

MEETING

CONSTITUTION, ETHICS AND PROBITY COMMITTEE

DATE AND TIME

THURSDAY 19TH OCTOBER, 2017

AT 7.00PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: John Marshall MA (Hons),
Vice Chairman: Melivin Cohen LLB

Councillors

Melvin Cohen	Dr Devra Kay	Joan Scannell
Richard Cornelius	Barry Rawlings	

Substitute Members

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

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10am on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 10am on Monday 16 October 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 Services 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 - 108
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 Committee staff or by uniformed custodians. It is vital you follow their instructions.

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

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Decisions of the Constitution, Ethics and Probity Committee

29 June 2017

Members Present:-

AGENDA ITEM 1

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

Councillor Anthony Finn (In place of Councillor Richard Cornelius)	Councillor Joan Scannell Councillor Alan Schneiderman (In place of Councillor Ross Houston)
Councillor Dr Devra Kay	
Councillor Barry Rawlings	

Apologies for Absence

Councillor Richard Cornelius Councillor Ross Houston

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 16 March 2017 be approved as a correct record.

2. ABSENCE OF MEMBERS

Apologies for absence had been received from:

- Councillor Richard Cornelius who was substituted for by Councillor Anthony Finn; and
- Councillor Ross Houston who was substituted for by Councillor Alan Schneiderman.

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

None.

4. REPORT OF THE MONITORING OFFICER

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. CONSTITUTION REVIEW

RESOLVED that:

- 1. 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 E.**
- 2. The Committee recommend to Council that the Constitution be amended to incorporate the changes to the speaking arrangements for planning committees as set out Appendix F.**
- 3. The Committee agree that the Monitoring Officer be delegated authority, in consultation with the Chairman, to make changes to Article 9 (Chief Officers) and Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) to reflect the new senior management structure agreed by the General Functions Committee on 3 May 2017.**

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	25A Members Code of Conduct – Procedure for Dealing with Complaints	Pages 19 – 38	<ol style="list-style-type: none"> 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'. 	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
			<ol style="list-style-type: none"> 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	Pages 39 – 40	Amend the Delegated Authority for the Commissioning Director Adults & Health (Director of Adult Social Services) to include a reference to the Care Act 2014.	Agreed as per report
3	Council Procedure Rules	Pages 41 – 61	<ol style="list-style-type: none"> 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 	Deferred

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			<p>that apply to the whole of council meetings'</p> <ol style="list-style-type: none"> 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 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 	

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			<p>national issues and remove the provisions at section 23.5 and 23.6 relating to the referral of motions to committees.</p> <p>15. Delete section 26 (Procedure for Policy and Resources budget report)</p>	
4	Officers Code of Conduct	Page 63 – 78	Amend the introduction to include the Nolan Principles.	<p>Agreed as per report subject to the following amendments:</p> <p>In the sections titled Selflessness, Integrity, Objectivity, Openness, Honesty and Leadership delete 'Holders of public office' and replace with 'Officers'</p> <p>In the section titled Accountability revise the wording as follows: "Officers are accountable to their line manager and the Chief Executive who is in turn accountable to elected Members."</p> <p>Agreed to delete the following sentence from section 15.10: 'If the offer of alcohol is accepted, vehicles must not be driven until an appropriate time has elapsed for the</p>

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
				alcohol to have left the system.'
5	Financial Regulations	Pages 79 – 84	<ol style="list-style-type: none"> 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 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 	<p>Agreed as per report subject to the following amendment:</p> <p>Amend section 5.3.6 to delete the wording '...have the right to...' and add '...the Leader...' before the Chief Executive.</p> <p>Revised wording to read: 'Irrespective of the organisational position of CAFT, the Assurance Director should report on matters concerning internal audit and internal control directly to the Leader, Chief Executive and the Audit Committee.'</p>

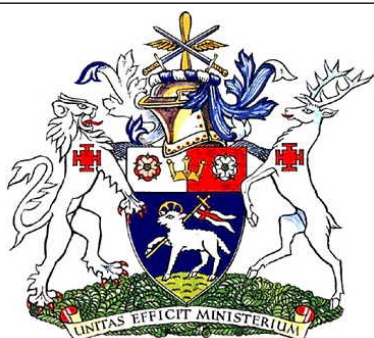
The Committee considered an addendum which proposed changes to speaking rules at planning committees to clarify the number of speakers for and/or against an application due to the current wording being ambiguous. Upon the recommended changes being put to the vote the proposals were approved. Votes were recorded as follows:

In Favour	4
Against	3
Abstentions	0

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
6	Meetings Procedure Rules	Addendum	<p>7.5 Where there have been requests to speak both in favour and against an application one speaker slot will be reserved for supporters and one for objectors.</p> <p>7.9 Where there are speakers registered only in favour or only against an application and there have been Where more than two requests to speak have been received, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.</p>	Agreed as per addendum subject to the additional of the following text at the end of section 7.8: 'Where there is more than one speaker registered either in favour or against an application, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.'

The meeting finished at 7.41 pm

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Special Constitution, Ethics and Probity Committee

19 October 2017

Title	Constitution Review
Report of	Monitoring Officer Head of Governance
Wards	N/A
Status	Public
Enclosures	<p>Appendix A – Introduction and Summary to the Constitution</p> <p>Appendix B – Article 1, The Constitution</p> <p>Appendix C – Article 2, Members of the Council</p> <p>Appendix D – Article 3, Residents and Public Participation</p> <p>Appendix E – Article 4, The Full Council</p> <p>Appendix F – Article 5, The Mayor and Chairing the Council</p> <p>Appendix G – Article 6, The Leader</p> <p>Appendix H – Article 7, Committees, Forums, Working Groups and Partnerships</p> <p>Appendix I – Article 8, Joint Arrangements</p> <p>Appendix J – Article 9, Chief Officers</p> <p>Appendix K – Article 10, Decision Making</p> <p>Appendix L – Article 11, Finance, Contracts and Legal Matters</p> <p>Appendix M – Article 12, Review and Revision of the Constitution</p> <p>Appendix N – Full Council Procedure Rules</p> <p>Appendix O – Full Council Procedure Rules (Tracked)</p>
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk
Summary	
<p>The Monitoring Officer has undertaken a review of the Constitution with the aim of to simplify it in plain English and in a way which avoids duplication and unnecessary complexity and detail. This report presents revised Articles for consideration.</p>	

Recommendations

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

1. WHY THIS REPORT IS NEEDED

Constitution Review

- 1.1 As reported to the Committee in June 2017, the Monitoring Officer has undertaken a comprehensive review of the Constitution. The Constitution should be a straightforward explanation of how the Council works in practice. The current Constitution is very lengthy and it is not easy to find a way around the current 31 documents which together make up the Constitution. This revised version is an attempt to simplify the Constitution in plain English and in a way which avoids duplication and unnecessary complexity and detail
- 1.2 The part of the Constitution which explains how the Council works is called the Articles. These Articles have been revised and updated, but more importantly other relevant information which is currently scattered around other documents in the Constitution has been moved into the relevant Article. Consequently, specific information should be easier to find as it will be in the same place.
- 1.3 During consultation with the Committee Chairman and the Leader several changes to the Constitution have been proposed and other changes will require further consideration. Detailed changes are set out in this report and the associated appendices.

Format of the Constitution

- 1.4 The Constitution will be in two Parts. Part 1 will comprise the Articles which currently number 13, but reducing to 12, together with an Introduction and Summary.
- 1.5 The current Articles and relevant supporting documents run to 136 pages; all relevant information is now moved within the revised Articles which run to 50 pages.
- 1.6 In addition there will be a Part 2 of the Constitution which will include the key supporting documents such as Standing Orders for Full Council, Contract Procedure Rules and Finance Regulations. These supporting documents (currently 20, but reducing to 12) are in the process of review with leading officers and will be reported to the Committee in due course.

Deletions

- 1.7 A significant amount of current detail is proposed for deletion. Deleted sections will be retained for reference and audit purposes. The information in

these sections has either been moved into the Articles or has been deleted because it is unhelpful and possibly confusing for Members, residents and officers accessing the Constitution on the council's website. Deleted sections are as follows:

- Responsibility for Functions
- Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards)
- Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers)
- Meeting Procedure Rules
- Public Participation and Engagement Rules
- Management of Assets, Property and Land Rules

Amendments

- 1.8 There are several substantive changes proposed to the Articles within the current Constitution and these are as follows:
- Introduction and Summary – *Shortened (1 page)*
 - The Constitution (Article 1) – *Updated (1 page)*
 - Members of the Council (Councillors) (Article 2) – *All information relating to Members now in one section (4 pages)*
 - Residents and Public Participation (Article 3) – *All information relating to residents and public participation now in one section (7 pages)*
 - The Full Council (Article 4) – *All now in one section (2 pages)*
 - The Mayor and Chairing the Council (Article 5) – *Updated (1 page)*
 - The Leader (Article 6) – *Updated (1 page)*
 - Committees, Forums, Working Groups, and Partnerships (Article 7) (*Shortened Terms of Reference – 52 pages reduced to 20*)
 - Joint Arrangements (Article 8) – *Updated (1 page)*
 - Chief Officers (Article 9) – *Updated (5 pages) (Decision making power to £165k for individual matter but not to include key decisions)*
 - Decision making (Article 10) – *Revised, updated and new (4 pages)*
 - Finance, Contracts and Legal Matters (Article 11) – *(2 pages)*
 - Review and Revision of the Constitution (Article 12) – *Updated (2 pages)*

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	Introduction and Summary to the Constitution	See 'changes made'	In consultation with Members and officers, the Monitoring Officer has undertaken a review of the Constitution to simplify and clarify the document. Detailed changes proposed are set out in the 'changes made' section.	<ol style="list-style-type: none"> 1. Revised text throughout the Article to remove unnecessary wording and clarify language. 2. Renamed Sections 1 and 2 and sections contained therein. 3. Delete 'citizens' and replace with 'residents'. 4. Revised wording to highlight that Members have a duty to all residents, not just those living in their ward. 5. Amended the 'Decision Making Structure' section to simplify the content. 6. Delete section on 'Urgent and Emergency Decisions' as covered in revised Article 7 (Committees, Forums, Working Groups and Partnerships) 7. Delete section on 'Area Committees and Forums' as covered in revised Article 7 (Committees, Forums, Working Groups and Partnerships) 8. Amended the 'The Council's Staff' section to clarify that officers give advice to committees and Members. 9. Amend section on 'Residents Rights' to refer to revised Article 3 (Residents and Public Participation) 10. Delete section on 'Explanatory Notes' as unnecessary. 11. Delete diagram of committee structure appended as unnecessary.
2	Article 1 – The Constitution	See 'changes made'		<ol style="list-style-type: none"> 1. In section 1.3 delete 'citizens' and replace with 'residents'. 2. Delete 'address inequality' as this is not a purpose of the constitution. 3. Amend section 1.4 to state that the Council may amend the Constitution. 4. Move Article 13 (Suspension, Interpretation and Publication

No.	Section	Reference	Issue Identified	Changes Made
				of the Constitution) into a new section 1.5 of Article 1 and delete current Article 13.
3	Article 2 – Members of the Council		Incremental changes to the procedures for referrals between committees have resulted in the procedure rules being lengthy and complex. Amendments are proposed to condense the rules and clarify the circumstances when agenda items/decisions may be referred.	<ol style="list-style-type: none"> 1. Amend section 2.1 to clarify the language. 2. Amend section 2.3 (a) to clarify the language relating to the 'Key roles' of councillors including the deletion of the section which starts 'Champion the causes...' as this is perfunctory. 3. Amend section 2.3 (b) to delete the section relating to scrutiny of performance as this is covered in the preceding bullet point (relating to participating in decision-making). 4. In section 2.3 (b) delete 'authority' and replace with 'council'. 5. Delete duplicated text in Section 2.3 (b). 6. Amend the title of section 2.3 (c) to 'Access to Information as the sections covers Members rights of access to council information. 7. In section 2.3 (c) delete 'Councillors' and replace with 'Members' 8. In section 2.3 (c) add a requirement for officers to keep Ward Members informed of matters affecting their Ward. 9. In section 2.3 (d) delete 'Councillors' and replace with 'Members' and add 'Vice-Chairman' 10. Move content relating to referrals from Responsibility for Functions (proposed to be deleted) and create a new section 2.4 (d). Revise section 2.4 (d) to simplify the rules relating to referrals between committees. <i>Note:</i> sections copied from Responsibility for Functions have been copied and retained and deleted tracked changes for reference. 11. Add wording in section 2.1 (e) to restrict urgent decisions from being referred and to clarify that the referral must be made before the decision is taken

No.	Section	Reference	Issue Identified	Changes Made
				<p>12. Move content from Meetings Procedure Rules into Article 2 and add a new section 2.5 (f). Revise wording to simplify the rules relating to Members Items'. Sections copied from Responsibility for Functions have been copied and tracked change deleted for reference.</p> <p>13. Move content relating to Members rights to address planning committees from the Planning Committee Procedure Rules (currently section 7 of Meeting Procedure Rules). Revise wording to delete unnecessary content and duplication.</p> <p>14. Move content relating to councillor's rights to attend and speak at committees or sub-committees when they are not a member (currently section 9 of Meeting Procedure Rules). Retain content un-amended. Add new wording to confirm Members rights to remain in the meeting room when committees that they are not a member of consider exempt business.</p>
4	Article 3 – Residents and Public Participation	See 'changes made'	In relation to proposed change 7., introducing a new section 3.4 (Public Questions and Comments – Procedure at Committee) is proposed to try and ensure that members of the public who wish to make a comment have an opportunity to address the committee. If a large number of supplementary questions are taken before comments,	<ol style="list-style-type: none"> 1. Revised text throughout the Article to remove unnecessary wording and clarify language. 2. Delete references to 'citizens' and replace with 'residents'. 3. Delete section 3.1 (a) (i) relating to voting and petitions 4. Amend section 3.1 to refer to clarify that only residents can petition the council. 5. Move section 2 (Public Questions) of the Public Participation and Engagement Rules into Article 3. Create new section 3.2 titled 'Questions to a committee'. 6. Move section 3 (Public Comments) of the Public Participation and Engagement Rules into Article 3. 7. Add a new section 3.4 titled 'Public Questions and

No.	Section	Reference	Issue Identified	Changes Made
			<p>there is a risk that the 30 minutes for questions and comments will end before a resident has an opportunity to make a comment which would disenfranchise them.</p>	<p>Comments – Procedure at Committee’ to clarify the order in which public comments and supplementary questions will be managed at a committee meeting.</p> <p>8. Amend section 3.5 to refer to ‘issues’ for residents’ forums as this is consistent with the terminology currently used by Members and officers in relation to matters considered at the forums.</p> <p>9. Amend section 3.5 to clarify the meaning of the Six-Month Rule in the context of residents’ forums.</p> <p>10. Amend the wording in section 3.6 relating to petitions to clarify that certain petitions will be treated as ‘letters of representation’ and will be outside of the normal petition procedures.</p> <p>11. Amend section 3.7 to clarify and simplify the rules relating to speaking at planning committees including to reflect that the Governance Service will take over management of the registering speakers.</p>
5	Article 4 – The Full Council	See ‘changes made’	<p>In relation to proposed change 4. there has been an inconsistency of practice relating to officer appointments to external bodies. The revised text clarifies the position in respect of both Members and officer.</p>	<ol style="list-style-type: none"> 1. Revised text throughout the Article to remove unnecessary wording and clarify language Amend the wording in section 4.1 to simplify the language. 2. Move the functions of Full Council listed in section 1 of Responsibility for Functions into Article 4. 3. Add a new responsibility for Full Council to approve Member and officer appointments to outside bodies and external organisations on the recommendation of the Group Secretaries or Chief Executive 4. Delete the definition of the policy framework in section 2 as the explanation is not required. 5. Delete section 4.4 (Responsibility for Functions) as this

No.	Section	Reference	Issue Identified	Changes Made
				simply refers to other sections of the constitution.
6	Article 5 – The Mayor and Chairing the Council	See ‘changes made’		<ol style="list-style-type: none"> 1. Amend the wording in section 5.1 to clarify that the Deputy Mayor should also be appointed by Council and to clarify their term of office. 2. Add a new section 5.2 to ensure that the election of the Mayor and Deputy Mayor is the first item of business transacted at the annual council meeting. 3. In section 5.3 delete the provision that states that the Mayor will appoint a deputy. 4. Add wording to section 5.3 to provide that the Mayor may write letters of condolence and congratulation on behalf of the Council.
7	Article 6 – The Leader	See ‘changes made’		<ol style="list-style-type: none"> 1. Amend section 6.1 to clarify wording.
8	Article 7 – Committees, Forums, Working Groups and Partnerships	See ‘changes made’	<p>The Council is required to adopt a Brownfield Land Register and consider new applications to it. Changes are proposed to enable this before the deadline of 31 December 2017.</p> <p>A best practice review the Local Pension Board has taken. Following the review is recommended that the membership be increased from 5 to 7 (to be in line with</p>	<ol style="list-style-type: none"> 1. Delete ‘Sub-Committees’, ‘Area Committees’, ‘Forums’ and ‘the Local Strategic’ from the Article title 2. Revise the wording in section 7.1 to make more succinct. 3. Delete references to ‘Panels’ and replace with ‘working groups’. 4. Delete section on ‘Additional Sub-Committees and Panels’. 5. Amend section 7.2 to refer to delete references to parent committees making appointments to sub-committees. 6. Delete section on Area Committee and Forums as these are included in the terms of reference of committees detailed later in the Article. 7. Delete unnecessary text from section 7.4 on the Local Strategic Partnership. 8. Review and shortening of terms of reference of all committees to improve clarity (including revisions to the terms of reference

No.	Section	Reference	Issue Identified	Changes Made
			<p>other local authorities membership). In addition, the Board has detailed terms of reference which specify the role of the Board, appointment process, composition of the Board, periods of office for Board members, frequency of meetings, accountability and reporting, etc. Rather than include these detailed terms of reference in the Constitution, it is proposed to refer to these as being separately adopted.</p>	<p>and remit of Area Committees and a rationalisation of the terms of reference of the General Functions Committee).</p> <ol style="list-style-type: none"> 9. Add new responsibilities to the terms of reference of the Planning Committee and Area Planning Committees in relation to a Brownfield Land Register. 10. Revise the membership of the Local Pension Board to increase from 5 to 7. 11. Include the following committee procedures in this Article moved from Meetings Procedure Rules (proposed to be deleted): Substitute Members – Rules; Quorum – Rules; Chairmen of Meetings; Minutes; Urgent Business 12. Amend Urgency provisions to remove the ability for the Chief Executive to take a decision normally reserved for a committee. 13. Delete text relating to the conclusion time for Residents Forums as these now take place at 7.00pm and no longer have an Area Committee which follows immediately after.
9	Article 8 – Joint Arrangements	See ‘changes made’		<ol style="list-style-type: none"> 1. Delete ‘References’ to legislation as these are not required. 2. Delete unnecessary text relating to delegations to joint committees being listed in Responsibility for Functions as this is no longer required.
10	Article 9 – Chief Officers	See ‘changes made’		<ol style="list-style-type: none"> 1. Add wording to 9.01 (a) to clarify that the Chief Executive as Head of Paid Service appoints all staff except Chief Officers. 2. Update the list of Chief Officers to reflect the senior management structure approved by the General Functions Committee implemented in June 2017. 3. Updated wording relating to the powers delegated to officers to simply the language and clarifies financial limits to delegations. 4. Updated list of Statutory Officers.

No.	Section	Reference	Issue Identified	Changes Made
				<ol style="list-style-type: none"> 5. Delete the section titled 'Other Chief Officers' as these are listed in the 'Chief Officers' section above. 6. Delete references in 9.4 (b) as these are no longer required. 7. Amend 9.3 (b) delete 'Chief Operating Officer' and replace with 'Assistant Chief Executive' to reflect the new senior officer structure. 8. Delete sections from section 9.3 relating to the functions of the Monitoring Officer relating to 'contributing to corporate management' and 'restrictions on posts' as these are covered elsewhere or are statutory provisions. 9. Delete references at the end of section 9.3 as these are no longer required. 10. Delete sections from section 9.4 relating to the functions of the Chief Finance Officer relating to 'contributing to corporate management' as this are covered elsewhere. 11. Delete section 9.8 on other chief officers as this is no longer required.
11	Article 10 – Decision Making	See 'changes made'		<ol style="list-style-type: none"> 1. Delete section on 'Responsibility for decision making' as no longer required. 2. Amend section 10.2 to refer to decisions taken by Full Council. 3. Amend section 10.3 to refer to decision-making by committees and revise the wording to improve clarity. Include new text to state that: i) all committee reports will be in the name of the Chairmen apart from Planning and Licensing Committees; and ii) that Chairmen will clear all committee reports apart from Planning and Licensing Committees. 4. Add a new section 10.4 (Decision Making by Chairmen of Theme Committees Jointly with Chief Officers) to give a new power to Chairmen of theme committee to make decisions

No.	Section	Reference	Issue Identified	Changes Made
				<p>jointly with chief officers with a value of between £165K and £500K.</p> <ol style="list-style-type: none"> 5. Amend section 10.5 to clarify the circumstances where a written record report is required. 6. Insert Table A detailing authorisation limits in relation to land and property transactions previously included in the Management of Assets, Land and Property Rules.
12	Article 11 – Finance, Contracts and Legal Matters	See ‘changes made’		<ol style="list-style-type: none"> 1. Delete ‘References’ as these are no longer required. 2. Amend sections 11.3 and 11.4 to delete ‘Monitoring Officer’ and replace with ‘Assistant Chief Executive’ as the senior responsible officer. 3. Amend section 11.4 on authentication of documents to improve clarity and confirm the financial threshold for documents which require the Seal to be attested. 4. Delete wording in section 11.4 relating to authorised officers as this is covered in section 11.5. 5. Minor amendments to 11.5 to include the Assistant Chief Executive as they are a senior responsible officer. 6. Delete text relating to the ‘Facsimiles of Common Seal’ as no longer required. 7. Delete section on ‘Disposal of land and real property’ as no longer required.
13	Article 12 – Review and Revision of the Constitution			<ol style="list-style-type: none"> 1. Amend text to clarify some of the wording.
14	Full Council Procedure	See ‘changes made’		<ol style="list-style-type: none"> 1. Amend Part 4, Business for Debate, 15. to remove Motions for the Adjournment and replace with a procedure for debating

No.	Section	Reference	Issue Identified	Changes Made
	Rules			<p>more than two motions if time permits at the end of the meeting.</p> <ol style="list-style-type: none"> 2. Amendments to clarify the wording in sections 6 (Variations), 7 (Suspension of Rules), 9 (General Provisions for Motions and Amendments). 3. Deletion of sections 13 (Motions which may be moved during debate and closure motions) and 14 (Division and Voting) which are no longer required. 4. Clarification of wording in section 22.1 to clarify that Motions must relate to Barnet specific issues. 5. Revisions to the wording in sections 23.5 and 23.6 to shorten and clarify the language. 6. Delete section 26 relating to Procedure for Policy and Resources Committee Budget Report as not required.

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4. POST DECISION IMPLEMENTATION

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Full Council on 31 October 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 The currently adopted Constitution can be accessed here:
<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>

6.2 Tracked changes versions have been retained for audit purposes and are available for inspection on request.

INTRODUCTION AND SUMMARY TO THE CONSTITUTION

The Constitution sets out the parameters within which the Council should operate, how decisions are to be made and the procedures which are to be followed; this is to ensure that the Council is efficient, transparent and accountable to residents. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into the following sections:

Part 1 – The Articles

These set out the basic rules governing the Council's business.

- The Constitution (Article 1)
- Members of the Council (Councillors) (Article 2)
- Residents and Public Participation (Article 3)
- The Full Council (Article 4)
- The Mayor and Chairing the Council (Article 5)
- The Leader (Article 6)
- Committees, Forums, Working Groups, and Partnerships (Article 7)
- Joint arrangements (Article 8)
- Chief Officers (Article 9)
- Decision making (Article 10)
- Finance, contracts and legal matters (Article 11)
- Review and revision of the Constitution (Article 12)

Part 2 – Supporting Documents

Code of Corporate Governance

Full Council Procedure Rules

Access to Information Rules

Financial Regulations

Contract Procedure Rules / Code of Procurement Practice

Members' Code of Conduct and procedure for investigations

Members' Licensing Code

Members' Planning Code

Protocol for Member/Officer Relations

Members' Allowances Scheme

How the Council operates

The Council is composed of 63 Councillors (Members) elected every four years. Councillors are democratically accountable to all residents in the Borough and in particular to those living in their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have agreed to follow a local Code of Conduct for Members to ensure high standards in the way they undertake their duties.

Decision Making Structure

The Council has a Committee System of governance. Decisions are made by Full Council, or are delegated to Committees, Theme Committee Chairmen and Chief Officers as set out in Article 10.

All Councillors meet together as the Full Council. Council delegates functions to the committees as set out Article 7. Meetings of the Council and committees are open to the public.

The Council's Staff

The Council's staff (called 'Officers') give advice to Committees and Members, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and Members of the Council.

Residents' Rights

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Article 1 – The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution (Part 1 – The Articles, and Part 2 – Key Supporting Documents) is the Constitution of the London Borough of Barnet.

1.3 Purpose of the Constitution

- Enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
- Provide a means of improving the delivery of services to the community;
- Enable the Council itself, or in partnership with others, to provide high quality services through making arrangements to secure continuous improvement in the way its functions are exercised; having regard to a combination of economy, efficiency and effectiveness, as well as to statutory requirements.
- Support the active involvement of residents in the process of local authority decision-making;
- Help councillors represent their constituents more effectively;
- Enable decisions to be taken efficiently and effectively;
- Create a powerful and effective means of holding decision-makers to public account;
- Ensure that no-one will review or scrutinise a decision in which they were directly involved in making;
- Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.

1.4 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor, evaluate and may amend the operation of the Constitution as set out in Article 12.

1.5 **Suspension of the Constitution**

Limit to suspension. The Articles of this Constitution may not be suspended. Any of the Rules within Part 2 of the Constitution may be suspended by the Full Council.

Article 2 – Members of the Council (Councillors)

2.1 Composition and eligibility

- (a) **Composition:** The Council will comprise 63 Members, otherwise called Councillors. They will be elected by the voters of each Ward as defined by a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility:** Only registered voters of the Borough or those living or working there will be eligible to stand for the office of a Councillor.

2.2 Election and terms of office

The regular election of Members is held on the first Thursday in May every four years from 2002. The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Members

(a) **Key roles**

- to participate constructively in the good government of the area;
- Contribute actively to the formation or scrutiny of the council's policies, budget, strategies and service delivery;
- to represent effectively the interests of the Ward for which he/she was elected and deal with their constituents' enquiries and representations.

(b) **Key tasks**

- fulfil the statutory and locally determined requirements of an elected Member of the Council including compliance with all relevant codes of conduct, and participation in those decisions and activities of the Full Council and its committees;
- participate in the area and service-based consultative processes with the community and with other organisations;
- represent the council to the community, and the community to the council, through the various forums available;
- develop and maintain a working knowledge of Barnet's services, activities and other factors which impact upon the community's wellbeing and identity;
- contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area; and

- participate in the activities of any political group of which he/she is a member
- participate in training sessions made available to Members by the Council.

(c) **Access to Information**

- members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law and officers will keep Ward Members informed of matters relating to their Ward
- Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it;
- “confidential” and “exempt” information are defined in the Access to Information Rules set out in Part 2 of this Constitution.

(d) **Special Responsibilities**

Some Members have special responsibilities, additional to those of other Members, including:

- The Leader of a political group;
- Chairman and Vice Chairman of a council committee
- The Chairman of some other council body.

(e) **Members’ Rights to Refer Matters to Parent Body**

Unless the matter is urgent three members of a committee or sub-committee, other than planning committees, may refer a key decision (for definition see below) to Council or parent committee but any such reference must be requested before the decision on the matter is made by the committee. The reasons for the referral must be stated. In making the referral, the committee or sub-committee can make recommendations to Council or parent committee. Non-key decisions, Members’ Items and reports to the Urgency Committee cannot be referred.

A chairman of an area committee may refer applications to the area committee budget to the Environment Committee. The reasons for the referral must be stated. In making the referral, the chairman can make recommendations to Council or parent committee.

Key Decisions – a key decision is one which will result in the council incurring expenditure or savings of £500,000 or more, or is significant in terms of its effects on communities living or working in an area comprising two or more Wards.

(f) **Members' Items for the Agenda**

A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee. This rule does not apply to the licencing, planning and urgency committees. The referral of a motion from Full Council to a committee will not count as a Member's Item for the purposes of this rule.

The Head of Governance must receive written notice of a Member's Item, at least seven clear working days before the meeting.

The Lead Member for Children's Services is permitted to have one matter only (with no-sub items) on the agenda for a meeting of a Committee, Sub-Committee or Partnership Board on which s/he does not serve when that body is considering an item which relates to children and young people.

Any Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is sponsoring an application to an Area Committee Budget. Members' Items sponsoring an application to the Area Committee Budget must be submitted 19 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.

(g) **Member Requests to Speak at Planning Committees**

Members may only address a planning committee on applications which affect their ward or on an application affecting their Ward which that Member has 'called-in' to committee identifying a planning consideration. Members should give notice to the Chairman of the meeting of their intention to speak before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes. Members' rights to address planning committees are in addition to the rights of public speakers.

MPs and GLA Members from the borough and MPs, GLA Members and Members from neighbouring boroughs may request to address a planning committee on a matter which affects their constituency or ward. Notice should be given to the Chairman of the meeting before the start of the meeting. Any such Member would be allowed up to 3 minutes

(h) **Members' rights to attend and speak at committees or sub-committees when they are not a Member of the committee.**

Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote and should sit with members of the public.

Apart from planning committees (see above) and licensing committees councillors may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent. Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.

The Lead Member for Children's Services has a right to address a Committee, Sub-Committee or Partnership Board for up to three minutes when it is considering matters which relate children and young people, subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent

Members may remain for the private part of any committee meeting.

2.4 Conduct

Councillors will at all times observe their Code of Conduct, Members' Planning and Licensing Codes, and the Protocol on Member/Officer Relations set out in this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in this Constitution.

Article 3 – Residents and Public Participation

3.1 Residents' Rights

Residents have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

- (a) (i) **Petition scheme.** Residents who are concerned about a Council service or a decision that is about to be made may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined below.
- (b) **Information.** Residents have the right to:
 - (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
 - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees; and
 - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Residents have the right to:
 - (i) Be treated with understanding and respect;
 - (ii) Have equal opportunity with other residents; and
 - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Residents have the right to ask questions, receive answers and make comments at committee meetings in accordance with the following rules. Residents can also raise issues at Residents Forum.

Residents can participate in Committee meetings as follows:

- By asking a public question
- By making a public comment
- By submitting a petition

3.2 Questions to a Committee

Questions must detail which agenda item they are in connection with. Committee agendas are usually published on the Council's website five working days prior to the meeting. Residents should state their address when submitting questions.

Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting (for example for a committee meeting on a Thursday the deadline would be 10am on the preceding Monday; for a committee meeting on a Tuesday the deadline would be 10am on the preceding Thursday). Any questions submitted after this time will not be considered.

Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.

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

At the meeting a time period of up to 30 minutes is available for public questions and comments in total.

3.3 Comments to Committees

Comments must relate to an item being considered on a Committee agenda and provide members of the public with an opportunity to address Committee Members. Committee agendas are published on the Council's website five clear working days prior to the meeting.

Requests to speak should be submitted to the relevant Governance Officer named on the front page of the agenda and be received by 10am on the third working day prior to the meeting. Any requests to make comments after this time will not be considered.

At the meeting each speaker will have a time period of up to three minutes to address the committee. Committee Members may ask the speaker questions on the representation they have made to the committee.

Comments may also be made in writing within the same deadlines as above and these will be published as an addendum to a report.

3.4 Procedure for Questions and Comments at Committees

At the committee meetings a time period of up to 30 minutes, is available for public questions and comments in total.

Public comments will be received by the Committee before supplementary questions are asked. Where a resident has submitted more than one question, their second item or question will be considered after all other residents have asked their first supplementary question. Supplementary questions will continue to be asked in this way until there are no further questions or 30 minutes has elapsed.

3.5 Issues for Residents Forum

Issues must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.

The Forum Chairman has the discretion to accept issues with less than five days' notice if they deem the matter to be urgent. Responses to urgent matters will be responded to verbally by officers at the Forum meeting.

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

The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period. The Six Month Rule means that Residents Forum will not reconsider any issues discussed at a resident's forum or any decision taken by a committee in the six months preceding the date of the forum.

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

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

The Chairman will determine issues in the following way:

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

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

Public questions and comments are not permitted:

- If they are defamatory, abusive or offensive
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the General Functions Committee

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

3.6 Petitions

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

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

The address of the Head of Governance is as follows:

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

The authority's e-petition facility can be found here:

<https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

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

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

A petition will not be accepted if:

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

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

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

Petitions relating to planning or licensing applications, appeals or reviews will be treated as letters of representation and will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. For petitions falling within these categories, the reporting procedures below will not apply.

Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

Petitions will be reported as follows:

Signatures	Forum and Procedure
0-24	No action required.
25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required)
2,000 – 6,999 Signatures	<p>Where the petition relates to the functions and responsibilities of an Area Committee it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee.</p>

	<p>Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> • Take no action • Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or • Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course of action
7,000 plus Signatures	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> • Lead Petitioner is given five minutes to present the petition; • Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item. • The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take

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

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

3.7 Requests to speak at Planning Committees

Requests to speak should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Requests will be accepted in the order received.

In addition to any Councillor and the Applicant (or their representative) two residents may speak. Such speakers shall be one for and one against the application unless there is no resident wishing to speak for the application in which case two residents may speak against the application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.

3.8 Complaints

Residents have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman (after using the Council's own complaints scheme);
- (iii) the Monitoring Officer about a breach of the Members Code of Conduct.

3.9 Disorderly Conduct

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

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Article 4 – The Full Council

4.1 Role and Function

The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework:

- Approving the strategic financing of the council upon recommendations of the Policy and Resources Committee
- Determination of the financial strategy
- Approval of the Budget
- Approval of the capital programme
- Setting the Council Tax
- Determination of fees and charges (unless delegated)
- Determination of borrowing limits
- Adopting and changing the Constitution (unless delegated)
- Approving and adopting the Policy Framework
- Delegating/receiving functions to/from other councils or their Executives
- Adopting a Members' Allowance Scheme
- Agreeing and amending the terms of reference of committees, deciding their composition and making appointments to them
- Electing chairmen and vice-chairmen of committees
- Conferring the title of Freeman of the Borough
- Confirming the appointment or dismissal of the Head of Paid Service
- Byelaws and dealing with local legislation or private bills
- Electing the Leader of the Council, the Mayor and Deputy Mayor
- Approval of annual pay statement
- Housing Land Transfers
- Approving Member and officer appointments to outside bodies and external organisations on the recommendation of the Group Secretaries or Chief Executive

The Full Council provides a central forum for debate and gives the opportunity for Councillors to ask questions about the Council or matters affecting the Council.

4.2 Meanings

(a) Policy Framework.

- Safer Communities Strategy
- Sustainable Community Strategy
- Development Plan Documents comprising the Local Plan
- Adoption of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders
- Statement of Licensing Policy
- Statement of Gambling Licensing Policy

(b) **Budget.**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax base and Council Tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer.**

Housing Land Transfer means the approval or adoption of applications to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under the Housing Act 1985.

4.3 **Council Meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules included within Part 2 of this Constitution.

Article 5 – The Mayor and Chairing the Council

Role and function of the Mayor

- 5.1 The Mayor and Deputy Mayor will be elected annually from among the Councillors. The Mayor and Deputy Mayor will hold office until the following annual meeting of the council unless s/he resigns or becomes disqualified.
- 5.2 The election of the Mayor and Deputy Mayor shall be the first business transacted at the annual meeting of the council.
- 5.3 The Mayor (and in his/her absence, the Deputy Mayor) will have the following responsibilities:
- To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary with advice from the Monitoring Officer if required;
 - To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community; the Deputy Mayor will preside in the absence of the Mayor;
 - To ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
 - To promote public involvement in the Council's activities;
 - To attend such civic and ceremonial functions as the Council and he/she determine appropriate in carrying out his/her duties as first citizen of the borough;
 - The Mayor as First Citizen can send, where appropriate, messages of condolence and congratulation.

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Article 6 – The Leader

6.1 Leader of the Council

The Leader will be a Councillor elected to the position of Leader by the Council and the Leader's term of office starts on the day of his/her election.

The Leader will hold office until

- (a) she/he resigns from office; or
- (b) she/he is suspended from being a Councillor or is no longer a Councillor; or
- (c) the day of the next annual meeting of the council which follows their election as Leader unless either (a) or (b) occurs prior to that time; or
- (d) removed by resolution of the Council

If the Council passes a resolution to remove the Leader, a new Leader is to be elected-

- (a) at the meeting at which the Leader is removed from office, or
- (b) at a subsequent meeting.

6.2 Conflicts of Interest

Where the Leader has a conflict of interest this should be dealt with as set out in the Members Code of Conduct in this Constitution.

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Article 7 – Committees, Forums, Working Groups and Partnerships

Committees

7.1 The Council will appoint the committees set out below at 7.7 to discharge the functions described.

Sub-Committees and Working Groups

7.2 Following the Annual Meeting of the Council, and at any time during the year, committees may I appoint: sub-committees and/or working groups and, if appropriate, agree their terms of reference, a Chairman and, if considered necessary, a Vice-Chairman and substitute members of the sub-committee or working group.

Appointment of Members to Committees

7.3 The Council will appoint the Members, Chairman and Vice Chairman to serve on the Committee subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

Local Strategic Partnership

7.4 A Local Strategic Partnership is an advisory Committee which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies. In Barnet, the functions of a Local Strategic Partnership are discharged by the Barnet Partnership Board

7.5 Responsibility for Functions

Body responsible	Functions	Membership
Policy and Resources Committee	(1) To determine strategic policy, finance including recommending capital and revenue budget to full Council, welfare, corporate plan and local plans, procurement, partnerships, IT, grants and the effective use of resources. (2) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council. (3) Consider for approval budget and business plan of the Barnet Group Ltd.	12 Chairman, Vice Chairman, Members and substitutes to be appointed by Council. 6 substitutes Quorum 3

	<p>If any report appears to come within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Performance and Contract Management Committee</p>	<p>(1) Overall responsibility for quarterly budget and performance monitoring, oversight of contract variations including monitoring trading position and financial strategy of Council services and external providers.</p> <p>2) To make recommendations to Policy and Resources and Theme Committees on relevant policy and commissioning implications arising from the scrutiny of performance of Council services and external providers.</p> <p>(3) Specific responsibility for risk management and treasury management performance.</p> <p>4) To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with this Article.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>6 substitutes</p> <p>Quorum 3</p>
<p>Children, Education, Libraries and Safeguarding Committee</p>	<p>(1) Responsibility for all matters relating to children, schools, education, and libraries.</p> <p>(2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Requirement to have a Lead Member for Children's Services.</p> <p>Co-opted Members (<i>may speak on all matters, but can only vote on education related items</i>):</p>

	<p>(4) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>(5) To receive and consider reports as appropriate from the Corporate Parenting Advisory Panel.</p> <p>(6) Receive an annual report from the Lead Member for Children’s Services (Chairman of Children Education Libraries and Safeguarding Committee) covering key matters.</p> <p>(7) Receive an annual report from the Safeguarding Children’s Board.</p>	<p>Three Voluntary Aided School Representatives - to provide a faith perspective on education matters (Church of England; Roman Catholic; and Jewish).</p> <p>One representative from the Standing Advisory Committee on Religious Education</p> <p>Two Parent Governor representatives (PGRs) elected by other parent governors.</p> <p>6 substitutes Quorum 3</p>
<p>Adults and Safeguarding Committee</p>	<p>(1) Responsibility for all matters relating to vulnerable adults, adult social care and leisure services.</p> <p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) To submit to the Policy and Resources Committee proposals relating to the Committee’s budget for the following year in accordance with the budget timetable.</p> <p>(4) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(5) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>6 substitutes</p> <p>Quorum 3</p>

<p>Environment Committee</p>	<p>(1) Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.</p> <p>(2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>6 substitutes</p> <p>Quorum 3</p>
<p>Assets, Regeneration and Growth Committee</p>	<p>(1) Responsibility for regeneration strategy and oversee major regeneration schemes, asset management, employment strategy, business support and engagement.</p> <p>(2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(4) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p> <p>6 substitutes</p> <p>Quorum 3</p>

<p>Housing Committee</p>	<p>(1) Responsibility for housing matters including housing strategy, homelessness, social housing and housing grants, commissioning of environmental health functions for private sector housing.</p> <p>(2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>6 substitutes</p> <p>Quorum 3</p>
<p>Community Leadership Committee</p>	<p>(1) Responsibility for civic events, community safety, emergency planning, registration and nationality service, grants to the voluntary sector.</p> <p>(2) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</p> <p>(3) To submit to the Policy and Resources Committee proposals on the Committee's budget for the following year in accordance with the budget timetable and make recommendations on issues relating to virements, underspends or overspends. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>6 substitutes</p> <p>Quorum 3</p>
<p>Community Leadership Sub-Committee</p>	<p>To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid) when there is no scheduled meeting of the full Committee which falls within the eight week statutory deadline for determining applications</p>	<p>3</p> <p>Chairman, Vice-Chairman and Opposition Spokesperson Appointed by Community Leadership Committee</p> <p>3 substitutes</p> <p>Quorum 2</p>

<p>Area Committees</p> <p>Finchley & Golders Green;</p> <p>Chipping Barnet; and</p> <p>Hendon</p>	<p>In relation to the area covered:</p> <p>1) Responsibility for all constituency specific matters relating to the street scene including parking, road safety, transport, allotments, parks and trees.</p> <p>2) Consider constituency specific matters as agreed with the Chairman.</p> <p>3) Consider matters relating to Town Centre regeneration and designating conservation areas.</p> <p>4) Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors.</p> <p>5) Determine the allocation of Community Infrastructure Levy funding within the constituency up to a maximum of £25,000 per scheme / project in each case subject to sufficient of the budget allocated to the committee being unspent.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>One Member and one substitute member for each Ward.</p> <p>Quorum 3</p>
<p>Licensing Committee</p>	<p>for all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members</p> <p>No substitute members</p> <p>Quorum 3</p>
<p>Licensing Sub-Committees</p>	<p>All functions in relation to licensing as delegated by the Licensing Committee. Members appointed from the membership of the Licensing Committee</p>	<p>3</p> <p>Quorum 3</p> <p>Chairman appointed at each meeting of a Sub-Committee.</p>

<p>Audit Committee</p>	<p>To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p><u>Anti-Fraud Activity</u> To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT).</p> <p><u>Regulatory Framework.</u> To review any issue referred to it by the Chief Executive and to oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p><u>Accounts</u> To review and approve the annual statement of accounts and consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Annual Report</u> The Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>The membership should also include two independent, non-voting Members with a period of appointment of four years.</p> <p>6 substitutes</p> <p>Quorum 3</p>
<p>Planning Committee</p>	<p>To determine Applications for Planning Permission, including permissions in principle, made under the Town and Country Planning Act 1990 where the recommendation is for approval and the development:</p> <p>a. is within the categories which must be referred to the Mayor of London under the London Mayor Order;</p> <p>b. does not accord with the provisions of the Development Plan and, in the opinion of the Chief Planning Officer, constitutes a significant departure; or</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>10 substitutes</p> <p>Quorum 3</p>

	<p>c. is by or on behalf of the Council and, in the opinion of the relevant Chief Planning Officer], it is a significant development</p> <p>The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>The confirmation of Town and Village Green Registration Applications under the Commons Act 2006, including considering the recommendations of a non-statutory inquiry chaired by an independent person.</p> <p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning.</p> <p>Consider for approval and confirmation Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>Recommending the creation of Conservation Areas to Full Council</p> <p>Consider approving Article 4 Directions for consultation</p> <p>Take action under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.</p> <p>Any other planning application or planning matter referred to this Committee by relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Reports on all matters reserved to the Committee shall be made direct to the Committee and not through an Area Planning Committee.</p> <p>Any Planning Area Committee agenda item referred to this Committee for consideration and determination.</p>	
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	<p>To consider for approval fees and charges for those areas under the remit of the Committee.</p> <p>To consider additions, deletions or amendments to the entries in the Council's Brownfield Land Register, including any referrals from the Area Planning Committees, and conduct any other functions related to the Brownfield Land Register.</p>	
<p>Area Planning Committees:</p> <p>Finchley & Golders Green; Chipping Barnet; and Hendon</p>	<p>To determine the following application types, except where they are referable under the Constitution to the Planning Committee:</p> <p>A. Applications for Planning Permission made under the Town and Country Planning Act 1990;</p> <p>B. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>C. Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;</p> <p>D. Applications for permissions in principle made under the Town and Country Planning Act 1990 and any application to add, delete or amend any entries in the Council's Brownfield Land Register" after the words "To determine the following application types, except where they are referable under the Constitution to the Planning Committee</p> <p>Where the recommendation is for approval and:</p> <p>a. there is significant local public objection (defined as 5 or more objectors who have objected in writing in response to a planning application)</p> <p>b. there is a Councillor referral of an application which affects their Ward which that Member has 'called-in' to committee identifying a planning consideration.</p>	<p>7 for each Committee</p> <p>One councillor representing each Ward 7 substitutes – one per Ward</p> <p>Quorum 3</p> <p>Chipping Barnet Area Planning Committee Brunswick Park Coppetts East Barnet High Barnet Oakleigh Totteridge Underhill</p> <p>Finchley and Golders Green Area Planning Committee: Childs Hill East Finchley Finchley Church End, Garden Suburb Golders Green West Finchley Woodhouse</p> <p>Hendon Area Planning Committee Burnt Oak Colindale Edgware Hale Hendon Mill Hill West Hendon</p>

	<p>Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.</p> <p>Any other application or planning matter referred to this Committee by the relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Applications to undertake treatment to trees included within a Tree Preservation Order</p> <p>Applications for a Hedgerow removal notice made under the Hedgerow Regulations 1997.</p>	
<p>General Functions Committee</p>	<p>All other Council functions that are not reserved to Full Council including:</p> <ul style="list-style-type: none"> • Approving Member and officer appointments to outside bodies and external organisations on the recommendation of the Group Secretaries or Chief Executive (where an urgent decision is required before Full Council) • Nominating local authority representatives to School Governing bodies • All staff and human resource matters , including approval of the Annual Pay Policy Statement, other than those within the remit of Chief Officer Appointment Panel • Elections including Polling Stations, Ward Boundaries and requesting a ward boundary review by the Local Government Boundary Commission • Health and safety • Approving premises for marriages and civil partnerships Determine Members requests for non-committee information as specified in the Members Information Management Policy • Endorsing the calendar of meetings prior to Council approval • Agreeing the Members Diary and Year Book 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>6 substitutes</p> <p>Quorum 3</p>

	<ul style="list-style-type: none"> • Where decisions have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund and/or Policy & Resources Committees. • Considering collective disputes referred in accordance with the Council's Trade Union and Employee Engagement Framework • Decide (and report back to Council) on: Chief Officer salary packages to be offered of £100,000 or more; Severance packages per individual of £100,000 or more. 	
Constitution, Ethics and Probity Committee	<p>To have responsibility for overseeing the Council's governance arrangements.</p> <p>Keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.</p> <p>To consider and make recommendations to the Council on: (i) how it can satisfy the continuing duty to promote and maintain high standards of conduct by Members; (ii) on the Code of Conduct for Members; (iii) on ethical standards in general across the authority.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>6 substitutes</p> <p>Quorum 3</p>
Standards Committee	<p>To investigate and determine allegations of a breach of the Code of Conduct for Members in the context of satisfying the Council's continuing duty to promote and maintain high standards of conduct for Members.</p>	<p>5 (2 Members each from the Administration and the Opposition, and an Independent Member Chairman)</p> <p>2 substitutes each from the Administration and the Opposition.</p> <p>Quorum 3</p>

<p>Pension Fund Committee</p>	<p>To consider approval and act in accordance with statutory Pension Fund documents:</p> <ul style="list-style-type: none"> • Statement of Investment Principles • Funding Strategy Statement • Governance Policy Statement • Pension Administration Strategy • Communication Policy Statement <p>To review the above documents at least triennially, or more frequently if advised by the Chief Finance Officer of the need to do so</p> <p>To meet review and consider approval of the Pension Fund Statement of Accounts, income and expenditure and balance sheet or record of payments and receipts</p> <p>To receive and consider approval of the Pension Fund Annual Report.</p> <p>To appoint independent investment advisors. To appoint Pension Fund investment managers. To appoint Pension Fund actuaries. To appoint a performance management company. To appoint custodians.</p> <p>To review and challenge at least quarterly the Pension Fund investment managers' performance against the Statement of Investment Principles in general and investment performance benchmarks and targets in particular. One of these meetings to be the annual review, at which the representative from the council's performance management organisation attends to comment on the relative performance of the fund managers.</p> <p>To consider actuarial valuations and their impact on the Pension Fund.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>To invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled / admitted body) to committee meetings</p> <p>These representatives are appointed to advise the committee on behalf of the interests they represent, but are not to have any voting rights. Further invites to scheduled/admitted bodies to be decided by the chairman of the committee.</p> <p>6 substitutes – 3 from each political group</p> <p>Quorum 3</p>
<p>Local Pension Board</p>	<p>The Board is responsible for assisting with:</p> <ul style="list-style-type: none"> ○ securing compliance with Local Government Pension Scheme (LGPS) Government regulations and any other legislation relating to the governance and administration of the LGPS 	<p>7 Members comprising:</p> <p>3 employers side representatives (1 councillor and 2 employer representatives</p>

	<ul style="list-style-type: none"> ○ securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator. ○ such other matters that the LGPS regulations may specify <p>Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund.</p>	<p>from an admitted body</p> <p>3 employee side representatives (1 active member and 2 deferred member)</p> <p>1 independent member/advisor</p>
Chief Officer Appointment Panel	<p>To deal with Chief Officer Appointments, Discipline and Capability matters.</p> <p>Members comprise: Chairman – Leader of the Council Deputy Leader of the Council. Chairman of General Functions Committee. Leader of the Opposition Leader of the Minority opposition group.</p>	<p>5</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>One substitute from each political group</p> <p>Quorum 3</p>
Health and Wellbeing Board	<p>(1) To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies.</p> <p>(2) To agree a Health and Wellbeing Strategy (HWBS) for Barnet taking into account the findings of the JSNA and performance manage its implementation to ensure that improved outcomes are being delivered.</p> <p>(3) To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social wellbeing. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; the Better Care Fund; and Section 75 partnership agreements between the NHS and the Council.</p>	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Three Members of the Council</p> <p>Director of Public Health</p> <p>Strategic Director for Children & Young People</p> <p>Strategic Director for Adults, Communities & Health</p> <p>Barnet Clinical Commissioning Group-Board members x 3</p> <p>Barnet Clinical Commissioning Group-Chief Officer</p> <p>Barnet Healthwatch representative</p>

	<p>(4) To promote partnership and, as appropriate, integration, across all necessary areas, including the use of joined-up commissioning plans across the NHS, social care and public health. To explore partnership work across North Central London where appropriate.</p> <p>(5) Specific responsibilities for:</p> <ul style="list-style-type: none"> • Overseeing public health • Developing further health and social care integration. 	<p>Independent Chair of the Adults and Children's Safeguarding Boards (Non-Voting Member)</p> <p>NHS England</p> <p>Each member may nominate a substitute if they cannot attend.</p> <p>Requirement for proportionality is waived and voting rights allowed to members other than Members of the Council.</p> <p>Quorum 3</p>
Health Overview and Scrutiny Committee	<p>(1) To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service and NHS bodies located within the London Borough of Barnet and in other areas.</p> <p>(2) To make reports and recommendations to Council, Health and Well Being Board, the Secretary of State for Health and/or other relevant authorities on health issues which affect or may affect the borough and its residents.</p>	<p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by Council</p>
Urgency Committee	<p>To consider any item of business which needs a decision as a matter of urgency and where a meeting of the relevant Committee is not scheduled to take place within the time period within which the decision is required.</p>	<p>3 Appointed by Council.</p> <p>Quorum 2</p>
Residents Forums <u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.	<p>Residents Forums provide an opportunity for any resident to raise matters affecting the area except matters relating to licensing and planning applications.</p>	<p>A Chairman and Vice-Chairman of each appointed by the Council.</p>

<p><u>Hendon Residents Forum</u> Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards</p> <p><u>Finchley and Golders Green Residents Forum</u> Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards</p>		
<p>Local Strategic Partnership (Barnet Partnership Board)</p>	<p>A Local Strategic Partnership is an advisory committee which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies</p>	<p>Leader of the Council</p> <p>Council representatives to be appointed by Annual Council</p> <p>Senior representatives from:</p> <ul style="list-style-type: none"> • Met Police • Middlesex University • Barnet Clinical Commissioning Group • Community Barnet • Brent Cross Shopping Centre • Barnet and Southgate College • Job Centre Plus
<p>Children's Partnership Board</p>	<p>Barnet's Children's Partnership Board brings together all services for children and young people in the borough, to focus on hearing the voice of children and young people and improving their outcomes.</p> <p>The Children's Partnership Board is accountable for the following:</p> <ul style="list-style-type: none"> • Ensuring the voice of children and young people is heard in Barnet 	<p>The Board will be chaired by the Lead Member for Children's Services as appointed by the Council.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend, by agreement with the</p>

	<ul style="list-style-type: none"> • Developing and delivering the Children & Young People’s Plan. • Ensuring that the collective resources of the partners are being used to the best effect to meet the priorities in the Children & Young People’s Plan. • Resolving issues that block progress against the priorities. • Signing off all Plans and Strategies relating to Children and Young People in Barnet prior to presentation to executive groups (e.g. CELS, H&WBB) <p>The Board’s remit includes the needs of all children and young people in Barnet under the age of 19, young people up to the age of 25 leaving care and young people up to the age of 25 with disabilities and/or learning difficulties.</p> <p>These responsibilities include effective transition arrangements, where necessary.</p> <p>The Board will meet as an Annual Children and Young People’s Conference.</p>	<p>chairman.</p> <p>Current partners are:</p> <ul style="list-style-type: none"> • LB Barnet • Barnet Clinical Commissioning Group • CommUnity Barnet • Barnet and Southgate College • Metropolitan Police • Primary, Secondary and Special Schools
<p>Safer Communities Partnership Board</p>	<p>The Safer Communities Partnership Board (SCPB) is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending and promote social cohesion. It acts as the Crime and Disorder Reduction Partnership as defined (and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act.</p> <p>The SCPB operates within the constitutional requirements of Barnet Council, the Metropolitan Police and other partner agencies, who ensure that the Board’s approaches to policy formulation and resource allocation are consistent with those of the agencies concerned. It is a thematic subgroup of the Barnet Partnership Board which has overall strategic responsibility and has delegated to the SCPB the responsibility for delivering the Strong Safe Communities for Everyone theme of the</p>	<p>Meetings will be quarterly and a quorum will comprise four members provided this consists of:</p> <p>The Chairman (Barnet Councillor) and Vice Chairman (Metropolitan Police)</p> <p>At least one other representative each of the Council and the Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> • London Probation Trust • National Probation Service • London Fire Brigade • Barnet Clinical Commissioning Group

	<p>Sustainable Community Strategy.</p> <p>It is taking forward one of the objectives in the strategy to develop an Integrated Offender Management system that brings together the different agencies involved in managing the punishment and rehabilitation of offenders in a much more efficient and joined up way, reducing the risks of reoffending and ensuring far more offenders complete their drug rehabilitation successfully.</p> <p>Barnet Safer Communities Partnership is an unincorporated body and therefore it does not have a legal personality. Its members work collectively within their own individual legal frameworks.</p>	<ul style="list-style-type: none"> • MOPAC (Mayor's Office Policing/Crime) • Barnet Safer Neighbourhood Board • Middlesex University • North West London Magistrates' Court • Community Barnet • Victim Support, North London Division • Department for Work and Pensions
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Substitute Members – Rules

- 7.6 A substitute Member may only attend, speak or vote at a meeting in place of a member usually from the same political group who is unable to attend the meeting. In the case of Area Committees and Area Planning Committees, substitutions are made on the basis of ward.
- 7.7 Details of membership substitutions or apologies for absence will be detailed in the formal record of the meeting.

Quorum – Rules

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

Chairman of Meetings

- 7.10 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, the Head of Governance (or their representative) will open the meeting and he/she will seek nominations for the position of Chairman. A Chairman must be elected for the business of the meeting to be transacted.

- 7.11 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the person presiding at the meeting.

Minutes

- 7.12 Apologies for absence, declaration of interests and the confirmation of the minutes of previous meetings are the first items of business at the meeting, (other than Licencing Sub-Committees) except when there is a need to elect a Chairman.
- 7.13 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. The meeting will not proceed further until the minutes are approved, either amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

Urgent Business

- 7.14 When an urgent matter has arisen after the publication and dispatch of an appropriate agenda the following procedure applies:
- 7.15 The Chairman has the authority to agree to take urgent items not on the agenda. The Chair will consult with the Vice-Chairman and Opposition Spokesperson for the committee. The Chairman (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:
- i) the item has arisen between the compilation of the agenda and the date of the meeting.
 - ii) the item requires an urgent decision in the public interest which cannot be dealt with by other means
- 7.16 In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and the urgent item will be taken as the Chairman may decide.
- 7.17 If a decision on an issue is required as a matter of urgency [and there is no meeting scheduled] and if time allows under the provisions of the Access to Information Rules then a Committee comprising of the Leader, the Deputy Leader, and the Leader of the Opposition will be called. The decision may be within the terms of reference of another committee, but this will not invalidate the decision as the arrangements to discharge the function in cases of urgency is through a committee comprising the three specified members. The Committee must consult with the Chairman of the relevant Committee.

Performance and Contract Management Committee / Sub-Committee Call-in Procedure

- 7.18 The following procedure applies after a decision has been made by the West London Economic Prosperity Board (a Joint Committee in accordance with section 102 of the Local Government Act 2000).
- 7.19 Paragraph 24.4 of the Function and Procedure rules of the West London Economic Prosperity Board read as follows
- “Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.”
- 7.20 Where a decision is made by the Board the decision shall be published. Once the decision is published then it may be implemented on the expiry of 7 working days after publication unless 10 members of the Council wish to call it in.
- 7.21 The notice seeking to invoke the call-in procedure must be communicated to the Head of Governance who will then notify the West London Economic Prosperity Board.
- 7.22 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:
- (a) Inadequate consultation with stakeholders prior to the decision;
 - (b) The absence of adequate evidence on which to base the decision;
 - (c) The action is not proportionate to the desired outcome;
 - (d) A potential human rights challenge;
 - (e) Insufficient consideration of legal and financial advice;
 - (f) The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework of the Council;
- 7.23 A meeting of the Performance and Contract Management Committee (or Sub-Committee of the Committee created for this purpose), will be convened within 7 clear working days of the request for call-in.
- 7.24 The call-in procedure set out above shall not apply where the decision being taken by the West London Economic Prosperity Board is urgent. For the purposes of this call-in procedure a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the West London Economic Prosperity Board and the interests of Barnet. Reports to the West London Economic Prosperity Board must state that the report is urgent and provide the reasons for urgency.
- 7.25 The Chairman of the Performance and Contract Management Committee must agree that the decision proposed should be treated as a matter of urgency

Suspension of business at Committee and Sub-Committee meetings

- 7.26 No business at any meeting of a Committee or Sub-Committee shall be transacted after 10pm and any business transacted after that time shall be null and void. At 10pm and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.
- 7.27 At any meeting of the Council, Planning Committee and Area Planning Committees, the Mayor or Chairman at their sole discretion may extend the period for the transaction of business to 10.30pm. This will be recorded in the Committee's decisions.

Voting and Recording of Votes

- 7.28 The mode of voting at all meetings of the Council, its Committees, Sub-Committees or Working Groups shall be determined by a show of hands except where otherwise provided by law or in these standing orders.
- 7.29 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.
- 7.30 The Chairman will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment,
- 7.31 A Member of any committee can request that his/her vote be recorded in the minutes.

Filming and Recording of Meetings

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

Article 8 - Joint Arrangements

8.1 Joint Arrangements

The Council may establish joint arrangements with one or more Local Authorities. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities.

8.2 Access to information

The access to information rules in Part VA of the Local Government Act 1972 will apply to members of a Joint Committee.

8.3 Delegation to and from other local authorities

(a) The Council may delegate functions to another Local Authority or, in certain circumstances, the Executive of another Local Authority.

(b) The decision whether or not to accept such a delegation from another Local Authority shall be reserved to the Council meeting.

8.4 Contracting out

The Council may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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Article 9 – Chief Officers

9.1 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. Apart from those officers referred to in (b) immediately below, all officers are appointed by the Chief Executive.
- (b) **Chief Officers.** Members will appoint staff for the following posts, who will be designated Chief Officers:

Chief Executive (Head of Paid Service)
Deputy Chief Executive
Assistant Chief Executive
Strategic Director, Children and Young People
Strategic Director, Adults, Communities and Health
Strategic Director, Environment
Director of Public Health

Delegated Authority to Chief Executive and Chief Officers

(i) Chief Officers (Deputy Chief Executive, Assistant Chief Executive, Strategic Directors for Adults, Children and Environment) have the following delegated powers in respect of all matters which are not key decisions (as defined in Article 2) and not reserved for decision by the Council or by a Committee of the Council:

(a) to make decisions and approve expenditure relating to their functions and the functions of their Department, where necessary in accordance with (b) and (c) below, and providing (1) that the sum expended is within the approved budget for the Department and/or relevant portfolio, and (2) the amount in relation to any single matter does not exceed £165,000.

(b) to determine employment matters relating to staff including all changes to staffing structures. This power will not include changes to terms and conditions of employment or additional payments to any individual member of staff above £100k.

(c) to approve tender strategies and award contracts in accordance with the Council's Contract Procedure Rules within Part 2 of the Constitution.

(d) the Chief Executive has all the above delegated authority and as may be necessary, determine which Department discharges any particular Council function if this is not clear.

(ii) These powers may be delegated further under a Scheme of Delegation and powers are also delegated to all officers in accordance with their job description and department budget.

(iii) Officers should ensure that delegated powers are exercised in accordance with relevant Council policies and procedures and all decisions with a value of £50,000 or more made by officers under delegated powers should be listed in writing and a copy of the list for each Department produced to the Chief Executive and the Leader on the 30th September and 31st March of each year.

(iv) The Chief Executive and Chief Officers may exercise voting rights at general meetings of companies of which the Council is a member or by written resolution and may take any necessary action to protect, safeguard and effectively manage the Council's interest in such companies.

(c) Statutory Officers

The Council will designate the following posts as shown:

Post	Statutory Designation
Chief Executive	Head of Paid Service
Chief Legal Advisor	Monitoring Officer
Director of Finance	Chief Finance Officer / Section 151 Officer
Strategic Director, Children and Young People	Director of Children's Services
Strategic Director, Adults Communities and Health	Director for Adult Social Services
Director of Public Health	Director of Public Health

9.2 Functions of Head of Paid Service

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

9.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer, in consultation with the Head of Governance, will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and the Assistant Chief Executive, the Monitoring Officer will report to the full council if s/he considers that any proposal, decision or omission which is referred by Harrow and Barnet Public Law or which is otherwise notified to him/her, would give rise to unlawfulness or if any decision or omission so referred would give rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Ensuring lawfulness and fairness of council operating procedures.** After consulting with the Head of Governance and the relevant senior line manager the Monitoring Officer will report to the Head of Paid Service and the Assistant Chief Executive any council process or procedure which s/he considers would give rise to unlawfulness or if any such process or procedure would give rise to maladministration.
- (d) **Managing the relationship with Harrow & Barnet Public Law.** As Chief Legal Advisor within the council, responsibility to manage the strategic relationship with Harrow & Barnet Public Law to ensure the council continues to be provided with a legal service which meets its needs and to advise the Head of Paid Service and Assistant Chief Executive where any risks are identified.
- (e) **Supporting the Constitution, Ethics and Probity Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution, Ethics and Probity Committee.
- (f) **Conducting investigations.** The Monitoring Officer will conduct or appoint Officers or others to conduct investigations into allegations of breach of the Member Code of Conduct. Then s/he or they will make reports and recommendations in respect of such allegations in accordance with the procedure for handling complaints against Members.
- (g) **Providing legal advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (h) **Register of Members Interests.** The Monitoring Officer will keep and maintain the Register of Members Interests and ensure its availability to the public.

9.4 Functions of the Chief Finance Officer / Section 151 Officer

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

9.5 Functions of the Director of Children's Services

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

9.6 Functions of the Director of Adult Social Services

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

9.7 Functions of the Director of Public Health (DPH)

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

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

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

9.9 Conduct

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

9.10 Employment

The recruitment, selection and dismissal of officers will comply with the Human Resources (HR) Regulations..

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Article 10 - Decision Making

10.1 Principles of decision making

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

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

10.2 Decision making by Full Council

Decisions reserved to Full Council are set out in Article 4. The Council meeting will follow the Full Council Procedure Rules in Part 2 of the Constitution when considering any matter.

10.3 Decision making by Committees

Apart from matters reserved to Full Council, committees and sub-committees will be responsible under their terms of reference for all decisions which are key.(as defined in Article 2). All Theme Committee reports (Policy & Resources; Children, Education, Libraries & Safeguarding; Adults & Safeguarding; Environment; Assets, Regeneration & Growth; Housing; Community Leadership) will be in the name of the Chairman and approved by him/her and all reports for all committees will be cleared by the Chairman other than Planning and Licensing Sub-Committees.

10.4 Decision making by Chairmen of Theme Committees jointly with Chief Officers

Chairmen of Theme Committees (Policy & Resources, Children, Adults, Environment, Assets, Housing, Community Leadership) jointly with Chief Officers have delegated authority to make decisions which are not key decisions and which have a value between £165k and £500k. A written report will be prepared for every decision.

10.5 Decision making by Chief Officers

Chief Officers have delegated authority to make decisions in accordance with the powers delegated (see Article 9) and other Officers under the Schemes of Delegation maintained by Chief Officers and published on the council's website. A written report is not necessary but the Chief Officer will maintain a list of all decisions over £50,000 as required under Article 9.

10.6 Decision making by Council bodies acting as tribunals

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

10.7 Urgent Decisions

If a decision on an issue is required as a matter of urgency an Urgency Committee comprising of the Leader, the Deputy Leader, and the Leader of the Opposition will be called. The Chairman of the relevant Committee should be consulted.

10.8 Decisions relating to Property

(See Table A below) Where the Council is required by law to sell or let or otherwise dispose of its property no decision is required to authorise the transaction.

10.9 Decisions relating to Procurement

(See Table B below)

TABLE A – Land and Property Transactions Authorisation Delegated Powers

	Authorisation Level¹	Acquisitions	Lease in	Lease out for Rent or Consideration	Licences, Easements and Consents	Compensations, Settlements and Covenants	Disposals	Compulsory transaction
A	<i>Less than £165,000</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Full DPR – Director of Resources (unless a Less Than Best transaction, which must be reported to Assets, Regeneration and Growth Committee (ARG))</i>	<i>A No authority or decision is required provided the Council has been advised that the price is as required or justified by the relevant legislation</i>
B	<i>£165,000 to £500,000</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>As A above</i>
C	<i>More than £500,000 (Key Decision)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>As A above</i>
D	<i>'Non-Value' Variations post Authorisation</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR – Director of Resources Report to next Asset Regeneration and Growth Committee (ARG)</i>	<i>As A above</i>

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

These values may be either Capital or Annualised Income/Expenditure

Definitions:

“Acquisition” is the process by which the Council acquires an interest in property (whether freehold or a lease);

“Approved Officer” means any Director, Assistant Director, Lead Commissioner or Head of Service in accordance with the Scheme of Delegation who has responsibility for client management of the Estates function.

“Best Value Disposal” is a Disposal in respect of which the Council is required by law to be paid not less than a specified amount, subject to exceptions;

“Compulsory Transaction” means a disposal of an interest in property which the Council is required by law to do;

“Disposal” is the sale or grant by the Council of an interest in property belonging to the Council (freehold or lease);

“Lease” is a transaction in which the Council gives the right to a third party to exclusively use land or property belonging to the Council, or the Council is given the right exclusively to use the land or property of a third party in either case for a specified time;

“Less Than Best Transaction” is a Best Value Disposal where the Council proposes to dispose of land for less than the sum required by law;

“Licence” is a personal and non exclusive right to occupy and/or use land or a property for a defined period of time.

TABLE B – Procurement Authorisation and Acceptance Thresholds

	Procurement value	Authorisation to commence a procurement process	Authorisation Documentation	Procurement method	Acceptance process	Acceptance Documentation	Variation or extension Acceptance	Supplier Notification method and contract
A	Under £9,999 (Purchase Order)	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit trail	Reasonable means of selection* and evidence of having sourced and considered the local Barnet supplier market	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit Trail	Must move to next threshold if above £10,000	Purchase Order
B	£10,000 to £50,000	Audit Trail	Procurement Forward Plan Summary DPR	Minimum 2 written Competitive Quotations received**	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit Trail	Audit Trail	Purchase Order
C	£50,001 - £165,000	Director/Assistant Director	Chief Officer List of Decisions	Minimum 2 written Competitive Quotations received No PQQ - Suitability Assessment Questions only	Council Officer as designated by approved Scheme of Delegation	Chief Officer List of Decisions	Chief Officer List of Decisions	Notification letter Signed low value contract up to £50k value Signed contract £50,001 to £165,000

D	£165,000 and £500,000	Committee Chairman jointly Chief Officer	Full DPR	<p>Works and Concession Contracts: Full OJEU Tender above £4,104,394</p> <p>Beneath threshold above £100k minimum 5 competitive quotations</p> <p>Goods: Full OJEU Tender</p> <p>Services: Full OJEU Tender</p> <p>Health, educational, cultural and social care related services: Light Touch Regime Tender above. £589,148</p>	<p>If within Budget- Council Officer in consultation with Chairman of relevant theme</p> <p>Policy and Resources Committee</p>	<p>If within Budget and agreed savings target on forward plan Officer Full DPR</p> <p>If not within Budget or on Forward Plan Relevant Thematic Committee Report</p>	<p>If within Budget -Relevant Thematic Committee</p>	<p>Standstill Notification letter released following statutory officer report review Publication of report post standstill period</p> <p>Signed and sealed contract</p>
	£500,000 and above	Relevant Thematic Committee Procurement Forward Plan	Theme Committee Report Procurement Forward Plan					

Article 11 – Finance, Contracts, and Legal Matters

11.1 Financial Management

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

11.2 Contracts

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

11.3 Legal Proceedings

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

The Assistant Chief Executive has delegated powers to authorise officers to appear in court on the Council's behalf.

11.4 Authentication of Documents

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

Any contract with a value exceeding £75,000, entered into on behalf of the local authority shall be made in writing and signed by two senior officers being the relevant chief officer and authorised deputies.

Any contract with a value exceeding £165,000 and made under the Common Seal of the Council shall be attested by at least two duly authorised officers in accordance with paragraph 11.05.

11.5 Common Seal of the Council

The Common Seal of the Corporation shall be kept in a safe place by the Records Officer.

Sealing and Execution of Documents

The Chief Executive, Assistant Chief Executive, Monitoring Officer or the Head of Governance or another officer authorised in writing by any of the aforesaid shall have authority:-

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

Officer Interests

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

Record of Sealing of Documents

An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Head of Governance (or duly authorised deputy) in a book or electronic record to be provided for the purpose.

Article 12 – Review and Revision of the Constitution

12.1 Committee System of Governance

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

12.2 Procedure to be followed to change governance arrangements

In order to change governance arrangements local authorities must:

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

Having passed a resolution and complied with these publicity arrangements, authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place “at the relevant change time” which is defined as:

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

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

12.2 Duty to monitor and review the Constitution

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

12.3 Changes to the Constitution

(a) **Approval:**

- i) Changes to the Constitution will only be approved by the Full Council, other than the changes in (iii) below. The Council may if it considers necessary appoint a special committee to make recommendations for that purpose.
- ii) Where the Table of Chief Officers in the Constitution needs to be updated, the Head of Governance may make the necessary changes upon receipt of notification from the Chief Executive that he/she has made changes to these structures following Council or General Functions Committee approval of such changes.
- iii) Where minor amendments to the Constitution are required, the Monitoring Officer is authorised to make the necessary changes following consultation with the Chairman of the Constitution, Ethics and Probity Committee.

(b) **Change to a mayoral form of Executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.

(c) **Change to a Leader and Cabinet form of governance.** If the Council intends to change the form of governance to a Leader and Cabinet form of governance within 5 years of 21st January 2014, then it must have held a referendum before passing the necessary resolution.

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.

If more than two motions are submitted then these can be debated if time allows before 10pm at the end of the agenda and with the agreement of the Council. These motions, if any, will be taken in rotation between the Political Parties.

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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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.

[If more than two motions are submitted then these can be debated if time allows before 10pm at the end of the agenda and with the agreement of the Council. These motions, if any, will be taken in rotation between the Political Parties.](#)

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 nNo business shall be transacted after 10 pm and any business transacted after that time shall be null and void, but that at any meeting of Full Council, the Mayor or person presiding as Chairman may extend the period for the transaction of business to 10.30 pm.~~

3. EXTRAORDINARY MEETINGS

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

4. BUDGET COUNCIL MEETINGS

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

5. ROLE OF MAYOR.

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

or application of these procedure rules shall not be challenged at any meeting of the Council.

6. VARIATION

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

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

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

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

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

7. SUSPENSION OF PROCEDURE RULES

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

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

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

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

8. VALIDITY OF MOTIONS, AMENDMENTS AND QUESTIONS

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

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

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

9. GENERAL PROVISIONS FOR MOTIONS AND AMENDMENTS

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.

9.23 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~~

~~9.310.1~~ 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.

~~9.410.2~~ 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 aAmendments 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, 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.