Putting the Community First

BARNET
LONDON BOROUGH

MEETING
CONSTITUTION, ETHICS AND PROBITY COMMITTEE
DATE AND TIME
THURSDAY 29TH JUNE, 2017
AT 7.00PM
VENUE
HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: Councillor John Marshall MA (Hons)
Vice Chairman: Councillor Melvin Cohen LLB

Richard Cornelius
Ross Houston
Dr Devra Kay
Barry Rawlings
Joan Scannell

Substitute Members

Anthony Finn
Alan Schneiderman
Ammar Naqvi
Peter Zinkin
Sachin Rajput
Claire Farrier

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10am on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 10am on Monday 26 June 2017. Requests must be submitted to Andrew Charlwood, 020 8359 2014, andrew.charlwood@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

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

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 12
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Question and comments (If any)	
6.	Members' Items (If any)	
7.	Constitution Review	13 - 86
8.	Any other item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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

FIRE/EMERGENCY EVACUATION PROCEDURE

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 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.

Decisions of the Constitution, Ethics and Probity Committee

16 March 2017

Members Present:-

AGENDA ITEM 1

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

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

Apologies for Absence:

Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 16 November 2016 be approved as a correct record.

2. ABSENCE OF MEMBERS

An apology for absence had been received from Councillor Joan Scannell who was substituted for by Councillor Peter Zinkin.

An apology for late arrival had been received from Councillor Ross Houston.

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

None.

7. CONSTITUTION REVIEW

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

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	Financial Regulations	Page 45	Amend section 4.4.3 of the Financial Regulations to delete 'Performance and Contract Management' and replace with 'Policy & Resources Committee'.	Agreed as per report
2	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Pages 65 – 68	Delete the current sections 11.04 and 11.05 and replace with revised sections as detailed in the report to the Committee.	Agreed as per report
3	Public Participation and Engagement Rules	Pages 71 – 72	Amend section 6 to include the following restriction: "Public questions, comments and items/questions to residents' forums are not permitted:… If they relate to a matter submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy."	Agreed as per report
4	Responsibility for Functions	Page 79 – 80	Responsibility for Functions, Section 6.3 – delete existing text and replace with: "The Chairman of an Area Committee may refer applications to the Area Committee Budget to the Environment Committee. When referring the application the Chairman shall provide reasons for the referral."	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			Amend section 6.4 to remove reference to Area Committees being able to refer matters to a 'relevant committee' by deleting '…or relevant…' in the table.	
5	Responsibility for Functions, Annex A – Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 84	Amend the terms of reference of the Community Leadership Committee to delete the following: "(14) Determining applications to the Area Committee Budget referred by Area Committees."	Agreed as per report
6	Meetings Procedure Rules	Page 89	Amend Meetings Procedure Rules to remove reference to "…sponsoring an application…" and changing the deadline for submitting items from 12 days to 10 days. Revised wording to read: "Any Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is proposing a drawdown from the Area Committee Budget. Members' Items submitted for these purposes must be submitted 10 clear working days before the meeting. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent."	Agreed as per report
7	Contract Procedure Rules	Page 105	Section 4.5 – add a new final sentence as follows: "A conflict of interest form is to be issued to all officers, and	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			retained for all officers involved with a procurement exercise."	
8	Contract Procedure Rules	Page 105	Amend section 5.1.8 as follows: "Ensure that all new Contracts above the published limits, **£10,000**, and planned during the forthcoming financial year are clearly identified in their Budget and Annual Procurement Forward Plan (APFP);"	Agreed as per report
9	Contract Procedure Rules	Page 108	Amend section 8.10 as to read as follows: "For Procurements below the EU financial threshold only Suitability Assessment Questions can be asked. This means there can be no SQ stage."	Agreed as per report
10	Contract Procedure Rules	Page 109	Insert a new Section 9.3 as follows: "Single tender actions for contract awards above the EU financial threshold will only be agreed where one or more of the circumstances set out in rule 9.1 apply. Otherwise approval for single tender actions is only likely to be granted for contracts, including works contracts, below the financial threshold for services and supplies contracts (currently £164,176)."	
11	Contract Procedure Rules	Pages 112 – 113	Add new sections 14.4 and 14.5 as per the report to the Committee	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
12	Contract Procedure Rules	Pages 118	Add new section 17.26 as follows: "17.26 "SQ" means Selection Questionnaire in accordance with Procurement Policy Note (PPN) 8/16 regarding OJEU procurements. Accessibility to the form will be via the procurement portal with expectation that suppliers complete and submit online. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide support documents at point of proceeding to contract award."	Agreed as per report
13	Contract Procedure Rules	Pages 118 – 119	Amend section 17.27 as follows: "Suitability Assessment Question" means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide at point of proceeding to contract award."	Agreed as per report
14	Contract Procedure Rules	Page 119	Add a new section 17.28 as follows: 17.28 "Support to Local Community" refers to support	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			through contract delivery to the communities which exist within London Borough of Barnet and delivery of benefit to these communities. Benefit to include consideration and provision of internships; apprenticeships; long term unemployed returning to work opportunities and support to local schools/community groups."	
15	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 124	Amend the terms of Reference of the Planning Committee to delete the following function: "To receive and comment on any Strategic Planning Pre-Application Briefing."	Agreed as per report
16	Members Planning Code of Practice	Page 129	Delete section 4.6.	Agreed as per report
17	Members Planning Code of Practice	Page 134	Amend section 7.1, delete section 7.2 and amend wording of section 7.3 as set out in the report to the Committee.	Agreed as per report

RESOLVED that the Committee note the Monitoring Officers use of delegated authority to make minor amendments to the Constitution as set out in the report.

8. CODE OF CONDUCT ALLEGATIONS 2016/17

RESOLVED that the Committee note the update as set out in Appendix A.

9. MEMBERS CODE OF CONDUCT

The Monitoring Officer presented a report which set out a revised Members Code of Conduct which was intended to clarify the circumstances in which Members need to declare interests.

RESOLVED that the Committee recommend the revised Members Code of Conduct as set out in Appendix B be recommended to full Council for adoption, subject to:

i) Adding a new section 2 (f) to introduce a duty to report safeguarding concerns

ii) References to 'City Council' being amended to 'Council'; and

iii) Additional text being included after the definitions of pecuniary and non-pecuniary interests as follows: "In the event that Members are unsure as to whether they have an interest and/or the type of interest are advised to consult with the Monitoring Officer."

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

None.

The meeting finished at 7.52 pm

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	AGENDA ITEM 7 **Constitution, Ethics and Probity Committee** **29 June 2017**
Title	**Constitution Review**
Report of	Monitoring Officer Head of Governance
Wards	N/A
Status	Public
Enclosures	Appendix A – Procedure for Handling Complaints (Tracked Changes) Appendix B – Procedure for Handling Complaints (Revised) Appendix C – Responsibility for Functions – Annex B (Scheme of Delegated Authority to Officers) Appendix D – Full Council Procedure Rules (Tracked Changes) Appendix E – Full Council Procedure Rules (Revised) Appendix F – Officer Code of Conduct Appendix G – Financial Regulations (Internal Audit and CAFT elements only)
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Summary

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

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

1. WHY THIS REPORT IS NEEDED

Current Review

1.1 The Council adopted a new Constitution at their annual meeting on 2 June 2014 when a Committee System form of governance was introduced. The system has now been in operation for over three municipal years.

1.2 The Constitution, Ethics and Probity Committee has met regularly over that period to ensure that they discharge their responsibility to proactively review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.

1.3 Since the Committee last met on 16th March 2017 a number of changes have been identified to ensure that the Constitution is updated in accordance with new legislative requirements and best practice.

Proposed Review

1.4 The Committee are requested to note that the Monitoring Officer has been undertaking a comprehensive review of the Constitution. The review is intended to simplify the Constitution in plain English and in a way which avoids duplication and unnecessary complexity and detail. The Constitution should be a straightforward explanation of how the Council works in practice. At present the Constitution, like many others, is very lengthy and is difficult to navigate.

1.5 The review will consolidate many of the sections into the Articles thereby enabling relevant information to be found in one place. For example, the functions of Full Council are included in Responsibility for Functions – it is proposed that these are transferred into Article 4 (The Full Council). A similar approach is proposed in relation to the terms of reference of committees as detailed in Responsibility for Functions, Annex A.

1.6 The revised Constitution will be reviewed by this Committee and Full Council in due course.

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

No.	Section	Reference	Issue Identified	Changes Made
1	25A Members Code of Conduct – Procedure for Dealing with Complaints	See 'changes made'	On 23 May 2017 Annual Council adopted a revised Members Code of Conduct. Following the adoption of the revised Code, the Monitoring Officer has reviewed and updated the associated procedure for dealing with complaints to ensure that it is fit for purpose and up to date.	1. Delete section 1 (Introduction). 2. Delete section 2 (The Members Code of Conduct). 3. Delete section 3 (The Independent Person). 4. Revised the section titled 'Making an Allegation' to refer to the Monitoring Officer rather than a specific named individual. 5. Revised the section titled 'Assessment of an allegation' to clarify the role of the Monitoring Officer and the procedure to be followed 6. Amendments to the section titled 'The investigation'. 7. Delete the section titled 'Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct'. 8. Delete the section titled 'Where the Monitoring Officer/Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct'. 9. Delete a paragraph from the section titled 'Appeals'. 10. Amend the section titled 'Reports' to change the requirement from the six-monthly report to the Committee to an annual report.
2	Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers)	Delegated Authority for the Commissioning Director Adults & Health (Director of Adult Social Services)	An Internal Audit report into Safeguarding Statutory Responsibilities identified that within Responsibility for Functions, Annex B there is no reference to the statutory responsibilities of the Director of Adult Social	Amend the Delegated Authority for the Commissioning Director Adults & Health (Director of Adult Social Services) to include a reference to the Care Act 2014.

No.	Section	Reference	Issue Identified	Changes Made
			Services under the Care Act 2014. It was recommended that Annex B be updated to include reference to the Care Act 2014.	
3	Council Procedure Rules	See 'changes made'	The Monitoring Officer has reviewed the Council Procedure Rules and is proposing a number of amendments to remove unnecessary complexity and detail	1. Delete section 2, 16 (Motions for the Adjournment) as this provision is not used in practice. 2. Amend section 6 (Variation) to give only the Mayor the discretion to vary the order of business. 3. Amend section 7 (Suspension of Procedure Rules) to clarify the wording. 4. Delete the heading 'Rules that apply to the whole of council meetings' 5. Delete the provision in section 9 (General provision for motions and amendments) that enables a motion to be referred to a committee for consideration. Members are able to add matters for debate to committee agendas via the Members Items mechanism. 6. Delete section 9.4. 7. Delete provision 10.3 (relating to the submission of amendments after 10.30am on the day of the council meeting) from section 10 (Alternations to motions or amendments) 8. Delete section 11 (Withdrawal of business items and amendments) 9. Delete from section 12 (Motions which may be moved without notice) the following provisions as they are irrelevant: 12.14; 12.15; and 12.16 10. Delete section 13 (Motions which may be moved during

No.	Section	Reference	Issue Identified	Changes Made
				debate and closure motions) 11. Delete section 14 (Division and voting) 12. Amend section 15 (Voting) 13. Amend section 20 (Rules of debate) to clarify the wording in section 20.4 14. Amend section 22 (Motions) to add restrictions in section 22.1 about debating general national issues and remove the provisions at section 23.5 and 23.6 relating to the referral of motions to committees. 15. Delete section 26 (Procedure for Policy and Resources budget report)
4	Officer Code of Conduct	Introduction	The Officer Code of Conduct does not refer to the Nolan Principles (7 Principles of Public Life). The principles have been added to the Code.	Amend the introduction to include the Nolan Principles.
5	Financial Regulations	Internal Audit Corporate Anti-Fraud Team (CAFT)	The Financial Regulations as currently drafted do not make explicit the rights of the Corporate Anti-Fraud Team to access all of the types of information that they require to discharge their duties to prevent and detect fraud. A number of changes are proposed to confirm these rights of access.	1. Amend section 5.2.5 to strengthen the wording relating the right of Internal Audit to access systems, databases, etc. 2. Delete section 5.2.14 as this is not a responsibility of the Chief Internal Auditor 3. Delete the word 'Assistant' in section 5.3.1 as the Assurance Director is responsible. 4. Amend section 5.3.5 to update the responsibilities of Investigation Officers. 5. Add a sentence to section 5.3.6 to strengthen the powers of the Assurance Director 6. Amend section 5.3.9 to state that the Assurance Director will

No.	Section	Reference	Issue Identified	Changes Made
			In addition, a number of housekeeping changes are proposed including removing a number of matters contained in the Financial Regulations that can be transposed into the Assurance Group Scheme of Delegation.	maintain a scheme of delegation. Delete sections 5.3.10 to 5.3.16 as these will be transferred into the scheme of delegation. 7. Add a new section 5.3.10 to confirm the rights of CAFT officers to clarify rights of access to records. 8. Amend new section 5.3.11 to strengthen the provisions.

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4. POST DECISION IMPLEMENTATION

4.1 Subject to the committee's approval, the recommendations will form part of a report to Full Council on 25 July 2017 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 None.

PROCEDURE FOR DEALING WITH COMPLAINTS

Arrangements for dealing with allegations that a Councillor/M~~m~~ember or co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct.

In this procedure the reference to 'Independent Person' means a person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views may be taken into account before final decisions upon allegations against Members are taken and who may be consulted by a Member who is the subject of allegations or by the Council.

~~1. Introduction~~

~~1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.~~

~~1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.~~

~~1.3 In these Arrangements a number of terms are used which have the following meanings:~~

~~Member~~	~~An elected Councillor~~
~~Co-opted Member~~	~~A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.~~
~~Monitoring Officer~~	~~A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.~~
~~Investigating Officer~~	~~An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.~~

~~Independent Person~~	~~A person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.~~
~~Standards Committee~~	~~A committee of members responsible for considering reports of the Monitoring Officer upon allegations that a Member or Co-opted Member has breached the Council's Code of Conduct.~~

~~2. The Members' Code of Conduct~~

~~2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.~~

~~3. The Independent Person~~

~~3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person or Persons. The person(s) appointed shall have responded to a public advertisement for the vacancy and submitted an application for the post. The appointment of the successful applicant shall be approved by a majority of the members of the Council.~~

~~3.2 The views of the Independent Person must be sought by the Monitoring Officer before any allegation is investigated or reported to the Standards Committee~~

~~3.2 The views of the Independent Person may be sought:~~

~~(i) by the Standards Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.~~

~~(ii) by a Member or Co-opted Member of the Council if that person's behaviour is the subject of an allegation.~~

14. Making an allegation

14.1 An allegation that a Member or a Co-opted Member of Barnet Council has failed to comply with the Members' Code of Conduct should be made in writing ~~, wherever possible,~~ to the Monitoring Officer if possible using the Complaint Form on the Council's website. ~~to:~~

~~Davina Fiore~~
~~Monitoring Officer~~
~~Barnet Council~~

~~North London Business Park~~
~~Oakleigh Road South~~
~~London~~
~~N11 1NP~~

~~Tel: 0208 8359 6373~~

~~or email:~~

~~Davina.Fiore@barnet.gov.uk~~

14.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.

14.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.

14.4 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.

14.5 The Monitoring Officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in her opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

25. Assessment of an allegation

25.1 The Monitoring Officer will review every allegation received and will ~~consult the Independent Person before taking a decision that an allegation merits reference to the Standards Committee.~~ firstly investigate to see if the complaint can be resolved to the satisfaction of the complainant and the councillor concerned.

~~5.2 If the Monitoring Officer requires additional information in order to reach a decision, she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.~~

2.2~~5.3~~ The Monitoring Officer will use a number of criteria for assessing complaints, and may consult with Political Party Leaders. ~~the Independent Person and if necessary the appropriate party group Whips and party Leaders. The decision whether to investigate a complaint will be a proportionate response to the issues raised and likely outcomes.~~ The Monitoring Officer may determine that an allegation does not merit any further action, where:

(a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or

service, or

(b) It is about someone who is no longer a Member or a Co-opted Member of the Council, or

(c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or

(d) The same or a similar allegation has been investigated and determined, or

(e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or

(f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or

(g) the complainant is considered to be vexatious.

2.3~~5.4~~ If the complaint is dealt with under 2.2~~5.3~~ above, the Monitoring Officer will promptly notify the complainant and the Member of the outcome, giving reasons for the decision.

2.4~~5.6~~ The Monitoring Officer may also determine that an allegation merits no further investigation having regard to the following additional criteria:

(a) The allegation is not considered sufficiently serious to warrant investigation, or

(b) The allegation appears to be motivated by malice or is 'tit-for-tat', or

(c) The allegation appears to be politically motivated, or

(d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.

2.5~~5.7~~ Where the Monitoring Officer considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation in accordance with Section 3~~6~~ below.

2.6~~5.8~~ The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt of the allegation. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially.

3~~6~~. The Investigation

3~~6~~.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.

3~~6~~.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

3~~6~~.3 The Monitoring Officer/Investigating Officer will normally write to the Member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the Member. ~~Where disclosure of details of the allegation to the Member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the Member until the investigation has progressed sufficiently.~~

3~~6~~.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.

3~~6~~.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee where appropriate. ~~If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.~~

3.6~~6.6~~ Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Standards Committee and the Independent Person.

~~**7. Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.**~~

~~7.1 In these circumstances the Monitoring Officer may decide (a) to take no further action or (b) to refer the matter to the Standards Committee.~~

~~7.2 Where the Monitoring Officer decides to take no further action, the Monitoring Officer will inform the person making the allegation and the Member who is the subject of the complaint of her decision and of the reasons for it.~~

~~7.3 When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:~~

~~(a) accept the recommendation resolve that no further action is required and dismiss the allegation, or~~

~~(b) remit the report to the Monitoring Officer for further consideration, or~~

~~(b) conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.~~

~~7.4 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of the Independent Person.~~

~~**8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.**~~

~~8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult the Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.~~

~~8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Standards Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.~~

4~~9~~. The Pre Hearing Process and Hearing

4~~9~~.1 A Member or Co-opted Member who is the subject of a complaint which proceeds to a hearing has the right to be legally represented or accompanied at the hearing.

4~~9~~.2 In advance of the Hearing the Monitoring Officer (and/or her nominees) will:

(a) agree a date for the hearing with all the relevant parties;
(b) provide a timetable for the Member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses

they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;
(c) establish whether the member will be represented or accompanied at the hearing;
(d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
(e) provide information about the procedure to be used at the hearing;
(f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
(g) establish whether the Investigating Officer intends to call any witnesses.

4~~9~~.2 Wherever possible hearings conducted by the Standards Committee Sub-Committee shall take place within three calendar months of the completion of the Investigation Report.

4~~9~~.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.

4~~9~~.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.

4~~9~~.5 If a Member fails to attend the hearing, the Standards Committee may decide to proceed in the Member's absence and make a determination, or to adjourn the hearing to a later date

4~~9~~.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.

4~~9~~.7 The Standards Committee, having sought and taken into account the views of the Independent Person may conclude:

(a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or

(b) that the member did fail to comply with the Members' Code of Conduct.

4~~9~~.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Standards Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Standards Committee will give the member an opportunity to make representations to the Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.

4~~9~~.9 In the event that votes are tied on a finding on a complaint the Committee will determine that the Member has not breached the Code of Conduct and the allegation will be dismissed.

5~~10~~. Action which may be taken where a member has failed to comply with the Code of Conduct

5~~10~~.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Committee may:

(a) Publish its findings in respect of the Member's conduct;

(b) Report its findings to Council for information;

(c) Issue the Member with a formal censure or reprimand, a report of which may be submitted to Council

(d) Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

(e) Instruct the Monitoring Officer to arrange training for the member;

(f) Recommend to Council that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council

(g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or

(h) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

(i) Take no further action

(j) Any other appropriate sanction which may be available to the Committee.

5~~10~~.2 The Standards Committee has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.

5~~10~~.3 At the end of the hearing, the Chairman shall state the decision of the Standards Committee as to whether the Member failed to comply with the Code of Conduct and as to any action which the Committee has resolved to take.

510.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chairman of the Committee, and send a copy to the person making the allegation; to the member concerned; make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

611. Appeals

611.1 There is no right of appeal for either the person making the allegation or for the Member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee

~~11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman~~.

712. Reports

12.1 The Monitoring Officer will submit a report to the Constitution, Ethics and Probity Committee at annual ~~six monthly~~ intervals to inform the Constitution, Ethics and Probity Committee about all complaints which have been received. ~~and not investigated under paragraphs 5.3 or 5.6 of this Protocol, and complaints which have been investigated but not reported to the Standards Committee under paragraph 7.1~~

~~Appendix A~~

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Standards Committee and advised to the parties

1. The Chairman shall facilitate introductions and explain the procedure for the hearing.

2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.

3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.

5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer

6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.

7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses

8. Members of the Committee may question the Member and any witnesses.

9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.

10. The Member or his/her representative may sum up his/her case and make a closing speech.

11. The Chair shall invite the parties to withdraw to enable the Committee to deliberate upon the allegation. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

12. The parties shall be invited to return and the Chairman shall announce the Committee's decision in the following terms:-

    (a) The Committee has determined that the Member has failed to comply with the Code of Conduct, or

    (b) The Committee has determined that the Member has not failed to comply with

the Code of Conduct and the allegation is dismissed.

The Committee will give reasons for its decision.

13. If the Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.

14. The Chairman shall invite the parties to withdraw to enable the Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

15. In addition to any action upon the current matter, the Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.

16. The parties shall be invited to return and the Chairman shall announce the Committee's decision

17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

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PROCEDURE FOR DEALING WITH COMPLAINTS

Arrangements for dealing with allegations that a Councillor/Member or co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct.

In this procedure the reference to 'Independent Person' means a person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views may be taken into account before final decisions upon allegations against Members are taken and who may be consulted by a Member who is the subject of allegations or by the Council.

1. Making an allegation

1.1 An allegation that a Member or a Co-opted Member of Barnet Council has failed to comply with the Members' Code of Conduct should be made in writing to the Monitoring Officer if possible using the Complaint Form on the Council's website.

1.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.

1.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.

1.4 The Monitoring Officer will usually acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.

1.5 The Monitoring Officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in her opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

2. Assessment of an allegation

2.1 The Monitoring Officer will review every allegation received and will firstly investigate to see if the complaint can be resolved to the satisfaction of the complainant and the councillor concerned.

2.2 The Monitoring Officer will use a number of criteria for assessing complaints, and may consult with Political Party Leaders. The Monitoring Officer may determine that an allegation does not merit any further action, where:

(a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or

(b) It is about someone who is no longer a Member or a Co-opted Member of the Council, or

(c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or

(d) The same or a similar allegation has been investigated and determined, or

(e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or

(f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or

(g) the complainant is considered to be vexatious.

2.3 If the complaint is dealt with under 2.2 above, the Monitoring Officer will promptly notify the complainant and the Member of the outcome, giving reasons for the decision.

2.4 The Monitoring Officer may also determine that an allegation merits no further investigation having regard to the following additional criteria:

(a) The allegation is not considered sufficiently serious to warrant investigation, or

(b) The allegation appears to be motivated by malice or is 'tit-for-tat', or

(c) The allegation appears to be politically motivated, or

(d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.

2.5 Where the Monitoring Officer considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation in accordance with Section 3 below.

2.6 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt of the allegation. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially.

3. The Investigation

3.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.

3.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

3.3 The Monitoring Officer/Investigating Officer will normally write to the Member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the Member.

3.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations._Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.

3.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee where appropriate.

3.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution, the Monitoring Officer shall submit the Investigation Report to the Standards Committee and the Independent Person.

4. The Pre Hearing Process and Hearing

4.1 A Member or Co-opted Member who is the subject of a complaint which proceeds to a hearing has the right to be legally represented or accompanied at the hearing.

4.2 In advance of the Hearing the Monitoring Officer (and/or her nominees) will:

(a) agree a date for the hearing with all the relevant parties;
(b) provide a timetable for the Member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;
(c) establish whether the member will be represented or accompanied at the hearing;
(d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
(e) provide information about the procedure to be used at the hearing;
(f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
(g) establish whether the Investigating Officer intends to call any witnesses.

4.3 Wherever possible hearings conducted by the Standards Committee Sub-Committee shall take place within three calendar months of the completion of the Investigation Report.

4.4 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.

4.5 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.

4.6 If a Member fails to attend the hearing, the Standards Committee may decide to proceed in the Member's absence and make a determination, or to adjourn the hearing to a later date

4.7 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.

4.8 The Standards Committee, having sought and taken into account the views of the Independent Person may conclude:

(a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
(b) that the member did fail to comply with the Members' Code of Conduct.

4.9 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Standards Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the

Members' Code of Conduct. In doing this, the Standards Committee will give the member an opportunity to make representations to the Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.

4.10 In the event that votes are tied on a finding on a complaint the Committee will determine that the Member has not breached the Code of Conduct and the allegation will be dismissed.

5. Action which may be taken where a member has failed to comply with the Code of Conduct

5.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Committee may:

(a) Publish its findings in respect of the Member's conduct;

(b) Report its findings to Council for information;

(c) Issue the Member with a formal censure or reprimand, a report of which may be submitted to Council

(d) Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

e) Instruct the Monitoring Officer to arrange training for the member;

(f) Recommend to Council that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council

(g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or

(h) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

(i) Take no further action

(j) Any other appropriate sanction which may be available to the Committee.

5.2 The Standards Committee has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.

5.3 At the end of the hearing, the Chairman shall state the decision of the Standards Committee as to whether the Member failed to comply with the Code of Conduct and as to any action which the Committee has resolved to take.

5.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chairman of the Committee, and send a copy to the person making the allegation; to the member concerned; make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

6. Appeals

6.1 There is no right of appeal for either the person making the allegation or for the Member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee

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7. Reports

7.1 The Monitoring Officer will submit a report to the Constitution, Ethics and Probity Committee at annual intervals to inform the Committee about all complaints which have been received during the year.

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Standards Committee and advised to the parties

1. The Chairman shall facilitate introductions and explain the procedure for the hearing.

2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.

3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.

5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer

6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.

7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses

8. Members of the Committee may question the Member and any witnesses.

9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.

10. The Member or his/her representative may sum up his/her case and make a closing speech.

11. The Chair shall invite the parties to withdraw to enable the Committee to deliberate upon the allegation. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

12. The parties shall be invited to return and the Chairman shall announce the Committee's decision in the following terms:-

    (a) The Committee has determined that the Member has failed to comply with the Code of Conduct, or

    (b) The Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

    The Committee will give reasons for its decision.

13. If the Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.

14. The Chairman shall invite the parties to withdraw to enable the Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

15. In addition to any action upon the current matter, the Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.

16. The parties shall be invited to return and the Chairman shall announce the Committee's decision

17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

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

Responsibility for functions including:

Exercise the functions of the Council with regard to the delivery of those functions in respect of adults (other than those for which the Director of Children's Services is responsible)	Section (1a) and Schedule 1 of the Local Authority Services Act 1970
Exercise of all functions, powers and duties of an Adult Services Authority including, but not limited to Social Services, safeguarding of adults, Deprivation of Liberty, Mental Health services and Health functions	Pursuant (but not limited) to the Care Act 2014
Arrangement for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people disabilities, older people, people with mental health needs, people with substance misuse problems and adults with learning disabilities.	Council
Assessment of the need for, and where necessary provide, services and/or residential accommodation for those suffering from a disability, including a mental disability.	Pursuant (but not limited to) the National Assistance Act 1948, the Mental Health Act, the Chronically Sick and Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act, the National Health and Community Care Act, the Health and Social Care Act and the Mental Capacity Act.
Assessment and planning to meet the needs of carers of vulnerable people.	The Carers and Disabled Children Act 2000.
Acting as the 'appropriate adult' in relation to persons with a mental disorder (which may include a disability) who are detained at a police station.	The Police and Criminal Evidence Act
Leadership of the continuous improvement of high quality care and support services to adults including the development of commissioned and care and support services and the delivery of assessment/care	Council

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

Full Council Procedure Rules

Types of meetings

1. ANNUAL MEETINGS OF THE COUNCIL

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

(a) (i) Apologies for absence
(ii) Declarations of interest
(iii) Electing a Mayor and noting the appointment of the Deputy Mayor;

(b) Approve the minutes of the last meeting;

(c) Receive official announcements;

(d) Electing the Leader of the Council for the ensuing four year period;

(e) Noting the appointment of the Deputy Leader of the Council;

(f) Noting the appointment as Leader of the Opposition of the Leader of the largest political group other than the group of which the Leader of the Council is a member;

(g) Appointing the Chairman, Vice Chairman and members of Committees, and other regulatory bodies and approving their respective terms of reference;

(h) Agreeing the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree;

(i) Appointing representatives to Outside Bodies unless the appointment has been delegated by the Council;

(j) Reports from other Committees and Officers as required to in the proper discharge of functions delegated by Council.

2. ORDINARY MEETINGS

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

Part 1 - Statutory formalities/Announcements (15 minutes)

1. Apologies for absence

2. Elect a member to preside if the Mayor is absent

3. Prayer

4. Declaration of interest

5. Minutes of last meeting

6. Official announcements

7. Any business remaining from last meeting

8. Agree the Council Calendar of meetings including for ordinary meetings of the Council

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

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

Part 3 - Statutory Council Business (60 minutes)

10. Petitions for Debate (20 minutes). A petition organiser (up to 5 minutes) and Members responding (up to 15 minutes)

11. Reports from the Leader

12. Reports from Council Committees

13. Reports of Officers

14. Questions to Council Representatives on Outside Bodies

Break (15 minutes)

Part 4 – Business for Debate (45 minutes)

15. Motions (45 minutes)

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

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

~~16. Motions for Adjournment~~

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

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

3. EXTRAORDINARY MEETINGS

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

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

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

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

4. BUDGET COUNCIL MEETINGS

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

5. ROLE OF MAYOR.

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

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

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

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

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

6. VARIATION

~~*The following order of business may not be changed:*~~

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

The order of any ~~other~~ business may be varied:

~~6.2~~ By the Mayor at his or her discretion either at or before the meeting; ~~or~~

~~6.3 By a Business Item put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of the Business Item is required.~~

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7. SUSPENSION OF PROCEDURE RULES

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

~~7.1 Either due notice has been given, or Council agrees that it is a case of urgency, and~~

~~7.2 The Business Item to suspend a procedure rule is moved, seconded and carried without discussion~~ by a majority of the members of the Council present and voting.

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~~**RULES THAT APPLY TO THE WHOLE OF ALL COUNCIL MEETINGS**~~

8. VALIDITY OF MOTIONS, AMENDMENTS AND QUESTIONS

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

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

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

9. GENERAL PROVISIONS FOR MOTIONS AND AMENDMENTS

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

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

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

9.2~~3~~ No member may submit more than one amendment to a particular Motion or report on the agenda.

~~9.4 If requested by the Mayor, the mover of a Motion or amendment shall put it in writing and hand it to the Mayor before it is discussed or put to the vote. This procedure rule does not apply to Motions or amendments where notice has been given in accordance with these procedure rules.~~

~~10. ALTERATIONS TO MOTIONS OR AMENDMENTS~~

9.3~~10.1~~ A Member may amend a Motion in their name by submitting the amendment in writing to the Head of Governance by 10.30am the working day before the meeting.

9.4~~10.2~~ Amendments to items on the agenda will be e-mailed to Members and hard copies placed in the Group Rooms by midday of the day of the meeting.

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

~~11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS~~

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

12. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

12.1 appoint a Chairman of the meeting;

12.2 question the accuracy of the minutes;

12.3 move that an item of business in the summons takes precedence;

12.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);

12.5 receive reports or adoption of recommendations of committees and officers and any resolutions following on from them;

12.6 agree to hear oral representations;

12.7 give leave to withdraw a Motion;

12.8 extend the time limit for speeches;

12.9 move that "the question be now put" (to the vote);

12.10 move that "the debate be now adjourned";

12.11 move that "the Council do now adjourn";

12.12 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;

12.13 move that a Member be not further heard or exclude them from the meeting;

~~12.14 deal in public with a staff matter;~~

~~12.15 give consent of the Council where consent is required by these procedure rules;~~

~~12.16 grant urgent action powers.~~

~~**13 MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS**~~

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

~~13.1 To withdraw or amend the Motion;~~

~~13.2 Motion moved by the Mayor or another member that a member:~~
~~(a) "be not further heard";~~
~~(b) "must leave the meeting";~~

~~13.3 Motion to exclude the press and public;~~

~~13.4 Closure Motions as follows:~~
~~A member may move without comment, at the conclusion of a speech of another member;~~
~~(c) "That the question be now put";~~
~~(d) "That the debate be now adjourned"; or~~
~~(e) "That the Council do now adjourn".~~

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

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

~~**14 DIVISION AND VOTING**~~

~~**14.1 Division bell**~~

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

15. VOTING

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

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

15.2 Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise. Members must be seated in the Chamber when voting and while the vote is being recorded.

15.3 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.

15.4 For the Council budget meeting the minutes shall reflect on how each Member present voted, on any decision relating to the budget or Council tax.

16. VOTE TO BE RECORDED

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

17. DIVISION

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

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

18. VOTING ON APPOINTMENTS

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

19. QUESTION TIME

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

19.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.

19.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.

19.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.

19.5 The Leader may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.

19.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.

19.7 Every question shall be put and answered without discussion.

19.8 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow further comment from the Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman further comment may be allowed from the relevant Vice-Chairman.

19.9 One supplementary question and answer will be allowed on the same subject from the same members.

19.10 The time allowed for questions will be 30 minutes. At the end of that time the Mayor will allow an oral reply to a supplementary question commenced before the expiry of the time limit and then bring this part of the meeting to a close. The Mayor has the right to prevent any member asking or giving a protracted supplementary question or answer.

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

20. Rules of Debate

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

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

20.3 For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report need not be seconded. The leader of each of the other groups, or another member of their group,

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

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

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

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

21. Time for Debate

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

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

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

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

22 **Motions**

22.1 Motions must consist of comments or requests addressed to the Council. They must address broad policy issues and relate to the Council's powers or duties or matters that particularly affect the Borough or its residents as opposed to matters of general national relevance which should not be debated.

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

23. Members Motions

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

23.2 The Head of Governance shall keep a record of the date the notice was received and any member of the Council may inspect the record.

23.3 The Head of Governance shall set out in the summons for the meeting all Motions in order of receipt.

23.4 Once the Motion is on the agenda, any Member may move the Motion at the meeting. If the Motion is not moved it shall be treated as withdrawn, unless the Council agrees to postpone it.

23.5 ~~If the Member's Motion is not dealt with by the end of the meeting, it will be referred to the appropriate Council Committee or sub-Committee for consideration and any necessary action. However, I~~if the proposer has specifically asked in his or her notice for the Motion to be voted on at that Council meeting it will be voted on without discussion. ~~Members should advise the Head of Governance by 10.30am on the second working day before the meeting if they wish their Motion to be voted on at the meeting.~~

~~23.6 A Member who has a Motion on the agenda may submit a further Motion by 10.30am on the last working day before the meeting asking for the Motion to be withdrawn and referred to the appropriate council committee. The member must sign the Motion Item and deliver it to the Head of Governance by hand, post, or e-mail.~~

RULES THAT APPLY TO PART 2 OF THE MEETING

24. Questions on Committee reports

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

25. Questions to Council representatives on Outside Bodies

25.1 At an ordinary meeting, a member, who has given 10 clear working days written notice to the Head of Governance, may ask any question about the activities of a company or outside body to any member or officer who has been appointed or nominated to the outside body.

25.2 The member or officer may decline to answer if the question would disclose information about the outside body that has been communicated to him or her in confidence.

25.3 An answer may take the form of:

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

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

25.5 Questions and answers will be recorded.

~~**26. Procedure for Policy and Resources budget report**~~

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

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

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

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

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

27 **Public Questions to the Leader of the Council**

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

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

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

Full Council Procedure Rules

Types of meetings

1. ANNUAL MEETINGS OF THE COUNCIL

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

(a) (i) Apologies for absence
(ii) Declarations of interest
(iii) Electing a Mayor and noting the appointment of the Deputy Mayor;

(b) Approve the minutes of the last meeting;

(c) Receive official announcements;

(d) Electing the Leader of the Council for the ensuing four year period;

(e) Noting the appointment of the Deputy Leader of the Council;

(f) Noting the appointment as Leader of the Opposition of the Leader of the largest political group other than the group of which the Leader of the Council is a member;

(g) Appointing the Chairman, Vice Chairman and members of Committees, and other regulatory bodies and approving their respective terms of reference;

(h) Agreeing the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree;

(i) Appointing representatives to Outside Bodies unless the appointment has been delegated by the Council;

(j) Reports from other Committees and Officers as required to in the proper discharge of functions delegated by Council.

2. ORDINARY MEETINGS

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

Part 1 - Statutory formalities/Announcements (15 minutes)

1. Apologies for absence

2. Elect a member to preside if the Mayor is absent

3. Prayer

4. Declaration of interest

5. Minutes of last meeting

6. Official announcements

7. Any business remaining from last meeting

8. Agree the Council Calendar of meetings including for ordinary meetings of the Council

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

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

Part 3 - Statutory Council Business (60 minutes)

10. Petitions for Debate (20 minutes). A petition organiser (up to 5 minutes) and Members responding (up to 15 minutes)

11. Reports from the Leader
12. Reports from Council Committees
13. Reports of Officers
14. Questions to Council Representatives on Outside Bodies

Break (15 minutes)

Part 4 – Business for Debate (45 minutes)

15. Motions (45 minutes)

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

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

No business shall be transacted after 10 pm and any business transacted after that time shall be null and void, but that at any meeting of Full Council, the Mayor or person presiding as Chairman may extend the period for the transaction of business to 10.30 pm.

3. EXTRAORDINARY MEETINGS

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

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

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

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

4. BUDGET COUNCIL MEETINGS

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

5. ROLE OF MAYOR.

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

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

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

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

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

6. VARIATION

The order of any business may be varied by the Mayor at his or her discretion either at or before the meeting;

7. SUSPENSION OF PROCEDURE RULES

The Council at any of its meetings may suspend any procedure rule by a majority of the members of the Council present and voting.

8. VALIDITY OF MOTIONS, AMENDMENTS AND QUESTIONS

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

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

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

9. GENERAL PROVISIONS FOR MOTIONS AND AMENDMENTS

9.1 An amendment must be relevant to a Motion on the agenda and shall be to change the words (including deleting or adding words) but such changes must not merely have the effect of negating the Motion before the Council.

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

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

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

10. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

10.1 appoint a Chairman of the meeting;

10.2 question the accuracy of the minutes;

10.3 move that an item of business in the summons takes precedence;

10.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);

10.5 receive reports or adoption of recommendations of committees and officers and any resolutions following on from them;

10.6 agree to hear oral representations;

10.7 give leave to withdraw a Motion;

10.8 extend the time limit for speeches;

10.9 move that "the question be now put" (to the vote);

10.10 move that "the debate be now adjourned";

10.11 move that "the Council do now adjourn";

10.12 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;

10.13 move that a Member be not further heard or exclude them from the meeting;

11. VOTING

11.1 All motions and amendments shall be determined by a show of hands In the event of an equality of voting the Mayor shall have the right to exercise a casting vote, in accordance with the provisions of the Local Government Act 1972.

11.2 Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise. Members must be seated in the Chamber when voting and while the vote is being recorded.

11.3 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.

11.4 For the Council budget meeting the minutes shall reflect on how each Member present voted, on any decision relating to the budget or Council tax.

12. VOTE TO BE RECORDED

12.1 If, immediately after a vote is taken, a member requests his or her vote to be recorded, the Head of Governance will record in the minutes whether that Member:

(a) cast his or her vote for or against the question; or
(b) abstained from voting.

13. DIVISION

13.1 If following a vote, ten members rise in their place and demand a formal division, the Head of Governance shall call over the names of all the members, and record and enter in the minutes those:

(a) voting for or against the Motion or amendment;
(b) abstaining from voting; and
(c) absent from the meeting when the division was taken.

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

14. VOTING ON APPOINTMENTS

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

15. QUESTION TIME

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

15.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.

15.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.

15.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.

15.5 The Leader may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.

15.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.

15.7 Every question shall be put and answered without discussion.

15.8 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow further comment from the Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman further comment may be allowed from the relevant Vice-Chairman.

15.9 One supplementary question and answer will be allowed on the same subject from the same members.

15.10 The time allowed for questions will be 30 minutes. At the end of that time the Mayor will allow an oral reply to a supplementary question commenced before the expiry of the time limit and then bring this part of the meeting to a close. The Mayor has the right to prevent any member asking or giving a protracted supplementary question or answer.

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

Rules of Debate

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

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

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

16.4 Notified amendments may be moved by those speaking in the first part of the debate. After all the amendments have been debated the Motion will be debated. Then the Member, who opened the debate, or his / her nominee, has the right to respond.

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

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

Time for Debate

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

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

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

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

Motions

16.11 Motions must consist of comments or requests addressed to the Council. They must address broad policy issues and relate to the Council's powers or duties or matters that particularly affect the Borough or its residents as opposed to matters of general national relevance which should not be debated.

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

Members Motions

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

16.14 The Head of Governance shall keep a record of the date the notice was received and any member of the Council may inspect the record.

16.15 The Head of Governance shall set out in the summons for the meeting all Motions in order of receipt.

16.16 Once the Motion is on the agenda, any Member may move the Motion at the meeting. If the Motion is not moved it shall be treated as withdrawn, unless the Council agrees to postpone it.

16.17 If the proposer has specifically asked in his or her notice for the Motion to be voted on at that Council meeting it will be voted on without discussion.

17 RULES THAT APPLY TO PART 2 OF THE MEETING

Questions on Committee reports

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

Questions to Council representatives on Outside Bodies

17.2 At an ordinary meeting, a member, who has given 10 clear working days written notice to the Head of Governance, may ask any question about the activities of a company or outside body to any member or officer who has been appointed or nominated to the outside body.

17.3 The member or officer may decline to answer if the question would disclose information about the outside body that has been communicated to him or her in confidence.

17.4 An answer may take the form of:

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

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

17.6 Questions and answers will be recorded.

Public Questions to the Leader of the Council

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

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

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

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OFFICERS CODE OF CONDUCT

1. Introduction

Council workers are delivering a service to the public using tax payers' money, and as such the council expects these staff to exhibit exemplary standards of behaviour. Without exception, they must behave with integrity and demonstrate an honest, open and transparent attitude to their work. Where a worker believes there is or may be a conflict of interest affecting their ability to work in this way, the expectation is that they will declare this potential conflict in a timely manner, and before it comes to light by some other means. Failure to make a declaration where there is subsequently discovered to be grounds for doing so, may be treated as a disciplinary issue.

When acting as a council officer you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority:-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

In addition to the duties of their post, Council workers have an obligation to comply with statutory duties as set out by the Information Commissioner's Office, and the Equality Act 2010.

1.1. The National Joint Council for Local Government Services (the Green Book) and the Constitution Salaries Conditions of Service (Joint Negotiating Committee for Chief Officers of Local Authorities) says: “Employees will maintain conduct of the highest standards that public confidence in their integrity is sustained. Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.”

1.2. This Code of Conduct applies to all employees and workers under a contract with the council. Governing bodies of non-community schools and partner organisations in receipt of public funds should be encouraged to adopt this Code of Conduct.

2. Standards

2.1. Council workers are expected to give the highest possible standard of service to the public, and to provide appropriate advice to Councillors and fellow workers with impartiality. They will be expected to raise matters without fear of recrimination to their manager or Senior manager or if they do not wish to do that, to bring it to the attention of the Chief Executive or make a report via the whistle blowing policy. In the event that the matter relates to the Chief Executive it should be raised with the Council’s Monitoring Officer.

3. Council Information

3.1. London Borough of Barnet (LBB) policies on information management and security can be found in the employee handbook. These policies outline responsibilities for the management and security of Barnet Council information. It is a condition of employment at Barnet Council that staff work at all times in accordance with these policies. The policies may be amended and added to from time to time and the intranet site will show the most recent policies which staff must observe.

3.2. Line managers are responsible for ensuring that staff are supported in complying with council information management (IM) policies and staff should identify to their line manager any concerns that prevent compliance with the policies. The Council will consider very seriously any alleged breaches of these policies which may be dealt with under the Council’s Disciplinary Procedure.

3.3. It is generally accepted that open and transparent government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Staff must be aware of the authority’s policies and of their duties in relation to the handling of both personally and commercially sensitive information. If in doubt guidance should be sought from management before information is disclosed.

3.4. The Council has a process for dealing with information requested under the Freedom of Information Act 2000. The Freedom of Information (FOI) Policy, Media Request Protocol and FOI Staff Guidance is published on the intranet.

All requests made under the FOI legislation must be passed to the FOI team where they will be logged and tracked. Each directorate has an FOI Link Officer responsible for co-ordinating responses and ensuring that the directorate is compliant.

3.5. Staff should not use any information obtained in the course of their employment that is not in the public domain for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

3.6. Information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

4. Political neutrality

4.1. Staff must conduct their council duties in a politically neutral manner without regard to their personal political persuasions.

4.2. They must serve all Councillors and not just those of the controlling group, and must ensure that the individual views of all Councillors are respected.

4.3. Subject to the authority's conventions, staff may also be required to advise political groups, in ways which do not compromise their political neutrality.

4.4. The Council maintains a list of politically restricted posts. Holders of posts designated politically restricted will have this stated in their contract. They have limitations placed upon them in terms of active membership of political parties or holders of office within them. They are restricted to bare membership of a political party without playing any active role within the party or undertaking any canvassing.

4.5. Staff, whether or not politically restricted, must follow every lawful expressed policy of the authority, regardless of their personal or political opinions.

5. Relationships

5.1. Councillors

Staff are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between staff and Councillors is essential to good local government. Close personal familiarity between staff and individual Councillors can damage the relationship and prove embarrassing to other staff and Councillors and should therefore be avoided. The Council has protocols and etiquette around working with Councillors and managers should ensure new recruits are aware of these.

5.2. The Local Community and Service Users

Staff should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all

groups and individuals within that community as defined by the policies of the authority.

5.3. Contractors
All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against tenders and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

5.4. Soliciting or being solicited for employment
Where Council staff engage in discussions about future employment with any organisation, contractor or partner with whom the council either has a contractual relationship or is in the negotiation stages of a possible contractual arrangement then this must be declared prior to being developed further to: the Head of Service or Chief Officer as appropriate, or Chief Executive where the person is themselves a Head of Service or Chief Officer. The Council reserves the right to temporarily redeploy staff to a suitable alternative post where such discussions are taking place.

5.5. Managers will make a note of relationships and personal interests, declared to them by staff, any risks identified and the mitigating action taken and send this note to r Human Resources who will keep this information on the employee's personal file.

6. Recruitment, Employment and Promotion of Relatives

6.1. Staff involved in all types of recruitment, whether to permanent, or fixed term roles, should ensure that these selection decisions are made on merit. It would be unlawful for an employee to make an appointment or promotion which was based on anything other than the ability of the candidate to undertake the duties of the post.

6.2. In order to avoid any possible accusation of bias, the Council has agreed a policy on the Recruitment and Employment of Relatives which forms part of the Recruitment and Selection Guidelines. The aim of the guidelines is to ensure that high standards of conduct and good practice are maintained in the management of staff and working relationships across the Authority. It has been drawn up with due regard to the Council's Equal Opportunities Employment Policy. This policy applies to the recruitment, selection, appointment and promotion of "close relatives" of existing staff or in cases where two workers become "close relatives", e.g., marry, commit in the form of a Civil Partnership, or co-habit as partners.

6.3. The Council recognises that some people meet their partner at work. However, in circumstances where a relationship develops with a colleague who works in close proximity and in particular where a couple are in a line management relationship, care must be taken that there is no unfair advantage or opportunity afforded. In these circumstances, the relationship must be declared to the Head of Service or Chief Officer as appropriate, and

a decision will be made about the risk to the organisation and the possibility of redeployment of one individual.

6.4. The definition of “close relative” for the purposes of this policy statement includes spouse, partner, close family members, e.g., mother, father, sister, brother, offspring (whether child or adult) and other persons with whom there is a close personal relationship. Management discretion should be applied when considering extended family and also situations where one party would have a vested interest in the appointment of the other.

6.5. In the interests of the Council’s service provision and for reasons of public confidence, the Council shall not allow an Officer to be involved in the recruitment, selection, promotion or appointment in the circumstances where the parties have a relationship as defined above. The recruiting manager will make a note of any declared relationship, the risks identified and mitigation of those risks (alternative panel member etc) and place this with the recruitment papers of the individual concerned.

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6.6. In addition, it follows that this policy should be extended to all personnel-related matters and that any direct involvement in staffing matters relating to a close relative is also unacceptable e.g. disciplinary, grievance and grading, etc.

6.7. Similar standards should be applied to the selection and appointment to interim, agency, contractor or consultancy opportunities. The award of contracts should follow a transparent process as set out in the Council’s Contract Procedure Rules and Procurement Code of Practice.

7. Additional Employment

7.1. Staff should be clear about their contractual obligations and should not take outside employment or engage in any business which conflicts with the authority’s interests. Staff must not seek to benefit personally by using experience, training or materials gained through their employment with the council to seek or accept work with Barnet’s contractors, suppliers or partners.

7.2. Staff must not use the Council’s contacts and suppliers in order to set up a venture on their own account, in competition with or to the detriment of the Council.

7.3. Current policy in Barnet (but subject to each individual case being considered on its merits and in accordance with the Council’s personnel procedures), states that in order to avoid any conflict of interests, all staff involved in any proposed Management Buy Out be given unpaid leave of absence pending a conclusion or, if directly involved in negotiating the buy out, be asked to resign from the Council’s service.

7.4. Staff must not take up any other employment or engage in any business without written approval.

7.5. Approval to undertake additional employment or engage in any business will depend on the circumstances of the Officer's particular situation. Any additional employment must not in the view of the Authority be likely to conflict with or be detrimental to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business. Situations where staff fail to seek permission or disclose details of their additional employment will be dealt with under the Council's Disciplinary Rules and Procedure and could result in the employee's dismissal for gross misconduct.

7.6. Assistant Directors (ADs) and above are empowered to decide whether officers should be permitted to take up part- time employment or engage in any business in addition to their full or part-time appointment with the council. The decision in this respect should be communicated in writing to the employee concerned. A copy must be placed in their personal file. Requests from AD and above should be referred to the Chief Executive for a decision.

7.7. With regard to holders of job share or part-time posts, each case will be looked at on an individual basis by the AD or Chief Executive as appropriate.

7.8. Where in doubt, staff should seek advice from their AD.

8. Intellectual property

8.1. Intellectual property is a generic term that includes inventions, applications, programmes, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

8.2. Inventions and Patents
Inventions made before 1st June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1st June 1978 inventions are only the property of the employer if: they have been made in the course of the employee's normal duties; or they have been made in the course of duties specifically assigned to the employee and where invention might reasonably be expected; or it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

9. Conflict of interest

9.1. Staff must declare any non-financial interests that they consider could bring about conflict with the authority's interests e.g. involvement with an organisation or pressure group which may seek to influence their authority's policies or acting as a School Governor within schools maintained by the authority.

9.2. Where a worker believes there is or may be a conflict of interest affecting their ability to work in this way, the expectation is that they will declare this potential conflict in a timely manner, and before it comes to light by some other means. Failure to make a declaration where there is subsequently discovered to be grounds for doing so, will be treated as a disciplinary issue.

9.3. Further guidance notes will be issued with the declaration form that will be used to declare interests, to distinguish the types of membership of groups that require to be declared. It is not intended for staff to declare membership of legitimate political parties or Trade Unions.

9.4. Any interests, financial or otherwise which could conflict with the authority's interests must be declared e.g. involvement with an organisation applying for or receiving grant aid from the authority, or involvement with an organisation that is seeking to contract with the council or is already a contractor or client. It is accepted that some staff may be members of organisations and groups and have no active involvement in the group. However, there is an expectation that where an employee is involved in the running of the group or organisation, has a financial interest or otherwise, or is involved as a Committee member, or in the decision making process, that this would be declared. Likewise those who are asked to undertake work in response to a request from a group or organisation of which they are a member would be wise to declare their membership.

9.5. Staff must declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct.

9.6. The completed declaration of interest form will be reviewed by an appropriate AD to consider any action that may be necessary before being placed on the employee's personal file.

9.7. The declaration of interest is not a historical document to reflect the situation at time of entry to the Council's employment, rather an evolving document that must be kept up-to-date. It is the responsibility of the employee to ensure that as their circumstances change during the time of their employment that they keep their declaration up-to-date. Should an employee need to amend or review a declaration they must contact Human Resources and complete a new declaration and send this to the appropriate AD for review before it is placed on personal files.

9.8 Declaration forms are securely stored and would not be open for inspection to staff, other than by their Senior Managers (at AD level) or HR. These managers /HR may need to check declaration forms should either membership of an organisation or pressure group emerge or, should there be suspicion that a relationship has emerged which was relevant to the staff member's duties and is contrary to the Code of Conduct. FOI requests relating to such information would be redacted to ensure identifying information is excluded.

9.9 Any member of staff who is in any doubt as to whether or not specific outside interest exists and should be declared should contact their AD for guidance.

9.10 At the start of each procurement exercise, all staff must complete a new procurement declaration of interest form which must then be stored with the Service's Scheme of Delegation for Audit purposes. This completed form will also be reviewed by an appropriate AD to consider any action that may be necessary. Failure to make a declaration where there is subsequently discovered to be grounds for doing so, will be treated as a disciplinary issue and a potential breach of the Council's Contract Procedure Rules.

10. Workers and Residents

10.1. In circumstances, where an LBB worker who is also a resident of LBB wishes to make an opinion about the policies being followed by the Council then such expressions of opinion must make clear that the person concerned is expressing an opinion as a resident of LBB and not as a Council worker.

10.2. The worker must ensure that they do not divulge any information that is not already in the public domain.

10.3. Where opinions are expressed on TV, film, website, social networking site or in photographs, the worker must not wear any badges or clothing which would readily identify the individual as a worker at the Council.

10.4. Should a worker express an opinion without making clear that he or she is making that opinion as a resident of LBB or he or she is wearing badges or clothing that readily identifies the individual as a worker at the Council, he or she may be subject to a disciplinary process.

10.5. Council staff who are Trade Union officials must not make statements about Council business without making it clear that this is in their official union capacity in accordance with agreed working protocols.

11. Equal Opportunities in Employment

11.1 Barnet Council already has an existing policy on and is committed to equal opportunities. The aim of the Council's policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, sex, sexuality, disability, marital status, nationality, colour, race, religion or ethnic origins. Selection criteria and employment policies and procedures will be kept under review to ensure that individuals are selected, promoted, trained and treated on the basis solely of their relevant and relative merits, abilities, training and potential.

11.2 All staff should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees and workers have a right to be treated with fairness and equity.

12. Separation of Roles During Tendering

12.1 Staff involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior staff who have both a client and contractor responsibility must be aware of the need to demonstrate accountability and openness.

12.2 Staff in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub contractors.

12.3 Staff who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised third party or organisation.

12.4 Staff should ensure that no special favour is shown to current or recent employees and workers or their partners, close relatives or associates in awarding contracts to businesses.

13. Use of Financial Resources

13.1 Staff must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

13.2 In addition, staff must consider financial matters solely with regard to the public interest and in accordance with the council's financial regulations.

14. Corruption

14.1 It is a serious criminal offence in an official capacity, to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour, to any person, group or organisation. If it is proved that some kind of reward was given to or received by the employee, then the onus is on the staff member to disprove corruption.

15. Gifts, Hospitality and Sponsorship

15.1 In the course of their work for or on behalf of the Council, staff may be offered gifts, hospitality or sponsorship by contractors, consultants, clients or other members of the public. In some instances, accepting such gifts could place staff in a serious predicament, open to allegations of bribery and corruption, disciplinary proceedings and or criminal investigation.

15.2 These guidelines are designed to protect workers from such allegations, proceedings or investigations. It is essential that workers are open, and not secretive in their relationships with outside agencies and at all times act in a manner that will protect the integrity and reputation of the Council. Under no circumstances should gifts, hospitality or sponsorship be accepted to give personal, commercial, regulatory or contractual advantage (acceptance of bribes). All workers are required to have an understanding and awareness of the Counter Fraud Framework – Bribery Policy Statement and Procedure.

15.3 Accepting bribes is a matter to be investigated by the Corporate Anti Fraud Team (CAFT) and could result in prosecution.

15.4 Any gift, hospitality or sponsorship that is offered in connection with work undertaken for the Council (whether accepted of not) must be recorded in writing, immediately on receipt, or offer, on the Hospitality, Gifts and Sponsorship Declaration Form. For the avoidance of doubt, it is required to fully complete the declaration form on each and every occasion that an offer of a gift, hospitality or sponsorship is made, unless there is an exemption for gifts, etc. below a specified value threshold.

15.5 After completion, the declaration form must then be passed immediately to the line manger. Once the line manager has completed their section they should then immediately pass the declaration form to the Council's Monitoring Officer. The Monitoring Officer will consider if further action is appropriate. The Monitoring Officer will then pass the declaration form to a Governance Officer for inclusion in the central register recording receipt/offers of gifts, hospitality and sponsorship to Council officers. In the interests of transparency the Council may publish the "gifts hospitality and sponsorship" register, but will delete personal data, where it is appropriate to do so.

15.6 **Minor gifts/hospitality under £25**, e.g. calendars, diaries, stationery items, need not be recorded. The same applies to the receipt of minor hospitality e.g. tea and biscuits. Where unsolicited gifts, with a value of less than £25, such as a bottle of wine, food, confectionery, etc are offered, these can be accepted, and if not capable of sharing with colleagues, residents/users (e.g. of a social services' establishment), they may be kept for personal use or donated to the Mayor's charity. Staff should declare multiple gifts received (in a period of 12 months) from the same donator/company whether or not they exceed £25.

15.7 **Gifts of higher value**, e.g. cases of spirits, clothes, jewellery, holiday bookings, holiday discounts and electrical equipment, must not be accepted and, if received, should be returned to the sender, but must still be recorded on the declaration form as having been received and returned unused or as directed by the Assurance Assistant Director (to whom such gifts must be separately reported by you).

15.8 **Cash, Cheques, Money Orders,** or any monetary form offered to or received as a gift or otherwise must not be accepted, under any circumstance, and any such offers must still be recorded on the declaration form as having been received and returned unused or as directed by the Assurance Assistant Director (to whom such offer or receipt must be separately reported by you)

15.9 **Discounts,** It is not permitted, on a personal basis, to take advantage of discounts which have been offered or negotiated by the Council with its suppliers for the purchase of goods, materials or services, unless the discount has been negotiated specifically as a benefit available to all staff or to a specific group of staff (of which the individual claiming the discount is a member).

15.10 **Hospitality,** The Council recognises that from time to time there is a need for certain officers to attend business functions where they may receive hospitality in the form of light refreshments, drinks and/or meals. Such hospitality may be accepted when provided in the course of normal business - e.g. lunch at a contractor's expense during a business meeting or function, provided that it is recorded in the gifts, hospitality and sponsorship register (subject to the exemption for minor hospitality previously referred to). If the offer of alcohol is accepted, vehicles must not be driven until an appropriate time has elapsed for the alcohol to have left the system. Individuals should consider whether the acceptance of hospitality could affect or may reasonably be perceived as likely to affect the outcome of a business transaction involving the Council or may otherwise be reasonably perceived as not appropriate and/or not bona fide expenditure.

15.11 **Prestige Events,** Invitations to prestige events, such as Wimbledon and Royal Ascot and other events such as football matches, theatre, opera, or weekend breaks must not be accepted, and offers must be recorded on the declaration form. Consideration may be given to attendance at certain events if that attendance is in connection with the business purposes or otherwise in the interests of the Council, but authorisation must be obtained from your line manager and approved by the Monitoring Officer before any attendance and this must be recorded on the declaration form.

15.12 **Sponsorship,** Attendance at sponsored conferences and other business related events would be permissible provided that such attendance is either necessary for the business purposes or otherwise in the interests of the Council or it is normal practice for officers in local authorities or other public bodies to attend. Attendance must be recorded on the declaration form.

15.13 **Council workers providing personal care**, such as Care Workers, Home Helps and Wardens of sheltered housing accommodation can sometimes be offered jewellery, money or other gifts, or bequests of substantial value by clients. There are special considerations when dealing with elderly, confused or otherwise vulnerable clients, as accepting such gifts may place staff in a vulnerable position. Any such offers from clients, or their relatives, friends or other members of the public, must be reported immediately to the line manager. Where-ever possible gifts from clients should be refused, and they may only be accepted if to refuse would give offence, they are under the value of £25, a declaration form has been completed (even though below the normal value threshold) and with the prior consent of the employee's line manager and the Monitoring Officer.

15.14 There are certain groups of employee (e.g. Refuse Officers, Enforcement Officers, Purchasing/Procurement Officers, Planners, Major Programme/Project leads) for whom it would be inappropriate to receive any gifts or hospitality in view of the nature of their work. Holders of these roles will be notified by their Assistant Director (or other appropriate senior officer) of any additional rules which apply.

15.15 No gifts or hospitality are to be accepted from contractors who are considering or submitting a tender during a tendering period.

15.16 Records may be subject to inspection.

15.17 Failure to adhere to this code of practice will be regarded as gross misconduct and could lead to dismissal.

16. Sponsorship – Giving and Receiving

16.1 Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

16.2 Where the authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, staff should ensure that impartial advice is given and that there is no conflict of interest involved.

17. Use of Internet, Intranet and e-mail facilities

17.1 The Council's electronic assets, including PC/laptop/phone, e-mail, Internet web access and Intranet facilities are provided to assist Council business and are not intended for personal use. (See the Information Governance (IG) policies and procedures for detailed guidance).

17.2 Accessing, storing or transmitting offensive material via e-mail, the Internet or the Intranet is expressly prohibited. Offensive material includes, but is not limited to, pornographic, racist, terrorist and sexist material.

17.3 The usage of web and e-mail addresses will be logged and audited on a regular basis. Any apparent misuse of these facilities may lead to disciplinary action being considered.

17.4 Up-to-date information on the Council's Acceptable Use Policy is available on the Internet and should be regularly reviewed by users of the Council's Internet and Intranet facilities.

17.5 Social Media - It is not acceptable for workers of the Council to make use of social media to post opinions, write blogs, tweet (or equivalent) about Council business unless in an authorised capacity on an official Barnet internet site, blog or twitter account. Staff who are residents must make it clear through their communication and dress that views being expressed are personal and do not reflect those of the Council. Failure to comply with this, with the result that the Council is or could be brought into disrepute, could result in disciplinary action.

17.6 It is not permitted for Council workers to provide information to third party authors of blogs or online content about the Council. In cases where it is discovered that confidential information has entered the public domain, the Council will investigate and may use forensic electronic methods to discover the source.

18. Application of the Code of Conduct

18.1 There will be specific mention of the Code of Conduct in the contract of employment for new starters and that they could be required to declare interests after the selection process but before taking up their posts.

18.2 Any apparent breaches of this Code of Conduct will be fully investigated by the appropriate manager and any proceedings would follow the normal disciplinary procedures of the Council and in serious cases could also result in prosecution.

19. Guidance to staff entering premises where an adult is not present

19.1 It is Council policy that when visiting a child, an adult must be present. When making appointments, always make it clear that an adult must be present when the visit takes place.

19.2 Where a visit takes place and it is still found that a child below the age of 16 is alone and showing obvious signs of distress, call the police immediately using 999 and report the circumstances. Stay with the child while waiting for the police and then hand over responsibility. Ensure you inform your manager and record your actions.

19.3 Staff have a duty to report any concerns they may have in relation to the safety and protection of unsupervised children they may come across in the course of their work.

20. Criminal Offences

20.1 It is a condition of employment that you advise the Chief Executive immediately if you are charged, cautioned or convicted of a criminal offence, including offences against children. Personal information which you supplied to the Council will be stored on computer systems and will, therefore be subject to the provisions of the Data Protection Act 1998.

21. Fraud

21.1 The Council is under a duty to protect public funds it administers. To this end any information which the Council obtains as a consequence of your employment may be used for the detection of fraud. The information may, where necessary, be used by the council and provided to other bodies administering public funds for the detection of fraud.

22. Restraint of Trade – HAY Graded Staff

22.1 The Council reserves the right to take action where an individual's actions or employment on leaving are detrimental to its interests

APPENDIX- HOSPITALITY, GIFTS AND SPONSORSHIP DECLARATION FORM (Page 1 of 2)

NB this will be an online process

Date hospitality, gift or sponsorship offered/received:	
Name of person offered/receiving the hospitality, gift or sponsorship:	
Work address:	
Directorate:	
Hospitality, gift or sponsorship received from:	
Details of hospitality, gift or sponsorship offered/received:	
Approximate value of hospitality, gift or sponsorship offered/received:	**£**
Declaration: *(please delete as appropriate)* 1. The hospitality, gift or sponsorship was offered but was declined. 2. I declare that the gift/hospitality/sponsorship has been/will be accepted and is entirely consistent with the requirements of the Council's Code of Practice on Gifts, Hospitality and Sponsorship and that no business decisions have or will be influenced by the acceptance and that no advancements or personal gain have been or will be obtained. I confirm that I have read and understand the Code of Practice on Gifts, Hospitality and Sponsorship and the Bribery Policy Statement and Procedure – Counter Fraud Framework and have made all necessary declarations during the last year.	
Print Name:	
Signed and dated:	
(If the declaration is made **by e-mail**, state by e-mail in the signature box above)	

HOSPITALITY, GIFTS AND SPONSORSHIP DECLARATION FORM
(Page 2 of 2)

Managers Statement:	I confirm that I have been made aware of the stated hospitality, gift or sponsorship that has been offered to or received by the above named member of staff for whom I have line management responsibility. I consider the action taken by the member of staff to be reasonable and it has my approval/ I have taken the following action with regard to the matter:
Print Name:	
Signed and Dated:	
Monitoring Officer statement:	I confirm that I have been made aware of the stated hospitality, gift or sponsorship that has been offered to or received by the above named member of staff. I have taken account of the line manager's comments. I consider the action taken by the member of staff to be reasonable and it has my approval / I have taken the following action with regard to the matter:
Print Name:	
Signed and dated:	

To be completed by Governance Officer as confirmation of inclusion in register

Print Name	
Signed and dated.	

5.2 INTERNAL AUDIT

5.2.1 Under the Accounts and Audit Regulations 2011 the Council has a statutory obligation to have an adequate and effective system of internal audit. The Chief Internal Auditor has the delegated authority for providing and maintaining this service.

5.2.2 The Chief Internal Auditor is responsible for providing an internal audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS). He / she is also responsible for providing an opinion, in support of the Annual Governance Statement, on how the Council's risk management processes identify, evaluate, monitor and report that controls are operating effectively within the Council. The Chief Internal Auditor helps the Chief Finance Officer discharge his/her responsibilities under section 151. Irrespective of the organisational position of internal audit, this officer should have the right to report on matters concerning internal audit and internal control directly to the Chief Executive and the Audit Committee.

5.2.3 Internal Audit is an assurance function that provides 'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.'

5.2.4 Management are responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. Internal Audit plays a vital part in advising the organisation that these arrangements are in place and operating properly. The annual internal audit opinion, which informs the Annual Governance Statement, both emphasises and reflects the importance of this aspect of internal audit work. Management's response to internal audit activity should lead to the strengthening of the control environment and, therefore, contribute to the achievement of the organisation's objectives.

5.2.5 Internal Audit has unrestricted access to all information (including records, computer files, databases, systems, property and personnel) across any service and/or activities undertaken by the Council, or partners on the behalf of the Council where council information is held in order to review, appraise and report on:

- the adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed;
- the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by the Council and service management and the extent of compliance with legislation and regulations, including reporting requirements of regulatory bodies;
- the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for

money, fraud or other cause and that adequate business continuity and risk management strategies exist;

- the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
- the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
- the suitability of the organisation of the units audited for carrying out their functions, to ensure that services are provided in a way which is economical, efficient and effective;
- the follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely; and
- the operation of the Council's Governance arrangements.

5.2.6 Independence

Internal Audit should be independent of the activities that it audits to enable auditors to perform their duties in a way that allows them to make impartial and effective professional judgements and recommendations. Internal auditors should not have any operational responsibilities.

5.2.7 Audit advice and recommendations, including where Internal Audit has been consulted about significant changes to the internal control systems, are given without prejudice to the right of Internal Audit to review and make further recommendations on the relevant policies, procedures, controls and operations at a later date.

5.2.8 The status of Internal Audit should enable it to function effectively. The support of the organisation is essential and recognition of the independence of Internal Audit is fundamental to its effectiveness. The Chief Internal Auditor should have direct access to and freedom to report in his or her own name and without fear or favour to, all officers and members and particularly to those charged with governance.

5.2.9 The Chief Internal Auditor shall be able to meet the Chairman of the Audit Committee alone outside of the normal Audit Committee meetings.

5.2.10 Responsibility & Authority

Internal Audit is an integral part of the organisation and functions under the policies established by management and the Council.

5.2.11 The purpose, scope, authority and responsibility of the internal auditing service is defined in a formal charter. The charter makes clear the independence of the internal auditing service and emphasises that it must not be restricted when carrying out its responsibilities.

5.2.12 Chief Officers shall have regard to the principles of risk management, and to the Council's risk management policy. It is the responsibility of Internal Audit to

review the adequacy and effectiveness of the council's arrangements for risk management.

5.2.13 The Chief Internal Auditor shall report to the Chairman of the Audit Committee all significant concerns that he/she may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.

~~5.2.14 Ethical Governance~~
~~The Chief Internal Auditor shall raise the profile and awareness of governance activities throughout the Council and set standards for modern, proactive and cost-effective governance in the Council~~.

5.3 CORPORATE ANTI-FRAUD TEAM (CAFT)

5.3.1 Under Section 151 of the Local Government Act 1972 the Council has a statutory obligation to ensure the protection of public funds and to have an effective system of prevention and detection of fraud and corruption. The Assurance ~~Assistant~~ Director has the delegated authority for providing and maintaining this service.

5.3.2 As part of these Regulations, Directors should ensure that there are arrangements to enable staff and the public to raise and report any issues of concern in accordance with the Council's Whistleblowing policy.

5.3.3 Objective & Scope
The CAFT is an independent, objective activity designed to add value and improve the Council's operations. It helps the Council achieve its objectives by bringing a systematic, disciplined approach to investigation, evaluating and improving the effectiveness of fraud prevention and detection and the subsequent prosecution of individuals and organisations where appropriate. The Council has a zero tolerance approach to fraud and other irregularity.

5.3.4 The objective of the CAFT is to assist officers and Members in the effective discharge of their responsibilities. To this end, the CAFT furnishes them with assurance, analysis, appraisals, recommendations, counsel, and information concerning the activities it is required to become involved with. The objective includes promoting fraud awareness across the authority.

5.3.5 The scope of the CAFT encompasses both the investigation and examination of the effectiveness of the council's systems of fraud control when subject to breach. In carrying out assigned responsibilities, Investigation Officers:-

- review the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information;
- ensure there are appropriate polices (Counter Fraud Framework) and procedures in place as well as effective systems for accurate reporting of any such fraud (including "Whistleblowing" and a "Fraud Hotline")
- ~~create and promote policies, plans, procedures, law, regulations and guidance which have a significant impact on the organisation;~~
- provide an effective, efficient and value for money investigation service;

- Where appropriate provide the organisation, its employees and business partners with a ~~comprehensive guide~~advice ~~-~~in relevant areas such as fraud, corruption, bribery and anti money laundering and other legislation relating to the proceeds of crime.

5.3.6 Independence

CAFT officers are independent when they carry out their work so act freely and objectively. Independence permits Investigators to render the impartial and unbiased judgements essential to the proper investigation and conclusion of fraud. Irrespective of the organisational position of CAFT, the Assurance Director should have the right to report on matters concerning internal audit and internal control directly to the Chief Executive and the Audit Committee.

5.3.7 Responsibility & Authority

The primary responsibility for the awareness, prevention, detection and deterrence of fraud, corruption, bribery or money laundering activity lies with the Chief Officers. This responsibility includes ensuring that staff and partners are aware of both the implications of fraud and money laundering and the risks of fraud and money laundering across their service area. The primary responsibility for the investigation of any suspected fraud, corruption, bribery or money laundering activity found in a service area lies with the CAFT. All details must be immediately forwarded to the CAFT, to preserve the chain of evidence linked to such investigations within the law.

5.3.8 All Council Members and employees are personally responsible for ensuring they (and any subordinates) are aware of the Council's Counter Fraud Framework and the procedures and policies within it. All suspected breaches must be reported to the Assurance ~~Assistan~~t Director, the Chief Internal Auditor or any member of the CAFT.

5.3.9 The Assurance Director will maintain a scheme of delegation that will set out duties and responsibilities in relation to counter fraud activities. ~~Assistant Director will nominate an officer to undertake the duties of the Council's Money Laundering Reporting Officer as detailed within the Council's Anti Money Laundering Policy Statement and procedure.~~

~~5.3.10 The Assurance Assistant Director is the designated Whistleblowing officer for the London Borough of Barnet and shall undertake the responsibilities of the role as described within the Council's Whistleblowing Policy.~~

~~5.3.11 The CAFT Counter Fraud Manager – Benefit Fraud is the officer designated by the Secretary of State under the provisions of the Social Security & Administration Act 2001 to act as the Authorised Officer in the obtaining of data prescribed within the Act which may otherwise be protected, in connection with the prevention and/or detection of a crime.~~

~~5.3.12 The Assurance Assistant Director is designated as the London Borough of Barnet's 'Senior Appropriate Officer' for the authorisation of production orders, restraint orders, customer information orders and account monitoring orders as described within the Proceeds of Crime Act 2000.~~

~~5.3.13 The Assurance Assistant Director and/or the CAFT Counter Fraud Managers are the London Borough of Barnet's responsible officers for the authorisation of arrest and prosecution of offenders including deciding on any appropriate sanction action available within the law. Those officers are responsible for ensuring that all CAFT investigations are conducted in accordance with the Criminal Procedures & Investigations Act 1996 (CPIA) the Police & Criminal Evidence Act 1984 (PACE) and the Human Rights Act 2000.~~

~~5.3.14 The Council's Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000 (RIPA) has been designated as the Monitoring Officer. The Assurance Assistant Director and the CAFT Counter-Fraud Managers are the designated officers for the authorisation of directed surveillance and use of Covert Human Intelligence Source (CHIS) as defined within the Regulation of Investigatory Powers Act 2000 (RIPA). All investigating officers granted authorisation to carry out directed surveillance or use of a covert human intelligence source by a designated officer of the Council are authorised to appear before the Magistrates Court on behalf of the Council to apply for judicial approval in accordance with the requirements of sections 37 and 38 of the Protection of Freedoms Act 2012.~~

~~5.3.15 That the Assurance Assistant Director and CAFT are authorised to act as 'Enforcement Officers' as defined and set out within the requirements of the Disabled Persons Parking Badges Act' 2013.~~

~~5.3.16 That the Assurance Assistant Director and CAFT are authorised to request and share information obtained under the 'Prevention of Social Housing Fraud Act' 2013 for the purposes of housing fraud investigation.~~

5.3.10 CAFT have unrestricted access to all council held information and records (including computer files, databases, systems, property and personnel) across any service and/or activities undertaken by the Council, or partners on the behalf of the Council, in order to effectively carry out their duties:

5.3.1~~7~~1 CAFT or ~~The Chief Finance Officer (Section 151 Officer), or~~ other authorised ~~representative,~~representative ~~such as the Monitoring Officer, the Assurance Assistant Director, the Chief Internal Auditor and all CAFT Investigation Officers~~ shall have authority to:

- Enter or visit any land, premises, offices or establishments of the Council; and carry out any necessary searches of the aforementioned.
- have unrestricted access to, access, view, search, and remove any and all records, documents and correspondence, including electronically held correspondence, documents and records, and property and assets of the Council;
- where requested by CAFT view only access to specific databases/systems which hold council data
- receive such explanations as are necessary concerning any matter under examination, and / or fraud investigation;
- in conjunction with the relevant Chief Officer, suspend any employee of the Council under CAFT investigation from duty: acting in accordance with the Council's disciplinary procedures; and, in cases concerning illegal working,

employees may be exited from the organisation and/or may be suspended without pay pending investigation.

- require any employee of the Council to produce and surrender any cash, stores, equipment or any other Council property under his or her control
- interview any and all employees and individuals in connection with investigations including where necessary interviews in accordance with the Police & Criminal Evidence Act (on tape).