to political balance (proportionality) rules.

Committee	Current Member	Replacement Member
Community Leadership Committee	Cllr Brian Salinger (substitute)	Cllr Maureen Braun (substitute)

RECOMMEND -

- 1. That the Labour Group nominations for change of membership on the Chipping Barnet Area Committee and the Chipping Barnet Area Planning Committee as noted above be approved.**

- 2. That the Conservative Group nomination for change of membership on the Committee Leadership Committee as noted above be approved.**

Full Council: 13 December, 2016

Opposition Motion: Cllr Kath McGuirk

AGENDA ITEM 14.1

A Cultural Strategy for Barnet

Council believes that culture and the arts enriches lives, inspires learning and education, boosts economic growth, attracts investment, helps build communities and strengthens community cohesion by celebrating diversity.

The Mayor of London, Sadiq Khan, has said he plans to "democratise the arts" in the capital, so that Zone 1 should not "hog the best arts and culture in our city".

Council notes that Barnet has a rich cultural heritage and history, and is one of the best placed boroughs to demonstrate what outer-London can offer.

Barnet has vibrant community festivals in East Barnet and East Finchley; museum space at the RAF Museum, Avenue House and Barnet Museum; an English Heritage registered battlefield where the Battle of Barnet was fought during the Wars of the Roses; 2,155 listed buildings, objects or structures considered to be of special architectural or historic interest; 4 registered historic parks and gardens; amateur and professional theatres such as the artsdepot, Finchley Youth Theatre, The Bull Theatre, The Incognito Theatre and The Garden Suburb Theatre, and Community Focus who has a long history of engaging with young people and those with disabilities through the arts.

Barnet also has other venues hosting arts events within the borough and on our borders such as The Phoenix Cinema, The Hampstead Garden suburb Institute and Chicken Shed Theatre.

This list is not exhaustive, but shows the breadth of Barnet's cultural offer.

Council believes that investing some time and effort into developing a cultural strategy for Barnet could help meet council policy objectives across all themed committees, as well as improve the Borough's standing in London, nationally and internationally.

Council also believes that a proper cultural strategy for the borough could help position Barnet to be a future London Borough of Culture.

Council therefore requests that the CELS Committee works with partners including schools, Barnet College, Middlesex University, Barnet Borough Arts Council and local businesses to develop a Cultural Strategy for Barnet.

As a first step, Council asks that the CELS Committee receives a report at the next committee meeting detailing:

- What LB Barnet is doing to promote culture and the arts in the borough, and
- How LB Barnet is engaging with arts and heritage groups in the borough, the Arts Council and the Mayor of London to promote Barnet as a cultural centre.

Full Council: 13 December, 2016

Administration Motion: Cllr Gabriel Rozenberg

AGENDA ITEM 14.2

Letting Agent Fees

Council notes that sustaining quality in the private rented sector is a key priority of the borough, as set out in Barnet's Housing Strategy 2015-2025. Within 10 years, half of the properties in Barnet are likely to be rented, and the Council's strategy includes helping deprived households with rising housing costs in both the social rented and private rented sector.

In that context, Council welcomes the statement by the Chancellor of the Exchequer, Philip Hammond, that the Conservative Government intends to ban the practice of landlords requiring tenants to pay letting agent fees.

Council notes that under a system where landlords pay agency fees, landlords have the ability to shop around for the lowest-cost provider and therefore keep their expenses under control. By contrast, renters have no choice of letting agents. When renters pay, agencies have the ability to raise their fees indefinitely.

Council notes that, according to data from Citizens Advice, agent fees have risen from an average of £125 in 2009-10 to £200 in 2014-15, with some fees as much as £700 per person.

Council therefore agrees with Shelter, the Resolution Foundation, Citizens Advice and other respected bodies that the time has come to ban letting agent fees being imposed on tenants.

Council believes that this policy will directly improve the lives of Barnet residents who rent. It will complement Barnet's approach of raising standards across the private rented sector via the landlord forum run by Barnet Homes and other means.

Noting that the proposed ban is currently open to consultation, Council therefore mandates the Leader of the Council to write to the Chancellor of the Exchequer expressing Council's support for this welcome proposal.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting

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Taking on Diabetes

Council notes that it is two years since the Mayor's Golden Kilometre was launched and to date it has encouraged thousands of children, their parents and teachers to become active. Since launching the project the Council has become increasingly aware of the time bomb that is ticking, namely obesity.

Council also recognises that obesity is a major public health problem due to its association with serious chronic diseases such as Type 2 Diabetes, Cardiovascular disease and Cancers. All of these can lead to disability, reduced quality of life and premature death. Obesity is estimated to be the fourth largest risk factor contributing to deaths in England. In England 61.3% of adults and 30% of children aged between 2-15 are overweight or obese.

Council can see that there is an explosion in medical problems associated with obesity: a 30-fold increase in bariatric surgery, a 4-fold increase in hospital admissions for obesity-linked conditions such as asthma and sleep apnoea, a surge in prescribing for high cholesterol and high blood pressure and rocketing diabetes. Obesity is the most potent risk factor in Type 2 diabetes. It accounts for 80-90% of the overall risk of developing it and underlies the current global spread of the condition.

Council notes that people who are diabetic are 62.1% more likely to have a heart attack and 23.5% more likely to have a stroke. It is also an issue of health inequality, as individuals living in the 20% most deprived areas of the country being 56% more likely to have diabetes. Research clearly indicates that improving dietary habits, managing weight and keeping active will directly influence diabetes. It is estimated that we currently spend about £23.7 billion (direct and indirect costs) on diabetes in the UK, which is nearly £3 million an hour, and is predicted to rise to £39.8 billion by 2035.

Council recognizes that prevention is an essential part of the equation if we are to have any hope of solving this growing crisis. Council further recognizes that it already has a raft of Public Health programs in place to tackle both childhood and adult obesity – examples of which include Healthy Children's Centres, the Shape Programme to engage 13-19 year olds in Burnt Oak & Colindale in sport & physical activity, Awards for Restaurants and Cafes using healthy cooking techniques, Outdoor Gyms and Marked & Measured Routes in Parks, Free Adult Cycle Training, Leader-led Walks, Over 50's Adult Activity classes and Move Like a Pro, a Men's health program for 35-55 year olds with BMIs over 28 who are inactive.

However, there is much more that can be achieved through engaging more with the general population in Barnet - firstly by alerting them to the seriousness of this problem and then involving them in actively taking preventative measures themselves. Projects need to be made innovative, enjoyable and inclusive so that individuals can start looking at their problems in a positive manner and where exercise, understanding food intake and encouragement are all part of a package.

Council notes that in addition to its own information and advice services, there are also support groups available, such as the Barnet Group of Diabetes UK, and welcomes their sign-posting via the Council website. Council asks officers to consider how awareness can further be raised and information on support be provided through other channels, such as Barnet First. Council needs to seek yet further involvement of schools and Headteachers and to make far greater use of voluntary groups, noticeboards and digital communications. We all have a part to play and we should encourage all 63 Councillors to become Healthy Lifestyle Ambassadors to create a ripple effect to promote healthy life styles.

Council would like to have an Action Day in the Summer where individual wards each have an activity, whether it's having diabetic testing, running/walking a kilometre around your local park (making use of the marked/measured routes) or even demonstrations on the use of our outdoor gyms.

Council welcomes the success of the Mayor's Golden Kilometre which has collaborated with Saracens Sports Foundation, England Athletics, Public Health Barnet, Middlesex University, Barnet Partnership for School Sports and School Travel Plan Officers. Council needs to build on this early intervention to engage with Barnet Residents to fight Type 2 Diabetes - the growing insidious killer. Simon Stevens, the Head of NHS England, has stated "If you could pack exercise into a magic pill, it would be a pharmaceutical blockbuster." This message together with informed education on diet and lifestyle changes needs to be embraced and communicated to our ever increasing Barnet population.

Council calls on the Health and Well Being Board to take a national lead on devising a local improvement strategy.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

AGENDA ITEM 16

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