

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 30TH JANUARY, 2018 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

A G E N D A



ASSURANCE GROUP

To view agenda papers go to: <http://barnet.moderngov.co.uk/ieListMeetings.aspx?Committeeld=162>

Agenda and Timetable
Tuesday 30th January, 2018

Item	Subject	Timing	Page Nos
	Part 1 - Statutory formalities/Announcements (15 minutes)	7.00pm – 7.15pm	
1.	Apologies for absence		
2.	Elect a Member to preside if the Mayor is absent		
3.	Prayer		
4.	Declarations of Interest		
5.	Minutes of the last meetings		5 - 16
6.	Official announcements		
7.	Any business remaining from last meeting		
	Part 2 - Question Time (30 minutes)	7.15pm – 7.45pm	
8.	Questions to the Leader (and Committee Chairmen if he/she has delegated)		
	Part 3 - Statutory Council Business (60 minutes)	7.45pm – 8.45pm	
9.	Petitions for Debate (20 minutes)		
10.	Reports from the Leader		
11.	Reports from Committees		
11.1	Report of the Constitution Ethics and Probity Committee - Constitution Review		17 - 140
11.2	Report of General Functions Committee - Approval of the Annual Pay Policy Statement		141 - 158

12.	Reports of Officers		
12.1	Report of Director of Finance - London Boroughs Grants Scheme		159 - 166
12.2	Report of the Head of Governance		167 - 174
13.	Questions to Council Representatives on Outside Bodies		
	Break (15 minutes)	8.45pm – 9.00pm	
	Part 4 – Business for Debate (45 minutes)	9.00pm – 9.45pm	
14.	Motions (45 minutes)		
14.1	Administration Motion in the name of Councillor Brian Gordon - Teaching, faith schools		175 - 176
14.2	Administration Motion in the name of Councillor Reuben Thompstone - Anti-Bullying Charter: How our schools can help		177 - 178
14.3	Administration Motion in the name of Councillor Melvin Cohen - The Mayor's Draft London Plan is bad for Barnet and bad for London		179 - 180
14.4	Administration Motion in the name of Councillor David Longstaff - Council condemns Labour's decision to close Barnet Police Station		181 - 182
14.5	Opposition Motion in the name of Councillor Barry Rawlings - Public services and outsourcing		183 - 184
14.6	Opposition Motion in the name of Councillor Kath McGuirk - North Finchley Crown Post Office		185 - 186
14.7	Opposition Motion in the name of Cllr Phil Cohen - Working with Thrive LDN to improve mental health in Barnet		187 - 188

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. **If you wish to let us know in advance that you will be attending the meeting, please telephone Kirstin Lambert on 020 8359 2177 (direct line).**

People with hearing difficulties who have a text phone, may telephone our Minicom number on 020 8203 8942.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BG, on 12 December 2017

AGENDA ITEM 5

The Worshipful the Mayor (Councillor Brian Salinger)
The Deputy Mayor (Councillor Val Duschinsky)

Councillors:

Maureen Braun	Ross Houston	Sachin Rajput
Jess Brayne	Anne Hutton	Barry Rawlings
Alison Cornelius	Andreas Ioannidis	Hugh Rayner
Rebecca Challice	Sury Khatri	Tim Roberts
Pauline Coakley Webb	Kathy Levine	Gabriel Rozenberg
Dean Cohen	David Longstaff	Lisa Rutter
Jack Cohen	Kitty Lyons	Shimon Ryde
Melvin Cohen	John Marshall	Gill Sargeant
Philip Cohen	Kath McGuirk	Joan Scannell
Geof Cooke	Arjun Mittra	Alan Schneiderman
Richard Cornelius	Alison Moore	Mark Shooter
Tom Davey	Ammar Naqvi	Agnes Slocombe
Paul Edwards	Nagus Narenthira	Stephen Sowerby
Claire Farrier	Graham Old	Caroline Stock
Anthony Finn	Charlie O-Macauley	Daniel Thomas
Brian Gordon	Alon Or-Bach	Reuben Thompstone
Eva Greenspan	Reema Patel	Jim Tierney
Rohit Grover	Bridget Perry	Laurie Williams
Helena Hart	Wendy Prentice	Peter Zinkin
John Hart		Zakia Zubairi

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dr Devra Kay and Councillor Adam Langleben.

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

The Worshipful the Mayor was present.

3. PRAYER

Ms Ajantha Tennakoon of the Buddhist Faith was called upon by the Worshipful the Mayor to speak to Council and say prayers.

4. DECLARATIONS OF INTEREST

Councillor	Item	Interest declared
Cllr Arjun Mittra	14.1 Administration Motion in the name of Cllr Gabriel Rozenberg - Electric cars must not bypass local democracy	A non-pecuniary and non-prejudicial interest, as he is an employee of the GLA (Greater

		London Authority).
Cllr Sury Khatri	14.1 Administration Motion in the name of Cllr Gabriel Rozenberg - Electric cars must not bypass local democracy	A non-pecuniary and non-prejudicial interest, as he is the driver of a hybrid vehicle.
Cllr Jack Cohen	14.3 Opposition Motion in the name of Cllr Barry Rawlings - Preventing the proliferation and clustering of betting shops in Barnet	A non-pecuniary and non-prejudicial interest, as he has a dormant online betting account.

5. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 31 October 2017 were agreed as a correct record.

6. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor thanked Ms Ajantha Tennakoon of the Buddhist Faith for her words and prayer.

The Worshipful the Mayor thanked Rabbi Overlander for leading the lighting of the Hanukkah lights ceremony, which had taken place outside the Town Hall immediately before the meeting.

The Worshipful the Mayor wished everyone a Happy Christmas, Happy Hanukkah and a Happy New Year.

The Worshipful the Mayor outlined that he recently wrote to Buckingham Palace on behalf of the Council to congratulate HM the Queen and His Majesty the Duke of Edinburgh on their 70th wedding anniversary. He noted the response from David Ryan, Director of Private Secretaries Office which he read as follows:

“The Queen and the Duke of Edinburgh would like to thank you and all concerned for your kind message of congratulations on the occasion of their 70th Wedding Anniversary. Her Majesty and his Royal Highness much appreciated your thoughtfulness in writing as you did and, in return, send their warm good wishes to you all”

The Worshipful the Mayor noted that he had also written to the Palace to extend the Council’s warm congratulations on the occasion of the engagement of HRH Prince Harry to his fiancée Meghan Markle, he stated that he had received a letter of thanks.

The Worshipful the Mayor announced that the Barnet Multi-Faith Forum recently received a Certificate of Recognition for Services to and for faith and belief communities in Greater London from the 3 Faith Forum’s Evening of Faith Recognition and Celebration. He stated that this was an event celebrating Unsung Heroes of London, supported by Her Majesty’s Lord – Lieutenant of Greater London’s Council of Faith, held at the Royal Society of Medicine.

The Worshipful the Mayor noted that this Celebration Barnet achieved: Unity in the Community our Festival of Faiths, which was held in May last year. He stated that there were also the following Award Winners from Barnet:- Community Focus (Creating Interfaith Spaces); Alyth (Reform Synagogue) Refugee Drop In; and the Larches Community (Improving Health and Wellbeing).

The Worshipful the Mayor also congratulated the Chandos Arms in Colindale for winning the Community Pub of the year award in the Great British Pub Awards for 2017.

The Worshipful the Mayor on behalf of all Members of the Council thanked all Council staff who worked so hard to ensure that the Council's roads and pavements were kept as clear as possible of the recent snow and ice.

The Worshipful the Mayor reminded all Members of the Council of Holocaust Memorial Day which is due to take place on Sunday 28 January 2018 at the Ricketts Quadrangle, Middlesex University, The Burroughs Hendon, NW4 4BT.

The Worshipful the Mayor announced with great sadness that Canon Louis Thomas died peacefully on Monday at Nazareth House, at the age of 100. Canon Louis Thomas had celebrated 70 years of priesthood in 2013. He stated that his first parish was at St Agnes, Cricklewood, and he was also previously the priest at Burnt Oak, at Holy Redeemer, Chelsea, St Mary's, Chelsea, St Mary Moorfields, St Mary and St Joseph's in Poplar, and then St Philip the Apostle's in Finchley Church End, where he was the parish priest for 29 years until retiring in 1993.

7. ANY BUSINESS REMAINING FROM LAST MEETING

There was none.

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

Answers to the questions submitted were provided as a supplementary paper to the agenda.

Supplementary questions were then asked and answered within the allotted time given for the item.

9. PETITIONS FOR DEBATE (20 MINUTES)

None.

10. REPORTS FROM THE LEADER

None.

11. REPORTS FROM COMMITTEES

None.

12. REPORT OF STRATEGIC DIRECTOR FOR ENVIRONMENT - LONDON COUNCILS AGREEMENT

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

On the recommendations in the report being put to the vote the recommendations were unanimously agreed.

1. **RESOLVED that: Council approve the amendments to the London Council's Technical and Environment Committee Governing Agreement dated 13th December 2001 (as amended) and agree the delegation of the Council's functions to the London Council's Transport and Environment Committee as set out in Appendix A.**
2. **Council delegated authority the Strategic Director for Environment to sign and send an engrossed copy of the amendment to the London Council Technology and Environment Committee Agreement as set out in Appendix A.**

12.2 **REPORT OF DIRECTOR OF RESOURCES - LONDON BUSINESS RATES POOLING PILOT**

The Leader, Councillor Richard Cornelius, Chairman of the Policy and Resources Committee, moved reception and adoption of the recommendations in the report. Debate ensued.

On the recommendations in the report being put to the vote the recommendations were unanimously agreed.

RESOLVED that:

1. **Council agree and accept the designation by the Secretary of State as an authority within London Business Rates Pilot Pool pursuant to 34(7)(1) of Schedule 7B Local Government Finance Act 1988.**
2. **Council agree to participate in the London Business Rates Pilot Pool with effect from 1 April 2018 to 31 March 2019.**
3. **Council delegate the authority's administrative functions as a billing authority pursuant to the Non-Domestic Rating (Rates Retention) Regulations 2013 to the City of London Corporation ("COLC") acting as the Lead Authority.**
4. **Council authorise the Lead Authority to sub-contract certain ancillary administrative functions (regarding the financial transactions such as payment of tariffs and top-ups within the Pool to the GLA as it considers expedient).**
5. **Council agree to delegate authority to the Deputy Chief Executive, in consultation with the Chairman of the Policy and Resources Committee and agreed the operational details of the pooling arrangements with the participating authorities.**
6. **Council agree to enter into such Memorandum of Understanding with the participating authorities as may be necessary to implement and/or regulate the pool and to delegate authority to the Deputy Chief Executive to**

negotiate, finalise and execute the same on behalf of Barnet council Operation of the Pool.

7. Council authorise the Deputy Chief Executive to represent the authority in relation to consultations regarding the London Business Rates Pilot Pool as may be undertaken by the Lead Authority pursuant to the Memorandum of Understanding.
8. Council delegate to the Deputy Chief Executive the authority to consider such consultative reports as the Lead Authority may circulate and to respond on behalf of the authority with regard to any recommendations and in particular, proposals for projects to be approved for funding from the Strategic Investment Pot.
9. Council delegate to the Lead Authority the functions of assessment, due consultation and approval of projects eligible for funding from the Pool's Strategic Investment Pot following consultation with the participating authorities (provided that at least two thirds of such participating London Boroughs are (including the City of London Corporation) in favour of the relevant recommendation as well as the Mayor of London, and that no entire sub-region is in disagreement with the decision) on such terms and conditions as shall ensure value for money and compliance with the law

12.3 REPORT OF HEAD OF GOVERNANCE

The Head of Governance introduced the report. In relation to Appendix A (Calendar of Meetings) he reported the following changes:

- Chipping Barnet Area Committee had moved from 5 February 2018 to 19 February 2018
- Chipping Barnet Residents Forum had moved from 23 January 2017 to 24 January 2017
- Performance and Contract Management on 16 January 2018 had been cancelled

RESOLVED that Council agree the Calendar of Meetings (December 2017 to May 2019) as set out in Appendix A, subject to the changes set out above.

13. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

None.

14. MOTIONS

14.1 ADMINISTRATION MOTION IN THE NAME OF CLLR GABRIEL ROZENBERG - ELECTRIC CARS MUST NOT BYPASS LOCAL DEMOCRACY

Councillor Gabriel Rozenberg moved the motion in his name. Councillor Alan Schneiderman moved the amendment in his name. Debate ensued.

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

Votes were recorded as follows:

For: 29

Against: 32
Abstain: 0
Absent: 2

The amendment was declared lost.

The motion in the name of Councillor Gabriel Rozenberg was then put to the vote and recorded as follows:

For: 33
Against: 0
Abstain: 28
Absent: 2

RESOLVED:

Council welcomes the Government's announcement that it will ban sales of new petrol and diesel powered vehicles by 2040. In Barnet, Conservatives have encouraged the shift to electric to electric power by introducing free parking for electric vehicles, additional CPZ charges on diesel vehicles, and eight electric charging points — with a further 50 being installed from early 2018.

Council notes that, while addressing the Environment, Food and Rural Affairs committee of the House of Commons on 23 November 2017, the Mayor of London called for permitted development powers to “speed up [the introduction of] charging points without going to [local council planning] committees who refuse permission because residents complained about rapid charging points.”

Council is disappointed by this apparent lack of faith in local councillors and the residents they represent. Bypassing local planning committees, and ignoring local ward members, is not the way to achieve a smooth transition to electric vehicles. Council therefore calls on the Leader of the Council to write to Mayor Khan to express its concern.

In accordance with Council Procedure Rule 17.9 The Worshipful the Mayor called for a vote on whether Council agreed to the debate of an additional motion. This was unanimously agreed. Councillor Scannell moved that the following Motion be debated and considered.

14.3 OPPOSITION MOTION IN THE NAME OF CLLR BARRY RAWLINGS - PREVENTING THE PROLIFERATION AND CLUSTERING OF BETTING SHOPS IN BARNET

Councillor Barry Rawlings moved the motion in his name. Councillor John Hart moved the amendment in his name. An amendment in the name of Councillor Zakia Zubairi was moved in her name. Debate ensued.

Both Councillor Melvin Cohen and Councillor Greenspan noted that they both wished to abstain from voting on the Motion.

Under Council Procedure Rule 10.9 Councillor John Marshall then moved "that the question be now put".

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

For: 25
Against: 2
Abstain: 34
Absent: 2

The amendment was declared carried.

The amendment in the name of Councillor Zakia Zubairi be was put to the vote. Votes were recorded as follows:

For: 29
Against: 28
Abstain: 4
Absent: 2

The amendment was declared carried.

The substantive motion was then put to the vote:

For: 37
Against: 1
Abstain: 23
Absent: 2

The substantive motion was declared carried.

RESOLVED:

Council note the recent planning application for a Paddy Power betting shop at The Edition development in Colindale, even though there is already another Paddy Power betting shop only a few minutes' walk away on the A5.

Council also note the two recent planning application hearings for this betting shop which resulted in the application being refused both times.

Council further note that an appeal may be lodged by Paddy Power to challenge the refusal.

Council is concerned that it is becoming increasingly difficult to prevent the proliferation and clustering of betting shops in the borough, despite the removal of permitted development rights for this type of business.

Council note that in July 2016 the Local Government Association referred to research conducted by Geofutures for the Responsible Gambling Trust, which found that rates of "problem gambling" were higher in areas with clusters of betting shops:

- Analysis of betting shop loyalty card holders shows that 28 per cent of those living within 400 metres of a cluster of betting shops are problem gamblers, compared with 22 per cent of those who don't live near them.
- Those living in areas with a higher number of bookmakers were also more likely to be problem or at-risk gamblers compared with those in areas with fewer betting shops. However, the increased risk of being a problem or at-risk gambler was greater among those living near a cluster of betting shops.
- This suggests that clusters themselves may be associated with particular risks.

Council therefore supports the Local Government Association's call for Government to introduce a 'cumulative impacts test' to enable councils to reject applications for new betting shops where there are already existing clusters of shops, and is disappointed that the Government has ruled out such a test in its recently published 'Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures'.

Council wishes to ensure the viability and vitality of Barnet's town centres, and supports local residents who oppose the proliferation and clustering of betting shops in our communities.

Council also notes the Government's intention to reduce the maximum stake for Fixed Odds Betting Terminals (FOBTs) - described as the 'cocaine of gambling' - from £100 to between £50 - £2, but believes this range does not go far enough.

Council continues to support the position that the maximum stake should be reduced to £2.

Council also supports calls by the LGA for greater restrictions on gambling advertising to help protect children from developing possible gambling problems as they grow older.

According to the LGA, the latest industry figures show that almost one in ten children aged 11-15 are now 'following' gambling companies on social media, and the second highest rates of problem gambling are in the 16-24 age category.

Council asks Officers to respond to the Government's consultation on behalf of LB Barnet, setting out Council's support for the maximum stake for FOBTs to be reduced to £2, and for the introduction of a 'cumulative impacts test' , and for greater restrictions on gambling advertising as proposed by the LGA.

In the meantime, Council asks the relevant committee to ensure LB Barnet as a planning authority has an up-to-date plan with robust and detailed policies in place in respect of the number and location of betting shops in Barnet.

14.2 ADMINISTRATION MOTION IN THE NAME OF CLLR SHIMON RYDE - PROTECT BARNET'S FAMILY HOMES

Councillor Shimon Ryde moved the motion in his name. Debate ensued.

The Motion in the name of Councillor Shimon Ryde was then put to the vote:

For: 59
Against: 0
Abstain: 2
Absent: 2

The motion was declared carried.

RESOLVED:

Council recognise that there is continued and strong demand for family sized homes in the London Borough of Barnet.

However, the conversion of small and medium sized family homes into flats, defined as 130 m² or less in original built size, is already beginning to threaten character of many neighbourhoods in the borough. One of the environmental impacts of this is the loss of front garden space to accommodate forecourt parking. Further, the conversion of small to medium sized family houses which are usually terraced and semi-detached properties can often lead to problems of noise disturbance to neighbouring properties, particularly those adjoins. For instance, a living-room or kitchen may be introduced at first-floor level which adjoins a bedroom in an attached house. For this reason, we should not normally favour the conversion of terraced or semi-detached houses.

Such conversions are often difficult to resist in planning terms. Council therefore believes that, as a Local Planning Authority, Barnet requires powers enabling it to take decisions mindful of the impact of the conversion. Council therefore instructs Officers to produce an evidence-led amendment in our Local Plan to retain adequate stock of family sized housing.

15. CHANGES TO MEMBERSHIP

Councillor Joan Scannell moved that Councillor Peter Zinkin replace Councillor Richard Cornelius as a substitute Member of the London Councils Transport and Environment Committee.

RESOLVED that Council agree that Councillor Peter Zinkin be appointed as the Council's substitute Member of the London Councils Transport and Environment Committee.

The meeting finished at 20:55

This page is intentionally left blank

Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BG, on 12 December 2017

The Worshipful the Mayor (Councillor Brian Salinger)

The Deputy Mayor (Councillor Val Duschinsky)

Councillors:

Maureen Braun	Ross Houston	Sachin Rajput
Jess Brayne	Anne Hutton	Barry Rawlings
Alison Cornelius	Andreas Ioannidis	Hugh Rayner
Rebecca Challice	Sury Khatri	Tim Roberts
Pauline Coakley Webb	Kathy Levine	Gabriel Rozenberg
Dean Cohen	David Longstaff	Lisa Rutter
Jack Cohen	Kitty Lyons	Shimon Ryde
Melvin Cohen	John Marshall	Gill Sargeant
Philip Cohen	Kath McGuirk	Joan Scannell
Geof Cooke	Arjun Mittra	Alan Schneiderman
Richard Cornelius	Alison Moore	Mark Shooter
Tom Davey	Ammar Naqvi	Agnes Slocombe
Paul Edwards	Nagus Narenthira	Stephen Sowerby
Claire Farrier	Graham Old	Caroline Stock
Anthony Finn	Charlie O-Macauley	Daniel Thomas
Brian Gordon	Alon Or-Bach	Reuben Thompstone
Eva Greenspan	Reema Patel	Jim Tierney
Rohit Grover	Bridget Perry	Laurie Williams
Helena Hart	Wendy Prentice	Peter Zinkin
John Hart		Zakia Zubairi

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dr Devra Kay and Councillor Adam Langleben.

2 DECLARATIONS OF INTEREST

Councillor	Item	Interest declared
Cllr John Marshal	Item 5. Motion in the names of the Leader of the Council, Councillor Richard Cornelius and the Leader of the Opposition, Councillor Barry Rawlings - Conferring the Honorary Freedom of the London Borough of Barnet	A non-pecuniary and non-prejudicial interest, as he is a season ticket holder.
Cllr Sury Khatri	Motion in the names of the Leader of the Council, Councillor Richard Cornelius and the Leader of the Opposition, Councillor Barry Rawlings - Conferring the Honorary Freedom of the London Borough of Barnet	A non-pecuniary and non-prejudicial interest, as he is a member of the Copthall Community Sports Group committee whose meetings are chaired by Saracens and held at Saracens Allianz Park.
Cllr Joan		A non-pecuniary and

Scrannel		non-prejudicial interest, as she is a member of the Fez Club, a season ticket holder and supporter of the club.
Cllr Caroline Stock		A non-pecuniary and non-prejudicial interest, as she has been working with the club in respect to her mayoral work with the golden kilometre.

3 REPORT OF THE MONITORING OFFICER

None.

4 MOTION IN THE NAMES OF THE LEADER OF THE COUNCIL, COUNCILLOR RICHARD CORNELIUS AND THE LEADER OF THE OPPOSITION, COUNCILLOR BARRY RAWLINGS - CONFERRING THE HONORARY FREEDOM OF THE LONDON BOROUGH OF BARNET

Councillors Richard Cornelius and Barry Rawlings moved the motion in their name. Debate ensued.

The Motion in the name of Councillors Richard Cornelius and Barry Rawlings was then put to the vote:

For: 60
 Against: 0
 Abstain: 1
 Absent: 2


The motion was declared carried.

RESOLVED:

In pursuance of Section 249 of the Local Government Act 1972, the Council of the London Borough of Barnet hereby do confer upon Saracens Rugby Football Club the Honorary Freedom of the London Borough of Barnet (being the most honourable award it is in the Council's privilege to bestow). This highest honour is to be granted in recognition of the club's sporting success and for the way in which Copthall stadium has been brought back into full use by the club and the community. The generous way in which Saracens have contributed to the common good is an example for all organisations, and the London Borough of Barnet celebrates their part in the continuing success of our borough.

In conferring the Honorary Freedom on Saracens Rugby Football Club, the Council is formally recording the high esteem in which it is held by the Council and the community and recognising its invaluable contribution to the life of the borough.

The meeting finished at 21:12

	<p>Council</p> <p>30 January 2018</p>
Title	<p>Report of the Constitution Ethics and Probity Committee – Constitution Review</p>
Report of	<p>Monitoring Officer and Chief Legal Advisor Head of Governance</p>
Wards	<p>All</p>
Status	<p>Public</p>
Enclosures	<p>Annex 1 – Report to Constitution Ethics and Probity Committee, 8 January 2018 Annex 1A – Decisions of the Special Constitution Ethics and Probity Committee, 8 January 2018 Appendix A – Members Planning Code Appendix B – Members Planning Code (Tracked) Appendix C – Members Licensing Code Appendix D – Members Licensing Code (Tracked) Appendix E – Access to Information Rules Appendix F – Access to Information Rules (Tracked) Appendix G – Code of Conduct for Member-Officer Relations Appendix H – Code of Conduct for Member-Officer Relations (Tracked) Appendix I – Code of Corporate Governance (Revised) Appendix J – Code of Corporate Governance (Current) Appendix K – HR Regulations Appendix L – HR Regulations (Tracked)</p>
Officer Contact Details	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

Summary

The Constitution, Ethics and Probity Committee at a meeting held on 8 January 2018 considered a report on the Constitution, reviewing various sections. Only Full Council may amend the Constitution and therefore Council are recommended to approve the various recommendations of the Committee that would alter the Constitution.

Recommendations

- 1. That Council approve the recommendations contained in the report from the Constitution Ethics & Probity Committee at Annexe 1A, and the track change versions attached at Appendix A to Appendix L.**
- 2. That the Monitoring Officer and Chief Legal Advisor be authorised to implement these revisions and publish a revised Constitution.**

1. WHY THIS REPORT IS NEEDED

- 1.1 As set out in the report attached at Annex 1.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the report attached at Annex 1.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Options were put forward to the Committee and the attached report reflects the options chosen (as amended by the Committee) for recommendation to Council following discussion and debate.

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 As set out in the report attached at Annex 1.

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

5.2.1 None.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Article 4 states that “The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework:....Adopting and changing the Constitution (unless delegated).”

5.3.2 Council Constitution, Article 7 states that the Constitution, Ethics and Probity Committee terms of reference includes to: “Keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.”.

5.3.3 Council Constitution, Article 9 states that “The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public”.

5.4 Risk Management

5.4.1 As set out in the report attached at Annex 1.

5.5 Equalities and Diversity

5.5.1 As set out in the report attached at Annex 1.


5.6 Consultation and Engagement

5.6.1 As set out in the report attached at Annex 1.

6. BACKGROUND PAPERS

6.1 As set out in the report attached at Annex 1.

This page is intentionally left blank

	<h2>Constitution, Ethics and Probity Committee</h2> <h3>8 January 2018</h3>
Title	Constitution Review
Report of	Monitoring Officer Head of Governance
Wards	N/A
Status	Public
Enclosures	Appendix A – Members Planning Code Appendix B – Members Planning Code (Tracked) Appendix C – Members Licensing Code Appendix D – Members Licensing Code (Tracked) Appendix E – Access to Information Rules Appendix F – Access to Information Rules (Tracked) Appendix G – Code of Conduct for Member-Officer Relations Appendix H – Code of Conduct for Member-Officer Relations (Tracked) Appendix I – Code of Corporate Governance (Revised) Appendix J – Code of Corporate Governance (Current) Appendix K – HR Regulations Appendix L – HR Regulations (Tracked) Appendix M – Financial Regulations Appendix N – Financial Regulations (Tracked) Appendix O – Contract Procedure Rules Appendix P – Contract Procedure Rules (Tracked)
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk
Summary	
<p>The Monitoring Officer has undertaken a review of the Constitution with the aim of to simplify it in plain English and in a way which avoids duplication and unnecessary complexity and detail. A special meeting of the Committee took place on 19 October 2017 and considered revised Articles. These were approved and subsequently adopted by Council on 31 October 2017. This report presents the revised Section 2 supporting documents for the committee to consider.</p>	

Recommendation
<p>That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the amended versions attached at Appendix A to Appendix P.</p>

1. WHY THIS REPORT IS NEEDED

Constitution Review

- 1.1 As reported to the Committee in June and October, the Monitoring Officer has undertaken a comprehensive review of the Constitution to simplify it and re-draft in plain English. The revised Articles were considered by the Committee and reported to Full Council in October.
- 1.2 Following the adoption of the revised Articles, the following part 2 supporting documents have now been revised and are enclosed for consideration:
- Members Planning Code
 - Members Licensing Code
 - Access to Information Rules
 - Code of Conduct for Member-Officer Relations
 - Code of Corporate Governance
 - HR Regulations
 - Financial Regulations
 - Contract Procedure Rules
- 1.3 In relation to the Financial Regulations and Contract Procedure Rules, officers from the service areas have provided a summary of the changes as set out in the table below. In relation to the other sections, the changes are as per the tracked changes documents enclosed as appendices.

No.	Section	Reference	Issue Identified	Changes Made
	Financial Administration		Section heading needs amending to include Systems and Procedures Additional section added to the Financial Regulations to cover Risk Management and Control of Resources	<p>International Standard on Auditing 260</p> <p>16. Treasury Management Framework legislation updated</p> <p>17. Pension Fund Management legislation updated</p> <p>18. Internal Audit, Corporate Anti-Fraud Team (CAFT) and Risk Management removed and added to new section within Financial Regulations</p> <p>19. Additional paragraph added under 'Income' stating that the Council will charge for all services, where allowable, and have charging policies in place</p> <p>20. Additional paragraph added under Invoicing and Debt Recovery regarding regular review of outstanding debts and credit note procedures</p> <p>21. Additional paragraph added under 'Investments, Borrowing, Capital Financing & Trust Accounts' stating the role of the Chief Finance officer with regards to investment</p> <p>22. Payments in Advance section updated to include notification of payments of £250,000 or over being made at Performance and Contract Management Committee</p> <p>23. Reference to the Director of HR being responsible for all payments to staff and for allowances to elected members added.</p> <p>24. 'Taxation' section added</p> <p>25. Added new paragraph regarding 'Internal Controls' and the requirements</p>

No.	Section	Reference	Issue Identified	Changes Made
	<p>NEW Risk Management and Control of Resources</p> <p>NEW Trading Accounts</p> <p>NEW External Arrangements</p>		<p>Risk Management and Control of Resources has been added</p> <p>Changes in the way that the Council is developing to a commissioning model need to be reflected therefore this section has been added</p> <p>Changes in the way that the Council enters into partnerships have been added</p>	<p>26. 'Internal Audit' section has been updated for legislation changes and further summarised</p> <p>27. 'Corporate Anti-Fraud Team' section has been summarised</p> <p>28. 'Risk Management' section has been amended to make reference to the Audit Committee reviewing the Risk Policy Statement</p> <p>29. 'External Audit' section added to lay out the requirements of the External Auditor</p> <p>30. References to trading accounts and accounting principles added</p> <p>31. Partnership working and the Council's involvement added</p> <p>32. Conduct and approvals of such partnerships have been added</p> <p>33. Partnership Budgets added</p> <p>34. 'External Funding' paragraph added</p> <p>35. 'Work for Third Parties' added</p> <p>36. 'Alternative Delivery Models' added covering Local Authority Trading Companies, Joint Ventures</p> <p>37. 'Transparency' added</p>

Contract Procedure Rules

No.	Section	Reference	Issue Identified	Changes Made
1	Contract Procedure Rules	See changes made	The Contract Procedure Rules have been reviewed and a number of amendments are proposed to remove unnecessary operational detail and complexity.	<ol style="list-style-type: none"> 1. Delete 'Introduction' section. 2. Amend 'Application' section to incorporate information removed from deleted 'Information Governance' and 'Contract Monitoring' sections making it clear that detail is within the Procurement Toolkit which must be adhered to. 3. Delete 'Regulation and Legislation' and 'Roles and Responsibilities' sections, moving detail to Procurement Toolkit and some to 'Application' section. 4. Amend proposed 2.1, 3.5 and 4.1 to clarify application of relevant legislation. 5. Amend phrasing in 'Procurement method' section to make clearer. 6. Amend 'Single Tender Action' section to make clear that procurement advice should be sought and to delete some detail. 7. Delete 'Information Governance' section and move detail to Procurement Toolkit (see point 2 above). 8. Amend 'Acceptance' and Contracts Signing and Sealing' sections to streamline and remove reference to Monitoring Officer. 9. Shorten 'Contract Monitoring' section and move detail to Procurement Toolkit (see point 2 above). 10. Amend 'Extensions and Variations' and 'Waivers' sections to clarify and simplify in line with legislation. 11. Update number references throughout. Reference throughout to Article 10 of the Constitution which now contains threshold information.

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 The Committee could retain the current Constitution un-amended. This is not recommended as the current structure and format of the Constitution requires review and updating to ensure that it is easy to understand and interpret.

4. POST DECISION IMPLEMENTATION

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Full Council on 30 January 2018 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 The currently adopted Constitution can be accessed here:
<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>

6.2 Full Council, 31 October 2017, Report of the Constitution, Ethics and Probity Committee, Constitution Review:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=9159&Ver=4>

Decisions of the Constitution, Ethics and Probity Committee

8 January 2018

Members Present:-

Councillor John Marshall (Chairman)

Councillor Richard Cornelius
Councillor Ross Houston

Councillor Alan Schneiderman (In place of
Councillor Barry Rawlings)
Councillor Peter Zinkin (In place of
Councillor Melvin Cohen)

Apologies for Absence:

Councillor Melvin Cohen
Councillor Dr Devra Kay

Councillor Barry Rawlings
Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the special meeting held on 19 October 2017 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

An apology for absence had been received from Councillor Melvin Cohen who had been substituted for by Councillor Peter Zinkin.

An apology for absence had been received from Councillor Barry Rawlings who had been substituted for by Councillor Alan Schneiderman.

Apologies for absence had been received from Councillor Dr Devra Kay and Councillor Joan Scannell.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER

None.

5. PUBLIC QUESTION AND COMMENTS

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. CONSTITUTION REVIEW

The Chairman reported that the Financial Regulations (Appendices M and N) and Contract Procedure Rules (Appendices O and P) had been withdrawn from the agenda and would be considered at the next scheduled meeting on 22 March 2018. The Head of Governance reported that the authorisation and acceptance thresholds set out in Table A of the Contract Procedure Rules had been updated to clarify reporting requirements and thresholds, and that financial limits were required to be updated to be compliant with the new EU Thresholds which had come into force on 1 January 2018. It was noted that these changes needed to be implemented immediately. The Committee therefore agreed that the Monitoring Officer could use his delegated authority to update the tables (as set out in pages 227 – 229 of the agenda) in Article 10 and the Contract Procedure Rules.

In relation to the Members Planning Code of Practice, the Committee requested that the Monitoring Officer provide revised wording for following sentence at the next scheduled meeting of the Committee: “13.5 The Chairman should ensure:...the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined.”

RESOLVED that the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in Appendix A to Appendix L subject to the following amendments:

1. **Members Planning Code – in section 13.5 bullet point 4, delete “meeting” and replace with “item”, amended wording to read:
13.5 The Chairman should ensure:...Residents and applicants understand that the late submission of evidence could lead to the deferral of the item and may not be permitted without agreement of all parties.**
2. **Members Licensing Code – delete section 3.2 and replace with the following:
“A Member with a pecuniary interest may not exercise a right to speak at Licencing Committee or Sub-Committee, but may, after declaring their interest, make written representations to officers.”**
3. **Add a new paragraph in section 3 (Political Neutrality of Officers) as follows:
“Information received by officers at these meetings may be shared with other officers as is necessary but should not be shared with Members of another Political Party unless this is agreed and necessary.”**
4. **Amend section 1 of the Access to Information Rules to delete “...will usually...” and add “Other than in emergency or other exceptional circumstances...” with the amended wording to read:
“Other than in emergency or other exceptional circumstances the Council will give at least five clear working days’ notice of any meeting by posting details of the meeting at Hendon Town Hall, The Burroughs, Hendon, NW4 4BG and on its website at <http://barnet.moderngov.co.uk/>”**

The meeting finished at 7.48 pm

Members' Planning Code

1 PURPOSE OF THIS CODE

- 1.1 This Planning Code has been prepared to guide Members and Officers in the discharge of the Council's statutory planning functions. This Code will also inform potential developers and the public generally of the high standards of ethical conduct expected of the Council in the exercise of its planning powers.
- 1.2 Members should abide by both this Planning Code and also the Code of Conduct for Members.
- 1.3 The provisions of this Planning Code are designed to ensure that planning decisions are taken on proper planning grounds in an open and transparent manner. The Planning Code is also designed to assist Members and Officers in dealing with approaches from property owners, developers and residents.
- 1.4 If Members have any doubts about the application of this Planning Code they should seek early advice preferably well before any meeting takes place from the Monitoring Officer.

2 CONTEXT

- 2.1 The planning process has the potential to deliver sustainable planned growth aspirations for the borough and planning decisions are often based on balancing competing interests (social, economic and environmental). Decision makers must make decisions in accordance with Local Plan policies unless material planning considerations indicate otherwise regardless of personal or political allegiances.
- 2.2 Planning decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public engagement as part of the decision-making process. It is important that the decision-making process is open and transparent.
- 2.3 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. Opposing views are often strongly held by those involved. Whilst Councillors who sit on planning committees must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. The expectation is that members who sit on planning committees will be fair and reasonable when making decisions.
- 2.4 The aim of this Code is therefore to ensure that the Council's processes are sound and that decisions are lawful, consistent and procedurally correct.

General roles of Councillors and officers

- 2.5 Councillors and officers have different but complementary roles. Both serve the public. Officers are responsible to the Council as a whole through the Chief Executive, whilst Members are responsible to the electorate.
- 2.6 Planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- 2.7 Planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Solicitors Regulation Authority. Officers in other professions will have corresponding codes.
- 2.8 Members must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a Councillor from asking questions or submitting views to an officer. These views, when received in written form, will be placed on the planning file and considered together with other material planning considerations.

3 MEMBER INTERESTS

- 3.1 It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a particular matter to be discussed at a Planning Committee he or she should raise this with the Monitoring Officer as soon as possible.
- 3.2 Where a Member has a pecuniary interest relating to an item under discussion, the Councillor may not participate in any discussion of the matter at the meeting or participate in any vote on the matter. There is no obligation for that Councillor to withdraw from the Chamber although this is advisable so that it is transparently clear that the Member concerned has not taken part in the determination of this particular item. This also means that a Councillor with a pecuniary interest is precluded from making representations orally to the committee, either as a Councillor or in a private capacity, and precluded from making representations on behalf of a party to the hearing.
- 3.3 A Councillor with a pecuniary interest can still present their views to the committee through other means:
 - make written Representations to officers; the existence and nature of the interest should be disclosed in such representations and the Councillor should not seek preferential consideration for their representations;
 - arrange for another Member to represent the views of the Councillor's constituents.

- 3.4 Conflicts of Interest: all Members must be seen as impartial; this may be a particular issue for Members who have in-borough property related business activity and who are more likely than others to be uncomfortable in the role of planning committee member by reason of the combined pressures of their private local business interests, the Ward Member advocate role, and the constraints of the planning system. Members with a property-related background may also give rise to a perception by residents that such Members are more likely to be in favour of the development even where they are determining cases completely impartially.
- 3.5 In order to minimise the risk to the Council and the Member concerned s/he should discuss any conflict of interest with the Monitoring Officer if they are nominated to a planning committee.

4 PREDISPOSITION, PREDETERMINATION AND BIAS

- 4.1 Planning Committee Members need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application, on planning policies or on other planning matters, such as enforcement. Avoidance of bias or predetermination or the appearance of bias or predetermination is a legal requirement that the decision maker must respect.
- 4.2 A distinction needs to be made between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a “closed mind” approach and likely to leave the committee’s decision susceptible to legal challenge by Judicial Review.
- 4.3 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the material considerations presented at the committee and keep an open mind before deciding on how to exercise their vote (predisposition). The latter is acceptable, the former is not and may result in a Court quashing such planning decisions.
- 4.4 The law provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 4.5 For example, a Councillor who states “Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee” will be perceived very differently from a Councillor who states: “Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area”. The former has a closed mind and is predetermined, whereas the latter is predisposed but still has an open mind.

- 4.6 A Planning Committee Member who has been lobbied and wishes to support their constituents or is a Ward Councillor and wishes to campaign for or against a proposal, will need to consider whether this is likely to be regarded as amounting to bias and going against the fair determination of the planning application. If they have predetermined the matter or have given that impression, they should avoid being part of the decision-making body for that application.
- 4.7 Participation as a Member in a Planning Committee where a Councillor is or may be perceived to be biased, in addition to the risk of a complaint against the individual Councillor, also places the decision of the Committee at risk from legal challenge. As such, if a Planning Committee Member considers that they are or have given the impression that they are biased or predetermined they must carefully consider whether it is appropriate for them to participate in the matter.
- 4.8 A Member should stand down from any agenda item where they have a relevant and current or recent private business or personal relationship and association with any applicant or applicant's representative. If in doubt about this Members should speak with the Monitoring Officer or his/her representative before any decision is made.

5 APPLICATIONS SUBMITTED BY THE COUNCIL, COUNCILLORS OR OFFICERS

Applications submitted by the Council

- 5.1 Proposals for the Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for a Council's own development will be treated no differently from any other application.
- 5.2 Certain Councillors may through their other roles outside of a Planning Committee, have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Committee the Councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer.
Applications submitted by Councillors or officers
- 5.3 It is perfectly legitimate for planning applications to be submitted by Councillors and officers. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination.
- 5.4 If a Councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing and/or determination. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing and/or its determination.
- 5.5 The 1APP planning application form requires an applicant to indicate whether they are a member of staff or an elected Member or a partner/spouse of a Member or Officer of the Council. Where decisions relate to applications made by Members of staff or an elected Member these should be reported to Committee where they relate to the following:

- Members of the Council
- Senior officers of the Council (Service Head and above)
- Officers of the Local Planning Authority.

5.6 The term “Officers of the Local Planning Authority” means officers within the Council who are closely involved in the day-to-day work of the Council’s planning function and include all external persons such as lawyers, contractors and advisors who work for the Local planning Authority.

6 LOBBYING

6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their Ward Councillor or to a Member of the Planning Committee.

6.2 As the Nolan Committee’s 1997 report stated: “It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves”.

6.3 Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.

6.4 A Planning Committee Member should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the Committee's decision making if they are asked to express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing. Planning Committee Members should ensure that it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant information during the sitting of the determining Committee.

6.5 Planning Committee Members should therefore:

- suggest to lobbyists that they write to the Planning Service in order that their views can be included in the officer reports prepared for determination under delegated powers or by Committee;
- pass on any lobbying correspondence received (including plans, data, correspondence in respect of an application) to the Planning Service as soon as practicably possible so that it can be taken into account and included in the report on the application;
- remember that their overriding duty is to the whole community not just to the residents and businesses within their ward and that they have a duty to make decisions impartially and should not improperly favour, or appear to improperly favour, any person, company, group or locality;

- not accept gifts or hospitality from any person involved in or affected by a planning proposal, but if a degree of hospitality is unavoidable (eg refreshments at a meeting), ensure that they comply with the provisions in the Members' Code of Conduct on gifts and hospitality and inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying.

7 PRE-APPLICATION DISCUSSIONS

- 7.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. If potential applicants seek to meet Planning Committee Members then any such pre-application meeting should be organised through officers.

8 POST-SUBMISSION DISCUSSIONS

- 8.1 A Planning Committee Member should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.
- 8.2 In limited circumstances Planning Committee Members may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers and run under the same procedural rules as pre-application discussions.
- 8.3 If a Planning Committee Member is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. A Planning Committee Member should report to the Chief Planning Officer any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them, so that it can be recorded on the planning file.
- 8.4 Planning Committee Members should not attend post-submission meetings that are not organised through officers.
- 8.5 Councillors should report any substantive discussion with applicants to the chief planning officer.

9 SITE VISITS

- 9.1 The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the planning application and which would not be apparent from the planning application to be considered by the Planning Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area. Discussions on site visits shall be confined to the application as currently submitted.
- 9.2 The Chairman (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit.
- 9.3 Under the Chairman's guidance the role of the Planning Officer attending the site visit will be to brief Members on the planning application relevant to the visit.
- 9.4 Officers shall ensure, where practical, that applicants and Members are invited to attend the visit and that they are able to view all key parts within or adjoining the site.
- 9.5 Whilst on site visits, Members of Planning Committee should not express an opinion on the planning application or its merits, and should avoid making comments or acting in a way which makes it clear beyond doubt that they have a completely closed mind, as this would amount to predetermination.
- 9.6 Members of the planning committee who were not present at a pre-arranged site visit should not seek to defer consideration of the planning application.
- 9.7 A site visit should not be arranged on the basis of exposing Members of the Planning Committee to local opinion but should be to explore the planning issues in the application.

10. PLANNING APPEALS

- 10.1 Appeals against the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Councillors are able to attend. Councillors are encouraged to attend such hearings, as they can be a good learning experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.
- 10.2 If a Councillor wishes to attend a public inquiry or informal hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the chief planning officers to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge.

- 10.3 Where the Planning Committee or an Area Planning Committee refuses an application against the officer's recommendation one Member of the Committee should attend any appeal on behalf of the Council and other Members may attend as observers if they so wish. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision with such assistance from the nominated Committee Member as may be required. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.
- 10.4 Where the decision of planning committee members is contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

11 PLANNING ENFORCEMENT

- 11.1 Councillors should bring to the attention of the Planning Service suspected breaches of planning law so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the chief planning officer.

12 COUNCILLOR TRAINING

- 12.1 All new Members, newly appointed Chairmen and returning Members of the Council's Planning Committees must attend annual induction or refresher training at the earliest date possible and ideally before the first committee meeting. Other Members are encouraged to attend the training so that they can ensure that they keep up-to-date on these matters.

13 MEETINGS OF THE PLANNING COMMITTEE

- 13.1 No material revision to any planning application submitted by the applicant which might lead to a change in the officer recommendation shall be considered at Planning Committee unless it has been submitted at least 14 clear days before the relevant Planning Committee meeting, and has been the subject of a written report prepared by the planning department and any necessary public consultation has taken place.
- 13.2 If the Planning Committee seeks to make a decision contrary to the planning officer's recommendation an agreed procedure will be followed. The Courts have expressed the view that the planning reasons for the contrary decision should be clearly recorded which means that members may be required to openly state in the meeting as to how and why they reached a contrary view.

13.3 Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chairman prior to dealing with the next agenda item.

13.4 The Chairman should ensure:

- Members' comments at Committee only relate to the planning merits of the application before them;
- reference at Committee to non-planning issues by the public / Members are discouraged;
- the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined;
- Residents and applicants understand that the late submission of evidence could lead to the deferral of the item and may not be permitted without agreement of all parties.

This page is intentionally left blank

Members' Planning Code of Good Practice

Contents

- 1— Introduction
- 2— Role and conduct of Councillors and officers
- 3— Interests: Registration and Disclosure
- 4— Predisposition, predetermination and bias
- 5— Applications submitted by the Council, Councillors or officers
- 6— Lobbying of and by Councillors
- 7— Pre-application discussions
- 8— Post-submission discussions
- 9— Planning appeals
- 10— Planning enforcement
- 11— Councillor training
- 12— Amendments/Variation

Introduction

- 1.1— This Code has been prepared using advice in the Local Government Association's revised guidance note on good planning practice for Members and officers dealing with planning matters — Probity in Planning for Councillors and Officers (November 2013).

Key purpose of planning

- 1.2— Planning has a positive and proactive role to play at the heart of local government in the London Borough of Barnet. It helps the Council to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs of the residents of Barnet to achieve sustainable development.
- 1.3— The planning system works best when Councillors and officers involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.

1 PURPOSE OF THIS CODE

- 1.1 This Planning Code has been prepared to guide Members and Officers in the discharge of the Council's statutory planning functions. This Code will also inform potential developers and the public generally of the high standards of ethical conduct expected of adopted by the Council in the exercise of its planning powers.
- 1.2 The Planning Code is in addition to Members should abide by both this Planning Code and also the -Barnet's Code of Conduct for Members.
- 1.3 The provisions of this Planning Code are designed to ensure that planning decisions are taken on proper planning grounds and, are applied in an consistent and open and transparent manner. -and that Members and Officers making such decisions are held accountable for those decisions. The Planning Code is also designed to assist Members and Officers in dealing with approaches from property owners, developers and residents..

1.4 If Members have any doubts about the application of this Planning Code they should seek early advice preferably well before any meeting takes place from the Monitoring Officer.

2 CONTEXT

~~4.42.1 The planning process has the potential to deliver sustainable planned growth aspirations for the borough and P~~planning decisions are often based on balancing competing interests (social, economic and environmental), ~~and making an informed judgement againstin the context of a local and national planning policy framework.~~ Decision makers ~~need to~~must make decisions fair and open in accordance with Local Plan policies unless material planning considerations indicate otherwise decisions that are in the wider public interest on what can be controversial proposals regardless of personal or political allegiances.

~~1.5 In today's place-shaping context, early Councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the places that communities need. This guidance is intended to reinforce Councillors' community engagement roles whilst maintaining good standards of probity that minimizes the risk of legal challenges.~~

~~4.62.2~~ Planning decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public ~~consultation~~opinion before taking engagement as part of the decisions-making process and the legal nature of the developmentlocal plan and planning decision notices. ~~Nevertheless, it~~ is important that the decision-making process is open and transparent.

~~4.72.3~~ One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. ~~In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings.~~ Opposing views are often strongly held by those involved. Whilst Councillors who sit on planning committees must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. The expectation is that members who sit on planning committees will be fair and reasonable when making decisions.~~Barnet Council recognises the importance of makinge planning decisions affecting these interests in an open and impartial way, with sound judgement and for justifiable reasons.~~

~~4.82.4~~ The aim of this Code is therefore to ensure that the Council's processes are sound will make sure that those participating in the decision are unbiased and that the decisions are itself is lawful, rationalconsistent and procedurally correct.

When the Code applies

- 1.9— This code applies to Councillors at all times when they are involved in the planning process. This includes, where applicable, when part of decision making meetings of the Council, in exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications. If you have any doubts about the application of this Code to your own circumstances you should seek advice early, and preferably well before any meeting takes place, from the Monitoring Officer.
- 1.10— In this Code when the term “Councillor” or “Member” is used it means that the advice is applicable to all Members of the Council. The term “Planning Committee Member” means a Member or a substitute Member of any of the Council’s Planning Committees.

Relationship to the Members’ Code of Conduct

Councillors are reminded that this Code is designed primarily for Members of the Council’s Planning Committees and Councillors who, for whatever reason, find themselves involved in the planning process. Whilst this Code interprets the Members’ Code of Conduct with respect to planning matters it is subordinate to the Members’ Code of Conduct and, in the event of any inconsistencies arising between this Code and the Members’ Code of Conduct, the Members’ Code of Conduct shall prevail.

General roles of Councillors and officers

- 1.112.5 Councillors and officers have different but complementary roles. Both serve the public. Officers are responsible to the Council as a whole through the Chief Executive, whilst Members are responsible to the electorate.
- 1.12— Officers are not appointed to serve any political group and therefore advise all Members and the Council. Officers carry out the daily functions of the Council’s business in accordance with Council or Committee decisions or under powers delegated to them pursuant to the Constitution. Officers are governed by the Officers Code of Conduct contained in the Constitution. In addition, planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Solicitors Regulation Authority. Officers in other professions will have corresponding codes.
- 1.13— The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a code of conduct. The Members Code of Conduct in the Constitution is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It embraces the standards central to the preservation of an ethical approach to council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff and the public. The Council’s standing orders set down rules which govern the conduct of Council business.

Relationship between Councillors and officers

~~1.14 Mutual trust, respect and understanding between Councillors and officers are the keys to achieving effective local government. A successful relationship can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust that underpins it, must never be abused or compromised.~~

~~1.152.6~~ Planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

~~2.7 Planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Solicitors Regulation Authority. Officers in other professions will have corresponding codes.~~

~~1.162.8~~ Members must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a Councillor from asking questions or submitting views to an officer. These views, when received in written form, will be placed on the planning file and considered together with other material planning considerations.

23 MEMBER INTERESTS: REGISTRATION AND DISCLOSURE

~~2.1 A Councillor should refer to the Members' Code of Conduct for assistance in identifying Disclosable Pecuniary Interests or any Other Interests or seek advice from the Monitoring Officer prior to attending a meeting. A failure to properly register a Disclosable Pecuniary Interest or to participate in discussion or voting in a meeting on a matter in which a Councillor or co-opted Member has a Disclosable Pecuniary Interest, are criminal offences. Ultimately, responsibility for fulfilling the requirements rests with each Councillor.~~

~~2.2 The provisions of the 2011 Act seek to separate interests arising from the personal and private interests of the Councillor from those arising from the Councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the Councillor's involvement would be appropriate.~~

Registration of interests

~~2.3 A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes.~~

Disclosure of interests

3.1 It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a particular matter to be discussed at a Planning Committee he or she should raise this with the Monitoring Officer as soon as possible.

~~2.4 If a Councillor has a Non-Disclosable Pecuniary Interest or a Non-Pecuniary Interest, he or she should disclose that interest orally at the committee meeting when it relates to an item under discussion, but then may speak and vote on that particular item. This includes being a member of an outside body; mere membership of another body does not constitute an interest requiring such a prohibition.~~

3.2 Where a Member has a **Disclosable** pecuniary interest relating to an item under discussion, the Councillor may not participate ~~(or participate further)~~ in any discussion of the matter at the meeting or participate in any vote ~~(or further vote)~~ on the matter. There is no obligation for that Councillor to withdraw from the Chamber although this is advisable so that it is transparently clear that the Member concerned has not taken part in the determination of this particular item. This also means that a Councillor with a **Disclosable** pecuniary interest is precluded from making representations orally to the committee, either as a Councillor or in a private capacity, and precluded ~~or~~ from making representations on behalf of a party to the hearing.

3.3A Councillor with a **Disclosable** pecuniary interest can still present their views to the committee through other means: ~~For example, the Member can:~~

- make written Representations to officers; in their private capacity in accordance with the Committee Consideration Criteria as set out in the Planning Committee Procedure Rules — the existence and nature of the interest should be disclosed in such representations and the Councillor should not seek preferential consideration for their representations; ~~— such written representations should be addressed to officers rather than other Members of the Authority;~~
- ~~use a professional representative to make a representation on the Councillor's behalf in circumstances where the Councillor's planning application is under consideration; and~~
- arrange for another Member of the Authority (eg a fellow ward councillor) to represent the views of the Councillor's constituents on matters in which the Councillor has a Disclosable Pecuniary interest.

~~3.4 Conflicts of Interest: all Members **need to** be seen as impartial; quite often varied professions are present at planning committees — this may be a particular issue for Members who have in-borough property related business activity — for example estate agents, property developers or local landowner and who are s. These Members in general are more likely than others to be uncomfortable in the role of planning committee member by reason of the combined pressures of their private local business interests, the Ward Member advocate role, and the constraints of the planning system. Members with a property-related background may also give rise to a perception by residents that such Members are more likely to be in favour of the development even where they are determining cases completely impartially.~~

3.5 In order to minimise the risk to the Council and the Member concerned s/he should discuss any conflict of interest their position with the Monitoring Officer if they are nominated to a planning committee.

~~2.5 Although a Disclosable Pecuniary Interest relating to an item under discussion requires the withdrawal of the Councillor from the committee, in certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business.~~

34 4 PREDISPOSITION, PREDETERMINATION AND BIAS

~~3.14.1 In addition to being aware and taking appropriate action in relation to interests,~~ Planning Committee Members need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application, on planning policies or on other planning matters, such as enforcement. Avoidance of bias or predetermination or the appearance of bias or predetermination is a ~~legal requirement principle of natural justice~~ that the decision maker ~~must respect. is expected to adhere to.~~

~~3.24.2 The courts have sought to distinguish~~ A distinction needs to be made between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a “closed mind” approach and likely to leave the committee’s decision susceptible to legal challenge by Judicial Review.

~~3.34.3~~ Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the material considerations presented at the committee and keep an open mind before deciding on how to exercise their vote (predisposition). The latter is acceptable, the former is not and may result in a Court quashing such planning decisions.

~~3.44.4 The law Section 25 of the 2011 Act also~~ provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.

~~3.54.5~~ For example, a Councillor who states “Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee” will be perceived very differently from a Councillor who states: “Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area”. The former has a closed mind and is predetermined, whereas the latter is predisposed but still has an open mind.

~~This distinction is particularly important in the context of the Council's practice of facilitating presentations to Planning Committee by developers of schemes at the pre-application stage. After these presentations, the Committee Members question details of the development so that they have the opportunity to input into the design of these strategic developments. They will therefore express views on aspects of the development (such as its external appearance, impact on neighbours or transport network implications) which will often display predisposition around these elements. What the Members of the Committee should not do at this stage is to express a firm view on the development as a whole, as this could amount to predetermination. Such a view should only be formed at the end of the process when all the material considerations are available to the Members of the Committee to consider and weigh up before finalising their view.~~

~~3.64.6~~ A Planning Committee Member who has been lobbied and wishes to support their constituents or is a Ward Councillor and wishes to campaign for or against a proposal, will need to consider whether this is likely to be regarded as amounting to bias and going against the fair determination of the planning application. If they have predetermined ~~their position~~ the matter or have given that impression, they should avoid being part of the decision-making body for that application. ~~A Planning Committee Member, could speak at a Planning Committee (in accordance with the Council's public speaking procedures) on behalf of their constituents, having declared their pre-determined position.~~

4.7 Participation as a Member in a Planning Committee where a Councillor is or may be perceived to be biased, in addition to the risk of a complaint against the individual Councillor, also places the decision of the Committee at risk from legal challenge. As such, if a Planning Committee Member considers that they are or have given the impression that they are biased or predetermined they must carefully consider whether it is appropriate for them to participate in the matter.

4.8A Member should stand down from any agenda item where they have a relevant and current or recent private business or personal knowledge relationship and association with any applicant or applicant's representative. If in doubt about this Members should ~~may~~ speak with the Chairman or the Monitoring Officer or his/her representative before ~~hand~~ any decision is made.

45 **5 APPLICATIONS SUBMITTED BY THE COUNCIL, COUNCILLORS OR OFFICERS**

Applications submitted by the Council

4.45.1 Proposals for ~~the~~ Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for a Council's own development will be treated no differently from any other application.

5.2 Certain Councillors may through their other roles outside of a Planning Committee, have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Committee the Councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. ~~The most appropriate course of action if that is the case, is that the Councillor concerned may address the Committee in the applicant's speaking slot (see the Planning Committee Procedure Rules) but does not take part in its consideration and determination. It is important that the Councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.~~

Applications submitted by Councillors or officers

5.3 It is perfectly legitimate for planning applications to be submitted by Councillors and officers. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination.

4.25.2 If a Councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing and/or determination. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing and/or its determination.

4.35.3 The 1APP planning application form requires an applicant to indicate whether they are a member of staff or an elected Member or a partner/spouse of a Member or Officer of the Council. Where decisions relate to applications made by Members of staff or an elected Member these should be reported to Committee where they relate to the following:

- Members of the Council
- Senior officers of the Council (Service Head and above)
- Officers of the Local Planning Authority.

4.45.4 The term "Officers of the Local Planning Authority" means officers within the Council who are closely involved in the day-to-day work of the Council's planning function and include all external persons such as lawyers, contractors and advisors who work for the Local planning Authority.

4.5 ~~The procedures to be followed in Committee in such circumstances are as follows:~~

- ~~• The consideration in Committee of an application from a Councillor may be considered a Disclosable Pecuniary interest for that Councillor and Councillors need to be mindful of their obligations in relation to Disclosable Pecuniary Interests as set out in the Members' Code of Conduct.~~
- ~~• If such a Councillor does not have a Disclosable Pecuniary interest they may address the Committee as the applicant in accordance with the Council's public speaking procedures. If however, such a Councillor has a Disclosable Pecuniary Interest they may not participate in the consideration of the matter and may therefore not speak on the matter. They would need to have a representative speak on their behalf.~~

- ~~The Members of the Committee must consider whether the nature of any relationship means that they have a Disclosable Pecuniary Interest in relation to the matter and if so, they may not participate in the consideration of that matter.~~

~~4.6 The principle in the final bullet point also applies to applications submitted by officers when they are considered in Committee.~~

56 LOBBYING OF AND BY COUNCILLORS

~~5.16.1~~ Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their Ward Councillor or to a Member of the Planning Committee.

~~5.26.2~~ As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".

~~5.36.3~~ Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.

Lobbying of Councillors

~~5.46.4~~ A Planning Committee Member should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the Committee's decision making if they are asked to express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing. Planning Committee Members should ensure that it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant information during the sitting of the determining Committee.

~~5.56.5~~ Planning Committee Members should therefore:

- suggest to lobbyists that they write to the Planning Service in order that their views can be included in the officer reports prepared for determination under delegated powers or by Committee;
- pass on any lobbying correspondence received (including plans, data, correspondence etc in respect of an application) to the Planning Service as soon as practicably possible so that it can be taken into account and included in the report on the application;
- remember that their overriding duty is to the whole community not just to the residents and businesses within their ward and that they have a duty to make decisions impartially and should not improperly favour, or appear to improperly favour, any person, company, group or locality;
- not accept gifts or hospitality from any person involved in or affected by a planning proposal, but if a degree of hospitality is unavoidable (eg refreshments at a meeting), ensure that they comply with the provisions in the Members' Code of Conduct on gifts and hospitality; and ~~inform the~~ inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying ~~or approaches (including inappropriate~~

offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up where necessary.

5.6—~~Planning Committee Members should note that, subject to the requirements to ensure that Members comply with the Members' Code of Conduct and the rules regarding bias and pre-determination and ensure that they take appropriate action in relation to Disclosable Pecuniary Interests, they are not precluded from:~~

- ~~• listening or receiving viewpoints from residents or other interested parties;~~
- ~~• making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to predetermination and they make clear they are keeping an open mind;~~
- ~~• seeking information through appropriate channels; or~~
- ~~• being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.~~

5.7—~~In the interest of openness, it is recommended that Planning Committee Members declare any lobbying to which they have been subject.~~

5.8—~~It is very difficult to convey every nuance of these situations and to get the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual Councillor.~~

Lobbying by Councillors

5.9—~~Planning Committee Members should not become a member of, lead or represent a national or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Member does, he/she may appear to be biased. Whilst they may be able to address the Committee as a Ward Councillor or an objector, they are not able to participate or vote on any matter in respect of which they have a Disclosable Pecuniary interest unless they have received a dispensation for this purpose from the Monitoring Officer.~~

5.10—~~Planning Committee Members can join general groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, but they should disclose a personal interest where that organisation has made representations on a particular proposal. A Planning Committee Member should make it clear to that organisation and the Committee that they have reserved judgement and the independence to make up their own mind on each separate proposal.~~

5.11—~~Councillors should not excessively lobby Planning Committee Members regarding their concerns or views on a planning application, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.~~

~~5.12—Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity. Nor should they request officers to speed up or delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.~~

~~5.13—Call-in procedures, whereby Ward Councillors can require a proposal that would normally be determined under officers' delegated authority, to be determined by a planning committee, require the reasons for call-in to be recorded in writing and to refer solely to material planning considerations. The procedures for this are set out in the Committee Consideration Criteria in the Planning Committee Procedure Rule.~~

~~5.14—Planning Committee Members should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so.~~

~~5.15—As previously outlined, Councillors must always be mindful of their responsibilities and duties under their Code of Conduct. These responsibilities and duties apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this Code.~~

67 PRE-APPLICATION DISCUSSIONS

~~6.17.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. If potential applicants seek to meet Planning Committee Members then any such pre-application meeting should be organised through officers. For this reason the Council have developed pre-application processes that enables engagement at the pre-application stage.~~

~~6.2—For major strategic applications the Council offers a service to potential applicants to present their schemes to the Council's Planning Committee. Details of this are set out in the Planning Committee Procedure Rules. This is the way in which Planning Committee Councillors engage with these schemes and there should therefore be no need to attend any other meeting with potential applicants or their agents/representatives.~~

~~6.37.2 In other cases potential applicants may seek to meet Councillors. For minor or household applications these can be treated as a form of lobbying and Councillors, including Planning Committee Members, should follow the advice set out above.~~

~~6.4—Where the application is more substantial, but not subject to pre-application committee presentations, these meetings will be subject to the following procedures:~~

- ~~• 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.~~

- ~~Both this Code and the Members' Code of Conduct will apply when attending such meetings.~~
- ~~Any Planning Committee Member involved in such a meeting, who sits on the Committee that subsequently considers any resulting application, should declare their attendance at the meeting in the same way as lobbying would be declared.~~
- ~~Officers (and any Councillor, if present) should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.~~
- ~~Any advice given should be consistent and in accordance with the Development Plan and officers should agree, prior to any meeting, on a consistent interpretation of Development Plan policies as applied to the particular proposal.~~
- ~~Councillors should not become drawn into any negotiations, which should be done by officers (keeping interested Councillors up to date) to ensure that the authority's position is co-ordinated.~~
- ~~A contemporaneous note of the meeting should be prepared by the planning officer attending wherever possible and a copy sent to all parties for their agreement.~~
- ~~The final version of the note of the meeting will form part of the planning file and should a planning application subsequently be received, it will thereby be open to public inspection.~~

~~6.5 Although the term 'pre-application' has been used, the same considerations should apply to any discussions which occur before a decision is taken.~~

~~6.6 Planning Committee Members should not attend pre-application meetings that are not organised through officers.~~

78 POST-SUBMISSION DISCUSSIONS

~~7.18.1~~ A Planning Committee Member should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.

~~7.28.2~~ In limited circumstances Planning Committee Members may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers and run under the same procedural rules as pre-application discussions.

~~7.38.3~~ If a Planning Committee Member is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. A [Planning Committee Member/Councillor](#) should report to the Chief Planning Officer any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them, so that it can be recorded on the planning file.

~~8.4~~ Planning Committee Members should not attend post-submission meetings that are not organised through officers.

8.5 Councillors should report any substantive discussion with applicants to the chief planning officer.

89 SITE VISITS

9.1 9.1—The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the planning application and which would not be apparent from the planning application to be considered by the Planning Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area., and is an opportunity to hear the views of the members of the public, applicants and other interested parties. Discussions on site visits shall be confined to the application as currently submitted.

9.2 The Chairman (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit.

9.3 Under the Chairman's guidance the role of the Planning Officer attending the site visit will be to brief Members on the planning applications(s) the subject of relevant to the visit. and explain the reasons if the application was deferred for a visit;

9.4 9.4—Officers shall ensure, where practical, that applicants and Members are invited to attend the visit and that they are able to view all key parts within or adjoining the site.

9.5 Whilst on site visits, Members of Planning Committee should not express an opinion on the planning application or its merits, and should avoid making comments or acting in a way which makes it clear beyond doubt that they have a completely closed mind, as this would amount to predetermination.

9.6- Members and Officers are obligated not to waste Council resources and, as such, a site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance).

9.8—Members who were not present at a pre-arranged site visit should not seek to defer consideration of the application.

9.6 Members of the planning committee who were not present at a pre-arranged site visit should not seek to defer consideration of the planning application.

9.7 A site visit should not be arranged on the basis of exposing Members of the Planning Committee to local opinion but should be to explore the planning issues in the application.

910 PLANNING APPEALS

~~9.1~~10.1 Appeals ~~into~~ **against** the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Councillors are able to attend.

Councillors are encouraged to attend such hearings, as they can be a good learning experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.

10.2 If a Councillor wishes to attend a public inquiry or informal hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the ~~c~~Chief ~~p~~Planning ~~o~~Officers to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge.

10.3 ~~Where the Planning Committee or an Area Planning Committee refuses an application against the officer's recommendation one Member of the Committee should attend any appeal on behalf of the Council and other Members may attend as observers if they so wish. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision with such assistance from the nominated lead Committee Member as may be required. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.~~

~~9.2~~

10.4 Where the ~~appealed~~ decision ~~of planning committee members is was~~ contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

~~9.3~~10.5

1011 PLANNING ENFORCEMENT

~~10.111.1~~ ~~It is perfectly legitimate for~~ Councillors ~~to~~ **should** bring to the attention of the Planning Service suspected breaches of planning ~~control~~ **law** so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the ~~c~~Chief ~~p~~Planning ~~o~~Officer.

~~10.2~~ ~~The Council's planning enforcement service operates to a priority system so that those breaches that cause the most harm are dealt with first. This priority system is designed to produce a fair and responsive enforcement service.~~

1112 COUNCILLOR TRAINING

~~11.1~~ ~~Councillors may not participate in decision making at meetings of the Council's Planning Committees unless they have attended mandatory training. This will be provided by the Council's planning and legal services and will cover the principles of planning and probity in planning.~~

~~11.212.1~~ All Whilst all new Members, newly appointed Chairmen and returning Members when re-elected, of the Council's Planning Committees and new substitute Members ~~should~~**must** attend annual induction or refresher training at the earliest date possible and ideally before the first committee meeting. ~~have to attend this training before they can participate in the Council's Planning Committees, and all o~~ Other Planning Committee Members and substitute Members are encouraged to attend the training so that they can ensure that they keep up-to-date on these matters.

~~11.3~~ All Planning Committee Members should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, policy, procedures, and good practice, which will assist them in carrying out their role properly and effectively.

~~11.4~~ Training provided on planning related matters is aimed at Planning Committee Members but is open to any Councillor with an interest to attend.

~~12~~ AMENDMENTS/VARIATION

~~13~~ Where amendments/variation to this Code are necessary due to legislative changes, the Head of Governance may make such consequential changes to this Code as are necessary to comply with the law.

13. MEETINGS OF THE PLANNING COMMITTEE

~~13.1~~ A clear distinction has to be drawn between a Member and an Officer attending a Public Meeting and their roles when they attend meetings of the Planning Committee.

~~13.12~~ No material revision to any planning application ~~submitted by the applicant~~ which might lead to a change in the officer recommendation shall be considered at Planning Committee unless it has been submitted at least 14 clear days before the relevant Planning Committee meeting, and has been the subject of a written report prepared by the planning department ~~and any necessary public consultation has taken place.~~

~~13.23~~ If the Planning Committee seeks to make a decision contrary to the planning officer's recommendation, ~~the relevant an agreed~~ procedure ~~set out on the attached charts~~ ~~should~~**will** be followed. The Courts have expressed the view that ~~the planning~~ reasons for the contrary decision should be clearly recorded ~~which means that members may be required to openly state in the meeting as to how and why they reached a contrary view. and convincing.~~

~~13.34~~ Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chairman prior to dealing with the next agenda item. ~~This may be by recorded vote., by requesting from each member as to how they have voted, noting this and the member's name.~~

~~13.5~~ The Chairman should ensure:

- ~~Members' comments at Committee only relate to the planning merits of the application before them;~~

- reference at Committee to non-planning issues by the public / Members are discouraged;
- the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined;
- ~~Members and the public should be made aware that the late submission of evidence will not be permitted at Committee as late submission can lead to allegations of unfairness.~~
- Residents and applicants understand that the late submission of evidence could lead to the deferral of the ~~meeting~~item and may not be permitted without agreement of all parties.

Members' Licensing Code

1. Context

- 1.1 This Code has been prepared for all Members who may attend Licensing Committee or Sub-Committee meetings or make representations to such committees 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 process and not just at meetings.
- 1.2 The aim of this Code 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.
- 1.3 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.
- 1.4 Licensing Committee decisions can be appealed to the Magistrates Court, potentially challenged in the High Court and they can be the subject of a complaint to the Local Government Ombudsman. Licensing Committee members will usually be acting in a quasi-judicial manner, without reference to their political considerations and taking into account the issues which the law says are relevant to the decision.

2. Role and Conduct of Members and Officers

- 2.1 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 and considered all the relevant evidence, which will not happen until the meeting itself.
 - b) Open and Transparent: The rules about interests in the Code of Conduct apply with particular relevance to Members who are making Licensing Committee decisions.
The following general advice should 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 lives or has a legal interest in property is likely to involve a pecuniary interest as it may affect the Member's wellbeing.
 - A Member being a frequent visitor to the premises in a personal capacity is likely to involve a pecuniary interest as the decision may affect the Member's wellbeing.

- 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 pecuniary interest.
 - 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.
- 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.
- d) Impartial: 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. Members should not meet with applicants or interested parties other than at meetings arranged through the Council's officer(s). A written record should be kept of any such discussions that take place prior to the meeting of the sub-committee.

3. Members who are Applicants or Interested Parties

- 3.1 It is perfectly legitimate for licencing applications to be submitted by Members and Officers. However, it is essential to ensure that such applications are handled in a way that gives no grounds for accusations of bias or predetermination. Members or Officers who are applicants should take no part in processing the application or in its determination.
- 3.2 A Member with a pecuniary interest may not exercise a right to speak at Licensing Committee or Sub-Committee, but may, after declaring their interest, make written representations to officers.
- 3.3 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.

4. Ward Members

- 4.1 A Member may wish to exercise a right to speak on behalf of another party, most likely in the role of Ward representative.
- 4.2 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.

4.3 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 as a representative of an 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.

4.4 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.

5. Lobbying

5.1 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 licencing committee Member makes 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.

5.2 If a licencing 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.
- 5.3 Licencing committee 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.
- 5.4 If a Member realises that s/he has made up their mind before the committee meeting then this must be declared and the Member should withdraw from that sub-committee.
- 5.5 Decisions should be taken in accordance with any statutory requirements 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.
- 5.6 No Member should accept any gifts or hospitality from an applicant or interested party in a Licensing Committee matter. If a degree of hospitality is entirely unavoidable then the Member should ensure it is of a minimum value, 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.
- 5.7 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.

6. Guidance on Site Visits

- 6.1 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.
- 6.2 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.

- 6.3 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) All Sub-committee Members must visit at the same time
 - c) The site visit should only be an opportunity to seek factual information and to observe the site
- 6.4 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.

7. The Ombudsman

- 7.1 The Local Government Ombudsman (more properly known as the Commissioner for Local Administration in England) has a variety of powers.
- 7.2 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.
- 7.3 However, that does not mean that the Ombudsman has the power to overturn Licensing decisions; only the courts of law and can do that and only in strictly defined circumstances.
- 7.4 The potential for maladministration, however, is a concern to the Council as, amongst other things, this could result in an award of cost and compensation against the Council.

8. Councillor Training

- 8.1 All new Members, newly appointed Chairmen and returning Members of the Council’s Licencing Committees should attend annual induction or refresher training at the earliest date possible and ideally before the first committee meeting. Other Members are encouraged to attend the training so that they can ensure that they keep up-to-date on these matters.

This page is intentionally left blank

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. Context

~~1.12~~ This Code has been prepared for all Members who may attend Licensing Committee of Sub-Committee meetings ~~whether as Members of a Licensing Sub-committee members, or in any other capacity, including~~ or make representations to such committees 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.

~~1.2 This Code applies equally to Co-Opted Members of council committees as it does to elected Members.~~

~~1.23~~ 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 Licencing 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 Committee decisions can be appealed to the Magistrates Court, ~~potentially 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. Licensing Committee members will usually be acting in a quasi-judicial manner. 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. Role and Conduct of Members and Officers

2.13 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 and considered 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 Committee 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.~~
The following general advice should 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, lives or has a legal interest in property is likely to involve a pecuniary interest as it may affect the Member's wellbeing.
 - A Member being a frequent visitor to the premises in a personal capacity is likely to involve a pecuniary interest as the decision may affect the Member's wellbeing.

- 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 pecuniary interest.
- 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.

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.~~

~~e) 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.~~

Members should not meet with applicants or interested parties other than at meetings arranged through the Council's relevant officer(s). A written record should be kept of any such discussions that take place prior to the meeting of the sub-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 (moved to 1.2);~~

3 — General Advice (moved to 2.1 (b))

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; (moved to 2.1(d))~~
- ~~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.~~~~

2.2 _____ ~~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.~~

2.3 _____ ~~v. 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.

vi.i. ~~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.~~

35. Members who are Applicants or Interested Parties with a pecuniary Interest

3.1 It is perfectly legitimate for licencing applications to be submitted by Members and Officers. However it is essential to ensure that such applications are handled in a way that gives no grounds for accusations of bias or predetermination. Members or Officers who are applicants should take no part in processing the application or in its determination.

3.25.4 A Member with a pecuniary interest may not exercise a right to speak at Licensing Committee or Sub-Committee, but may, after declaring their interest, make written representations to officers.

~~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;~~
- ~~Must not seek or accept, or appear to seek, preferential treatment.~~

3.35.2 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.

46. **Ward Members**

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

46.2 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.~~

46.3 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 as a representative of an 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.

46.4 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.~~

57. Avoiding fettering discretion and dealing with Lobbying

57.1 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 licencing committee Member ~~fetters his/or her discretion and therefore his/her ability to participate in decision-making by making~~makes -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.

57.2 If a licencing 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.

~~57.3~~ Licensing committee 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.

~~57.4~~ If a Member realises that s/he has made up their mind before the committee meeting ~~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~~ withdraw from that sub-committee. 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.~~

~~5.57.6~~ Decisions should be taken in accordance with any statutory requirements 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.

~~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.

~~5.67.7~~ No Member should accept any gifts or hospitality from an applicant or interested party in a Licensing Committee matter. If a degree of hospitality is entirely unavoidable then the Member should ensure it is of a minimum value, 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.

~~5.77.8~~ 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.~~

68. Guidance on Site Visits

- 68.1** 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.
- 68.2** 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.
- 68.3** 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~~
 - ~~e)b) 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)c) The site visit should only be an opportunity to seek factual information and to observe the site~~
 - ~~h) Applicants may be invited to make a factual presentation and respond to questions~~
- 68.4** 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.

79. The Ombudsman

- 79.1** The Local Government Ombudsman (more properly known as the Commissioner for Local Administration in England) has a variety of powers.
- 79.2** 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.
- 79.3** However, that does not mean that the Ombudsman has the power to overturn Licensing decisions; only the courts of law and can do that and only in strictly defined circumstances.
- 79.4** The potential for maladministration, however, is a concern to the Council concerns the Council's Monitoring Officer as, amongst other things, this could result in an award of cost and compensation against the Council.

8. COUNCILLOR TRAINING

- 8.1** All new Members, newly appointed Chairmen and returning Members of the Council's ~~Licensong~~Licensing Committees should attend annual induction or refresher training at the earliest date possible and ideally before the first committee meeting. Other Members are encouraged to attend the training so that they can ensure that they keep up-to-date on these matters.

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~~

This page is intentionally left blank

Access to Information Rules

1. NOTICES OF MEETING

Other than in emergency or other exceptional circumstances the Council will give at least five clear working days' notice of any meeting by posting details of the meeting at Hendon Town Hall, The Burroughs, Hendon, NW4 4BG and on its website at <http://barnet.moderngov.co.uk/>

2. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

3. SUPPLY OF COPIES

The Council will supply a limited number of publicly available agendas at meetings. Agendas and reports are also available on the website at <http://barnet.moderngov.co.uk>

4. ACCESS TO MINUTES AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information. Where a vote is taken, the Minutes will record the number of votes for and against and abstentions;
- (b) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

5. BACKGROUND PAPERS

5.1 List of background papers

The Head of Governance will set out in every report a list of those documents (called background papers) which will be made available on request and relate to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) which have been relied on to a material extent in preparing the report
- but does not include published works or those which s/he considers disclose exempt or confidential information, the categories which are set out in paragraph 6.4.

5.2 **Public inspection of background papers**

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

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

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

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

6.2 **Meaning of “confidential information”**

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

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

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

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

6.4 Meaning of exempt information

Sections 100A-H and Schedule 12A Local Government Act 1972 define exempt information as information falling within the following categories:

	Category	Explanation
1	Information relating to any individual	
2	Information which is likely to reveal the identity of an individual.	
3	Information relating to the financial or business affairs of any particular person or body (including the authority holding that information). But this exemption does not apply if the information is required to be registered under the Companies Acts, Friendly Society Act, Industrial and Provident Societies Acts, Building Societies Acts, and the Charities Acts	"Financial or business affairs" includes contemplated, as well as past or current, activities.
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6	Information which reveals that the authority proposes to give a statutory notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
8	Information is not exempt if it relates to the proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and County Planning General Regulations 1992	

Information which falls within any of paragraphs 1 to 7 above is exempt information so long as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. EXCLUSION OF THE PUBLIC'S ACCESS TO REPORTS

- 7.1 The Council may exclude the public's access to reports which, in its opinion, relate to items during which, in accordance with Rule 6 above, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.
- 7.2 The relevant body is requested in the agenda to confirm the action set out in 11.1 by passing a resolution to exclude the press and public from the meeting. Arrangements will be made to recall the press and public immediately should the motion not be passed.
- 7.3 If the matter is considered in public, any related report will also become available to the public.

8. JOINT COMMITTEES

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

9. MEMBERS' RIGHTS TO INFORMATION RELATING TO COMMITTEES AND COUNCIL MEETINGS

- 9.1 A member of the Council may, for the purposes of his or her duty as a Member and no other, inspect any document that has been considered by a committee or the Council (within the last six years) including background papers (within the last four years). In accordance with Section 100F (2) of the Local Government Act 1972 exempt information may not be disclosed if so determined by the Monitoring Officer. Applications should be made to the Head of Governance and, if available, copies will be supplied upon request.

Access to Information ~~Procedure~~ Rules

References:

~~Sections 100A-H and Schedule 12A Local Government Act 1972~~
~~Local Government (Access to Information) Act 1985~~
~~Data Protection Act 1998~~
~~Section 22 of the Local Government Act 2000~~
~~Chapter 7, DETR Guidance on New Council Constitutions~~
~~Freedom of Information Act 2000~~
~~Environmental Information Regulations 2004~~
~~Local Government (Access to Information) (Variation) Order 2006~~

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

1. ~~SCOPE~~

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

2. ~~ADDITIONAL RIGHTS TO INFORMATION~~

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

3. ~~RIGHTS TO ATTEND MEETINGS~~

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

14. ~~NOTICES OF MEETING~~

~~Other than in emergency or other exceptional circumstances~~ the Council ~~are required to will usually~~ give at least five clear working days' notice of any ~~statutory~~ meeting by posting details of the meeting at Hendon Town Hall, The Burroughs, Hendon, NW4 4BG ~~(the designated office) or other designated place~~ and on its website at <http://barnet.moderngov.co.uk/>

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

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

36. **SUPPLY OF COPIES**

The Council will supply a limited number of publicly available agendas at meetings. Agendas and reports are also available on the website at <http://barnet.moderngov.co.uk>

47. **ACCESS TO MINUTES AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information. Where a vote is taken, the Minutes will record the number of votes for and against and abstentions ~~will also be recorded;~~
- ~~(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;~~
- ~~(c)~~(b) the agenda for the meeting; and
- ~~(d)~~(c) reports relating to items when the meeting was open to the public.

58. **BACKGROUND PAPERS**

58.1 **List of background papers**

The Head of Governance will set out in every report a list of those documents (called background papers) which will be made available on request and relate to the subject matter of the report which in his/her opinion:

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

but does not include published works or those which s/he considers disclose exempt or confidential information, the categories which are set out in paragraph [69.4](#).

58.2 Public inspection of background papers

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

69. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

69.1 Confidential information – requirement to exclude public

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

69.2 Meaning of “confidential information”

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

69.3 Exempt information – discretion to exclude public

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

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

69.4 Meaning of exempt information

Sections 100A-H and Schedule 12A Local Government Act 1972 define exempt information as information falling within the following categories:

	Category	Explanation	Interpretation
1	Information relating to any individual		
2	Information which is likely to reveal the identity of an		

	Category	Explanation	Interpretation
	individual.		
3	<p>Information relating to the financial or business affairs of any particular person <u>or body</u> (including the authority holding that information).</p> <p><u>But this exemption does not apply if the information is required to be registered under the Companies Acts, Friendly Society Act, Industrial and Provident Societies Acts, Building Societies Acts, and the Charities Acts</u></p>	<p>"Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—</p> <p>The Companies Act 2006; The Friendly Societies Act 1974; The Friendly Societies Act 1992; The Industrial and Provident Societies Acts 1965 to 1978; The Building Societies Act 1986 ["registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).]; or The Charities Act 1993.</p>	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.</p> <p>"Person" includes any public authority, company, or other legally constituted organisations and the partners in a partnership or firm.</p>
4	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>		<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. "labour relations matter" means—</p> <p>any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute,</p>

	Category	Explanation	Interpretation
			<p>within the meaning of that Act); or</p> <p>any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to officeholders under the authority as they apply in relation to employees of the authority;</p> <p>"Employee" means a person employed under a contract of service;</p> <p>"Office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.		
6	Information which reveals that the authority proposes to give under any enactment a <u>statutory</u> notice under or by virtue of which requirements are imposed on a person;		<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.</p> <p>"Person" includes any public</p>

	Category	Explanation	Interpretation
	or to make an order or direction under any enactment.		authority, company, or other legally constituted organisations and the partners in a partnership or firm.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.		
8	Information is not exempt if it relates to the proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and County Planning General Regulations 1992		
<p>Information which – falls within any of paragraphs 1 to 7 above; and is not prevented from being exempt by virtue of paragraph 8 above is exempt information if an so long , as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>			

NOTE – The Public Interest Test

The Public Interest Test is where “~~in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information~~”.

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

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

- ~~There is a distinction between the public interest and what merely interests the public.~~

- ~~Would disclosure further the understanding of and participation in the public debate of issues of the day?~~
- ~~Would disclosure promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?~~
- ~~Would disclosure allow individuals and companies to understand decisions made by public authorities affecting their lives?~~
- ~~Would disclosure bring to light information affecting public health and public safety?~~
- ~~Would disclosure irreparably damage the council or a third parties interest?~~

744. **EXCLUSION OF THE PUBLIC'S ACCESS TO REPORTS**

744.1 The Council may exclude the public's access to reports which, in its opinion, relate to items during which, in accordance with Rule ~~6 above~~⁴⁰, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

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

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

842. **JOINT COMMITTEES**

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

943. **MEMBERS' RIGHTS TO INFORMATION RELATING TO COMMITTEES AND COUNCIL MEETINGS**

943.1 A member of the Council may, for the purposes of his or her duty as a Member and no other, inspect any document that has been considered by a committee or the Council (within the last six years) including background papers (within the last four years). In accordance with Section 100F (2) of the Local Government Act 1972 exempt information may not be disclosed if so determined by the Monitoring Officer. Applications should be made to the Head of Governance and, if available, copies will be supplied upon request.

~~13.2 A Member shall not knowingly inspect or request a copy of any document relating to a matter in which s/he:
is professionally interested; or
has a pecuniary interest within the meaning of the Code of Conduct for Members as set out in this Constitution.~~

~~14. **MEMBERS' RIGHTS TO INFORMATION NOT RELATING TO COMMITTEES AND COUNCIL MEETINGS**~~

~~14.1 Members' rights of access to information not relating to committees and council meetings are set out in the Members' Information Management Policy.~~

Explanatory Note

CODE OF CONDUCT FOR MEMBER-OFFICER RELATIONS

1. CONTEXT

- 1.1 This Code is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government.
- 1.2 The Council has endorsed this Code as setting the standard for the conduct between Officers and Members.
- 1.3 Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of residents in their wards.
- 1.4 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and residents. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.
- 1.5 The organisational role of Officers has two important dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.
- 1.6 Professional Officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' what appears to be a performance failure or inconsistency.
- 1.7 In addition, Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no Member involvement in implementation issues, but rather a set of understandings which both parties can agree to.
- 1.8 Officers serve the whole Council. They work to the instructions of their line manager through to the Chief Executive - not individual Members of the Council, whatever office the Member might hold.
- 1.9 In relation to staffing matters Members and officers will comply with Human Resource procedures and regulations.

2. **PERFORMANCE OF OFFICERS**

- 2.1 Members have a right to criticise reports or the actions taken by Officers, but they should always:
- avoid personal attacks on Officers
 - ensure that criticism is presented in a reasonable manner.
- 2.2 Complaints about officers or council services should be made to the relevant line manager or to the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.
- 2.3 Members should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to 'answer back' or defend themselves against criticism in a public forum.

3. **POLITICAL NEUTRALITY OF OFFICERS**

- 3.1 There is statutory recognition for party political groups and sometimes consultation is required with committee chairmen. It is common practice for meetings to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body or officers under delegated powers.
- 3.2 The extent to which it is appropriate for officers to attend meetings with Members depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent facilities are available to all political groups represented on the Council if they so request.
- 3.3 Information received by officers at these meetings may be shared with other officers as is necessary but should not be shared with Members of another Political Party unless this is agreed and necessary.

Political Group Meetings:

- Officers, apart from political assistants, should not attend political party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive/Chief Officer. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.
- Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive/Chief Officer who would be responsible for advising the other groups who could then ask for the same briefing.

- Officers may attend briefing meetings with the Leader of the Council, Chairmen and Vice-Chairmen, either on a specific topic or prior to a formal meeting or the like.

Other meetings:

- Officers may attend for briefing with the Leader and Lead Members of all political parties on the Council in their offices.
 - The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend.
 - Officers may meet Chairmen prior to consulting them formally as a precondition to exercising delegated powers.
 - For other meeting approval should be sought by officers from their Chief Officer.
- 3.4 Any particular case of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).
- 3.5 Officers must never allow their own personal or political opinions to interfere with their work.
- 3.6 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.

4. **PERSONAL RELATIONSHIPS**

- 4.1 Good working relationships between Officers and Members are at the heart of good local government.
- 4.2 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

“Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other Councillors and Officers”.

- 4.3 The Nolan report* provides the following quote to illustrate its view of the correct spirit of Member-Officer relations:

“I do not think it is part of the proper relationship between Officers and Councillors if Officers are somehow seen in public as people who can be appropriately harangued or criticised or told that they do not know what they are doing. I think that the best relationship between Officers and councillors is much more a partnership relationship”

*https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336840/1stInquiry_Summary.pdf

- 4.4 Members should declare to their Group Leader and to the Chief Executive / Monitoring Officer any external relationship with an Officer which might be seen as influencing their work as a Member. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.
- 4.5 Members must not sit on or participate in decisions by any Council committee or other Council body which directly affects an employee to whom they are:-
- the partner
 - otherwise closely related such as sisters, brothers, parents and grandparents
 - in any other relationship which would jeopardise the work of the Council or make their attendance improper under the National Code of Local Government Conduct.

This is a simplification of the requirements under the law and National Code of local Government conduct and members should refer to other more detailed guidance.

- 4.6 Members should remember that Officers cannot respond to personal criticism in the same way that politicians can and should make their comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff.
- 4.7 It is especially important that there should be a close working relationship between Chairmen, Vice Chairmen and senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups.

5. **WHISTLEBLOWING**

- 5.1 The Council has adopted a Whistleblowing Policy and Procedure. This sets out the process under which Officers can raise concerns with the Whistleblowing Officer or the Monitoring Officer. It sets out how this works, and the responsibilities of the people concerned.
- 5.2 The Council neither tolerates improper conduct by its employees or Members, nor the taking of reprisals against those who come forward to disclose such conduct. Members should promptly raise with the council's Whistleblowing Officer, Monitoring Officer or Chief Executive any irregularities and matters which they feel have been dealt with improperly, particularly issues they have

reason to think might involve fraud, corruption, bribery, money laundering activity or safeguarding issues.

- 5.3 In accordance with the Whistleblowing Policy, any person who makes a report in good faith will be protected from victimisation or reprisal even if the report is not confirmed by the investigation providing the report was made in good faith.
- 5.4 Conversely, any person should not make a report, which they do not reasonably believe to be true, or which is malicious. Disciplinary proceedings may be taken against any workers who makes false allegations maliciously or with a view to personal gain.
- 5.5 The provisions of this code are in addition to the right of any Member or employee to raise an issue of concern with an appropriate body outside the Council.

This page is intentionally left blank

CODE OF CONDUCT PROTOCOLS FOR MEMBER-OFFICER RELATIONS

1. CONTEXT WHY PROTOCOLS

1.1 ~~This Code~~ ~~The purpose of this protocol~~ is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government. ~~The government has stated that without such high standards, local government's powers will not be extended.~~

1.2 ~~The Council~~ ~~Each Group Leader and the Chief Executive~~ has endorsed this Code as setting the standard for the conduct of Officers and Members, ~~in~~ Barnet.

~~John Hooton~~

~~Chief Executive~~

~~Barry Rawlings~~ ~~Richard Cornelius~~

~~Leader of the~~ ~~Leader of the~~

~~Labour Group~~ ~~Conservative Group~~

1.3 ~~The Nolan Committee report lays down ten principles of public life.~~

Selflessness

1. ~~Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.~~

Honesty and Integrity

2. ~~Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.~~

Objectivity

3. ~~Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.~~

Accountability

4. ~~Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.~~

Openness

5. ~~Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.~~

Personal Judgement

6. ~~Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.~~

Respect for Others

7. ~~Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.~~

Duty to Uphold the Law

8. ~~Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.~~

Stewardship

9. ~~Members should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.~~

Leadership

10. ~~Members should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.~~

- 1.4 ~~These protocols seek to establish the roles and responsibilities of Members and Officers to avoid confusion and misunderstanding. Both Officers and Members need to understand the pressures both sides are under. Most problems between Members and Officers arise not from disagreements about policy but from a failure to understand the pressures that each other face when trying to make and implement policy.~~

2 THE ROLE OF MEMBERS

~~1.32.1 Members are elected democratically. It is their policies, ideas and decisions which people vote for. Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of the residents people in their wards.~~

~~2.2 The Council meets as a body when all its Members are summoned to attend a Council meeting. This meeting has responsibility for specific functions. The Council can delegate authority to committees and sub-committees of Members (and co-opted members in some circumstances) and to Officers. So when Members meet as a committee or sub-committee they can take decisions and act on behalf of the Council, within that body's terms of reference and delegated powers, again subject only to the law.~~

~~2.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other Members, Officers and people outside the Council, to help the Council develop policies and deliver services.~~

~~2.4 Members may have different roles:-~~

- ~~• the policy making role - deciding the broad direction of Council policy and how those policies are to be delivered in practice~~
- ~~• the scrutiny role - holding the committees and officers and other local public services to account for their decisions and actions~~
- ~~• the ward member role - representing the interests of individual residents or residents groups within their ward, in the overall public interest.~~

~~1.62.5 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and residents the public. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.~~

~~3. SUPPORT SERVICES FOR MEMBERS~~

~~3.1 The Council provides a range of support services for Members. These include computer hardware and software, telephones, stationery and office equipment which can be selected by the individual member, subject to a maximum cost allowance for each Member, the use of photocopying facilities and postage. Each political group has its own office, and the Council employs two political assistants (Labour and Conservative) to help Members of that group in their work.~~

~~3.2 The only basis on which the Council can provide support services of this kind to Members, is to assist them discharge their role as Members of the Council. They are for use on Council business and to help Members in their roles as advocates for their local communities. They should not be used in connection with party political campaigning. Each Member wishing to use these support services is asked to sign detailed protocols as to their use. These cover the operation of the notional allowance, the mail room, the need to avoid using the~~

~~facilities for party political purposes or for campaigning, the use of unavoidable spare capacity, the processes for ordering, maintaining, insuring and returning equipment personal taxation issues, authority to use software licences and data protection.~~

~~3.3—The Chief Executive will from time to time arrange training programmes for Members. These might involve induction for new members, presentations and discussions on particular topics, and training in specialist areas of the Council's work, for example planning. Sometimes training may be a requirement before a Member can take part in a specialist committee. Training may be for all members of the Council or targeted at members of particular committees.~~

~~3.4—The Council runs a mayoral car with a chauffeur and a second car for use on official business when the mayoral car is unavailable or inappropriate. These vehicles can only be used by members or officers for official Council purposes.~~

~~4. **MEMBERS' RIGHTS TO INFORMATION NOT RELATING TO COMMITTEES AND COUNCIL MEETINGS**~~

~~4.1—Barnet has adopted a policy of Open Local Government. This means information will be provided to members of the public and Members of the Council unless it falls within a list of items which are exempt or confidential or for other legal reasons. Members' rights of access to other information held by the Council are set out in the Members' Information Management Policy.~~

~~4.3—Unless specifically authorised to do so, a member of the Council shall not:~~

~~4.3.1—issue any order for any work which is being carried out by or on behalf of the Council or~~

~~4.3.2—claim by virtue of his/her membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.~~

~~4.4—Officers should keep Ward Members informed about local matters affecting their wards to enable them to effectively represent the views of their communities. Where it has been indicated that information provided to Ward Members is of a confidential nature, the local Ward Member must not make public nor make personal use of any information or material supplied to them.~~

~~5. **THE ROLE OF OFFICERS**~~

~~5.1—Officers can also have a variety of roles.~~

- ~~• They must advise Members to help them to take decisions;~~
- ~~• Some Officers have personal statutory powers and duties, for example, the officers designated as Head of Paid Service (Chief Executive), the Chief~~

~~Finance Officer, the Monitoring Officer, Director of Adult Social Services and Director of Children's Service. Others, such as the Registrars of Births, Deaths and Marriages or Health and Safety at Work Inspectors, work under special statutory regimes;~~

- ~~• The Council has given delegated powers to Directors and Chief Officers so that they can act and take decisions on behalf of the Council in many areas, provided they follow the rules of delegation and Members have access to their decisions; and~~
- ~~• The Council is a very large organisation, and officers have a role to play within the organisation itself.~~

1.75.2 The organisational role of Officers has two important dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.

1.85.3 Professional Officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' what appears to be a performance failure or inconsistency. ~~Their task is facilitated by clear political guidance and policy.~~

1.95.4 In addition, Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no Member involvement in implementation issues, but rather a set of understandings which both parties can agree to.

1.105.5 ~~—~~ Officers service the whole Council. They work to the instructions of their line manager through to the Director/Assistant Director, Lead Commissioner or Head of Service or the Chief Executive - not individual Members of the Council, whatever office the Member might hold.

5.6 ~~—~~ Officers should always know that they must:-

- ~~• pursue every known lawful policy of the Council~~
- ~~• implement the decisions of Council, committees and sub-committees~~
- ~~• inform Members immediately of any decision that they cannot fully implement~~
- ~~• be helpful and respectful to Members~~
- ~~• behave in a professional manner~~
- ~~• serve all Members, not just those of the Administration group(s)~~
- ~~• maintain confidentiality~~
- ~~• deal with Member enquiries efficiently~~
- ~~• strive continually to comply with the Council's performance management and scrutiny processes~~
- ~~• support Members in their role as ward Councillors.~~

~~6. THE COUNCIL AS EMPLOYER~~

~~6.1 Officers are employed by the Council (there are a few exceptions in special cases) and both they and the Council are governed by their contracts of employment and the Council's personnel procedures.~~

~~6.2 In making employment decisions, the key principles to follow (derived from the Nolan report) are:-~~

- ~~• Members should not gain financially or personally, nor should their family or friends~~
- ~~• Members have a duty to declare any private interest, and to protect the public interest~~
- ~~• Members should therefore have no involvement in employment or recruitment cases in which they have a personal interest of this kind~~
- ~~• In making public appointments or recommending people for rewards or benefits, Members must make choices on merit, using objective criteria~~
- ~~• Members should be open about, and are accountable for, the decisions they make in the role of employer. However, some employment matters should be dealt with in confidence.~~

~~6.3 Members should remember that, although the Council has an open access to information policy, there is no automatic right to information about:-~~

- ~~• any individual applicant to become an employee, or~~
- ~~• any individual who is an employee (this includes details of grade and pay, and any disciplinary, grievance or other employment issue that involves a particular employee), or~~
- ~~• consultation or negotiations over any labour relations matter~~

~~6.4 When acting as employer, Members are bound by the complete framework of national and European employment law and may be personally liable for decisions which discriminate on the basis of race, gender or disability. The Council is an equal opportunity employer and members should be guided by this principle in all their relationships with staff.~~

~~6.5 In addition under the Constitution,~~

- ~~• Members must not solicit a job with the Council for any person (but may give them a written testimonial)~~
- ~~• Canvassing support for a candidate for a job with the Council disqualifies the candidate from that job.~~

~~6.6 Political activities and affiliations may only be taken into account in recruitment in relation to the specific posts of political assistant. These are subject to special legal rules.~~

~~1.116.7 In relation to staffing matters Members and officers will comply with Human Resource procedures and regulations. Members will be involved in individual staffing matters if they are a member of a Committee or Panel set up~~

for that purpose. The Constitution sets out the role of relevant committees for Chief Officer Appointments, and for disciplinary and grievance processes relating to the Chief Executive, Directors and Chief Officers.

6.8 In other circumstances, however, Members must not become embroiled in the management of the Council (for example, all other disciplinary, capability or grievance processes are officer-only affairs). They must not engage in activities which might undermine the management line of command or adherence to Council personnel procedures, or try to influence the recruitment process.

6.9 Likewise, Officers must not raise directly with Members any personal matter to do with their jobs, or relating to any potential appointment.

72. MONITORING THE PERFORMANCE OF OFFICERS

7.1 Members set the policy framework of the Council. Officers are responsible for running services within the agreed budget and policy framework and guaranteeing that strong scrutiny and performance management systems are in place.

2.17.2 Members have a right to criticise reports or the actions taken by Officers, but they should always:-

- avoid personal attacks on Officers
- ensure that criticism is presented in a reasonable manner, well founded.

2.27.3 Complaints about officers or Council services should be made to the relevant line manager/Director/Assistant Director/Lead Commissioner or Head of Service where a Member feels the fault lies or to the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.

2.37.4 Members should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to 'answer back' or defend themselves against criticism in a public forum.

8. MEETINGS

8.1 Both Members and Officers should take proper account of pressures each is under when arranging meetings particularly at short notice.

8.2 Ward members cannot always expect Officers to attend meetings arranged by them without prior consultation.

39. OFFICER ADVICE/POLITICAL NEUTRALITY OF OFFICERS

39.1 There is statutory recognition for political party groups and sometimes consultation is required with committee chairmen. It is common practice for meetings to give preliminary consideration to matters of Council business in

advance of such matters being considered by the relevant decision-making body or officers under delegated powers. .

~~3.9.2~~ The extent to which it is appropriate for ~~o~~Officers to attend meetings with Members of this kind depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent facilities are available to all political groups represented on the Council if they so request.

3.3 Information received by officers at these meetings may be shared with other officers as is necessary but should not be shared with Members of another Political Party unless this is agreed and necessary.

Political Group Meetings:

- Officers, apart from political assistants, should not attend political party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive/Chief Officer. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.
- Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive/Chief Officer who would be responsible for advising the other groups who could then ask for the same briefing.
- Officers may attend briefing meetings with the Leader of the Council, Chairmen and Vice-Chairmen, either on a specific topic or prior to a formal meeting or the like.

Other meetings:

- Officers may meet Chairmen prior to consulting them formally as a precondition to exercising delegated powers.
- Officers may attend for briefing with the Leader and Lead Members of all political parties on the Council in their offices.
- The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend, in accordance with the following principles.
- For other meeting approval should be sought by officers from their Chief Officer.

~~9.3~~ Certain points must however be understood by all those participating in this type of process, Members and Officers alike. In particular:-

- ~~(a)~~ Officer support in these circumstances should not extend beyond providing information and advice in relation to matters of Council business, and Officers should not be expected to be involved in advising on matters of party business.

~~(b) — Such meetings, whilst they may form part of the preliminaries to decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions, and should not be interpreted as such.~~

~~(c) — Similarly, where Officers provide information and advice to such meetings in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant body when the matter in question is considered.~~

~~9.4 — Special care needs to be exercised if Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the code.~~

~~9.5 — Officers must respect the confidentiality of any discussions at which they are present with Members. If officers receive information which, although confidential, they have a duty to disclose elsewhere, they must indicate that this is the case.~~

3.349.6 Any particular case of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

3.459.7 Officers must never allow their own personal or political opinions to interfere with their work. ~~Officers should not take part and Members should not ask officers to take part in any activity which could be seen as influencing support for a party. Members should raise with the Chief Executive any concerns about the political neutrality of an officer.~~

3.569.8 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.

~~9.9 — The protocols governing the duties of political assistants are summarised below:-~~

- ~~• They are Council employees and subject to Council contracts of employment, *the Council Constitution* and staff instructions.~~
- ~~• They cannot stand in for Members at events or decision-making bodies, although they can attend as non-speaking observers, but not as representatives.~~
- ~~• Each group has appointed a group officer to direct day to day work.~~

- ~~They cannot be required to breach the Council Constitution, the terms of their contract of employment or the legal restrictions on them.~~
- ~~They must respect confidentiality regarding the party, group and individual Members.~~
- ~~The Chief Executive deals with appointment, induction, discipline and grievances. The representatives of the Groups will conduct the appraisals. The Chief Executive will ensure the appraisals are undertaken by the Groups.~~
- ~~Council Officers will not require the assistant to divulge confidential information regarding the group, its dealings or its members.~~
- ~~The assistant's normal contact points are members of Service Management Teams, Policy Officers and Governance Service. In making contact the assistant must be careful not to misrepresent the intentions of the group, and must clarify whether they are representing the whole group or individual members.~~
- ~~The existence of assistants should not detract from normal Member/officer relationships.~~
- ~~They cannot access files that a Councillor cannot access, unless the Councillor has demonstrated the need to know.~~
- ~~In external relationships, they must make it clear that they are acting on group instructions, not for the whole Council. They must not speak to a public audience on terms which might create the impression that they are speaking as a representative of their political party.~~

410. **PERSONAL RELATIONSHIPS**

410.1 Good working relationships between Officers and Members are at the heart of good local government.

410.2 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

24. “Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other Councillors and Officers”.

410.3 The Nolan report* provides the following quote to illustrate its view of the correct spirit of Member-Officer relations:

"I do not think it is part of the proper relationship between Officers and Councillors if Officers are somehow seen in public as people who can be appropriately harangued or criticised or told that they do not know what they are doing. I think that the best relationship between Officers and councillors is much more a partnership relationship"
–Gerry Stoker, Professor of Government, University of Strathclyde.

[*https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336840/1stInquiry_Summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336840/1stInquiry_Summary.pdf)

~~10.4 — However there is potential for improper behaviour if the normal professional relationship becomes either too cosy or too combative.~~

~~11. — EXCESSIVE FAMILIARITY~~

~~11.1 — Members and Officers will often work closely together and develop good relationships. This can be beneficial, but there are limits and risks for all concerned in this area and it is not enough to avoid actual impropriety. Members and Officers should at all times avoid any situation which can give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between employees and individual councillors.~~

~~4.411.2 — Members should must declare to their Group Leader and to the Chief Executive / Monitoring Officer any external relationship with an Officer which might be seen as influencing their work as a Member. ~~This includes any family, business or sexual relationships.~~ Officers, too, have a duty to declare any such relationship to their Director or Head of Service.~~

~~4.511.3 — Members must not sit on or participate in decisions by any Council committee or other Council body which directly affects an employee to whom they are:-~~

- the partner
- otherwise closely related such as sisters, brothers, parents and grandparents
- in any other relationship which would jeopardise the work of the Council or make their attendance improper under the National Code of Local Government Conduct.

This is a simplification of the requirements under the law and National Code of local Government conduct and members should refer to other more detailed guidance.

~~12. — COMBATIVENESS AND PRESSURE~~

~~12.1 — In line with the National Code's reference to 'mutual respect', it is important that any dealings between Members and Officers both written and oral should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.~~

~~4.5612.2~~—Members ~~should~~~~must~~ remember that Officers cannot respond to personal criticism in the same way that politicians can and should make their comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff. ~~Members and Officers should be aware that problems often arise in informal situations, where Members and Officers are sometimes prone to lose their inhibitions. This should not prevent reasonable criticism of the work of Officers by Members.~~

~~12.34.7~~ Members should not put pressure on an Officer on matters which have been delegated for Officer decision. This might lead Officers to make decisions that:

- are not objective and cannot be accounted for
- favour unfairly one member of the public over another.

~~12.4~~—~~Nor should they bring undue influence to bear on an Officer to take any action which is against procedure or policy, such as~~

- ~~a breach of personnel procedures~~
- ~~a conflict with the Council Constitution~~
- ~~conflict with planning procedures and policies.~~

~~12.5~~—~~Members must declare any special relationships with constituents when dealing with Council Officers. Although Members are elected to represent the interest of their constituents, they should not seek special treatment for any individual.~~

~~13.~~ **RELATIONS BETWEEN OFFICERS AND CHAIRMEN**

~~4.8613.1~~—It is especially important that there should be a close working relationship between ~~the Chairmen, and Vice Chairmen and senior officers of committees and other bodies, Directors, Assistant Directors, Lead Commissioners, Heads of Service and other Senior Officers.~~ However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups.

~~13.2~~—Whilst the Chairmen will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that the Director, Assistant Director, Lead Commissioner or Head of Service will always be fully responsible for the contents of any report submitted in his/her name, ~~and the Chief Executive for preparing the agenda. Members must not seek to influence an officer to limit or modify recommendations put forward or withhold information which s/he should properly report.~~

~~13.3~~—~~Officers within a service are accountable to their Director, Assistant Director, Lead Commissioner or Head of Service. Whilst Officers should always seek to assist Members they must not, in so doing, go beyond the bounds of whatever~~

~~authority they have been given by their Director, Assistant Director, Lead Commissioner or Head of Service, and should not be expected to do so.~~

514. WHISTLEBLOWING

514.1 The Council has adopted a Whistleblowing Policy and Procedure. This sets out the process under which Officers can raise concerns with the Whistleblowing Officer, or, with the Monitoring Officer. It sets out how this works, and the responsibilities of the people concerned.

514.2 The Council neither tolerates improper conduct by its employees or Members, nor the taking of reprisals against those who come forward to disclose such conduct. ~~It is committed to the highest possible standards of openness, probity and the aims and objectives of the Public Interest Disclosure Act 1998. As such all Members have a duty to comply with the Council's Whistleblowing policy and;~~ should promptly raise with the council's Whistleblowing Officer, Monitoring Officer or Chief Executive any irregularities and matters which they feel have been dealt with improperly, particularly

- ~~provide them with all the evidence or relevant information they have.~~

~~14.3~~ ~~In particular, Members have a duty to raise~~ any issues they have reason to think might involve fraud, corruption, bribery, money laundering activity or safeguarding issues.

514.34 In accordance with the Whistleblowing Policy, any person who makes a report in good faith will be protected from victimisation or reprisal even if the report is not confirmed by the investigation providing -

~~14.5~~ ~~No action will be taken against any person if a~~ the report has been made in good faith, ~~but is not confirmed by the investigation.~~

514.46 Conversely, any person should not make a report, which they do not reasonably believe to be true, or which is malicious. Disciplinary proceedings may be taken against any workers who makes false allegations maliciously or with a view to personal gain.

514.57 The provisions of this code are in addition to the right of any Member or employee to raise an issue of concern with an appropriate body outside the Council.

This page is intentionally left blank

Barnet Code of Corporate Governance

Governance comprises the arrangements put in place to ensure that the intended outcomes for citizens and stakeholders are defined and achieved.

To deliver good governance within the Council, all councillors, officers and partners should strive to achieve the Council's objectives while acting in the public interest.

Acting in the public interest implies primary consideration of the benefits for the citizens of Barnet, which should result in positive outcomes for service users and other stakeholders.

The Council should keep governance arrangements up to date and relevant. The main principle underpinning the development of the new Delivering Good Governance in Local Government Framework 2016 (CIPFA/Solace) continues to be that local government is developing and shaping its own approach to governance, taking account of the environment in which it now operates. The overall aim is to ensure that resources are directed in accordance with agreed policy and according to priorities, that there is sound and inclusive decision making and that there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.

The CIPFA Framework positions the attainment of sustainable economic, societal and environmental outcomes as a key focus of governance processes and structures. Outcomes give the role of local government its meaning and importance, and it is fitting that they have this central role in the sector's governance. Furthermore, the focus on sustainability and the links between governance and public financial management are crucial – the Council recognises the need to focus on the long-term. The Council has responsibility to more than their current electors and should take account of the impact of current decisions and actions on future generations.

Good governance cannot be achieved by rules and procedures alone. Shared values that are integrated into the culture of the organisation and are reflected in behaviour and policy are hallmarks of good governance.

The core principles and sub-principles of good governance that apply to the London Borough of Barnet are set out in the table below. The Council produces an Annual Governance Statement to report publicly on the extent to which the Council complies with its local code and this is a statutory requirement. The preparation and publication of an Annual Governance Statement is necessary to meet the statutory requirement set out in Regulation 6 of the Accounts and Audit Regulations 2015. The Annual Governance Statement is reported at the mid-year and end of year points to the Audit Committee and, when reported, will detail how Barnet complies with the principles and sub-principles outlined in the Code.

Principles of Good Governance

A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Ensuring Members behave with integrity and develop robust policies which place emphasis on agreed ethical values

Seeking to establish, monitor and maintain the Council's ethical standards and performance

Ensuring that external providers of services on behalf of the Council are required to act with integrity and in compliance with ethical standards

Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements

B. Ensuring openness and comprehensive stakeholder engagement

Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used.

Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully.

Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively

Ensuring that partnerships are based on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit.

Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service provision is contributing towards the achievement of intended outcomes

C. Defining outcomes in terms of sustainable economic, social, and environmental benefits

Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions

Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer

Delivering defined outcomes on a sustainable basis within the resources that will be available

Identifying and managing risks to the achievement of outcomes

Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available

Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision

Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs

Ensuring fair access to services

D. Determining the interventions necessary to optimise the achievement of the intended outcomes

Determining the right mix of corporate (legal, assurance, regulatory, and finance) interventions to ensure intended outcomes are achieved

Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised

Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and of associated risks – therefore ensuring best value is achieved however services are provided.

Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available

Establishing and implementing robust planning and control cycles that cover

strategic and operational plans, priorities and targets

Considering and monitoring risks facing each partner when working collaboratively, including shared risks

Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances

Establishing appropriate key performance indicators (KPIs)

Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the short, medium and longer term

E. Developing the entity's capacity, including the capability of its leadership and the individuals within it

Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness

Improving resource use through application of techniques such as benchmarking to determine how resources are allocated so that defined outcomes are achieved effectively

Recognising partnership benefits and collaborative working where added value can be achieved

Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body

Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services set by members

Developing the capabilities of members and officers, including induction, continuing professional development training, and lessons learnt from governance weaknesses

Ensuring that there are structures in place to encourage public participation

Holding staff to account through regular performance reviews which take account of training or development needs

Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing

F. Managing risks and performance through robust internal control and strong public financial management

Implementing robust and integrated risk management arrangements and ensuring that responsibilities for managing risks are clearly allocated

Monitoring service delivery effectively including planning, specification, execution and independent post implementation review

Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook

Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making

Providing Members and senior management with regular reports on service delivery plans and on progress towards outcome achievement

Ensuring effective counter fraud and anti-corruption arrangements are in place

Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor

Ensuring an Audit Committee or equivalent group function provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment

Ensuring effective arrangements are in place for data use and storage and when sharing data with other bodies

G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style

Providing sufficient information to satisfy transparency demands while not being too onerous for users to read and understand

Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement

Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate

Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon

Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the Annual Governance Statement

Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met

LONDON BOROUGH OF BARNET CODE OF CORPORATE GOVERNANCE

1. INTRODUCTION

- 1.1 As with all Local Authorities, the council operates through a governance framework. This is an inter-related system that brings together an underlying set of legislative requirements, governance principles and management processes.
- 1.2 The governance framework must conform to principles of good governance and this Code of Corporate Governance aims to demonstrate how the council does this.
- 1.3 This Code has been drafted in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) guidance documents “Delivering Good Governance in Local Government” and is based on the six core principles taken from the Good Governance Standard for Public Services (2004).
- 1.4 The six core principles of good governance as set out by CIPFA/SOLACE are as follows:
1. *Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.*
 2. *Members and Officers working together to achieve a common purpose with clearly defined functions and roles.*
 3. *Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.*
 4. *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*
 5. *Developing the capacity and capability of Members and Officers to be effective.*
 6. *Engaging with local people and other stakeholders to ensure robust public accountability.*

2. ELEMENTS OF CORPORATE GOVERNANCE

- 2.1 The Code is embodied in various policies, procedures and other documents. The Code provides a summary of how, through these policies, procedures and documents, the Council complies with the core and supporting principles within the “Delivering Good Governance in Local Government” framework.
- 2.2 The Council produces an Annual Governance Statement to report publicly on the extent to which the Council complies with its local code, including

how the effectiveness of these arrangements during the year have been monitored, and on any planned changes in the coming period. (This is a statutory requirement under the Accounts and Audit (Amendment) Regulations 2006.

2.3.1 The following table identifies the means through which the council will achieve these core principles as well as the supporting principles and the requirements associated with them.

Principle 1 – Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.		
The Council will focus on the purpose of the authority and on outcomes for the community and create and implement a vision for the local area.		
Supporting Principles	Requirements	How the Council meets the Requirements
<p>1.1 Exercise strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcomes for citizens and service users</p>	<p>Develop and promote the authority's purpose and vision</p> <p>Review on a regular basis the authority's vision for the local area and its implications for the authority's governance arrangements</p> <p>Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners</p> <p>Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance</p>	<p>Corporate Plan and Sustainable Community Strategy based on the needs/requirements of the residents and promoting the Council's vision and report on planned activities also communicated through a variety of mechanisms.</p> <p>Annual refresh of the Corporate Plan and the flexibility to update this and the Sustainable Community Strategy where necessary.</p> <p>Partnership arrangements are consistent and are monitored through our key partnership boards.</p> <p>Annual Report of Barnet Partnership and its sub-Partnerships.</p> <p>Corporate Plan performance updates reported on Barnet Online.</p>
<p>1.2 Ensure that users receive a high quality of service whether directly, or in partnership, or by commissioning</p>	<p>Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available</p> <p>Put in place effective arrangements to identify and deal with failure in service delivery</p>	<p>Corporate Plan and Sustainable Community Strategy contain clear and effective arrangements for defining how the quality of service is to be measured and for identifying and addressing any failure in service delivery.</p> <p>FirstStat (where services present and are challenged by Officers across the council), Finance and Business Planning Review meetings and</p>

		<p>Member Challenge Events are mechanisms for monitoring and challenging performance around delivery of the Corporate Plan. The Sustainable Community Strategy is monitored and challenged through the Barnet Partnership Board;</p> <p>The Council performance review also supports performance management with guidance emphasising the need to link employee objectives to Corporate Plan priorities and objectives.</p> <p>A centralised complaints process contributes to service delivery with all complaints, comments and compliments logged on one system and categorised in line with Local Government guidance.</p>
<p>1.3 Ensure that the authority makes best use of resources and that tax payers and service users receive excellent value for money</p>	<p>Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions</p>	<p>The Corporate Plan includes a clear definition of how value-for-money will be measured, with key performance indicators in place.</p> <p>Responsibility for addressing value-for-money delivery is clearly allocated to Officers with the necessary skills and clear guidance is available.</p> <p>The Council's External Audit arrangements review value for money and performance and report annually to those charged with governance.</p> <p>The Council's Internal Audit arrangements are compliant with the Internal Audit Code of Practice based on CIPFA guidance. The Internal Audit Charter is in place which emphasises reviewing arrangements within the council to make the best use of resources.</p>

Principle 2 – Members and Officers working together to achieve a common purpose with clearly defined functions and roles.

Supporting Principles	Requirements	How the Council meets the Requirements
-----------------------	--------------	--

<p>2.1 Ensure effective leadership throughout the authority.</p>	<p>Set out a clear statement of the respective roles and responsibilities of the Leader and of all Council Committees and the authority's approach towards putting this into practice</p> <p>Set out a clear statement of the respective roles and responsibilities of members generally and of senior officers</p>	<p>The Constitution defines the roles and responsibilities of the Leader and Deputy Leader,</p> <p>The Constitution defines the roles and responsibilities of all Council Committees.</p>
<p>2.2 Ensure that a constructive working relationship exists between authority members and officers and that the responsibilities of authority members and officers are carried out to a high standard</p>	<p>Determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for the collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required</p> <p>Make a Chief Executive responsible and accountable to the authority for all aspects of operational management</p> <p>Develop protocols to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained</p> <p>Make a senior officer (the S151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control</p> <p>Make a senior officer (usually the monitoring officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with</p>	<p>The Constitution clearly sets out the Protocol between Members and Officers. Code of Conduct exists separately for Members and for Officers. Job descriptions are in place clearly defining the roles and responsibilities of senior officers. The Council has an annual and half yearly performance review system.</p> <p>Article 9 of the Constitution sets out the functions of the Council's Chief and Statutory Officers and protocols are disseminated in the organisation.</p> <p>Proper Officer arrangements are established for all financial matters for the Council.</p> <p>A scheme of delegation exists in the Constitution and separately in certain Service Areas (based on the Constitution) to ensure the appropriate exercise of powers in the Council.</p> <p>Member/Officer protocols in the Constitution ensure effective communication between Members and Officers, including the Leader and the Chief Executive.</p>

<p>2.3 Ensure relationships between the authority, Members and the public are clear so that each knows what to expect of the other</p>	<p>Develop protocols to ensure effective communication between members and officers in their respective roles</p> <p>Set out the terms and conditions for the remuneration of members and officers and an effective structure for managing the process, including an effective remuneration committee</p> <p>Ensure that effective mechanisms exist to monitor service delivery</p> <p>Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated</p> <p>When working in partnership, ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority</p> <p>When working in partnership: - ensure that there is clarity about the legal status of the partnership</p> <p>- ensure that representatives of organisations both understand and make clear to all other parties the extent of their authority to bind their organisation to partner decisions</p>	<p>Appropriate employment policies are followed including the National Joint Council for Local Government Services as well as Local Agreements.</p> <p>The performance review process, various meeting forums, one to one sessions focussing on delivery issues and progress and Programme and Project Boards addressing the delivery of projects are all effective mechanisms to monitor service delivery.</p> <p>The vision and priorities within the Corporate Plan and Sustainable Community Strategy are developed in consultation with the community and are communicated (disseminated) to ensure that both the public and Council officers are aware of Council obligations under the vision.</p> <p>Partnership guidance refers to the importance of defining roles and responsibilities for partner members and outlining the need for clarifying the legal status of the partnership.</p> <p>A Remuneration Committee was established in March 2012 to implement the provisions of the Localism Act 2011 and in line with good governance principles.</p>
--	---	--

Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.

Supporting Principles	Requirements	How the Council meets the Requirements
-----------------------	--------------	--

<p>3.1 Ensure Members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance</p>	<p>Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect</p> <p>Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols</p> <p>Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice</p>	<p>The Constitution contains codes of conduct and protocols for Members and Officers; there is a performance review process, a corporate complaints process and an anti-fraud and corruption policy.</p> <p>There is a counter fraud framework meeting statutory requirements and according with best practice guidelines. This framework includes the Whistle-Blowing Policy, Fraud Policy, Prosecution Policy, RIPA Policy as well as an annual report to the Audit Committee and an annual work plan.</p> <p>The Code of Conduct for Members provides effective arrangements for ensuring that Members are not influenced by prejudice, bias or conflicts of interests, which are implemented through training and the existence of processes to obtain details of personal interests:</p> <ul style="list-style-type: none"> - the Monitoring officer compiles the Register of Interests and conducts an annual review; - all Council and Committee meetings have declaration of disclosable pecuniary and non-pecuniary interests as a standard agenda item; - registered and declared interests are publicly available; - the arrangements for registration and declaration of interests includes gifts and hospitality. <p>The Code of Conduct for Officers sets out arrangements for ensuring that Officers are not influenced by prejudice, bias or conflicts of interest and includes the registration of interests.</p> <p>Officer Expenses Procedures encompass statutory requirements and best practice with records kept as part of standard accounting procedures.</p>
--	---	---

<p>3.2 Ensure that organisational values are put into practice and are effective</p>	<p>Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations, and communicate these with members, staff, the community and partners</p> <p>Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice</p> <p>Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority</p> <p>In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively</p>	<p>The Council has a published set of values: Being Trustworthy, Valuing Diversity, Being Human, and Being Collaborative.</p> <p>Codes of Conduct for Members and Officers are publicly available facilitate the development and maintenance of shared values reflecting public expectations.</p> <p>The Constitution, Ethics and Probity Committee operates in line with clear terms of reference contained in the Constitution. This includes “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>Decision making practices are publicly available and include decision-making principles supporting high standards of conduct.</p> <p>Processes for reporting complaints relating to Member conduct are clearly set out on Barnet Online.</p>
--	--	--

Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.

Supporting Principles	Requirements	How the Council meets the Requirements
<p>4.1 Be rigorous and transparent about how decisions are taken and listen and act on the outcome of constructive scrutiny</p>	<p>Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisation for which it is responsible.</p> <p>Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the</p>	<p>The Council resolved on 21 January 2014 to make a change to its governance arrangements to adopt a committee system. With the exception of day to day operational matters, decisions will be made by committees whose membership will reflect the political balance of the Council.</p> <p>Report-writing guidance and</p>

	<p>criteria, rationale and considerations on which decisions are based</p> <p>Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice</p> <p>Develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee</p> <p>Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints</p>	<p>templates are used by all Officers writing reports.</p> <p>.</p> <p>The corporate performance-monitoring processes related to the Corporate Plan are in place that scrutinise performance and address weaknesses in delivery.</p> <p>An Audit Committee, with clear terms of reference, cross-party membership and Independent Members review the Code of Corporate Governance.</p> <p>Members of the Audit Committee receive the necessary training in this role and can exercise their power to challenge officers responsible for areas under audit review where assurance levels have not improved, or present high risk to the organisation.</p> <p>A complaints process contributes to informed decision-making.</p> <p>The Corporate Complaints Policy ensures consistent and effective complaints handling across the Council.</p>
<p>4.2 Have good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs</p>	<p>Ensure that those making decisions whether for the authority or the partnership are provided with information that is fit for the purpose - relevant, timely and gives clear explanations of technical issues and their implications.</p> <p>Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.</p>	<p>Decision making protocols are publicly available and set out the criteria on which decisions are based.</p> <p>Clearance processes ensure that decisions are based on correct (fit for purpose) information and that information is available for timely review, including the availability and recording of legal and financial advice.</p>
<p>4.3 Ensure that an effective risk management system is in place.</p>	<p>Ensure that risk management is embedded into the culture of the authority with members and managers at all levels recognising that risk</p>	<p>A Risk Management Framework is reviewed annually and reported to the Audit Committee. An electronic risk management system is used to ensure that risk management</p>

	<p>management is part of their jobs.</p> <p>Ensure that effective arrangements for whistle-blowing are in place to which officers, staff and all those contracting with or appointed by the authority have access.</p>	<p>processes are embedded within the culture of the authority. Regular reporting and challenge sessions exist within the council to ensure decision makers are informed on the risks and opportunities for each decision.</p> <p>There is a Business Continuity Framework and toolkit with Business Continuity Plans regularly reviewed to enable efficient continuation of service through incidents.</p> <p>There is a generic major incident plan to fulfil the responsibilities to have appropriate arrangements in place in case of significant national or local incidents.</p> <p>A Whistle-Blowing Policy is available to officers.</p>
<p>4.4 Their legal powers to the full benefit of the citizens and communities in their area</p>	<p>Actively recognise the limits of lawful activity placed on the authority by, for example, the ultra vires doctrine but also strive to utilise its powers to the full benefit of the community.</p> <p>Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on the authority by public law.</p> <p>Observe all specific legislative requirements placed upon the authority, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law - rationality, legality and natural justice - into its procedures and decision making processes.</p>	<p>Officers and Members operate lawfully through the existence of mechanisms including:</p> <ul style="list-style-type: none"> • decision-making through the review process of all decisions prior to publications; • Management oversight of the decision making process within a legal context; and • the Internal Audit function and Corporate Anti-fraud function are in place to provide independent assurance on risk areas.

Principle 5 – Developing the capacity and capability of members and officers to be effective.

Supporting Principles	Requirements	How the Council meets the Requirements
-----------------------	--------------	--

<p>5.1 Make sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles</p>	<p>Provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis</p> <p>Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority</p>	<p>Member training, including induction training and specific training in relation to certain committees is provided and this includes non-councillor members of committees.</p> <p>Officers advise Members as required in addition to specific guidance being provided at induction and on Members' correspondence for example.</p> <p>The informal Member Development Panel (one member for each party), supported by Governance Service assesses skills required by Members and identifies, advises on and promotes Member training and development.</p> <p>The Organisational Development Plan incorporates a training policy for Officers, including induction training, is available.</p>
<p>5.2 Develop the capability of people with governance responsibilities and evaluate their performance, as individuals and as a group</p>	<p>Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively</p> <p>Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed</p> <p>Ensure that effective arrangements are put in place for reviewing the performance of Members and agreeing an action plan which might, for example, aim to address any training or development needs</p>	<p>The performance review process (with appraisals recorded and monitored) is the main basis for identifying and addressing training needs, including addressing the skill and support requirements of the statutory officers. Group Leaders administer this for their party.</p> <p>Training in relation to an Officer's area of responsibility is given and for financial and other cross-cutting systems with training needs assessed at appraisals.</p> <p>Role profiles for Members were agreed by General Functions Committee in 2011.</p>
<p>5.3 Encourage new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing</p>	<p>Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority.</p>	<p>Representatives from the community engage with the work of the Council through various structures such as the Citizens Panel, the Residents Forums and consultation surveys conducted corporately and at service level.</p> <p>The Remuneration Policy includes</p>

continuity and renewal.	Ensure that career structures are in place for members and officers to encourage participation and development.	career progression guidelines. The Talent Management Strategy encourages Officer participation and development.
-------------------------	---	--

Principle 6 - Engaging with local people and other stakeholders to ensure robust public accountability.

Supporting Principles	Requirements	How the Council meets the Requirements
6.1 Exercise leadership through which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	<p>Make clear to itself, all staff and the community to whom it is accountable and for what</p> <p>Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required</p>	<p>The Sustainable Community Strategy and the Corporate Plan have been disseminated resulting in a clear understanding by staff and the community as to what the Council is accountable for and to whom.</p> <p>The Barnet Partnership Terms of Reference are based on best practice and guidance and arrangements apply as far as possible to all its sub-partnerships.</p> <p>Various performance management structures scrutinise the effectiveness of relationships with partners, monitor delivery, identify and address concerns and report outcomes publicly.</p>
6.2 Take an active and planned approach to engage in dialogue with the public to ensure there is an effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning	<p>Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements and ensure that they operate effectively</p> <p>Hold meetings in public unless there are good reasons for confidentiality</p> <p>Ensure that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise</p>	<p>Residents Forums, corporate and local consultation exercises, and initiatives to engage specific groups are examples of a variety of consultation and engagement mechanisms to engage with all sections of the Community.</p> <p>Consultations are conducted with residents, Members and staff utilising best practice principles including the Market Research Code of Practice.</p> <p>The Residents Perception Survey on the place and council services is conducted with a representative sample of residents of the borough.</p>

	<p>that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands</p> <p>Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result</p> <p>On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period</p> <p>Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so</p>	<p>There is a Citizens Panel which consists of 1250 residents representative of the borough often used for service specific consultations.</p> <p>There is a Petition Scheme for persons who live, work or study in the authority's area to submit a Petition with their concerns about a Council service or decision.</p> <p>Corporate publications (including Barnet First), the 'Barnet Online' Website, electronic news letters, controlled media pitches, the Council's social media presence through Facebook and Twitter and campaigns to target specific areas are clear channels of communication with the public (both at corporate and at service level).</p> <p>Council and committee meetings are held entirely in public and their reports and minutes are public unless confidentiality is specifically required in accordance with the Access to Information Procedure Rules in the Constitution.</p> <p>Partnership arrangements for consultation are in line with and refer to consultation guidance.</p> <p>There is an annual report of outcomes and achievements in relation to the Council's vision to Council and therefore public. Council also publishes the Annual Governance Statement as part of the Annual Statement of Accounts.</p> <p>The Council is open and accessible to the public through:</p> <ul style="list-style-type: none"> - the above processes for communicating vision and outcomes to the public; - the complaints process available to the public, and - the publicly available Constitution, which sets out a commitment to openness and transparency and
--	---	--

		<p>defines processes for public participation at Committee meetings.</p> <p>The Freedom of Information Policy and Publication Scheme ensure openness and accessibility as well as compliance with the requirements of the Freedom of Information Act.</p> <p>The Data Protection Policy, Records Retention and Disposal Scheme and Fair Processing Notice ensure that confidentiality is preserved properly and appropriately.</p>
<p>6.3 Make best use of human resources by taking an active and planned approach to meet responsibility to staff</p>	<p>Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making</p>	<p>There are clear policies for consultation with staff and their representatives, including trade unions.</p>

3. MONITORING AND REPORTING

- 3.1 The Code of Corporate Governance will be reviewed biennially to ensure continuing compliance.
- 3.2 Compliance is regularly tested but not limited to the Internal Audit Plan and Annual Audit Report of the Chief Internal Auditor.
- 3.3 The Council will produce an Annual Governance Statement, which is the formal statement that recognises, records and publishes the Council's governance arrangements as defined in the CIPFA/SOLACE Framework "Delivering Good Governance in Local Government". It will be submitted to the Audit Committee.

This page is intentionally left blank

HR Regulations

Except for the powers reserved to General Functions Committee, Full Council or the Chief Officer Appointment Panel, 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, Strategic 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
--	---

request; and (d) Agree the minimum criteria by which objective selection may be made.	
--	--

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 (as listed in Article 9).	Appointment of Chief Officers (as listed in Article 9) is a function reserved to the Chief Officer Appointments Panel.
--	--

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

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

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</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>

procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.	
--	--

2.1.7. *Dismissal*

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

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 Recruitment and/or Retention Premia 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 Strategic 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 Strategic 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.

This page is intentionally left blank

HR Regulations

Except for the powers reserved to Full Council, General Functions Committee or the Chief Officer Appointment Panel, 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

The council Establishment are those posts which have been approved by the Full Council, General Functions Committee, Chief Executive or Chief Officers as being required to deliver the Council's functions and priorities.

Strategic Directors, Directors, Assistant 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 that they have the information required 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 before the matter is implemented.

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 to obtain 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 the existing officers), the council will:

(a) draw up a statement specifying: <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; 	Appointment of Chief Officers is a function reserved to the Chief Officer Appointment Panel and may include an external appointment process
(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	

<p>are qualified to apply for it;</p> <p>(c) make arrangements for a copy of the statement mentioned in paragraphs (1) and 2(a) to be sent to any person on request; and</p> <p>(d) Agree the minimum criteria by which objective selection may be made.</p>	
--	--

2.1.3. ***Appointment of Head of Paid Service**

<p>(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</p>	<p>The Chief Officer Appointments Panel will make a recommendation on the appointment of the Head of Paid Service for approval by Full Council.</p>
--	---

2.1.4. ***Appointment of Chief Officers**

<p>(a) A Committee of the council will appoint Chief Officers (as listed in Article 9).</p>	<p>Appointment of Chief Officers (as listed in Article 9) is a function reserved to the Chief Officer Appointments Panel.</p>
---	---

2.1.5. ***Other appointments**

(a) Officers below Chief Officer.

<p>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.</p>	<p>The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions.</p>
<p>The Head of Paid Service will consult the Chair of the Chief Officers Appointments Panel before making an appointment of deputy Chief Officers.</p>	<p>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.</p>

(b) Appointment of political assistants

<p>(i) The council may appoint up to three posts to provide assistance to the members of any political group to which members of the council belong to discharge any of their functions as members of the council.</p>	<p>The Monitoring Officer will be responsible for the allocation of posts.</p> <p>The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's</p>
--	---

<p>(ii) Each post shall first be allocated to a political group in accordance with Section 9 of the Local Government and Housing Act 1989, and will then fall to be filled from time to time in accordance with the wishes of that group. No post shall be allocated to a political group that does not qualify for one.</p> <p>(iii) No appointment shall be made to any such post until the council has allocated a post to each political group that qualifies for one. No more than one post shall be allocated to any one political group.</p>	<p>contractual terms and conditions.</p>
---	--

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 dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes as allowed for within the Council's contractual Terms and Conditions are followed.</p>
<p>(b) Any decision to dismiss the Head of Paid Service, 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 (other than those referred to in b) above) 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 Recruitment and/or Retention Premia 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.

Strategic Directors, Directors, Assistant Directors and Heads of Service 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 to the Council's Establishment are made on an accurate and timely basis.

3 Employee Records

Strategic Directors, Directors, Assistant 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 for ensuring that all of the Council's obligations under the LGPS legislation are complied with.

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.

	<p>Council</p> <p>30 January 2018</p>
<p style="text-align: right;">Title</p>	<p>Approval of the Annual Pay Policy Statement</p>
<p style="text-align: right;">Report of</p>	<p>Chairman of the General Functions Committee</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – Report to the General Functions Committee Annex A – Pay Policy Statement</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Graeme Lennon, HR Director , Graeme.Lennon@Barnet.gov.uk</p>

<p>Summary</p>
<p>Local Authorities have to publish a Pay Policy Statement on the 1 April each year. This report seeks approval of the Council’s annual Pay Policy Statement (Annex A) which was endorsed by the General Functions Committee on 15 January 2018. Subject to approval by Full Council, it will be published.</p>

<p>Recommendation</p>
<p>1. That Council approves the annual Pay Policy Statement for the financial year 2018/19 (Annex A).</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 38(1) of the Localism Act 2011 requires local authorities to produce and publish an annual Pay Policy Statement.
- 1.2 On 15 January 2018 the General Functions Committee reviewed the Council's Pay Policy Statement for the financial year 2018/19 and resolved to recommend it for approval by Council.
- 1.3 Council is responsible (in accordance with Constitution Article 4 – Full Council; 4.1 Role and Functions) for the “Approval of annual pay statement”.

2. REASONS FOR RECOMMENDATION

- 2.1 As set out in the report to the General Functions Committee, 15 January 2018.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As set out in the report to the General Functions Committee, 15 January 2018.

4. POST DECISION IMPLEMENTATION

- 4.1 The Pay Policy Statement requires endorsement by Full Council on 30 January 2018 prior to publication.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 As set out in the report to the General Functions Committee, 15 January 2018.

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

- 5.2.1 As set out in the report to the General Functions Committee, 15 January 2018.

5.3 Social Value

- 5.3.1 As set out in the report to the General Functions Committee, 15 January 2018.

5.4 Legal and Constitutional References

- 5.4.1 As set out in the report to the General Functions Committee, 15 January 2018.

5.5 Risk Management

- 5.5.1 As set out in the report to the General Functions Committee, 15 January 2018.

5.6 Equalities and Diversity

5.6.1 As set out in the report to the General Functions Committee, 15 January 2018.

5.7 Consultation and Engagement

5.7.1 As set out in the report to the General Functions Committee, 15 January 2018.

5.8 Insight

5.8.1 As set out in the report to the General Functions Committee, 15 January 2018.

6. BACKGROUND PAPERS

6.1 None

This page is intentionally left blank

	<h2>General Functions Committee</h2> <h3>15 January 2018</h3>
<p style="text-align: right;">Title</p>	<p>Pay Policy Statement</p>
<p style="text-align: right;">Report of</p>	<p>Graeme Lennon, Strategic HR Director</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A – Pay Policy Statement</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Graeme Lennon, 020 8359 5080, Graeme.Lennon@Barnet.gov.uk</p>

<h3>Summary</h3>
<p>Local Authorities have to publish a Pay Policy Statement on the 1 April each year or as soon thereafter as is practicable. This report introduces a draft Pay Policy Statement for endorsement by Full Council on 30th January 2018 prior to publication.</p>

<h3>Recommendations</h3>
<p>That the Committee agrees the Council’s Pay Policy Statement for the financial year 2018/19 and to remit it for endorsement by Council on 30th January 2018.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.

2. REASONS FOR RECOMMENDATIONS

- 2.1 To comply with the Localism Act, associated statutory guidance, including the transparency requirements on remuneration as set out in the Code of Recommended Practice for Local Authorities on Data Transparency issued by the Department for Communities and Local Government in September 2011 and the council's constitution.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The proposal arises from the statutory obligation cited in sections 1.1 and 2.1 and as such alternative options have not been considered in the context of this report.

4. POST DECISION IMPLEMENTATION

- 4.1 The Pay Policy Statement requires endorsement by Full Council on 30th January 2018 prior to publication.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 No applicable

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

- 5.2.1 The costs of implementing the Pay Policy are provided for within existing approved Budgets.

5.3 Social Value

Not applicable

5.4 Legal and Constitutional References

- 5.4.1 Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.

- 5.4.2 Council Constitution, Article 7 (Committees, Forums, Working Groups and Partnerships) – the terms of reference of the General Functions Committee includes:

- a. To develop the annual pay policy statement for full Council approval and be responsible for the publication of the annual statement
- b. To review annually remuneration, as defined above

5.5 Risk Management

- 5.5.1 Not applicable

5.6 Equalities and Diversity

- 5.6.1 Not applicable

5.7 Consultation and Engagement

- 5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 There are no background papers.

This page is intentionally left blank

APPENDIX A

London Borough of Barnet
Pay Policy Statement 2018/19

Published
April 2018

1 Background

Localism Act 2011 - Openness and accountability in local pay

- 1.1. Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions. However, it emphasises the need to deliver value for money for local taxpayers.
- 1.3. This statement will be presented to Full Council for adoption and any further changes during the year will be brought back to Council for approval.
- 1.4. This statement does not cover schools.

Related Remuneration and Transparency Context

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Code of Recommended Practice for Local Authorities on Data Transparency issued by the Department for Communities and Local Government in September 2011 and specific guidance relevant to the Localism Act issued by the Department in February 2012 and February 2013.
- 1.6. Part of the Code of Recommended Practice for Local Authorities on Data Transparency includes publishing information relating to senior salaries within a local authority. A full list of all posts that are paid more than £58,200 is published on the Council's website. See <https://barnet.gov.uk/citizen-home/council-and-democracy/finance-and-funding/financial-statements-budgets-and-variance-reports/senior-salaries.html>

2. Governance arrangements for pay and conditions of service within London Borough of Barnet

- 2.1. The [General Functions Committee](#) (appointed by [Council](#)) has responsibility for decisions related to the pay and terms and conditions of employment for staff (other than those within the remit of the [Chief Officer Appointment Panel](#)¹) in accordance with [Article 7 \(Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership\) of the Constitution](#)
- 2.2. Included within its responsibilities, is the duty to develop and publish the annual pay policy statement for approval by Council (being its parent body) which will comprise:
 - the level and elements of remuneration for each Chief Officer
 - relationship of the remuneration of Chief Officers and other officers
 - a description of the relationship between decisions made on the lowest paid and top paid employees in the organisation

¹ The Chief Officer Appointment Panel deals with chief officer appointments, discipline and capability matters.

- 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
- determination of remuneration parameters for officers who have returned to work for a local authority
- appointment and remuneration term.

2.3. In addition the Committee must review remuneration annually and ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the policy between annual reviews.

2.4. Council is asked to consider the General Functions Committee's recommendation(s) and is ultimately responsible for approval of the annual pay policy statement.

3. Remuneration arrangements for all employees

Introduction

3.1. This section sets out the remuneration arrangements for London Borough of Barnet employees.

Senior Management

- 3.2. The Senior Management Team's pay and reward arrangements include:
- Market based pay structure which links job size to the mid point between Median and Lower Quartile Pay data
 - Evaluation of all roles using Hay job evaluation scheme to size the role.
 - Pay Grade reflect job sizes and evaluated roles are slotted according to the evaluated job size
 - Automatic enrolment into Local Government Pension Scheme (LGPS)
 - Base pay linked to the NJC for Local Government Services
 - 30 days annual leave
 - Sick pay is a maximum of six months at full pay and three months at half pay

Rest of the Council

- 3.3. The Council is reviewing its pay and reward arrangements for all other employees. Current arrangements are:
- Base pay negotiated through collective bargaining arrangements administered by the Local Government Association

- Adoption of the National Joint Council (NJC) for Local Government Services (LGS) pay spine
- Evaluation of all roles using systematic job evaluation.
- Roles placed on the pay spine using job evaluation
- Automatic enrolment into Local Government Pension Scheme (LGPS)
- Other terms and conditions of employment, such as entitlement to sick pay and annual leave, are governed by the NJC LGS

Pay Scales - Senior Management Team

3.4. The Senior Management grade structure and salaries were agreed by General Function Committee on 3rd May 2017. The General Functions Committee (subject to Council approval) sets the pay rates applicable to the grade structure on an annual basis and this pay policy statement is updated. The table below sets out the salaries associated with the pay grades for the Senior Management Team and the Statutory Officer posts. Salaries are reviewed during April each year and an updated pay policy statement is approved and published by the Council as necessary.

Pay Grade	Pay point for Entry On 1 April 2018	Pay point for Fully Competent On 1 April 2018	Chief Officer and Senior Management Posts
1	£181,165	£191,365	Chief Executive*
2	£151,433	£161,633	Deputy Chief Executive*
3	£129,540	£150,960	Strategic Director for Children & Families* (incorporates statutory Director of Children's Services); Strategic Director for Adults & Health* (incorporates Statutory Director for Adults and Social Services) Strategic Director for Environment*
4	£116,280	£129,540	Assistant Chief Executive* Director of Resources(Section 151 Officer)*; Director of Adults and Communities
5	£106,080	£116,280	Commercial Director Director of Development & Regeneration Operational Director (Early help, Children in need of help & protection) Operational Director (Corporate Parenting, Disability and Permanence) Streetscene Director Assurance Director
6	£86,700	£106,080	Senior Management – mainly Assistant Director posts
7	£74,460	£83,640	

Pay Grade	Pay point for Entry On 1 April 2018	Pay point for Fully Competent On 1 April 2018	Chief Officer and Senior Management Posts
8	£66,300	£74,460	

***Chief Officer posts**

- 3.5. Each Pay Grade comprises a minimum (entry pay point) and a maximum (fully competent) pay point. The Fully Competent pay point reflects the evaluated level of the job. The Council does not pay beyond the evaluated level of the job and there is no automatic progression within the Grade.
- 3.6. The appropriate pay point at recruitment will normally depend upon the applicant's assessed level of competence.
- 3.7. All Chief Officer appointments (those officers listed in Article 9) will be conducted by the Chief Officer Appointment Panel, which comprises five elected members appointed to the panel by Council. The Panel includes the Leader of the Council, the Deputy Leader of the Council, the Chairman of the General Functions Committee, the Leader of the Opposition and a further member of the opposition group. The post holder's remuneration will be voted on by the General Functions Committee and reported to Council at the earliest opportunity.
- 3.8. In accordance with supplementary guidance issued by the Department for Communities and Local Government, Council have been given the opportunity to vote on Chief Officer Salary packages, salaries at or above £100,000 per annum and any severance packages per individual of £95,000 or more (see section 4 below). Council delegated this function to the General Functions Committee.
- 3.9. The General Functions Committee is responsible for the appointment of all chief officers with the exception of the Head of Paid Service (Chief Executive) as Council retains the responsibility to confirm the appointment or dismissal of the Head of Paid Service.

Pay Scales - Rest of the Council

- 3.10. The council in accordance with its single status agreement currently has two pay bands in operation for the remainder of the Council as follows:

Pay Band	Relevant employees	Lowest Pay Point on 1 April 2018	Highest Pay Point on 1 April 2018
Hay band M	Senior Managers and some professional staff	£49,947	£64,389
Barnet Broadband	All other employees	£18,375	£66,916

- 3.11. The evaluated grade for a role is normally 4 spinal column points. However the Single Status Agreement allows for some discretion in the number of spinal column points within a grade ranging from single spot grade through to a career grade; this discretion must be in line with the single status agreement.
- 3.12. The pay point on recruitment is normally at the bottom point of the grade for each post unless there is a justifiable reason for doing otherwise. An example might be that for particular roles there is difficulty in recruitment and retention and to ensure that the successful candidate accepts the job offer a salary above the bottom of the grade is required.
- 3.13. Progression through the grade is assessed through the annual performance review cycle with pay awards being subject to those outlined in Table A below until the top of the pay grade is reached.

Table A

Rating	Percentage increase
Development Needs	0%
Satisfactory	0.5%
Good	2.25%
Outstanding	3%

Barnet Living Wage

- 3.14. The Council has developed a fair pay policy to ensure that it applies a minimum wage for Council employees.

“London Borough of Barnet is a fair pay employer and will apply the principles of a living wage (including taking into account the National Minimum Wage, National Living Wage, London Living Wage and national pay awards in the public sector), subject to affordability.”

- 3.15. Employees whose pay rate is less than the agreed amount will receive a pay supplement to bring their pay up to an equivalent of the published Barnet Living Wage rate. The minimum rate will be reviewed on an annual basis.

Other Elements of Remuneration

Pay Protection

- 3.16. The Council’s Managing Organisational Change Policy is applicable to all employees and sets out the Council’s pay protection policy.

Recruitment and Retention Premia

- 3.17. The Council has a recruitment and retention payments policy applicable to all employees which describes when and how the Council may pay beyond the evaluated level of the job. Any market payment will need to be supported by clear market evidence before it can be brought into payment.

Other

- 3.18. The Council does not pay bonuses or performance related pay to senior managers.
- 3.19. The Council does not offer any benefits in kind.
- 3.20. The Council does not use ex-gratia payments.

Payment for election duties

- 3.21. The role of Returning Officer is considered to be secondary employment and any Senior Officer undertaking this role will be expected to either take annual leave or special unpaid leave when fulfilling this function.
- 3.22. Any employee who undertakes election duties is paid for this through the Returning Officer. The level of Fees & Charges payable for election duties are set by the Cabinet Office & London Councils.

Pension Arrangements

- 3.23. The percentage rate of contributions is set according to pension regulations.
- 3.24. Employees of the London Borough of Barnet are automatically enrolled into the LGPS but can opt out if they so wish.
- 3.25. All pension matters are dealt with by LGPS Scheme Rules.

Redundancy Terms

- 3.26. The Council's Managing Organisational Change Policy is applicable to all employees, including Chief Officers, and Head of Paid Service, and sets out redundancy compensation.
- 3.27. Compensation is calculated as 1x actual salary x number of weeks. Number of weeks is calculated using the statutory matrix of Age and Years of Completed Service. The minimum is 1 week's actual gross pay and the maximum is 30 weeks.
- 3.28. The Council's redundancy terms do not enhance pension entitlements.
- 3.29. The Council as part of its duty to mitigate the consequences of redundancy puts in place appropriate employee support, which includes career advice, workshops and trial periods for employees.

Appointment and Remuneration Terms

- 3.30. The Council appoints to roles on a variety of terms and the final decision about the appointment and remuneration terms will be a reflection of the requirements of the role; the evaluated level of the role; the longevity of the role; budgetary constraints and broader value for money considerations.

4. Severance arrangements

- 4.1. The Council does not enhance severance packages beyond statutory and contractual entitlements. In practice this means severance package consist of redundancy pay (see 3.26), any holiday pay the employee is contractually entitled to and pension payments that the employee is entitled to in accordance with the Local Government Pension Scheme (LGPS). The Total severance payment to any individual will be capped at a maximum of £95,000 and includes all payments relating to the employee's contract termination. In respect of the local government pension scheme this will mean that mandatory and discretionary payments towards premature retirement compensation will be included in the assessment of the severance payments made to an individual.
- 4.2. Where an employee is aged 55 or above and is made redundant then by virtue of the LGPS scheme rules the employee's pension will automatically come into payment. It should be noted that an employer cost, known as 'Pension Strain' will be crystallised and is a cost to be paid by the employer to LGPS subject to the £95,000 cap not being exceeded.
- 4.3. For the purposes of calculating the component parts of a severance package this will include:
- redundancy pay
 - holiday entitlement earned but not taken
 - 'pension strain' cost payable by the Council to the Pension Scheme.
- 4.4. Council has been given the opportunity to vote on severance packages at or above £95,000 per annum and have delegated this function to the General Functions Committee.

5. Relationship between the remuneration of its chief officers, and the remuneration of its employees who are not chief officers

Remuneration of the Lowest Paid

- 5.1. The definition of the lowest paid is based on the Council's living wage - see section 3.10.

Pay Dispersion

- 5.2. The highest paid role in the Council is the Chief Executive with earnings of £181,165. The median average paid role is £28,953 and this covers a wide range of roles. The ratio between the highest paid in the authority (Chief

Executive Officer) and the median average paid role is 1:6.26. The lowest paid role in the Council is scp 11 earning £19,557 per annum. The ratio between the highest and lowest paid roles is 1:9.26.

5.3.

5.4. A comparison between the current year and previous year is shown below:

Description	2015/16	2016/17	2017/18	2018/19
Highest Paid	£187,613	£187,613	£187,613	£181,165
Median	£25,710	£27,251	£28,385	£28,953
Lowest paid	£16,518	£16,518	£17,981	£19,557
Highest to median ratio	1:7.3	1:6.9	1:6.6	1:6.26
Highest to lowest ratio	1:11.4	1:11.4	1:10.4	1:9.26

Elements of Chief Officer Remuneration

5.5. All Chief Officers receive only base pay. In common with all other roles in the Council if there was clear market evidence that the evaluated level of the job did not reflect the market then a market supplement would be considered. Any market supplement would need to be agreed by the General Functions Committee.

6. Gender Pay

6.1 Mandatory gender pay gap reporting in the public sector is required as part of the Equalities Act 2010(Specific Duties and Public Authorities) Regulations 2017. This requires the Council to publish the:

- Mean gender pay gap
- Median gender pay gap
- Mean bonus gender pay gap
- Median bonus gender pay gap
- Proportion of males and females receiving a bonus
- Proportion of males and females in each quartile band

The required information is outlined below:

Description	Female	Male
Mean gender pay gap	£29,110 (966)	£27,546 (684)
Median gender pay gap	£28,562	£28,562
Mean bonus gender pay gap	N/A – the Council does not pay bonuses to any staff	N/A – the Council does not pay bonuses to any staff
Median bonus gender pay gap	N/A – the Council does not pay bonuses to any staff	N/A – the Council does not pay bonuses to any staff
Proportion of males and females receiving a bonus	N/A – the Council does not pay bonuses to any staff	N/A – the Council does not pay bonuses to any staff

Proportion of males and females in each quartile band

Quartile Banding	Females	Males
£19,557 - £59,959	928	657
£59,960 – £100,362	32	20
£100,363 - £140,746	4	4
£140,747 - £181,165	2	3

7. Staff moving posts within the public sector

- 7.1. The Council operates a recruitment policy based on merit - in line with section 7 the Local Government and Housing Act 1989.
- 7.2. Should a successful candidate be in receipt of a severance payment or pension the London Borough of Barnet applies the Rules of the Local Government Pension Scheme and Modification Order to manage the following scenarios, should they occur:
- Where previously employed by the same authority, left with a severance or redundancy payment, and have come back as a Chief Officer
 - Are in receipt of a Local Government Pension Scheme or Firefighter pension (whether their previous service was with the same authority or not).
- 7.3. Where the successful candidate was previously employed by the Council then there would normally be a 12 month break before the Council would re-employ either as an employee or under a contract for services


8. Publication of and access to information regarding remuneration of Chief Officers

- 8.1. Remuneration information about Chief Officers is published on the London Borough of Barnet's website which is accessible to all members of the public.
- 8.2. The Council's Annual Accounts set out actual remuneration including all elements of pay for roles paid above £58,200. These accounts are published on the Council's website.

9. Amendments to this Pay Policy Statement

- 9.1. The tables in paragraphs 3.4 and 3.10 includes the recommended NJC Pay Offer.
- 9.2. There is a requirement to keep this Pay Policy Statement as up to date as possible. Therefore, mid-year amendments to the statement will be approved and published by the Council as appropriate.

January 2018

	<p>Council</p> <p>30 January 2018</p>
<p style="text-align: right;">Title</p>	<p>Report of Director of Finance - London Boroughs Grants Scheme – Borough Contributions, 2018/19</p>
<p style="text-align: right;">Report of</p>	<p>Director of Finance & Section 151 Officer</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>Yes</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Ken Argent, Grants Manager, Finance, Commissioning Group (ken.argent@barnet.gov.uk) (020 8359 2020)</p>

<h3>Summary</h3>
<p>This report considers the proposals of the London Councils Leaders’ Committee regarding the overall level of expenditure of, and borough contributions to, the London Boroughs Grants Scheme (LBGS) in 2018/19.</p>

<h3>Recommendations</h3>
<p>(1) That the recommendation of the London Councils Leaders’ Committee for an overall level of expenditure of £8,668,000 in 2018/19, involving total borough contributions of £6,668,000 and a levy on Barnet of £292,953, be approved.</p> <p>(2) That the Director of Finance be instructed to inform the Chief Executive of London Councils accordingly.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Formal approval to the 2018/19 LBGS budget by at least 22 of the constituent boroughs is required before 1 February 2018. In the event that the budget is not agreed by this statutory deadline, the Secretary of State for Communities and Local Government has powers to intervene and set the budget at the same level as in 2017/18 (£8,899,000).

2. REASONS FOR RECOMMENDATIONS

- 2.1 The budget reflects how the LBGS has been reconfigured, with the approval of constituent authorities, since 2011/12, pursuant to the significant cuts in public sector spending.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The next meeting of the Policy and Resources Committee to which this report would ordinarily have been submitted is not until 13 February, after the statutory deadline for notifying the council's decision.

4. POST DECISION IMPLEMENTATION

- 4.1 The Chief Executive of London Councils will be notified of the council's decision in compliance with the deadline set.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The council is committed to working in partnership with the voluntary and community sector (and with other public agencies and local businesses) to ensure that high quality public services are delivered in the most effective and efficient way in line with the Corporate Plan.

- 5.1.2 The LBGS was established in 1985 under section 48 of the Local Government Act 1985 to make grants to pan-London and sub-regional voluntary organisations. The scheme remains in force so long as a majority of London boroughs continue to support it.

- 5.1.3 Section 48(3) of the 1985 Act requires constituent councils to contribute towards any expenditure of the designated authority in the making of grants which has been incurred with the approval of at least a two-thirds majority of the councils.

- 5.1.4 With the consent of constituent authorities, the City Corporation succeeded the London Borough of Richmond upon Thames as the appointed designated authority for the LBGS in 2004, involving the discharge of certain formal requirements such as issuing the annual levy on boroughs. In all practical respects, however, the scheme is administered by London Councils.

Reviews of Future Role and Scope of LBGS

- 5.1.5 In 2010, following a review of the future role and scope of the LBGS set against cuts in public sector spending, the London Councils Leaders' Committee agreed the principles for a future grants scheme based on funding a genuinely London-wide programme embracing services that are frontline, specialist or where mobility of clients is key to delivery; infrastructure support to service providers; voice/representation services; and capacity building.
- 5.1.6 Funding for all services categorised as essentially local in nature, but either more suited to sub-regional decision-making and delivery or capable of local determination and priority, ceased in 2011/12.
- 5.1.7 In 2012, following consultation with boroughs and other stakeholders, the Leaders' Committee agreed the principles and priorities to be applied in selecting four-year commissions through the LBGS with effect from April 2013, based on commissioning fewer, but better resourced, services and only those that are genuinely pan-London. The priorities were:
- to tackle homelessness, including developing new ways of working with partners, focused on early intervention and prevention of homelessness, emergency accommodation and advice services;
 - to prevent sexual and domestic violence and assist victims to access emergency services and/or services that support women and communities affected by forced marriage and harmful practice;
 - to tackle poverty by promoting access to employment and training, drawing on opportunities for match funding provided by boroughs working with London Councils and the European Social Fund (ESF);
 - to help London's voluntary and community sector to build capacity and operate more efficiently.
- 5.1.8 A further review of the LBGS in 2015 against the backdrop of further announcements about the funding position of local authorities over the following five years resulted in discontinuance of the fourth priority (capacity building of the third sector) in commissioning new services for the four-year period from April 2017.

2017/18 LBGS budget

- 5.1.9 The LBGS has an overall budget of £8,899,000 in 2017/18 to meet the cost of the new commissions, which is met from:

	£
borough subscriptions	7,668,000
ESF grant	1,000,000

transfer from reserves	231,000
	<u>8,889,000</u>

2018/19 LBGS budget

5.1.10 The Leaders' Committee on 5 December 2017 agreed to recommend to constituent authorities for approval an overall level of expenditure of £8,668,000 for 2018/19, made up of:

	2018/19	(2017/18)
	£	(£)
Payments to commissions	8,053,000	(8,053,000)
Operating expenditure (including central recharges and London Funders' membership fees)	615,000	(615,000)
(Support to the third sector via City Bridge Trust)	-	(75,000)
(Gross repayment to boroughs from reserves)	-	(156,000)

5.1.11 It is proposed that the budget would be met as follows:

	£
Borough subscriptions	6,668,000
ESF grant	1,000,000
Transfer from reserves	1,000,000
	<u>8,668,000.</u>

Barnet's apportionment of the levy on the basis of population data (see 5.2.1 below) will be 4.39% in 2018/19, which will result in a Barnet contribution of £292,953, a reduction of £42,718 on the 2017/18 levy.

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

5.2.1 The annual payment to the LBGS is a levy under section 74 of the Local Government Finance 1988 and regulations made under it. Individual borough contributions are determined by total resident population of the respective boroughs, based on Office of National Statistics (formerly OPCS) mid-year estimates for the year two years before the start of the financial year for which the levy is issued.

5.2.2 The levy on Barnet has fallen in each of the last seven years from £1,145,489 in 2010/11 to £335,671, resulting in a reduced contribution of £809,818 to 2017/18.

5.2.3 Based on mid-year 2016 population estimates, when Barnet's population was 386,080 (compared to 379,690 in mid-2015), Barnet's contribution to the LBGS in 2018/19 will be 4.39% of total borough contributions.

5.2.4 Provision for the level of contribution to the LBGS, as finally approved, will be included in the draft 2018/19 revenue budget, which will be presented to the Policy and Resources Committee on 13 February 2018. If the LBGS budget put forward is approved, Barnet's contribution in 2018/19 will have reduced in 2018/19 to £852,536.

5.2.5 Approval of the budget will mean that borough contributions to the LBGS will have reduced since 2010/11 from £24,900,000 to £6,668,000, a reduction of £18,232,000 or 73%.

5.3 Legal and Constitutional References

5.3.1 The council, as the supreme decision-making body, may, with some exceptions, exercise any of the functions vested in the authority in law. It is requested to make a decision in this instance as the relevant delegated decision-making body, the Policy and Resources Committee, does not meet until after the statutory deadline for formal approval of the 2018/19 LBGS budget and levy.

5.3.2 Further legal and constitutional considerations are detailed in paragraphs 5.1.2, 5.1.3, 5.2.1 and 5.5 (below).

5.4 Risk Management

5.4.1 The council is bound by law to contribute towards the costs incurred by the designated authority in the making of grants under the LBGS according to the formula set out above. In the event of the scheme being discontinued, constituent authorities would be required to contribute to its winding up costs, both in relation to grant commitments made and the closing of the unit that administers the scheme. These have not been quantified.

5.4.2 If the LBGS budget for 2018/19 is not agreed by two-thirds of constituent councils before 1 February 2018, the budget will be set at the same level as in 2017/18 (£8,899,000).

5.5 Equalities and Diversity

5.5.1 Under section 149 of the Equality Act 2010, the council and all other organisations exercising public functions must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; and sex and sexual orientation. The broad purpose of this duty is to integrate considerations of equality into daily business and keep them under review in decision making; the design of policies; and the delivery of services.

- 5.5.2 An analysis by London Councils in accordance with the duties under the Act identified that a refocusing of the grants programme to reflect the reduced resources available in the context of the significant spending constraints facing local authorities would have an impact on protected groups of people. The principles and priorities of the existing programme, and the service specifications and strands to deliver outcomes, seek to apply scarce resources to mitigate, where possible, any adverse equality impacts arising from a refocused programme operating with a reduced budget.

5.6 Consultation and Engagement

Grants Programme, 2017-21

- 5.6.1 In 2015, London Councils consulted boroughs and stakeholders on whether or not the grants programme should continue past March 2017 and, if it did, what the priorities of the programme should be.
- 5.6.2 The council in its response acknowledged the value of the LBGS in funding organisations that supported niche groups which would lack sufficient scale if resourced locally, but expressed concern about how effectively the scheme was promoted within boroughs and that many of the commissioned services did not benefit Barnet residents to any significant degree. Many of the organisations supported operated predominantly in central London and the disproportionate benefit that inner London boroughs with smaller populations received amounted to a redistribution of wealth from outer London.
- 5.6.3 The response stated that there was a need to take account of how many costly problems had migrated outwards to the suburbs and that sub-regional programmes tended to be better aligned to local need than those commissioned at the pan-London level. In the council's opinion, better outcomes could be achieved by redeploying the levy locally. Although it did not necessarily wish to withdraw from all activities funded through the LBGS, its overall view given the nature of the consultation, which posed a single question about the future of the programme, was that it should not continue.
- 5.6.4 The consultation and other evidence signified a majority view that acting collectively to address London-wide priorities was effective; provided value for money; and delivered positive outcomes for people with protected characteristics under the Equality Act 2010. A majority of stakeholders expressed support for continuation of a pan-London grants programme operating in accordance with the principles agreed in 2012.

5.6.5 The new four-year programme, 2017-21, which eliminated capacity building of the third sector from the previously agreed commissioning priorities pursuant to announcements about the future funding position of local authorities, has commissioned 14 projects dedicated to tackling homelessness; sexual and domestic violence; or promoting access to employment on a pan-London basis.

6. BACKGROUND PAPERS

- 6.1 Policy & Resources Committee, 10 January 2017: approval of an overall level of LBGS expenditure of £8,899,000 in 2017/18, involving total borough contributions of £7,668,152 and a levy on Barnet of £335,671.
- 6.2 Reports to London Councils Grants Committee (22 November 2017) and Leaders' Committee (5 December 2017) on the LBGS proposals for 2018/19.
- 6.3 London Councils Chief Executives' Circular 02/17 dated 8 December 2017 seeking approval to the 2018/19 budget.

This page is intentionally left blank

	<p>COUNCIL</p> <p>30 January 2017</p>
<p>Title</p>	<p>Report of Head of Governance</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A – Changes to Calendar of Meetings Appendix B – Appointments to Outside Bodies</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

<p>Summary</p>
<p>This item presents various constitutional and administrative matters for Council's agreement. Full details are as set out in the appended reports.</p>

<p>Recommendations</p>
<ol style="list-style-type: none"> 1. That the Council note the change to the Calendar of Meetings. 2. That Council makes appointment to the other body as listed in Appendix B.

1. WHY THIS REPORT IS NEEDED

1.1 The Head of Governance report seeks Council's approval for various matters of business relating to the Council's statutory and constitutional functions.

2. REASONS FOR RECOMMENDATIONS

2.1 As set out in the attached appendices.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 N/A.

4. POST DECISION IMPLEMENTATION

4.1 Council decisions will be minuted and implemented through the Head of Governance.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As set out in attached appendices.

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

5.2.1 Any specific implications are set out in the attached appendices.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Full Council Procedure Rules – requires that Council “Agree the Council Calendar of meetings including for ordinary meetings of the Council”.

5.3.2 Council Constitution, Article 4 – The Full Council– states that the Council is responsible for:

- Agreeing and amending the terms of reference of committees, deciding their composition and making appointments to them.
- Approving Member and officer appointments to outside bodies and external organisations on the recommendation of the Group Secretaries or Chief Executive

5.4 Risk Management

5.4.1 None specifically arising from this report.

5.5 Equalities and Diversity

5.5.1 None specifically arising from this report.

5.6 Consultation and Engagement

5.6.1 None specifically arising from this report.

6. BACKGROUND PAPERS

6.1 None.

This page is intentionally left blank

APPENDIX A

Changes to calendar of meetings - 2017-18 Municipal Year

Committee	Date(s) of Meeting(s)	New date(s) of Meeting(s)
Planning Committee	21 January 2018, 7pm	8 February 2018, 7pm
Welsh Harp Joint Consultative Committee	-	11 July 2018, 7pm 20 November 2018, 7pm 6 March 2019, 7pm

This page is intentionally left blank

APPOINTMENT TO COMMITTEES AND OTHER BODIES

Appointment to an Other Body

The Local Pension Board recently created two new Local Pension Board Member positions and following a public recruitment, selection and interview process the following candidates have been recommended for Full Council approval.

Committee	Current Member	New/ Replacement Member
Local Pension Board		David Woodcock
Local Pension Board		Hem Savla
Local Pension Board	Hem Savla (Substitute Member)	Alice Leach (Substitute Member)

RECOMMEND that the appointments to the Local Pension Board be approved.

This page is intentionally left blank

Teaching, faith schools

Council notes that the Government is undergoing consultations regarding the teaching of subjects of sex, sexuality and relationships in schools and Council welcomes this educational initiative

Council is aware that there are aspects of the teaching of sex, sexuality and relationships that would conflict with the ethos of some faith schools.

Council very much recognises and values the diversity of faith schools within this Borough, notes the excellent achievements of many of them and would not wish to see these schools undermined.

Council calls on the Government to allow faith schools to deal with the teaching of the said subjects only to the extent and in a manner consistent with their religious ethos, to ensure the Department of Education allows for this in its pending guidelines and to call on OFSTED inspectors to be sensitive and understanding of this when carrying out their inspections.

This page is intentionally left blank

Anti-Bullying Charter: How our schools can help

Barnet has some of the highest-performing and most desirable schools in the country, built on foundations of educational excellence and a holistic approach to pupil welfare.

Council recognises this and invites good and outstanding schools in Barnet to use their experience and excellent processes — particularly in dealing with cyber bullying and the abuse of social networks — to contribute to LBC Radio’s Anti-Bullying Charter, led by presenter Nick Ferrari.

The Charter states that:

1. Cyberbullying should be a compulsory part of PSHE education;
2. Social media sites need to have clearer signposting to sources of support such as ChildLine, the Samaritans and other charities. These signposts should be clear and child friendly;
3. We want to see strengthening of age verification measures for social media sites;
4. All schools should have a secure area where pupils could call or email ChildLine if they are feeling victimised or bullied;
5. Schools to host an annual session for parents to help understand how to help children who are being cyber-bullied.

Council calls on the Leader of the Council to write to Barnet’s good and outstanding schools encouraging them to adopt the Anti-Bullying Charter and contribute to best practice over its implementation.

[Under the relevant FCPR I request that my motion is voted on at the meeting.]

This page is intentionally left blank

The London Mayor's Draft London Plan is bad for Barnet and bad for London

Council expresses grave reservations about the content of the London Mayor's Draft London Plan and its implications for Barnet. It is another example of this Mayor imposing inner London solutions on outer London problems.

The Draft Plan's overarching theme is to cram as much small, high-density housing into as much available land as possible, even if this means building in people's back gardens. To achieve this, the Draft Plan removes all reference to the housing density matrix and states that minimum space standards should not be exceeded. Council considers this hypocritical from a Mayor who so loudly condemned 'rabbit hutch' homes.

Council also notes the Draft Plan is entirely bereft of targets for family homes. Mayor Boris Johnson's housing strategy, by contrast, had a target for 36% of affordable homes to be family sized — but the current London Mayor told the London Assembly this month he considered a two-bedroom flat to be a family home.

Council calls on the Leader to make known these objections to the London Mayor.

[Under the relevant FCPR I request that my motion is voted on at the meeting.]

This page is intentionally left blank

Council condemns Labour's decision to close Barnet Police Station

Council is concerned about the loss of front desk services, the loss of a base for police officers and the reduced visibility of a police presence in the north of our borough.

Labour closed Barnet Police Station's front desk services on 14th December 2017. The rest of the building will close in the coming months.

Almost every police officer serving the borough will be based at Colindale Police Station. This will significantly undermine the ability of local neighbourhood teams to operate effectively and efficiently in the areas for which they have responsibility.

Residents living in the east of the borough are also now as far from their only police station as they are to Edmonton's —a half hour drive or hour's bus journey... on a good day.

Council understands the Metropolitan Police Service need to make savings and operate efficiently, whilst maintaining public confidence and effectiveness. The closure of Barnet Police Station is not the way to do this. The full cost of closure, the replacement of secure facilities, IT and Communication infrastructure alongside the wasted travel time has not been fully calculated.

The police station reinforces to the public that there is a strong, visible and reassuring police presence and deterrent in the north of our borough. It is a place for officers to meet privately, write-up reports and to de-stress after harrowing events. It is also a building where other police services reside and officers are seen working in an active police station.

The previous London Mayor delivered efficiency savings and kept Barnet Police Station open. He also allocated £300 million of the £400 million savings the Mayor claims he has to make. Labour's decision is unjustified and will put the public in harm's way.

Council calls on the Leader of the Council to write to the London Mayor and ask him to re-evaluate his decision to close the station as it is putting Barnet residents' safety at risk, the police officers' safety and health at risk and increasing the fear of crime across Barnet.

[Under the relevant FCPR I request that my motion is voted on at the meeting.]

This page is intentionally left blank

Public services and outsourcing

Council notes the collapse of the giant outsourcing firm Carillion earlier this month following financial problems, a number of profit warnings, the departure of its Chief Executive and a drastic plunge in its share price.

Council notes the uncertainty and concern this causes for thousands of Carillion's workers, the small businesses in its supply chain, the projects it was contracted to deliver, and the public who use the services it was contracted to provide.

Council notes LB Barnet's use of mass outsourcing contracts to provide critical back-office, regulatory and other services, and therefore requests that the Policy & Resources Committee receives a report on what contingency plans are in place should anything similar happen to outsourced services in Barnet.

This page is intentionally left blank

Full Council, 30 January 2018

Opposition Motion in the name of Cllr Kath McGuirk

AGENDA ITEM 14.6

North Finchley Crown Post Office

Council opposes recently revealed plans to close the busy and well-used North Finchley Crown Post Office and relocate it to far smaller premises away from the heart of the Town Centre in a franchise office.

Council notes this will result in a reduced service with longer queues and waiting times for customers.

Council believes that the Crown Post Office in North Finchley is an important service for the Town Centre that should be maintained.

Council wants to support and rejuvenate our Town Centres, but this proposal to close the Crown Post Office will detract from the plan to regenerate North Finchley Town Centre which aims to concentrate footfall where the Post Office is currently located.

Council therefore instructs officers to set out LB Barnet's opposition to this proposed closure in a response to the Post Office Ltd consultation.

This page is intentionally left blank

Working with Thrive LDN to improve mental health in Barnet

Council acknowledges that two million Londoners experience poor mental health, which equates to 62,500 people in each borough, and that London's suicide rate increased by 33 per cent from 552 to 735 incidents between 2014 and 2015 – the highest figure recorded by the Office for National Statistics since records began.

Council understands that employment for Londoners with a mental health problem is 31 per cent lower than the UK average and that the financial cost of mental ill-health is approximately £700million for each London borough.

Council notes that overall rates of individual mental health problems are higher in Barnet than London and England, and the rate of detention for a mental health condition is significantly higher than the London or England averages.

Council reaffirms its commitment to approach mental health and wellbeing as a key priority and to work collaboratively with partners within and outside the borough to address and tackle mental ill-health across our communities.

Council therefore commits to support and work with Thrive LDN to:

- Create a citywide movement for all Londoners that empowers individuals and communities in our borough to lead change, address inequalities that lead to poor mental health and create their own ways to improve mental health.
- Following on from the examples set by Harrow Thrive and Black Thrive in Lambeth, look in to localising Thrive LDN to Barnet by exploring the practicalities of establishing a local Thrive hub that responds to local needs
- Examine new methods to support more people in Barnet to access a range of activities that help them to maintain good mental health and wellbeing.
- Work closely with partners across Barnet to end mental health stigma and discrimination.
- Build on the great work happening across London to engage children and young people in mental health by helping Thrive LDN to develop training and resources for youth organisations, schools and student societies.
- Support employers to make mental health and wellbeing central to the workplace.
- Work with partners to explore new ways to access services and support, and consider the use of digital technologies to promote mental health and improve information about accessing support.
- Work with partners and build on the excellent work being done across the borough to reduce suicides in Barnet. We will build on existing suicide reduction and prevention initiatives by establishing a zero suicide ambition for Barnet.

This page is intentionally left blank