

MEETING

CONSTITUTION, ETHICS AND PROBITY COMMITTEE

DATE AND TIME

WEDNESDAY 16TH NOVEMBER, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: Councillor John Marshall MA (Hons)

Vice Chairman: Councillor Melvin Cohen LLB

Richard Cornelius

Alison Moore

Joan Scannell BEM

Dr Devra Kay

Barry Rawlings

Substitute Members

Anthony Finn

Ammar Naqvi

Sachin Rajput

Alan Schneiderman

Peter Zinkin

Claire Farrier

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10am on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Friday 11 November 2016 at 10am. Requests must be submitted to Andrew Charlwood 020 8359 2014 andrew.charlwood@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: Andrew Charlwood 020 8359 2014

andrew.charlwood@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Question and comments (If any)	
6.	Members' Items (If any)	
7.	Constitution Review	11 - 208
8.	Any other item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Andrew Charlwood 020 8359 2014 andrew.charlwood@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

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Decisions of the Constitution, Ethics and Probity Committee

30 June 2016

Members Present:-

AGENDA ITEM 1

Councillor Melvin Cohen (Vice-Chairman in the Chair)

Councillor Richard Cornelius	Councillor Dr Devra Kay
Councillor Anthony Finn	Councillor Ross Houston
(substituting for Councillor John Marshall)	Councillor Barry Rawlings
	Councillor Joan Scannell BEM

Apologies for Absence:

Councillor John Marshall

1. MINUTES OF LAST MEETING

Councillor Dr Devra Kay highlighted that an amendment to Section 7.1 of the Meetings Procedure Rule discussed and agreed by the Committee at the last meeting had not been included in the minutes. The Chairman advised Councillor Kay that he was proposing to move some amendments during the discussion on the Constitution Review report and that these amendments would give effect to the change omitted from the minutes of the last meeting.

RESOLVED that the minutes of the special meeting held on 9 May 2016 be approved as a correct record.

2. ABSENCE OF MEMBERS

An apology for absence had been received from Councillor John Marshall who was substituted for by Councillor Anthony Finn.

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

There were none.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS ITEMS (IF ANY)

None.

7. CONSTITUTION REVIEW

The Committee considered the Constitution Review report which sought approval of revisions to the Constitution following the review of elements which require updating and review.

The Chairman advised the Committee that he wished to move additional amendments to sections 7.1 and 7.3 of the Meetings Procedure Rules and section 7.4 of the Members Planning Code of Practice. Copies of the proposed amendments had been circulated to the Committee.

In relation to the proposed amendment to section 7.3 of the Meetings Procedure Rules, the Committee noted that the wording that was proposed to be deleted had originally been inserted to mitigate against the risk of new information which may constitute a material planning consideration being tabled at planning committee meetings. Members highlighted that people making representations at planning committees often brought information to illustrate the points that they had made in written representations and the Committee agreed that this was acceptable and the practice should continue. The Chairman advised the Committee that, on balance, he considered it better to delete the new text relating to new information and instead request that planning, legal and governance officers supporting planning committees be issued guidance to ensure that new information was dealt with consistently:

- If the information illustrates a point made in their written representations (e.g. photos) this is acceptable;
- If the information introduces new technical information which requires assessment by the planning department, the officers supporting the committee may recommend that the application be deferred; or
- If the information introduces new information which requires consideration but may not be sufficient to warrant a deferral, officers may recommend that the meeting be adjourned for a time to enable the information to be considered prior to determining a course of action

RESOLVED that:

1. **The Committee recommend to Council a change to Meeting Procedure Rule 7.1 to delete the following wording "...has been made before the expiry of the consultation period, and where the relevant Senior Planning Officer agrees..." and replace reference to "...an Area Planning Committee..." with "...the relevant Planning Committee..." with the revised section 7.1 to read as follows:**

"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."

2. The Committee recommend to Council a change to Meeting Procedure Rule 7.3 to delete the following wording “...No new information may be submitted by applicants and/or their representatives or objectors. The only information that will be considered is information which helps to explain a point that the person wishes to refer to in order to explain their position to the committee. Any such information must be limited to one side of A4.”

3. The Committee recommend to Council a change to Section 7.4 of Members’ Planning Code of Practice to add the word “...private...” between “No...” and “...meeting...” and add the wording “...involving a member or substitute member of the main planning committee or area planning committees...” after “...meeting...” and before “...shall...” with the revised section 7.4 to read:

“No private meeting involving a member or substitute member of the main planning committee or area planning committees shall be convened without the presence of a Council planning officer for the entire duration of the meeting.”

4. 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 C.

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	Contract Procedure Rules	Page 9	In section 1.2 which relates to failure to comply with the Contract Procedure Rules, the Rules refer to the post of ‘Chief Internal Auditor’. This post does not exist in the council’s management structure and consequently the post title needs to be updated.	Agreed as per report
2	Contract Procedure Rules	Page 9	Update required to include recently introduced regulations.	Agreed as per report
3	Contract Procedure Rules	Page 22	Addition of wording to clarify responsibilities relating to the maintenance of a contract register	Agreed as per report
4	Contract Procedure Rules	Page 22	Insertion of a new section 6.2 relating to Concession Contracts value calculation.	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
5	Contract Procedure Rules	Page 23	Requirement to correct contract value (to ensure clarity in the presentation and consistency of figures in the CPRs) and insertion of SMEs (Small Medium Size Enterprises)	Agreed as per report
6	Contract Procedure Rules	Page 24	Requirement to update procurement threshold.	Agreed as per report
7	Contract Procedure Rules	Page 25	New section required to ensure that the Rules are compliant with the Concession Contracts Regulations 2016.	Agreed as per report
8	Contract Procedure Rules	Page 26	Ensure that the Rules are compliant with Information Management requirements.	Agreed as per report
9	Contract Procedure Rules	Page 27	Update section 12.2 to correct wording.	Agreed as per report
10	Contract Procedure Rules	Page 31	Create a new section 17.6 to include references to Concession Contracts.	Agreed as per report
11	Contract Procedure Rules	Page 32	Clarify requirement to ensure that consideration is given to local suppliers for minor contracts.	Agreed as per report
12	Contract Procedure Rules	Pages 32 – 33	Inclusion of new wording to include the government definition of an SME.	Agreed as per report
13	Contract Procedure Rules	Pages 34 – 35	Inclusion of a new column to refer to supplier notification method and contract.	Agreed as per report
14	Meetings Procedure Rules	Page 42	To ensure that officer responsibilities relating to speakers at planning committees are correctly reflected in the Meetings Procedure Rules a change is proposed to remove reference to Governance Officer and replace with Planning Case Officer to reflect current	Agreed as per report

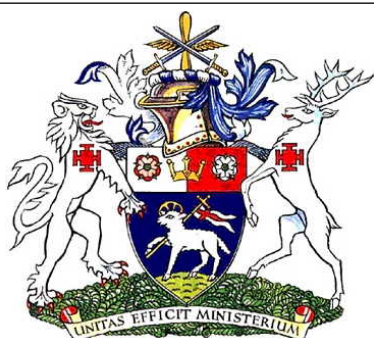
No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			responsibilities and practice.	
15	Meetings Procedure Rules	Page 42	Planning committee procedures require a minor amendment to clarify that when more than two requests (rather than three as currently drafted) the speakers should decide amongst themselves who will address the committee.	Agreed as per report
16	Meetings Procedure Rules	Page 43	Following the changes made to Planning Committee Procedure Rules in May 2016, there is a requirement to introduce arrangements to enable the transfer of speaking rights in the event that an application is referred to the parent committee or deferred.	Agreed as per report
17	Responsibility for Functions, Annex A	Pages 53 – 54	<p>In relation to the Local Plan and associated planning policy documents, the current wording in the Constitution does not define Local Plan related documents. There is a lack of clarity about which documents should be approved and adopted by committees (either the Policy & Resources Committee or Planning Committee) and which ones should be approved by committee prior to a decision being taken by full Council.</p> <p>The proposed changes clarify Local Plan and related documents.</p> <p>The changes clarify that emerging Development Plan Documents should be approved by Policy & Resources and at what stages they should be referred to Council for decision.</p> <p>Likewise with Neighbourhood</p>	Agreed as per report subject to the amendment of all references to 'approved' or 'adoption' throughout the whole of Responsibility for Functions, Annex A being replaced with 'considered for approval and adoption'

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			<p>Plans. They should only be referred to Council for adoption.</p> <p>For Development Plan Documents the Council is required to approve submission to the Secretary of State and adoption by the Council.</p> <p>For Neighbourhood Plans the Council is required to approve adoption</p>	
18	Responsibility for Functions, Annex A	Page 71	<p>The Planning Committee has a clear role in designating neighbourhood areas and neighbourhood forums. The Committee should also consider other elements of neighbourhood planning such as emerging Neighbourhood Development Orders and Community Right to Build Orders. The current wording is vague on how Planning Committee considers Neighbourhood Development Orders and Community Right to Build Orders.</p>	<p>Agreed as per, report subject to the amendment of reference to 'approved' or 'adoption' being replaced with 'considered for approval and adoption'</p>

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

None.

The meeting finished at 7.25 pm



Constitution, Ethics and Probity Committee

16 November 2016

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

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 421">Signatures</th> <th data-bbox="1630 379 2123 421">Forum and Procedure</th> </tr> </thead> <tbody> <tr> <td data-bbox="1218 421 1630 494">0-24</td> <td data-bbox="1630 421 2123 494">No action required.</td> </tr> <tr> <td data-bbox="1218 494 1630 1353">25 – 1,999 Signatures</td> <td data-bbox="1630 494 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:</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>

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
			<p>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.</p>	
17	<p>Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards</p>	<p>Terms of Reference of the Local Pension Board and Pension Fund Committee</p>	<p>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>	<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>

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 against the Electoral Register."

7.27.6 A pPetitions 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.

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

<u>Signatures</u>	<u>Forum and Procedure</u>
<u>0-24</u>	<u>No action required.</u>
<u>25 – 1,999 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 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</u>

	<u>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>

7.11 Petitions are required to be received seven clear working days (or 10 calendar days) before the Residents Forum, relevant committee meeting or Full Council.

7.12 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-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" data-bbox="416 972 1046 2067"> <tbody> <tr> <td data-bbox="416 972 746 1137"> <ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement </td> <td data-bbox="746 972 1046 1137"> <ul style="list-style-type: none"> • Strategic Partnerships </td> </tr> <tr> <td data-bbox="416 1137 746 1303"> <ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion </td> <td data-bbox="746 1137 1046 1303"> <ul style="list-style-type: none"> • </td> </tr> <tr> <td data-bbox="416 1303 746 1469"> <ul style="list-style-type: none"> • Internal Transformation programmes </td> <td data-bbox="746 1303 1046 1469"> <ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery </td> </tr> <tr> <td data-bbox="416 1469 746 1527"> <ul style="list-style-type: none"> • Write off of debt </td> <td data-bbox="746 1469 1046 1527"> <ul style="list-style-type: none"> • Insurance </td> </tr> <tr> <td data-bbox="416 1527 746 1653"> <ul style="list-style-type: none"> • Treasury Management Strategy </td> <td data-bbox="746 1527 1046 1653"> <ul style="list-style-type: none"> • Information Technology provision </td> </tr> <tr> <td data-bbox="416 1653 746 1908"> <ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes </td> <td data-bbox="746 1653 1046 1908"> <ul style="list-style-type: none"> • Mayoralty budget </td> </tr> <tr> <td data-bbox="416 1908 746 2067"> <ul style="list-style-type: none"> • Corporate Procurement (including agreement of the </td> <td data-bbox="746 1908 1046 2067"> <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>
<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"> • 															
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<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>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 	
<ul style="list-style-type: none"> • Risk Management 	<ul style="list-style-type: none"> • Treasury Management Performance 			
<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>		

Committee	<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>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>(12) 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>															
<p>Environment Committee</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 1032 1051 2076"> <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 1051 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 1051 1294"> <ul style="list-style-type: none"> Street Lighting </td> </tr> <tr> <td data-bbox="438 1294 738 1680"> <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 1051 1680"> <ul style="list-style-type: none"> Refuse and recycling </td> </tr> <tr> <td data-bbox="438 1680 738 1774"> <ul style="list-style-type: none"> Street Cleaning </td> <td data-bbox="738 1680 1051 1774"> <ul style="list-style-type: none"> Waste Minimisation </td> </tr> <tr> <td data-bbox="438 1774 738 1883"> <ul style="list-style-type: none"> Waterways </td> <td data-bbox="738 1774 1051 1883"> <ul style="list-style-type: none"> Allotments </td> </tr> <tr> <td data-bbox="438 1883 738 2027"> <ul style="list-style-type: none"> Parks and Open Spaces </td> <td data-bbox="738 1883 1051 2027"> <ul style="list-style-type: none"> Fleet Management </td> </tr> <tr> <td data-bbox="438 2027 738 2076"> <ul style="list-style-type: none"> Trees </td> <td data-bbox="738 2027 1051 2076"> <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>

- Pension Administration Strategy
- Communication Policy Statement

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).

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)

To receive and consider approval of the Pension Fund Annual Report.

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.

To appoint independent investment advisors.

To appoint Pension Fund investment managers.

To appoint Pension Fund actuaries.

To appoint a performance management company.

To appoint custodians.

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>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	<p>(1) To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies.</p> <p>(2) To agree a Health and 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.</p> <p>(3) To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social 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.</p>	<p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Three Members of the Council</p> <p>Director of Public Health, Barnet and Harrow</p> <p>Commissioning Director for Children & Young People</p> <p>Commissioning Director for Adults & Health</p> <p>Barnet Clinical Commissioning Group-Board members x 3</p> <p>Barnet Clinical Commissioning Group-Chief Officer</p> <p>Barnet Healthwatch representative</p> <p>Independent Chair of the Adults and Children's</p>

	<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> <ol style="list-style-type: none"> 3. To receive, consider and respond to reports, matters of concern, and consultations from the NHS Barnet, Health and Wellbeing Board, Health Watch and/or other health bodies. 4. To scrutinise and review promotion of effective partnerships between health and social care, and other health partnerships in the public, private and voluntary sectors. 5. Both Council and the Health Overview and Scrutiny Committee are authorized pursuant to Regulation 30 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 to establish together with the health overview and scrutiny committees of one or more other local authorities a joint overview and scrutiny committee. Any such joint overview and scrutiny committee shall have such terms of reference and shall exist for so long, as the appointing Overview and Scrutiny Committees may agree. 6. Appointment of Members to any such Committees established can only be made by Full Council. 	
Urgency Committee	To consider any item of business which needs a decision as a matter of urgency and where a meeting of the relevant Committee is not scheduled to take place within the time period within which the decision is required.	3 Appointed by Council.
Residents Forums <u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards. <u>Hendon Residents Forum</u> Hale, Edgware,	<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