

Annual Meeting of the Council of the London Borough of Barnet

TO BE HELD ON
TUESDAY 17 MAY 2011 AT 7.00PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, HENDON, NW4 4BG

A G E N D A



CORPORATE GOVERNANCE DIRECTORATE

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Tuesday 17 May 2011

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

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Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET held at
The Town Hall, Hendon, NW4, on Tuesday, 12 April 2011.

PRESENT:

- *The Worshipful the Mayor (Councillor Anthony Finn BSc (Econ), FCA)
- *The Deputy Mayor (Councillor Lisa Rutter)

Councillors:

*Maureen Braun	*Anne Hutton	*Kate Salinger BEd (Hons)
*Alex Brodkin	*Geoffrey Johnson	*Gill Sargeant
*Anita Campbell	*Julie Johnson	*Joan Scannell
*Pauline Coakley Webb	*Sury Khatri BSc (Hons), MSc	*Brian Schama
*Dean Cohen BSc (Hons)	*David Longstaff	*Alan Schneiderman
*Jack Cohen	*John Marshall MA	*Daniel Seal
*Melvin Cohen	*Kath McGuirk	Mark Shooter
*Brian Coleman AM FRSA	*Andrew McNeil	*Agnes Slocombe SRN, RM
Geof Cooke	*Alison Moore	*Ansuya Sodha MBA(Middx), Cert Ed, DipM (CIM), AMBA
*Alison Cornelius	*Graham Old	*Stephen Sowerby
*Richard Cornelius	*Charlie O-Macauley	*Andrew Strongolou
*Tom Davey	*Lord Palmer OBE, BA, FCA	*Andreas Tambourides
*Barry Evangeli	*Susette Palmer MA	*Joanna Tambourides
*Claire Farrier	*Bridget Perry	*Daniel Thomas BA (Hons)
*Brian Gordon LLB	*Wendy Prentice	*Reuben Thompstone
*Eva Greenspan	*Sachin Rajput BA (Hons) PgD Law	*Jim Tierney
*Andrew Harper	*Robert Rams	Rowan Turner
*Helena Hart	*Hugh Rayner	Darrel Yawitch
*John Hart BA MA	*Barry Rawlings	*Zakia Zubairi
Lynne Hillan	*Colin Rogers	
*Ross Houston	*Brian Salinger	

*denotes Member present

1. PRAYERS (Agenda Item 1.1):

The Mayor's Chaplain offered prayer.

2. APOLOGIES FOR ABSENCE (Agenda Item 1.2):

Apologies for absence were received from the Leader of the Council, Councillor Lynne Hillan, Councillor Darrel Yawitch, Councillor Rowan Turner, Councillor Geof Cooke and Councillor Mark Shooter.

3. **MINUTES (Agenda Item 1.3):**
RESOLVED – That the minutes of the meeting of the Council held on 1 March 2011 be approved.

4. **DECLARATIONS OF INTEREST (Agenda Item 1.4):**
There were none:

5. **OFFICIAL ANNOUNCEMENTS (Agenda Item 5):**
The Worshipful Mayor regretted to announce the death of Sir Simon Milton. Sir Simon, who died on 11 April 2011 aged 49, was the Deputy Mayor of London for Policy and Planning and Chief of Staff to the Mayor of London, Boris Johnson. Sir Simon was knighted for services to local government in 2006, and in 2007 he became chairman of the Local Government Association. The Worshipful Mayor on behalf of the Council passed on his condolences to the family of Sir Simon Milton.

6. **RESOLUTION OF APPRECIATION (Agenda Item 1.6):**
Moved by the Deputy Mayor and duly seconded.

RESOLVED –

1. **That we the Members of the Council of the London Borough of Barnet, hereby express to The Worshipful the Mayor, Councillor Anthony Finn, our appreciation of the excellent service he has rendered to the London Borough of Barnet as its Mayor during the period May 2010 to May 2011, and for the friendly and conscientious way in which he has performed the duties of that office.**

We offer him our sincere gratitude for the concern that he has shown at all times in promoting the welfare of the London Borough and its residents over many years, particularly for his willingness to support the many organisations and individuals who called on his time and services during his Mayoralty. We congratulate him on the success of his appeals for Noah's Ark Children's Hospice and Camp Simcha.

We compliment him on the manner in which he has represented the Borough and upheld the dignity of his office when carrying out his Mayoral duties.

The Council also offers thanks to the Mayoress, Anita Finn, for the support she has given to the Mayor during his year of office.

2. **That the foregoing resolution be engrossed over the common seal of the corporation and presented to The Worshipful the Mayor.**

7. **BUSINESS REMAINING FROM LAST MEETING (Item 1.7)**
There was none.

8. **QUESTION TIME FOR MEMBERS (Agenda Item 2.1)**
Questions were put to the Leader and Members of the Cabinet. These questions, together with the answers provided and the text of any supplementary questions and answers are set out the Appendix to these minutes.

9. EMERGENCY MOTION – BARNET’S SECURITY ARRANGEMENTS

Councillor Alison Moore, duly seconded, moved under Council Procedure Rule 14.1 the suspension of Standing Orders asking Council to agree to a Emergency Motion to suspend Council Procedure Rule 31.1 to agree the Emergency Motion as a matter of urgency. Councillor Andrew Harper, duly seconded, moved that Council not agree to the suspension of Standing Orders. Upon being put to the vote, the Motion in name of Councillor Alison Moore was declared lost.

RESOLVED – That Council do not agree the suspension of Standing Orders to permit consideration of the Emergency Motion in the name of Councillor Alison Moore as a matter of urgency.

10. VARIATION OF ORDER OF BUSINESS

Councillor Barry Rawlings, duly seconded, moved under Council Procedure Rule 10.2.2 that the order of business be varied so that Agenda Item 5.1. Report of Cabinet be heard first. Upon being put to the vote, the Motion was declared lost.

RESOLVED – That the order of business not be varied to allow Agenda Item 5.1 to be heard first.

Councillor Joan Scannell, duly seconded, moved under Council Procedure Rule 0.2.2, that the order of business relating to Agenda Item 3 be varied so that Motions 3.1, 3.2 and 3.4 be heard first. Upon being put to the vote, the Motion was declared carried.

RESOLVED – That the order of business be varied to allow Motions 3.1, 3.2 and 3.4 to be debated and voted upon in advance of votes being taken on the other Motions on the Agenda.

11. MOTION IN THE NAME OF COUNCILLOR ANDREW HARPER (Agenda Item 3.1)

Motion 3.1 in the name of Councillor Andrew Harper was moved. An amendment in the name of Councillor Ross Houston was moved. Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Houston was declared lost. Upon being put to the vote, the Motion in the name of Councillor Harper was declared carried.

RESOLVED – Council believes that squatting causes untold misery to homeowners and the neighbours of the property being occupied.

While Council deplores the actions of Colonel Gaddafi in Libya, Council notes the problems the current squat in Winnington Close is causing to nearby residents.

Therefore, Council is dismayed that squatting is not illegal in the UK, and that homeowners and the authorities have limited civil recourse against such people.

In fact, Council learns, Squatters themselves actually have some Legal Protection from homeowners, under the Criminal Law Act 1977.

Accordingly, Council welcomes moves by local Conservative MP Mike Freer to make Squatting a Criminal Offence in England and Wales.

Council is heartened to see the Coalition Government appears to be in agreement with such a move.

Council calls on the Chief Executive to write to the Justice Secretary, Rt Hon Kenneth Clarke MP, backing moves to make Squatting a Criminal Offence.

- 12. MOTION IN THE NAME OF COUNCILLOR DANIEL THOMAS (Agenda Item 3.2)**
Motion 3.2 in the name of Councillor Daniel Thomas was moved. An amendment in the name of Councillor Alan Schneiderman was moved. Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Schneiderman was declared lost. Upon being put to the vote, the Motion in the name of Councillor Daniel Thomas was declared carried.

RESOLVED – Council is appalled at the financial mess the last Labour Government left this country in, bequeathing debt interest costing taxpayers £120 million per day.

Council believes that a resurgent Private Sector, encouraged by the Coalition Government, is necessary to lead the Country back into strong growth, as the Public Sector has to make savings to pay off Labour's Credit Card. Increased tax revenue from a growing Private Sector will also help reduce the budget deficit.

Therefore, Council applauds the Budget for Growth, announced by the Chancellor on 23 March.

In particular, Council welcomes the move to stabilise Petrol Prices, the cuts in Fuel Duty and the increase in Personal Tax Allowances to help many people nationally and in Barnet struggling with household budgets.

In addition, cuts in Corporation Tax and the extension of the Business Rate Holiday for small firms will help re-invigorate enterprise, essential for the future of UK PLC and Barnet, which has one of the highest concentrations of small businesses in London.

Council accordingly commends the Coalition's Budget for Growth.

- 13. MOTION IN THE NAME OF COUNCILLOR CLAIRE FARRIER AS AMENDED BY COUNCILLOR LYNNE HILLAN (Agenda Item 3.4)**
Motion 3.4 in the name of Councillor Claire Farrier was moved. Amendments in the name of Councillors Lynne Hillan (moved by Councillor Harper) and Gil Sargeant were moved. Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Hillan was declared carried. Upon being put to the vote the amendment in the name of Councillor Sargeant was declared lost. Upon being put to the vote, **the** substantive Motion as amended by Councillor Lynne Hillan was declared carried.

RESOLVED – Council notes the recently announced government review of statutory duties that councils are being consulted on (closing date 25 April 2011).

Council welcomes this initiative by the Conservative Secretary State, underlining the Coalition's commitment to Localism in contrast to the Centralising Bureaucracy of the old Labour Government.

Council asks Cabinet to carefully assess each of the statutory duties listed in the consultation and respond to the consultation by the deadline

14. MOTION IN THE NAME OF COUNCILLOR RICHARD CORNELIUS (Agenda Item 3.3)

Motion 3.3 in the name of Councillor Richard Cornelius was moved. Upon being put to the vote, the Motion was declared carried.

RESOLVED - Council is proud of Barnet's Japanese Community which is estimated to be one of the biggest in the UK.

Council is appalled at the recent earthquake and resultant tsunami that has devastated parts of Japan, destroying towns and infrastructure and killing and injuring many people.

However, Council commends the rescue and rebuilding efforts undertaken by both Japan and the International Agencies. Council also applauds the brave and painstaking work undertaken by engineers and the emergency services, in partnership with international experts, in making the Fukushima Nuclear Plant safe.

Council accordingly calls on the Chief Executive to convey this Council's sympathy to the Japanese Ambassador in London, plus our praise for the excellent work Japan is undertaking to rebuild communities and lives shattered by this tragedy.

15. ADJOURNMENT OF MEETING.

In accordance with the Agenda, the Mayor adjourned the meeting. The meeting reconvened at 9.05pm.

16. ADMINISTRATION POLICY ITEM – STRATEGIC LIBRARY REVIEW (Agenda Item 4.1)

Councillor Robert Rams proposed the item and moved that it be adopted. An amendment in the name of Councillor Pauline Coakley-Webb was moved. Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Pauline Coakley-Webb was declared lost.

At least ten Members rose in their places and demanded a formal division on the voting on the amendment in the name of Councillor Pauline Coakley Webb. Upon being taken, the results of the Division were declared as follows:

For	Against	Not Voting	Absent
Councillors	Councillors	Councillors	Councillors
Brodkin	Braun	Finn	Cooke
Campbell	Dean Cohen	Jack Cohen	Hillan
Coakley Webb	Melvin Cohen	Lord Palmer	Shooter
Farrier	Coleman	Susette Palmer	Turner
Houston	Alison Cornelius		Yawitch
Hutton	Richard Cornelius		Prentice
Geoffrey Johnson	Davey		
Julie Johnson	Evangeli		
McGuirk	Gordon		
McNeil	Greenspan		
Moore	Harper		
O-Macauley	Helena Hart		

Rawlings	John Hart		
Rogers	Khatri		
Schneiderman	Longstaff		
Slocombe	Marshall		
Sodha	Old		
Tierney	Perry		
Sargeant	Rajput		
Zubairi	Rams		
	Rayner		
	Rutter		
	Brian Salinger		
	Kate Salinger		
	Scannell		
	Schama		
	Seal		
	Sowerby		
	Strongolou		
	Andreas Tambourides		
	Joanna Tambourides		
	Thomas		
	Thompstone		

For	20
Against	33
Not Voting	4
Absent	6
TOTAL	63

Upon being put to the vote, the Policy Item in the name of Councillor Rams was declared carried.

RESOLVED – Council is proud of its Libraries which are the centres of local life in the Borough and an invaluable community resource.

However, we believe that investment and renewal is urgently needed in the facilities, to bring them up to the standard that residents expect in the 21st century and which was identified by LBB’s consultation.

Therefore, Council commends the Strategic Library Review, which proposes the following, subject to further consultation and EIA:

- **Buying more books**
- **Longer opening hours**
- **Better customer access to Council services**
- **Better access for children (all primary school children will be members of a library)**
- **Better services for the vulnerable**
- **More self-issue**
- **More WIFI and online services (including e-books)**
- **Plans to share Libraries’ back-office**
- **Expanding Libraries**
- **New events and extra community use**

- Exploring a paid-for book delivery scheme

Council notes that the plans involve a degree of re-provision, but is pleased that the Strategy does not involve the wholesale closure of libraries unlike many Councils in London.

Cabinet is therefore requested to forge ahead with these proposals, taking into account the second round of consultation and the EIA.

17. OPPOSITION POLICY ITEM AS AMENDED BY COUNCILLOR HELENA HART– PROTECTING FRONT LINE NHS SERVICES (Agenda Item 4.2)

Councillor Barry Rawlings proposed the item and moved that it be adopted. Amendments in the name of Councillors Helena Hart and Alison Moore were moved. Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Helena Hart was declared carried. Upon being put to the vote, the amendment in the name of Councillor Alison Moore was declared lost. Upon being put to the vote, the Policy Item as amended by Councillor Helena Hart was declared carried.

RESOLVED – Council notes and welcomes the Coalition Government’s decision to pause in the passage of the Health & Social Care bill currently going through Parliament in order to further consult and engage with healthcare professionals and locally elected representatives.

Council re-affirms its support for the ethos of the Health White Papers which promised a National Health Service dedicated to the welfare of patients and carers and to quality and outcomes that are among the best in the world.

Council continues to support the transfer of the Public Health function to Local Authorities such as the London Borough of Barnet and looks forward to being able to make a real difference in terms of both health improvement and disease avoidance for local residents.

In addition, Council welcomes assurances that potential providers of NHS services will not be allowed to “cherry pick”. Council requests the Cabinet Member for Public Health seek confirmation on this matter from the Secretary of State for Health, and further requests that prospective providers should be able to demonstrate a long term and proven commitment to the NHS and to the delivery of high quality, safe and sustainable health services for the people of Barnet.

Council would also welcome any involvement by the Health Overview and Scrutiny Committee Scrutiny in seeking to ensure that the best possible outcome for Barnet patients can be sought from the planned reforms

17. REPORT OF CABINET – LOCAL DEVELOPMENT FRAMEWORK (Agenda Item 5.1.1 and Agenda Item 5.3.6 Supplemental Report of the Head of Governance)

Councillor Richard Cornelius, moved adoption and reception of the report.

RESOLVED –

1. That the Local Development Framework be approved.
2. That Council approve the additions to the Responsibility for Functions in the Constitution, as set out in the report of the Supplemental Report of the Head of Governance – Agenda Item 5.3.6

3. That the Head of Governance be instructed to make the appropriate changes to the Council's Constitution.
18. **REPORT OF SPECIAL COMMITTEE (CONSTITUTION REVIEW) – 6 APRIL 2011 (Agenda Item 5.2.1)**
RESOLVED – Council note that Agenda Item 5.2.1, Report of Special Committee (Constitution Review) – 6 April 2011, is to be reported to the next meeting of the Council on 17 May 2011
19. **COMMENTS FROM BUSINESS MANAGEMENT OVERVIEW AND SCRUTINY SUB-COMMITTEE – 11 APRIL 2011 (Supplemental Report of the Head of Governance - Agenda Item 5.3.7)**
RESOLVED - That Council note the comments from Business Management Overview and Scrutiny sub-Committee.
24. **COMMENTS RELATING TO THE WORK OF THE CABINET (Agenda Item 6.1)**

In a separate document.

Comment: Councillor Susette Palmer

There has been a lot in the local papers about Avenue House and its financial problems at the moment. I would like to know what discussions have been going on with the Council and I would like to make sure that the Council as the overall landlord of the property will not let The Bothy of which Finchley Art Centre Trust worked so hard on, fall back in to state of disrepair it was when they first started.

Response: Councillor Brian Coleman

Councillor Susette Palmer raises some important issues. The Leader and I met with the Trustees of Avenue House earlier in the year and made it plain there was no further Council money available to the Trustees, they having had several substantial grants in the past. I sympathise with her on the future of The Bothy and I think it is a disgrace that that situation has been allowed to develop and the Council is keeping a close eye. But at the moment the property is the responsibility of the Trustees of Avenue House, which is a private Trust. Should they surrender their lease for any reason at all, I am sure the Council will take the appropriate action to bring The Bothy into community use. It seems to me a clear project for Big Society, which it was before it disintegrated.

Comment: Councillor Barry Evangeli

I am delighted to see that East Barnet School in my Ward has been granted Academy status. Could the Cabinet Member please comment on what support the Council has given to other Barnet Schools seeking to become Academies

Response: Councillor Andrew Harper

I am happy to join with Councillor Evangeli in congratulating East Barnet School on achieving Academy status and also in running a successful official opening evening event a few weeks ago. I can assure Councillor Evangeli that under very clear direction from me, Officers are giving every possible support to those schools in this borough that wish to attain Academy status. A number of other schools are currently in the process of converting for September of this year; Henrietta Barnet, Ravenscroft, Whitefield, QE Girls and the Independent Jewish Day School, our first

Primary School to seek Academy status and I am certain this momentum will be maintained

Comment: Councillor Barry Rawlings

The Council seems so interested in transparency that it does not want cameras or anything else. It worries me that a whole series of Freedom of Information request seem to have lapsed recently - I think there were 14 FOIs about the actual Council meeting. Could the Cabinet Member make us feel that he is taking FOI seriously because it does seem that all over a sudden they are not being answered, even though there is a legal requirement, which includes a legal time limit. I wonder if you could put our minds at rest about that.

Response: Councillor Melvin Cohen

I am happy to put the Member's mind at rest. Total FOIs requests received this year so far, 285. The average response time was 13.7 working days. The proportion dealt with within 20 days, which is the legal requirement, is 80%, which I think is pretty good.

Comment: Councillor Alison Moore

Questions have been raised about the conduct of the contract security staff on duty at the Town Hall and in the lobby on the night of the Council Budget setting meeting. There are real and serious questions about, how, when and under what terms of service this security company was procured? What was their remit? How was it defined? How were they monitored? I would have preferred that there was an Ad Hoc Scrutiny Committee, but please it is going to the Audit Committee. As democratically elected Councillors, it is our duty that public money is properly spent, that services are delivered in the best interest of local people. This is not a party political issue, but I ask the Cabinet Member to cooperate fully with the Audit Committee and that the Councillors of that Committee ensure there is a robust enquiry and that proper lessons are learnt.

Response: Councillor Daniel Thomas

I will cooperate with the Audit Committee.

The meeting finished at 10:17pm

**Council Questions to Cabinet Members
12 April 2011
Questions and Responses**

Question 1

Councillor Lord Palmer

Can the Cabinet Member explain why in Barnet our parking enforcement officers allow motorists to drive off without being issued a PCN after they have been observed committing a parking offence? Why has the legislation allowing our officers to issue the PCN by post, after they have started writing it but after the motorist has driven off not been put into effect? I have been informed that "whilst the law has been revised it remains an option that has not been endorsed or adopted by this Authority and as such our procedures or systems do not cater for this aspect of enforcement."

Answer by Councillor Brian Coleman

Councillor Lord Palmer raises a valid issue and I have asked officers to implement with effect from 15th April following appropriate training for Civil Enforcement Officers.

Question 2

Councillor Brian Gordon

The Government is bringing in legislation to prohibit companies carrying out vehicle-clamping on private land. Would you join with me in praising the Government for this legislation and will our Council do all in its power to assist in apprehending those firms who may continue to carrying out such activity after it has become unlawful?

Answer by Councillor Brian Coleman

I oppose clamping whether carried out by the public or private sector and I welcome the Conservative led Government's decision to outlaw private clamping.

Supplementary Question 2

Councillor Brian Gordon

Councillor Coleman, would you agree that the activities of private clampers that lurk round corners waiting to pounce on motorists vehicles literally seconds sometimes after they park their vehicles, then extort hundreds of pounds from them to remove the clamp, such activities are absolutely monstrous and akin to day light or perhaps sometimes moonlight robbery and we should condemn them

Answer by Councillor Brian Coleman

Mr Mayor that is why I am delighted that the Coalition Government is bringing in legislation to outlaw private clampers.

Question 3

Councillor Alison Moore

Will the Cabinet Member assure me that any outsourced service will remain subject to audit by the Council's auditors?

Answer by Councillor Robert Rams

The remit of audit covers the whole of the organisation, not just the in-house elements of the Council's service provision. For example, at the moment, 80% of the Adults Social Care service is provided by external providers, and this does not stop audit (internal and external) from reviewing the entirety of these services in terms of finances, controls and outcomes for service users. Any services that may be outsourced in future will remain subject to audit, and it is standard for contracts to be set up to enable this to happen.

Question 4

Councillor Jack Cohen

At the February Council meeting, I asked you a question and a supplementary about residents parking permits and visitor vouchers. I asked you to explain the discrepancy between the figures in the current schedule of charges i.e. £12 per book of ten vouchers and £42 for a 1st permit and what residents are actually charged i.e. £10.00 per book and £40.00 for the permit. When I asked you if this meant that the

Council had lost out on revenue you responded "I never knowingly undercharge."

Can you now explain why despite the decision of the Cabinet Resources Committee on the 23 April 2009 **PARKING FEES AND CHARGES (Report of the Leader/Cabinet Member for Resources and the Cabinet Member for Environment and Transport – Agenda Item 8)**:

For the reasons set out in the Cabinet Member's report

RESOLVED –

(1) That the fees and charges for the parking section, as detailed in the associated appendices of the report be approved to take effect as soon as practically possible.

(2) That the relevant Traffic Management Orders and Variation Notices are made to reflect the fees and charges as set out in the relevant appendices to the report.

and whilst in the associated appendices the permits are increased to £42.00 and the vouchers increased to £12 .00 this appears not to have been implemented"

Answer by Councillor Brian Coleman

Sheer incompetence and inefficiency by Council Officers.

Supplementary Question 4

Councillor Jack Cohen

Thank you Councillor Coleman for your reply. I reckon as a result of this fiasco the Council has lost at least £100,000 in parking revenues since 2009. You blame all of this on, and I quote, "the share incompetence and inefficiency by Council officers". Clearly Councillor Coleman you have not got a grip on your Department, clearly you have no respect for your staff, and clearly you will never take any responsibility for anything that goes wrong. So when will you do the right thing and resign?

Answer by Councillor Brian Coleman

Mr Mayor, I am entirely relaxed about taking responsibility for those things that were my responsibility. I was not the Cabinet Member at the time, as I took over as of last May. Councillor Cohen will know that we have taken urgent action to deal with issues in the parking department

Question 5

Councillor Brian Gordon

Is it not a fact that a good number of the so-called "free parking bays" within the Borough were not originally intended as such and are bays where parking signs have fallen down or been uprooted by vandals?

Answer by Councillor Brian Coleman

If the Member has evidence of this perhaps he could report the bays concerned to the relevant officers.

Supplementary Question 5

Councillor Brian Gordon

Councillor Coleman, whether or not the free parking bays were originally intended as such is really not the issue. Could the Council member now do his best to see that the signage within CPZs is made as clear as possible and that the timing of parking zones is as streamlined as it could be to avoid innocent motorists simply being caught out. There are a number of shall we say, a little bit confusing parking zones in my area and the realm that I would love to see ameliorated. Do you think you could look into this?

Answer by Councillor Brian Coleman

Mr Mayor, as part of the agreed scheme for the removal of free bays, signage will be looked at. As for changing times of parking zones, I think Mr Mayor and Councillor Gordon, that it should be recognised that particular times were put in after long and extensive consultation with the residents, and that any changes to the times of CPZs would require further long and expensive consultation period as you would expect with the residents. I am not proposing to conduct any reviews, except in one or two specific areas which have been brought to the attention of officers by Ward Councillors.

Question 6 Councillor Alex Brodtkin

What are the costs and on-going costs of the proposed closure of Church Farmhouse Museum?

Answer by Councillor Robert Rams

Church Farmhouse Museum closed on 31 March 2011. The closure of the Museum achieves the target saving set out for 2011 – 2012. I have set a three month window to consider the proposal by a third sector organisation to take on future operation of the museum. Revenue funding is available to maintain the site during this three month window, and maintenance and running costs (building, grounds maintenance, business rates) for this period of time are estimated to be below £5,000. I am clear that any future operation the museum or the building is intended to be at zero cost to the council.

Question 7**Councillor Reuben Thompstone**

Could the Cabinet Member outline progress on the Children and Young People's Plan?

Answer by Councillor Andrew Harper

Although there is no longer a statutory requirement to publish a Children and Young People Plan, we have chosen to continue publishing a plan in order to support partnership working in Barnet. The strategic priorities within the Children and Young People Plan were developed with input from a wide range of stakeholders including local health services, the police, the voluntary sector, schools, young people, as well as the Council, and were agreed by Cabinet for the three year period 2010/11 to 2012/13. The actions under these strategic objectives are being refreshed for 2011/12 with input from partner agencies. The updated actions of the Plan have been to the Children's Trust Board and to the multi-agency Executive Management Group that sits under the Board. The updated Children and Young People Plan will be published later this month and made available online.

Supplementary Question 7**Councillor Ruben Thompstone**

Thank your Mr Mayor and I'd like to thank the Cabinet Member for his very full answer. Would he also please confirm that this includes measures to tackle child poverty?

Answer by Councillor Andrew Harper

Mr Mayor, yes indeed. As I promised when Council debated this subject last year, an updated version of the Children and Young Peoples Plan will indeed be referenced to the issue of child poverty and measures that we shall be taking to deal with it in this borough.

Question 8**Councillor Kath McGuirk**

Would the Cabinet Member confirm if there are any areas which benefit from a free initial period on pay and display in Barnet?

Answer by Councillor Brian Coleman

There are two areas that benefit from a free initial period of 30 minutes. The first is Mowbray Parade in Edgware HA 8 and the second is Hampden Square N14. No other such schemes are envisaged and I am reviewing why we have these two.

Question 9**Councillor Kate Salinger**

Would the Cabinet Member outline LBB's work to ensure effective support and help for children with Special Educational Needs?

Answer by Councillor Andrew Harper

The authority provides early support and intervention services for young children with significant needs and their parents and teachers; speech and language therapy and parenting advisors form part of children's centres and schools provision. Most children with special educational needs do not require statements and are supported by our services in schools. Of those with statements of Special Educational Need, the majority are in our mainstream schools. Barnet also maintains four special schools, which as Cllr Salinger may recall are all rated as outstanding by Ofsted, and has a number of

resourced provisions in mainstream primary and secondary schools.

We provide access to educational psychologists for consultation, problem solving and assessment, and specialist advisory teachers around additional needs including hearing and visual impairment and physical needs. We also commission therapies including speech and language therapy, occupational therapy and physiotherapy from the health service and other providers. Barnet has 'Leading Edge' groups that bring together parents, the voluntary sector and professionals to establish good practice. Short breaks are provided to children with complex needs and their families, and some families chose to hold an individual budget. Children with Special Educational Needs in Barnet continue to do extremely well against national comparisons, although closing the gap in attainment between them and their peers remains a priority for the service.

Supplementary Question 9

Councillor Kate Salinger

I thank the Cabinet Member for his answer and ask him if he believes that the Coalition Government are on the right track with their new Green Paper

Answer by Councillor Andrew Harper

Mr Mayor I'm happy to say that I do indeed agree with Councillor Kate Salinger. In fact the proposals in the governments green paper aim to support better life outcomes for children and young people, give parents more confidence and transfer power to front line professionals and local communities. So this Administration will warmly welcome reforms that help to improve outcomes for our children and young people who experience special educational needs and other disabilities

Question 10 Councillor Barry Rawlings

Would the Cabinet Member advise if the NCL NHS draft QIPP has been agreed and what are the implications for Barnet residents?

Answer by Councillor Helena Hart

The draft QIPP is still currently in the process of being agreed.

The North Central London (NCL) Sector is leading the development of the NCL Quality, Innovation, Prevention and Productivity Plan (QIPP) on behalf of its five constituent PCTs. The QIPP process is designed to deliver improved quality and outcomes for patients and to lead to financial sustainability for the local health economy.

Therefore implications for patients are generally expected to be positive. The general themes of the QIPP are: To improve quality in individual services and integration between services in order to improve outcomes and reduce duplication To increase the number of areas where the Local Authority and Health Services plan and deliver / procure services together To continue progress with the Care Closer to Home agenda.

Supplementary Question 10

Councillor Barry Rawlings

I thank the Cabinet Member. Bit surprised that the job QIPP still hasn't been agreed because it's belated, but the general themes of the QIPP are at least £730million worth of cuts in local health services and so on, and that is the bottom line figure. Above the assumed closure of trades farm A&E and the move in maternity that I gather you are supporting because its part of the QIPP, do you think that all the results of the QIPP will be positive for Barnet residents, and if not, which parts will be negative?

Answer by Councillor Helena Hart

Thank you Mr Mayor and thank you Councillor Rawlings for his supplementary. I have to say that he seems to be confusing the whole concept of care closer to home with the provision of acute hospital services. Care closer to home, and particularly those for renal and COPD patients are much better provided for in local settings and for those people in their own homes rather than for those in acute hospitals. The fact that is actually more cost effective to provide these services in this way is simply an added bonus. Our collective role, Scrutiny and Cabinet, is to ensure that wherever NHS services are provided they are for the very best quality and accessibility and for the benefit of Barnet patients.

Question 11 Councillor Alison Cornelius

Will LBB be maintaining its Children's Trust Board?

Answer by Councillor Andrew Harper

Although there is no longer a statutory requirement to have a Children's Trust Board, we have chosen to retain this in order to support partnership working in Barnet. In the challenging financial climate it is more important than ever that partner agencies work closely together and plan jointly to reduce any duplication, maximise resources, and ensure that services are appropriately targeted to meet the needs of the borough's children and young people.

Supplementary Question 11

Councillor Alison Cornelius

Could I ask the Cabinet member if he has any view on the Coalition Government's policy regarding this matter?

Answer by Councillor Andrew Harper

Yes Mr Mayor I'd like to thank Councillor Cornelius for putting this to me. I think that what we are seeing here is the spirit of localism at work because the government is not trying to prescribe an approach to Local Authorities, but allowing us to decide for ourselves whether such arrangements will suit our Borough and whether this kind of partnership working that I am pleased to say we have developed through our Children's Trust Board is effective and is likely to deliver results. I and the partners believe it will and therefore we will be continuing this arrangement here in Barnet, but it is very sensible that we should be able to make our own decisions.

Question 12 Councillor Pauline Coakley Webb

Does the Cabinet Member support the building of a waste transfer station on Pinkham Way?

Answer by Councillor Brian Coleman

This is a matter for Haringey Council's Planning Committee.

Supplementary Question 12

Councillor Pauline Coakley Webb

Thank you Mr Mayor. From this answer all I can find is that once again, Councillor Coleman is not answering the question as put. The question being do you support the building of a waste transfer station on Pinkham Way I didn't ask who the planning authority that would be agreeing this. So we'll try another question, will you therefore consult across a wider area with residents before approving the plan this evening for North London Waste Authority and before submitting it to the Secretary of State. Thank you.

Answer by Councillor Brian Coleman

Mr Mayor I am always glad for a question from Councillor Coakley-Webb because some of us with long memories will recall when she supported the building of the ten thousand seat stadium on green belt land at Under Hill. I do not remember her consulting her residents on that one, and indeed when they were consulted, they decided to vote her out of office. So Mr Mayor, the issues raised around the Pinkham Way site will be decided by the appropriate authority which is Haringey Borough Council's Planning Committee.

Question 13

Councillor Brian Gordon

A Junior School of which I am a Governor has issued a ruling prohibiting pupils from being in possession of mobile telephones at school and requiring any mobiles brought to school to be handed in at the beginning of the day, for collection at the end of the day. Although the operation of such a rule is within the remit of the school itself, would the Cabinet Member like to give his endorsement to this very commendable policy?

Answer by Councillor Andrew Harper

As Cllr Gordon rightly points out, it is up to each school to decide its own policies around issues such as mobiles phones. I support the autonomy of schools in matters such as these.

Question 14 Councillor Julie Johnson

Now that Barnet Council has reached a settlement with Catalyst will the Cabinet Member ensure that the West Hendon Estate Catalyst site is cleared of rubbish and fly tipping? Residents should not have had to tolerate this eyesore on a daily basis. I note that the hoarding around the site has been repaired and recently reinforced with wire mesh, but more needs to be done by the Council and Catalyst.

Answer by Councillor Brian Coleman

The site is owned by Catalyst and as such it is their responsibility to keep it tidy. I have asked Officers to contact them and remind them of their Community duty . Any help the Ward Councillors can give in adding pressure would be welcome.

Question 15

Councillor Brian Gordon

Will the Cabinet Member outline the implications of the Libraries Strategy on Mill Hill Library near my ward?

Answer by Councillor Robert Rams

The strategy sets out a range of improvements to the library service over coming years. I believe we will provide an even better library service in Mill Hill. There will be changes and improvements to different branches. For Mill Hill, this will include opening the library at 9.30am, buying more books and developing larger collections of books – as with all libraries. In addition, we will to provide self-service book issuing technology in all libraries, and ensure all libraries have WiFi. We will also recruit skilled volunteers to offer additional learning events and activities in libraries; and we will encourage community groups in the area to use the library for meetings, events, and activities.

Supplementary Question 15

Councillor Brian Gordon

You will probably note because I have sent you copies of the various letters that a number of residents from my Ward in Hale wrote rather alarmed that their fear that there would be a closure of the Mill Hill Library. Of course I was very pleased to be able to write to them afterwards and tell them that not only are we not closing the library, we are in fact improving it. Do you think that there are a lot of irresponsible people, no doubt members of the Labour Party, trade unions, the kind of rabble that we hear coming from outside, who are responsible for this very unnecessary scare mongering that frightened people and that we never had any intention of closing Mill Hill Library and other libraries in the first place.

Answer by Councillor Robert Rams

Thank you Mr Mayor. I agree with Councillor Gordon's comments about the library campaign. They were campaigning against things that were happening in other London boroughs, not that is was ever going to happen in Barnet. We see in tonight's Evening Standard that Brent are proposing to close six libraries to save £1m. We are saving £1.4m by building new libraries, opening new facilities and extending hours and buying new books. That is the way forward for our new library service in Barnet.

Question 16

Councillor Anne Hutton

Will Barnet be taking part in the 'Buy one get one free' scheme to fund more police officers?

Answer by Councillor Joanna Tambourides

We do not have council funding available to purchase police officers.

Question 17

Councillor David Longstaff

In relation to North London Waste Authority's procurement process, will the Cabinet Member join me in condemning the anti-Israel campaign being run against Veolia?

Answer by Councillor Brian Coleman

There has been a nasty, unpleasant, organised campaign against Veolia and their possible participation in the NLWA procurement process.

NB: The Mayor has agreed to exercise his powers under CPR 30.9 to allow the Cabinet Member to give an oral elaboration to his answer.

Thank you Mr Mayor. In addition to my original answer, there has been a nasty, unpleasant, organised campaign against Veolia and their possible participation in the NLWA procurement process. I believe this has been motivated anti Zionist sentiments by some residents of the borough, which in my book equates to anti Semitism and those undertones run thorough the campaign.

Question 18

Councillor Alex Brodkin

Over the past twelve months, how many families, who were seeking three-bedroom accommodation in Barnet from the Council, were successfully moved (by the Council) into three-bedroom properties?

Answer by Councillor Richard Cornelius

194

Supplementary Question 18

Councillor Alex Brodkin

Thank you to the Cabinet member for his answer. For the sake of a bit of clarity on a very important issue could he say whether of not all 194 families will be housed in Barnet, rather than just being moved by Barnet, and also how many of the 194 families were put into Council Housing Association accommodation. So that I could be in a useful position so that I can usefully advise people that come into my surgery on this issue.

Answer by Councillor Richard Cornelius

I am happy to write to the Member with that information. However, there is always a breakdown and it is a complicated breakdown so it will be a long letter.

Question 19 Councillor Ansuya Sodha

How many staff in Children's Services who were made redundant in February have returned to work with the Council as consultants in March.

Answer by Councillor Andrew Harper

To our knowledge there has been one instance of this, in the context of 64 redundancies in the Children's Service between January and March 2011. It is not general policy to re-employ members of staff who've been made redundant on a consultancy basis. However, this was an exceptional circumstance. A part-time position was created when another member of staff reduced their working hours, and this position was offered to members of staff at risk of redundancy. However, the specialist skills and knowledge required were not readily available from existing or agency staff. In the circumstances, appointing someone with the appropriate skills on a consultancy basis was the most cost-effective short-term solution, ensuring that the Council did not commit itself to a permanent solution at a time of restructuring. A permanent solution will be sought in this new financial year.

Supplementary Question 19

Councillor Ansuya Sodha

Thank you very much Councillor Harper. I just want a little bit of clarification – don't get me wrong, I do not doubt for a minute the Council's Equality Policy because I think the Officers work very hard. However, I do feel that out of 64 redundancies, I think in one department there were 35 or 36 redundancies in the department that advises schools. One man was plucked and I told him you can have a redundancy in February while everyone else has to wait until March, the end of the term, April or July. You can have a redundancy in February and have a golden handshake and then come back to work for us. Were the other 35 staff informed that you had planned to employ someone here on a part time basis, were they all told they could apply for it if they wanted it, were their skills noted. So I am asking him, were all the processes followed or was this man just plucked?

Answer by Councillor Andrew Harper

Mr Mayor I think it is not customary in this chamber to discuss matters to do with staff that come so very close to identifying individuals. Therefore I propose not to comment any further.

Question 20

Councillor Alex Brodkin

Could the Leader advise if she will support the webcasting of council meetings, as well as a firm policy to enable the public to blog, tweet or otherwise record council meetings in future, and if not, why not?

Answer by Councillor Lynne Hillan, Leader of the Council

The decision not to allow filming in the Council Chamber was taken, not by this Administration, but by this Council. However, we are currently looking at the options and suggestions will be brought back to this Council for full debate.

Supplementary Question 20

Councillor Alex Brodkin

I note the leader is not here this evening but given I've asked this question it has emerged that Member's on both sides have shown support for the filming of Council meetings after the appalling irony of last Council's meeting where there was no filming of the Council meeting but actual residents were filmed by dodgy firms employed by the Council. Can the relevant Cabinet Member please confirm that rather than this vague answer that we are currently looking at options and suggestions to be brought back to the Council for debate, that this issue of filming Council meetings will be debated at the next Council meeting. So that Barnet does not suffer from this unnecessary democratic deficit any longer.

Answer by Councillor Andrew Harper

I am aware of the great interest in this subject that Council Brodkin has just outlined. I think that we will, as the written answer from the Leader says, be bringing the matter to Council in due course. I suspect it won't be at the next meeting, which is the Annual Meeting, but quite possibly the meeting after that after there has been the appropriate time to fully investigate the matter and bring forward a robust set of proposals which the Council as a whole can debate and form a view upon.

Question 21

Councillor Julie Johnson

Would the Cabinet Member please update me on the latest situation regarding Neeld Tennis Club's proposals to build in the above park as their former club buildings are in the process of being demolished.

Answer by Councillor Daniel Thomas

The latest position is that funding to the Lawn Tennis Association (LTA) from Sport England has been reduced and this has had a knock on effect for the Neeld Tennis Club's proposals to build courts and a club house in Sturgess Park. The club are in discussion with the LTA, and are pursuing other sources of funding to enable their move to Sturgess Park. Meanwhile, the club are hiring tennis courts in Hendon Park.

Question 22

Councillor Alan Schneiderman

Will the Leader confirm: a) what the latest position is regarding Barnet being granted priority status on frozen Icelandic deposits; b) what the financial risk is of not being granted priority status; and c) if the relevant risk reserve fully covers the Council in the event priority status is not granted?

Answer by Councillor Daniel Thomas

On 1st April 2011, the Icelandic courts upheld the priority status of UK Local Authority deposits. This decision is subject to appeal. The budget report suggested that the cost of non-priority status would be approximately £14m and this is the sum that we are building up in the risk reserve for 2011/12.

Supplementary Question 22

Councillor Alan Schneiderman

I thank the Cabinet member for his answer. Priority status obviously subject appeal is welcome, but does he still recognise the ongoing concern amongst the public about these reckless Icelandic investments, notably that there was a phone-in on LBC on Sunday morning in which Barnet was

mentioned several times. Despite a call for Barnet Councillors to ring in, I failed to hear him ring in to defend these investments. The question is – does he recognise the ongoing concern and despite priority status that is still going to be appealed, Barnet Council is still going to lose millions of pounds as a result of these investments.

Answer by Councillor Daniel Thomas

Mr Mayor, the Iceland crisis happened before the last election, there been an election afterwards and the people of Barnet voted us back in. So quite obviously the people of Barnet realised that the Council was not our fault and even the Audit Commission had money invested in Iceland. So actually I think the people of Barnet are behind this Council.

Question 23

Councillor Julie Johnson

Could the Cabinet Member advise if there are any 20mph speed limits within the London Borough of Barnet. Several residents have requested this traffic calming measure be implemented on rat runs and near some schools in West Hendon. Ward councillors have been advised that this is not current Barnet Council policy.

Answer by Councillor Brian Coleman

There are 9 distinct areas in the borough where a 20mph speed limit is in place. There are no plans to introduce additional areas and I am reviewing the operation of the current zones which the Police are not interested in enforcing and are widely ignored.

Question 24 Councillor Alison Moore

Would the Cabinet Member confirm what the status is of the implementation of the new revenues and benefits system?

Answer by Councillor Daniel Thomas

The new system went live on 18.2.11, it then had to close down for another week in order to recast benefits and set up the 2011/12 billings etc. The system came back on line 14.3.11. We are working with the various partner organisations to clear the issues that inevitably occur with a complete change of systems.

Supplementary Question 24

Councillor Alison Moore

Thank you Mr Mayor. Councillor Thomas, could you tell me what the delay cost the Council, what backlogs are left if any and when will those be cleared

Answer by Councillor Daniel Thomas

Mr Mayor there is a backlog of certain benefit assessments and billing. The backlog is likely to be in the region of around 13 weeks. In terms of cost, I don't have those figures with me at the moment, but of course that will part of the negotiation with Civica when we come to pay Civica. We will keep Councillor Moore updated.

Question 25 Councillor Geoff Johnson

At the Hendon Area Forum on 15th March 2011 in answer a question on footway parking in Hillfield Avenue, Woodfield Avenue and Silkfield Road, the resident was advised that all parking enforcement for this area has been deferred pending further investigation. Can the Cabinet Member please advise when this decision was made and implemented?

Answer by Councillor Brian Coleman

As I understand some residents have continued to complain about wheels of vehicles parked on the pavements, the policy followed in this Borough of enforcing the Highways Act where there are complaints will continue, in this and other areas. Consultation with the Ward Councillors will also continue.

Question 26 Councillor Geoff Johnson

As the Cabinet Member will be aware, a fatal car accident took place recently in Colindeep Lane NW9. Can I ask what Barnet Council proposes to do to stop this type of accident happening. Over years there have been several serious accidents in this stretch of road and some traffic calming measures need to be implemented to prevent this happening again.

Answer by Councillor Brian Coleman

I understand individuals have been arrested on suspected dangerous driving as a result of this incident. As so often no amount of so called "traffic calming" will prevent some people behaving like idiots when behind the wheel.

Question 27

Councillor Claire Farrier

Would the Cabinet Member please explain why parking tickets have been issued in roads in Burnt Oak, including Blundell Road, and Edwin Road, for parking with wheels on the pavement? Tickets have never been issued in these roads before, and in both Blundell Road and Edwin Road there is a concreted area that was created specifically for cars to park. Would the Cabinet Member please issue instructions that any outstanding tickets for these areas are cancelled?

Answer by Councillor Brian Coleman

It is clearly in breach of the Highways Act to park with wheels on the pavement. It is also clearly NOT within the remit of individual councillors, even the Cabinet member, to issue instructions to cancel parking tickets. If individuals feel tickets have been issued incorrectly there is a statutory appeals process.

Supplementary Question 27

Councillor Claire Farrier

Councillor Coleman has not explained why parking tickets have been issued where there are agreements for residents to park and are therefore parking legally. Would he also explain why people in Wolsey Grove have been given notice of enforcements of pavement parking pay for parking and Ward Councillors have been consulted on enforcement there, but people in Blundell Road, Edwinn Road and Goldbeaters Grove have not, and Counsellors have not been consulted on the enforcement in those roads.

Answer by Councillor Brian Coleman

I would remind all Councillors that it is an offence under the Highways Act park on the pavement. This Council has always adopted a common sense approach to that and only takes action where there have been complaints and in consultation with the Ward Councillors. In all these areas, if Councillor cares to contact the relevant officers, they will detail the nature of the complaints made about these particular roads to the Ward Members. There have often been complaints; these are often neighbour disputes, where one neighbour complains. However I'd also like to remind Members if you have a pushchair or an elderly relative in a wheelchair or something, there is nothing worse than finding a car with two wheels on the pavement and you can't get past it.

Question 28

Councillor Claire Farrier

Would the Cabinet Member please confirm that there is an agreement with out of borough allotment holders, that they pay the same charge for allotments in Barnet as Barnet residents. Would he please confirm the date of this agreement, and that it has not been rescinded.

Answer by Councillor Brian Coleman

The new charges for allotments which will be in effect from the 1st April 2012 include an increased charge for non-Barnet residents. This in line with charges for other services in the borough where residents are charged less than non-residents. I think it is right and proper that Barnet Council tax payers should receive a better deal on allotments than those residents of other Boroughs whose authorities have often sold their allotments for development.

Supplementary Question 28**Councillor Claire Farrier**

Once again Counsellor Coleman has not answered my question, he has ignored it completely so I will ask it again. Would the Cabinet Member please confirm that there is an agreement with out of borough allotment holders, that they pay the same charge for allotments in Barnet as Barnet residents. Would he please confirm the date of the agreement and that it has not been rescinded?

Answer by Councillor Brian Coleman

I am looking at a situation of a policy agreed by this Council that allotment sites become self managing and then it would be up to the management committees to fix the level of charges for residents of this borough and residents out of the borough. I still maintain the position I see no reason why this Council should subsidise allotment holders who are not residents of the London Borough of Barnet and don't pay Council tax to this Council.

Question 29**Councillor Barry Rawlings**

Could the Cabinet Member comment on Michael Gove's broken promise of more money for school repairs whereas research by the House of Commons library reveals the average for secondary schools has fallen from £105,400 to £19,500 and primary schools from £32,900 to £6,600?

Answer by Councillor Andrew Harper

Michael Gove's statement about the school funding announcement for 2011-12 included the following two paragraphs:

"10. Even where funding is tight, it is essential that buildings and equipment are properly maintained, to ensure that health and safety standards are met, and to prevent a backlog of decay building up which is very expensive to address. Therefore, in 2011-12, £1337m will be available for capital maintenance for schools, with over £1bn being allocated for local areas to prioritise according to maintenance need. The voluntary-aided sector will receive its fair share of this as I have decided to retain the Locally Coordinated VA Programme for a further year.

11. In addition, £195m will be allocated directly to schools for their own use. This is a much lower rate than previously. The Audit Commission criticised the allocation of large amounts of funding to schools that was not targeted to building need. Therefore, in view of the need to prioritise, I have balanced the bulk of maintenance funding to local authorities, to support local prioritisation and larger projects, with coordinated and efficient procurement".

In line with the Secretary of State's announcement, the Devolved Formula Capital for schools in 2011-12 has reduced substantially from the allocations in 2010-11. Capital maintenance has slightly increased.

School repairs can also be funded from revenue, and for 2011/12 revenue funding per pupil at local authority level is the same as for 2010/11. Barnet Council welcomes the emphasis on local prioritisation, as do our schools.

Question 30**Councillor Alison Moore**

What's happened to Leader Listens? The budget is still there, but what is it being spent on?

Answer by Councillor Lynne Hillan, Leader of the Council

Proposals for the replacement of Leader Listens are set out in a paper submitted to the Special Committee (Constitution review) by the Conservative Group. This will be considered at their meeting on 14 April 2011. When the budget for Leader Listens was created it was incorporated into the overall budget for Democratic Services. The budget reductions in the Democratic Services budget for 2010/11 and 2011/12 exceed the allocation for Leader Listens. Further reductions in the Democratic Services budget for 2012/13 and 2013/14 were set out in the Financial and Business Planning report approved by the Cabinet on 20 October 2010.

Supplementary Question 27**Councillor Alison Moore**

Would the Leader listen by confirming or the Deputy Leader the he or she will be supporting the right for backbench Councillors to speak at Council meetings before I get to question 39.

Answer by Councillor Andrew Harper

I am slightly mystified by the context of the question but I can assure Councillor Moore that the Leader has been listening and in her absence this evening I am listening on her behalf

Question 31**Councillor Alison Moore**

Would the Cabinet Member confirm exactly how much money has been lost to the Council as a result of the failure to advertise the correct charges in statutory notices about parking charge increases?

Answer by Councillor Brian Coleman

It is estimated that £93,000 of income will not be achieved due to the delay. The service will need to recover this sum through other efficiencies during the coming year.

Supplementary Question 31**Councillor Alison Moore**

How will this been done if it hasn't been budgeted for?

Answer by Councillor Brian Coleman

Watch this space Mr Mayor.

Question 32**Councillor Kath McGuirk**

Following the government announcement that Barnet will receive around £420,000 towards the pothole fund, will the Cabinet Member confirm that he will reduce the proposed parking charge increases in proportion?

Answer by Councillor Brian Coleman

No, because the Government's grant on potholes (four times greater than that given to us by the last Labour Government) is an entirely separate matter to the need to return the Special Parking Account to the budgeted surplus.

Supplementary Question 32**Councillor Kath McGuirk**

It's a bit disingenuous don't you think Councillor Coleman when you are not prepared to reduce the proposed parking charges when you made it very clear when you increased the parking charges it was actually to maintain the Borough's roads. Quite rightly many residents in the CPZ were very concerned that they were paying for road resurfacing across the Borough and they were subsidising other Council tax payers, hence why I am presenting a petition tonight from residents of Woodhouse and West Finchley. I would like to know what the extra surplus is - bearing in mind that this account already has a surplus, going to be spent on and who is going to decide where that surplus is paid? Maybe we could actually look at legalised footway parking as we have in Finchley Road and also a road in my Ward.

Answer by Councillor Brian Coleman

I would remind Councillor McGuirk that there are any number of things on which any surplus in the parking fund can be spent on; these include highway maintenance, transport for young people with Special Educational Needs and indeed the costs of the Freedom Pass which run through several tens of millions of pounds for the residents of the borough.

Question 33**Councillor Gill Sargeant**

What facilities will be co-located at Grahame Park library when it is redeveloped?

Answer by Councillor Robert Rams

A new library is to be designed and built within the Grahame Park regeneration programme. There is clear demand for a library service which better meets the needs of local communities in Grahame Park. The library strategy consultation (2010) indicated: there is a significant demand for additional public

services or information to be provided through Grahame Park library (96.4% of respondents indicated a desire for these services – well above the borough average); there is a need to improve services for children and young people; and the current site was recognised not able to meet the needs of the community.

We have a long track record in providing additional services through Grahame Park library – from Barnet College ICT sessions, to a new homework club programme. The next stage of consultation asks residents which services they would like provided from Grahame Park library, so that we can investigate options to meet this need.

Over coming months, we will engage with local partners and community groups to assess opportunities to co-locate services in a new, accessible, and well designed Grahame Park library.

Supplementary Question 33

Councillor Gill Sargeant

I was very pleased to see that the survey showed 96.4% of residents indicated a desire for additional services when there is re-provision for the Grahame Park Library, when there is the regeneration scheme. My question is that I want to ensure given that there will be ten thousand new residents that there will still be provision for use of the level of books in the library as some residents have expressed quite a lot of concern about that.

Answer by Councillor Robert Rams

There is a great problem with Grahame Park Library as it is at the moment as many people use it, but not many people actually borrow books from it. The figures quite clearly show that. Part of our strategy to encourage more people to get in there and use books, use the services it provides, is to provide new services within the library as a whole. I have described it in Cabinet as a mini Burnt Oak Library and that is what I hope to achieve in Grahame Park going forward.

Question 34

Councillor Gill Sargeant

What will be happening to the site allocated to Barnet College on the Colindale hospital site?

Answer by Councillor Richard Cornelius

The Council understands that the college still intends to re-locate there.

Supplementary Question 34

Councillor Gill Sargeant

I just wanted to know because I have had some concerns as we gave approval for the Colindale Hospital site on the undertaking that Barnet College would be building on there. I wanted to know when the last discussions with Fairview and Barnet College about the site as I've had quite a number of disconcerting discussions about the future of Barnet College on this site and I'm not reassured that there will still be provision on this site. When would you be able to report any changes to what has been provided for so far in the development plan.

Answer by Councillor Richard Cornelius

I would of course be pleased to speak and indeed consult with the Councillor should I hear of any suggested change of plan.

Question 35

Councillor Gill Sargeant

What measures will be put in place to improve road safety on Colindeep Lane?

Answer by Councillor Brian Coleman

If Ward Councillors feel measures are required it is open to them to propose them within the Council's agreed policy guidelines

Supplementary Question 35

Councillor Gill Sargeant

Colindeep Lane is as you know, of great concern to Councillors in Colindale and I wanted to know when the Council last undertook a survey of Colindeep Lane and what the results were of that survey.

Answer by Councillor Brian Coleman

I will write to the Councillor with that information.

Question 36**Councillor Ansuya Sodha**

Would the Leader consider setting long service staff awards from 25 years rather than 30 years?

Answer by Councillor Lynne Hillan, Leader of the Council

The long service award is a blunt way of recognising employee contribution concerned solely with length of service. We are currently drawing up a scheme that recognises contribution and performance which I feel is much more appropriate in the present climate.

Question 37**Councillor Geof Cooke**

Following the Council's failure to renew the bond for the pensions of Connaught workers - can the Cabinet Member tell me assure me that bonds covering all other admitted bodies were paid on time?

Answer by Councillor Daniel Thomas

A report was submitted to the Pensions Committee on the 21st March 2011 which set out the position on bonds for all admitted bodies. It confirmed that bonds were in place for all admitted bodies, with the exceptions of Housing 21, for which the contract is being renegotiated, and Greenwich Leisure, for which bond discussions were ongoing. A bond has now been put in place for Greenwich Leisure, and the Housing 21 contract negotiations are continuing. A report into these issues will be submitted to the Pension Fund committee every quarter to ensure that proper controls remain in place.

Question 38**Councillor Kath McGuirk**

Will the Cabinet Member be pressing ahead with plans to make pay and display payment totally cashless?

Answer by Councillor Brian Coleman

Yes

Supplementary Question 38**Councillor Kath McGuirk**

It's a very confident yes from Councillor Coleman, but bearing in mind some of his responses to questions tonight about highways and parking in this borough, particularly his response to Councillor Jack Cohen in Question 4, can you really think this can be achieved, is there a timetable and how is this timetable going to proceed?

Answer by Councillor Brian Coleman

In the order that Councillor McGuirk asked, yes, yes and I hope by the end of the summer.

Question 39**Councillor Alison Moore**

Will the Leader confirm that speaking rights for all councillors at Council will be maintained?

Answer by Councillor Lynne Hillan, Leader of the Council

No. The Special Committee (Constitution Review) is currently considering council procedure rules on the rights of speakers and we await their recommendations.

Supplementary Question 39**Councillor Alison Moore**

Can the Deputy Leader tell me whether or not he, or possibly the Leader of the Council, fully support backbencher to speak in this chamber?

Answer by Mr Deputy Leader

I am sure there are many opportunities for all Councillors to speak in this chamber if they so wish. In relation to the specifics of the question on the order paper, as Councillor Moore knows, it is really not for either me or the Leader or anybody else to determine these matters, its for the Council and there is a report going to the Special Committee (Constitution Review) on Thursday and I'm sure as a diligent member of that Committee she has already read that report.

Question 40 Councillor Alison Moore

Does the Cabinet Member's publicly stated prejudice towards the private sector compromise the integrity of the options appraisal process in the One Barnet programme?

Answer by Councillor Robert Rams

No

Supplementary Question 39

Councillor Alison Moore

Councillor Rams, if you as Cabinet Member and the Leader have a prejudice towards the private sector how on earth can the One Barnet options appraisals that recommend privatisation be considered in any way objective.

Answer by Councillor Robert Rams

The business case is objective and I don't believe that your prejudice Councillor Moore against outsourcing affects your ability to scrutinise this project.

SPECIAL COMMITTEE (CONSTITUTIONAL REVIEW) – TABLE OF RECOMMENDATIONS TO BE APPROVED

COMMITTEE DATE	ITEM	RECOMMENDATIONS
9 February 2011	AMENDING THE COUNCIL'S FINANCIAL REGULATIONS (Report of the Assistant Director of Financial Services– Agenda item 7)	The Committee considered revisions to the Council's Financial Regulations to ensure the highest standards of financial governance are maintained. The objective of the amendments is to further clarify the arrangements for reporting and obtaining approval for capital and revenue virements and capital funding changes RESOLVED - 1. That the Council approve the proposed amendments to the Financial Regulations as set out in Appendix A (page 42) and to the Responsibility for Functions as set out in Appendix B (page 45) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.
6 April 2011	CONSTITUTION REVIEW 2010/11 (Report of the Head of Governance– Agenda Item 5)	The Committee considered proposed changes to the constitution as set out in Appendix A. This collated those matters previously agreed in principle for change by the Committee over the course of the 2010/11 municipal year RESOLVED TO RECOMMEND- 1. That the amendments to the Constitution agreed on 13 October 2010, 9 February 2011, and 6 April 2011 be approved as set out in Appendix 1 (page 57 - 60) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution
	COUNCIL PROCEDURE RULES – Section 3 – Panels & Consultative Bodies	To amend Section 3 to reflect the current position on the establishment of Social Services Review Panels as this is the responsibility of the Directors of Adult Social Services and Children's Services rather than the DSM RESOLVED TO RECOMMEND - 1. That the proposed amendment be approved as set out in Appendix A1. (page 61) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution
	COUNCIL PROCEDURE RULES – Part 4 – Public Participation Rules	The Committee considered the proposed revision to allow a developer to speak in a Planning or Planning sub-Committee meeting in the unusual circumstances of an officer recommendation of refusal and no objectors wishing to speak against an application

6 April 2011 cont.....		<p>RESOLVED -</p> <p>1. That the proposed amendment be approved as set out in Appendix A2. (page 62 - 64)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	EXPLANATORY NOTE	<p>The Committee considered revisions to the Explanatory Note to bring it in line with amendments already made to the substantive provisions which include changes to the deadline for questions, for requests to speak and that questions to a Chairman at a meeting must relate to an item the body in question is considering on that occasion.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendments to the Explanatory Note as set out in Appendix A3 (page 65)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	PREFACE TO THE CONSTITUTION	<p>The Committee considered the removal of the reference to Cabinet Overview and Scrutiny Committee to be replaced with Business Management Overview and Scrutiny sub-Committee and the amendment to only key decisions can be called in to bring it in line with amendments already made to the substantive provisions.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendments to the Preface to the Constitution as set out in Appendix A4 (page 66)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	SUMMARY & EXPLANATION	<p>The Committee agreed to the proposed change to the telephone number listed at the end the section.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to the Summary and Explanation in the Constitution as set out in Appendix A5 (page 67)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	ARTICLE 3 – Citizens and the Council	<p>The Committee agreed to the proposed general housekeeping of this section.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendments to Article 3- Citizens and the Council in the Constitution as set out in Appendix A6 (page 68-69)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>

<p>6 April 2011 cont..</p>	<p>ARTICLE 7 – The Executive</p>	<p>The Committee considered the removal of the reference to Cabinet Overview and Scrutiny Committee to be replaced by Business Management Overview and Scrutiny Sub-Committee and to replace all references to Barnet Primary Care Trust with NHS Barnet to bring this in line with the changes that have taken place. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to Article 7- The Executive as set out in Appendix A7 (page 70-71) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	<p>ARTICLE 9 – The Standards Committee</p>	<p>The Committee considered the change from the reference Local Code of Conduct for Members to Barnet’s Code of Conduct for Members. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to Article 9- The Standards Committee as set out in Appendix A8 (page 72 – 73) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	<p>ARTICLE 10 – Area Committees and Forums and Local Strategic Partnership</p>	<p>The Committee considered the proposal to remove the table of area committees and forums as this is duplicated in Part 3 Responsibility for Functions. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to Article 10- Area Committees and Forums and Local Strategic Partnership as set out in Appendix A9 (page 74) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	<p>ARTICLE 12 – Chief Officers</p>	<p>That the Constitution be updated to reflect the new structure. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to Article 12- Chief Officers as set out in Appendix A10 (page 75 – 79) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	<p>ARTICLE 16 – Suspension, Interpretation and Publication of the Constitution</p>	<p>The Committee considered the proposed amendments to the section on Publication. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to Article 16- Suspension, Interpretation and publication of the Constitution as set out in Appendix A11 (page 80) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>

<p>6 April 2011 cont..</p>	<p>RESPONSIBILITY FOR FUNCTIONS – Allocation of Local Choice Functions</p>	<p>The Committee considered the removal to the reference to Best Value Review and The Resources, Performance and Partnerships OSC. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A12 (page 81 – 82) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	<p>RESPONSIBILITY FOR FUNCTIONS</p>	<p>The Committee considered the removal of the ‘Membership column’ as we no longer have sub-committees or Chairman appointed by the Licensing Committee. The DSM arranges the hearing and the Chairman is appointed at the meeting. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A13 (page 83 – 84) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	<p>RESPONSIBILITY FOR FUNCTIONS - Area Planning Sub-Committees</p>	<p>The Committee considered the change in the name of the title of the Director of Planning and Environmental Protection to Assistant Director for Planning, Housing and Regeneration. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A14 (page 85 – 87) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	<p>RESPONSIBILITY FOR FUNCTIONS - Area Planning Sub-Committees</p>	<p>That the information presented within the table is consistent with the same information presented in Section 2. RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A15 (page 88) 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	<p>RESPONSIBILITY FOR FUNCTIONS - Powers Delegated to Officers</p>	<p>The Committee considered the removal of the references to Executive Directors’ powers to approve virements between budget heads and replace with Chief Executive or Deputy Chief Executive and to the Executive Director for Resources and replace with Deputy Chief Executive (Chief Finance Officer). RESOLVED TO RECOMMEND – 1. That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A16 (page 89 – 90)</p>

		<p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	SECTION 1 – The Council	<p>The Committee considered revisions to the Individual members' motions for the agenda - Part 3 of the meeting and propose a revision to the way in which this can be submitted.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendments to Section 1- The Council as set out in Appendix A17 (page 91)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	SECTION 3 - Panels & Consultative Bodies	<p>The Committee considered the amendment to read Corporate Joint Negotiation and Consultative Committee.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to Section 3- Panels & Consultative Bodies as set out in Appendix A18 (page 92)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	PART 4 – Access to Information	<p>The Committee considered revisions to the publication of the Cabinet Forward Plan and the way in which this can be accessed.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to Part 4- Access to</p>

		<p>Information as set out in Appendix A19 (page 93 – 94)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	EXECUTIVE PROCEDURE RULES	<p>The Committee considered the removal of the reference to the address of the Cabinet Member within in the scheme of delegation.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to the Executive Procedure Rules as set out in Appendix A20 (page 95)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	FINANCIAL REGULATIONS	<p>The Committee considered the replacement of all reference to Chief Financial Officer with Chief Finance Officer.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to the Financial Regulations as set out in Appendix A21 (page 96 – 135)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	CODE OF CONDUCT	<p>The Committee considered the change from The Barnet Code of Conduct to Barnet’s Code of Conduct for Members.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to the Code of Conduct as set out in Appendix A22 (page 136)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	PART 4 - Public Participation Rules	<p>The Committee considered the amendment to Section 4 (Public Participation) relating to the timeframe for the unions requesting to speak at the General Functions Committee meeting.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to Part 4 – Public Participation Rules as set out in Appendix A23 (page 137)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	PART 4 - Public Participation Rules	<p>The committee to considered the amendment to Section 4 (Public Participation Rules) to make reference to the terms and conditions of E-Petitions.</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the proposed amendment to Part 4 – Public Participation Rules as set out in Appendix A24 (page 138)</p> <p>2. That the Head of Governance be instructed to make the appropriate</p>

cont..		<p>changes to the Constitution.</p> <p>The Committee considered the proposed changes to Part 3 of the Constitution with regard to Responsibilities for Functions for land acquisitions and discussed the proposal to amend the Councils constitution to increase the value of private sector leases that can be acquired by officers under delegated powers from £10,000 to £20,800 – as detailed in the attached report (Appendix 2).</p> <p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the changes proposed to Responsibilities for Functions for Acquisitions of Land, as set out in Appendix 2 (page 139-144)</p> <p>2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	OVERVIEW & SCRUTINY REVIEW (Agenda Item 7)	<p>RESOLVED TO RECOMMEND –</p> <p>1. That the Council approve the free-standing Overview & Scrutiny structure as set out in this report.</p> <p>2. That subject to Council’s approval of recommendation (1) above, Council is further asked to approve the revised Terms of Reference for the new Overview and Scrutiny arrangements (Appendix 3) (page 145 – 162)</p> <p>3. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
COMMITTEE DATE	ITEM	RECOMMENDATIONS
14 April 2011	COUNCIL MEETING REVIEW GROUP (Report of the Head of Governance– Agenda Item 5)	<p>At its meeting on 9 February 2011, the Committee agreed to establish a Council Meeting Review Group to consider the following areas;</p> <p>a) The structural framework of the agenda for Council meetings; and</p> <p>b) Specific proposals from Members regarding</p> <p>(i) Removing the distinction between Motions and Policy Items</p> <p>(ii) Removing ‘comments on the work of Cabinet’ from the agenda; and</p> <p>(iii) Changing speaking rules relating to Motions, Policy Items and Committee reports.</p> <p>The membership of the Council Meeting Review Group included Councillors Andrew Harper, Joan Scannell, Richard Cornelius, Alison Moore and Barry Rawlings. The Council Meeting Review Group met twice and a report was submitted for the Committee’s consideration on 14 April 2011.</p> <p>RECOMMENDATIONS TO COUNCIL -</p> <p>The following Recommendations to Council were approved at the Special Committee (Constitution Review) meeting on 14 April 2011 for submission to Council</p> <p>RESOLVED TO RECOMMEND TO COUNCIL:</p>

<p>14 April 2011 cont...</p>		<p>That Council approve the following recommendations of the Special Committee (Constitution Review) as outlined below;</p> <p>1. PART 1 – STATUTORY FORMALITIES/ANNOUNCEMENTS (15 MINUTES) (a) That Part 1 remains in its current form and commences at 7pm and concludes at 7.15pm.</p> <p>2. PART 2 – QUESTION TIME (30MINS) & PART 6 – COMMENTS ON THE WORK OF CABINET (10 MINUTES) (a) That Part 2 (Question Time) remains in its current form (30 minutes) and commences at 7.15pm and concludes at 7.45pm. (b) That Part 6 (Comments on the Work of Cabinet) is removed from the Agenda</p> <p>3. PART 3 – MOTIONS (60 MINUTES) & PART 4 – POLICY DEVELOPMENT (60 MINUTES) (a) That Part 3 and Part 4 be merged into Part 3 and entitled ‘Business for Debate’. (b) That Part 3 consists of three items of business for debate; I. One Administration item (7.45pm-8.15pm) II. One Opposition item (8.15pm-8.45pm) III. One item of business proposed by a non-Executive Member. If there is more than 1 item, Council will decide the item of business for debate (9pm-9.30pm). (c) That each item of business for debate to last 30 minutes making a total duration of one and a half hours. (d) That the Administration and the Opposition can choose the item of business for debate and the items of business for voting on. (e) That where there is a cross party consensus of Motions (e.g. congratulations on exams results) a debate is not necessary. (f) That where business items request that the Chief Executive write to an MP, Government Minister etc, these requests are dispensed with. (g) That Part 3 (Business for Debate) commences at 7.45pm and concludes at 9.30pm.</p>
		<p>4. PART 5 – STATUTORY COUNCIL BUSINESS (a) That Part 5 to be entitled Part 4. (b) That Part 5 to be retained and considered in detail at a future meeting of the Special Committee (Constitutional Review). (c) That Part 5 (Statutory Council Business) commences at 9.30pm and concludes at 10pm (30 minutes).</p>

<p>14 April 2011 cont...</p>		<p>5. SPEAKING RULES (a) That no amendments be made to the Speaking Rules.</p> <p>6. OTHER MATTERS (d) That the 15 minute break is retained and that this commences at 8.45pm and concludes at 9pm. (e) That the number of Council meetings during the 2011/12 municipal year is reduced by one. (f) That the deadline for amendments (received after the Constitutional deadline for the published amendment) to be with the Governance Service by 10am on the day of the Council meeting. (g) That amendments should not negate the motion with ‘..to delete all words after Council...’ (h) That the right to move amendments from the floor be reserved to the Mayor. (i) That Questions to Representatives on Outside Bodies be retained on the Council Agenda.</p> <p>7. That the Council Meeting is to conclude at 10pm with the provision to extend the Full Council Meeting to 10.30pm</p> <p>8. That Council approve the amendments to the Constitution as set out in Appendix 1 (page 173 – 195)</p> <p>9. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	<p>AMENDMENTS TO PUBLIC PARTICIPATION RULES (Report of the Director of Corporate Governance, Agenda Item 6)</p>	<p>The Committee considered a report on the correction of two anomalies within the Public Participation Rules section of the Constitution. The report is attached as Appendix 2. RESOLVED TO RECOMMEND TO COUNCIL: 1. That Council approve the amendments to the Constitution as set out in Appendix 2 (page 196 – 197). 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution</p>
	<p>CORPORATE JOINT NEGOTIATION AND CONSULTATION COMMITTEE AND TERMS OF REFERENCE OF GENERAL FUNCTIONS COMMITTEE (Report of the Director of Corporate Governance, Agenda Item 8)</p>	<p>The Committee seeks the approval of Council on the cessation of the Corporate Joint Negotiation Consultation Committee (CJNCC) as approved by the General Functions Committee on 30 March 2011, as outlined in the report attached as Appendix 2. Council is further asked to approve the amendments to the Terms of Reference for the General Functions Committee to reflect changes to the Constitution following the Cessation of the Corporate Joint Negotiation Consultation</p>

<p>14 April 2011 cont..</p>		<p>Committee; this is attached as Appendix 3. RESOLVED TO RECOMMEND TO COUNCIL: 1. That Council approve the Cessation of the Corporate Joint Negotiation Consultation Committee (CJNCC), report attached as Appendix 3 (page 198 - 211), and the amendments to the Terms of Reference of the General Functions Committee as set out in Appendix 3b (page 212 – 213). 2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.</p>
	<p>REVIEW OF RESIDENTS' FORUMS AND AREA SUB-COMMITTEES (Report of the Head of Governance, Agenda Item 9)</p>	<p>RESOLVED TO RECOMMEND TO COUNCIL: 1. That Council approve the new arrangements to the Residents' Forum and Area Environment sub-Committees as outlined in this report and summarised below; 2. The Residents' Forums and Area Environment sub-Committees will meet every two months on a Parliamentary Constituency. 3. The appointment of Chairmen and Vice Chairmen of the Resident Forums would as now be a matter for Full Council. 4. The Area Environment sub-Committees will be composed of 1 Councillor per Ward covered plus 1 Substitute per Ward. The Chairman will be appointed by Full Council, as at present. 5. The Resident Forum will meet at 6pm, followed by the Area Environment sub-Committee on the same night and same venue at 8pm. 6. The Residents' Forums will give residents the opportunity to raise local matters ("Public Works"). 7. Items must be received by the Governance Service by 6pm on the day before the day of the meeting for the item to be discussed at the Forum. 8. A Six Month Rule shall apply preventing matters that have already been dealt with from being raised again within that period. 9. The Residents' Forum may also be a forum for certain consultations from the Council as decided by the Chairman. 10. Petitions on matters relevant to the Constituency only can also be presented. 11. Matters must not relate to Planning or Licensing Issues. 12. Relevant matters raised at the Forum may be included in the agenda for the Area Environment sub-Committee that follows together with any statutory Area Environment business that may need to be discussed and will be</p>

**14 April 2011
cont..**

reported to the appropriate committee/body.

13. The Area Environment sub-Committee will decide on a course of action for each item.

14. That Council is asked to consider whether;

- a) The Residents' Forum and the Area Environment sub-Committee have the same Chairman and Vice Chairman.**
- b) The Chairman of the Residents' Forum be the Vice Chairman of the Area Environment sub-Committee and vice versa.**

15. That Council approve that the Cabinet/Executive Forums replace Leader Listens and that this takes place at least once a year whereby the Leader or nominated Cabinet Member will chair a themed Resident Forum on any subject the Leader decides and for which the Leader and Cabinet have executive responsibility.

16. That the Cabinet/Executive Forum could also be used as part of the consultation process.

17. That during the Cabinet/Executive Forum discussions and questions will relate to matters relevant to these areas.

18. That the relevant director and senior officers will attend the forum.

19. That questions be submitted to the Governance Service by 6pm on the day before the day of the meeting.

20. That Council approve the new arrangements for the Area Planning sub-Committees as set out in this report with a reduction from three to two area based Sub-Committees.

21. That the change be implemented on an east-west division and that within the east area would be the Wards currently in the Chipping Barnet Area Planning Sub-Committee together with East Finchley, Finchley Church End, West Finchley, Woodhouse wards. The west area would comprise the Wards currently in the Hendon Area Planning Sub-Committee together with Childs Hill, Garden Suburb and Golders Green Wards. Representation would continue to be on a Ward basis.

22. That Council approve the amendments to the Constitution as attached as in Appendix 4 (page 214 – 220)

23. That the Head of Governance be instructed to make the appropriate changes to the Constitution.

Annual Council Meeting

Tuesday 17 May 2011

Item 9

Reports from Other Committees

Report of the Special Committee (Constitutional Review)

9 February 2011

Report of Special Committee (Constitution Review)

9 February 2011

* Chairman: Councillor Anthony Finn

* Vice-Chairman: Councillor Joan Scannell

Councillors

* Jack Cohen	*Tom Davey	* Alan Schneiderman
* Melvin Cohen	* Andrew Harper	* Barry Rawlings
*Richard Cornelius	* Alison Moore	

* denotes Member present

Amending the Council's Financial Regulations (Report of the Assistant Director of Financial Services– Agenda item 7)

The Committee considered revisions to the Council's Financial Regulations to ensure the highest standards of financial governance are maintained. The objective of the amendments is to further clarify the arrangements for reporting and obtaining approval for capital and revenue virements and capital funding changes.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Financial Regulations as set out in Appendix A and to the Responsibility for Functions as set out in Appendix B.**
- (1) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

Enclosure 1

Meeting	Special Committee (Constitution Review)
Date	9 February 2011
Subject	Amending the Council's Financial Regulations
Report of Summary	Assistant Director of Financial Services To consider amendments to the financial regulations.

Officer Contributors	Maria Christofi – AD Financial Services Catherine Peters – Head of Finance – SAP Systems & Compliance and Closing and Monitoring
Status (public or exempt)	Public
Wards affected	Not applicable
Enclosures	Appendix A – Financial Regulations with proposed amendments (Part 1: paragraphs 4.1, 4.2 and 4.3, Part 2: paragraphs 12.6 and 12.11 and Scheme of Virement) Appendix B - Part 3 of the Constitution with proposed amendments (Responsibility for Functions paragraphs 3.8 and 6.6)
For decision by	Council
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Catherine Peters, Head of Finance 020 8359 7142

- 1. RECOMMENDATIONS**
 - 1.1 That the Committee comments upon and recommends to Council for approval the amendments to: (1) Financial Regulations and (2) Part 3 of the Constitution**
 - 1.2 That the Democratic Services Manager be instructed to make the appropriate amendments to the Council's Constitution if approved by Council.**
- 2. RELEVANT PREVIOUS DECISIONS**
 - 2.1 Special Committee Constitutional Review, 25 March 2010, Council 20 April 2010.
- 3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**
 - 3.1 Clear, relevant and up to date financial regulations support the quality of decision making and ensures adherence to corporate policies.
- 4. RISK MANAGEMENT ISSUES**
 - 4.1 Failing to have in place robust and appropriate financial regulations could place the financial administration of the council at risk.
- 5. EQUALITIES AND DIVERSITY ISSUES**
 - 5.1 Clear and robust financial regulations are important to ensure the management of resources to enable the equitable delivery of services to all members of the community and to reduce the differential impact of the services received by all of Barnet's diverse communities.
- 6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**
 - 6.1 Financial regulations ensure that the council manages its financial and other resources properly in line with statutory requirements and good financial management practice. There are direct consequences for all the implications listed above.
- 7. LEGAL ISSUES**
 - 7.1 None other than what may be contained in the body of the report.
- 8. CONSTITUTIONAL POWERS**
 - 8.1 Part 3, Section 2 of the Council's Constitution details the functions of the Special Committee (Constitution Review) which are " 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 Council.”

- 8.2 Article 14, paragraph 14.01, indicates that the management of the Council’s financial affairs will be conducted in accordance with the financial rules set out in Council’s Procedure Rules – Part 4 Financial Regulations. It is therefore important to make certain that the Financial Rules ensure the highest standards of financial governance.

9 BACKGROUND INFORMATION

9.1 Introduction

The Financial Regulations were last amended in March 2010. It is important to make certain that the Financial Regulations ensure the highest standards of financial governance.

The draft amendments to the Regulations and consequent amendments to Part 3 of the Constitution are now presented to this Committee for discussion and recommendation to Council for approval. Once approved they will become final. The following section sets out the main issues that have been addressed in the draft.

9.2 Issues that have been addressed in the proposed amendments to the Financial Regulations and Part 3 of the Constitution

The amendments will further clarify the arrangements for reporting and obtaining approval for capital and revenue virements and capital funding changes.

The SAP Optimisation project Procurement Stream has identified e-invoicing as an efficient way for Barnet to send purchase orders to trusted suppliers. Implementation will eliminate the goods receipting process for those chosen suppliers and only a two-way match being required. The current financial regulations need to be amended to reflect this change in process.

- 9.3 Cabinet Resources Committee currently approves all virements between £250,000 and £1 million. In order to facilitate timely decision making, this report is seeking to increase the limit to the lower of 10% of the net service budget, or £2.5 million. It is envisaged that this proposal will enable Council to retain authority over the most significant decisions, whilst allowing the responsibility for day to day virement movements to sit with Cabinet or Cabinet Resources Committee. The report also proposes delegating Corporate Directors the power to agree revenue virements for sums in excess of £50,00 and up to £250,000 between service directorates and employee and non-employee expenditure. It is intended that these changes will enable the authority to operate in a timely manner when the in-year position is monitored.

9.4 An extract from the Financial Regulations showing the proposed changes is attached as Appendix A.

9.5 An extract from Part 3 of the Constitution showing the proposed changes is attached as Appendix B.

10. LIST OF BACKGROUND PAPERS

10.1 None.

Legal:SWS

CFO: MC

Appendix A

Financial Regulations (Amended April 2010)

PART 1 – FINANCIAL MANAGEMENT

4 BUDGET MANAGEMENT & MONITORING

Latest Approved Budget

- 4.1 The latest approved budget for a service or capital project is the budget determined by Council prior to the start of the year, as amended subsequently by approved variations in budget and capital financing throughout the year in accordance with the “Scheme of Revenue and Capital Virement”.
- 4.2 The Chief Financial Officer is responsible for maintaining the latest approved budget and capital programme.
- 4.3 It is envisaged that the Scheme of Revenue and Capital Virement for revenue and capital budgets will be determined by the Leader as part of the scheme of delegation. If this is not done, the Chief Financial Officer must determine a scheme in consultation with the Cabinet Member for Resources.

Part 2 – Financial Administration

Contents

12 ORDERING OF SUPPLIES, WORKS & SERVICES

- 12.6 **Creation of a purchase Order (PO)** : Once the purchase has been agreed, a purchase order must be raised on SAP. **Payment of an invoice** : Authorised officers must ensure that a purchase order has been raised on the SAP system and successfully communicated to the supplier. Invoices in respect to works, supplies and services will be paid by the Central Accounts Team, but only after the authorising officer has where necessary, first receipted the supply on SAP.
- 12.11 The Central Accounts Payable Team will perform a three-way match against the purchase order, goods receipt and invoice, prior to making a payment. Invoices from trusted suppliers, (as advised

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by the Strategic Procurement Team) will only require a two-way match. Invoices that do not pass this criteria will be returned to the service for amendment.

Scheme of Revenue and Capital Virement

Revenue Virement Arrangements

- a) No revenue virement is allowed from or to any of the following budgets without approval of the Cabinet or Cabinet Resources Committee
- Financing charges
 - Rates and other taxes
 - Recharges
 - Insurances
 - Contingency budgets for amounts over £250,000 (as determined by the Deputy Chief Executive in consultation with the appropriate Corporate Director).

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- b) Cabinet Member agreement will be required for proposals which transfer funds for the creation of new staff posts

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- c) Cabinet or Cabinet Resources Committee approval will be required for proposals which:
- would cause the total budget head to be exceeded in the current year or increase the commitment in future years
 - are to be financed from savings arising from competitive tendering.

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- d) Revenue virements will be allowed between service directorates and employee and non-employee expenditure as follows:

i on the approval of the appropriate Corporate Director for sums up to £50,000

ii on the approval of the appropriate Cabinet Member for sums in excess of £50,000 and up to £250,000,

iii on the approval of the Cabinet or Cabinet Resources Committee for sums in excess of £250,000 and up to £2,500,000.

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iv on the approval of the full Council for the lower of 10% of the net service directorate budget or sums above £2,500,000.

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e) Revenue virements actioned by a Corporate Director shall be included on the next quarterly monitoring report to the appropriate Cabinet or Cabinet Resources Committee meeting and notified to the Chief Financial Officer

f) Notification to Chief Financial Officer.

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Please ensure that your Head of Finance is informed of all virement approvals granted.

Capital Budget and Funding Virement Arrangements

g) Cabinet or Cabinet Resources Committee approval is required for all capital budget and funding virements and yearly profile changes (slippage) between approved capital programmes i.e. as per the budget book. The report must show the proposed:

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i budget transfers between projects and by year

ii funding transfers between projects and by year and

iii a summary based on a template approved by the Chief Financial Officer

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h) Funding substitutions at year end in order to maximise funding are the responsibility of the Chief Finance Officer.

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Appendix B

Responsibility for Functions

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Cabinet

3.7 The Cabinet Meeting may discharge any executive functions whether or not they are also delegated to officers.

3.8 The following decisions are reserved to the Cabinet meeting:

- Those so reserved in the Rules in Part 4 of the Constitution
- Considering an executive function delegated to an area environment sub- committee referred to it for a decision.
- Considering policy initiatives, initiating new policy proposals and determining the way in which policy reviews will be carried out.
- Determining responses to consultation documents on proposals which could result in the council having to provide a new service, discontinue an existing one or change service provision in such a way that there are budgetary implications.
- Determining whether meetings relating to non-key decisions will be held in public or private.
- Agreeing budget virements of up to £2.5m and applications of up to 50% of the latest estimated general fund or housing revenue account balances and to make recommendations to Council on virements over these amounts and those over £250,000 where the amount is more than 10% of the net service directorate budget.
- Considering recommendations made to them by overview and scrutiny committees.
- A decision to adopt, or recommend to Council for adoption, a plan or strategy reserved to Cabinet as listed below, or the Council's budget and virement limits.

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6. POWERS DELEGATED TO OFFICERS

Specific Powers

6.6 In addition, in consultation with the Cabinet member concerned:

Corporate Directors have the power to agree revenue virements for sums in excess of £50,000 and up to £250,000 between service directorates and employee and non-employee expenditure.

Details of the Scheme of Revenue and Capital Virements can be found in Part 4 – Financial Regulations.

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Annual Council Meeting

Tuesday 17 May 2011

Item 9

Reports from Other Committees

Report of the Special Committee (Constitutional Review)

6 April 2011

Report of Special Committee (Constitution Review)

6 April 2011

* Chairman: Councillor Anthony Finn

* Vice-Chairman: Councillor Joan Scannell

Councillors

* Jack Cohen

*Tom Davey

* Alan Schneiderman

* Melvin Cohen

* Andrew Harper

* Barry Rawlings

*Richard Cornelius

* Alison Moore

* denotes Member present

1. CONSTITUTION REVIEW 2010/11 (Report of the Head of Governance– Agenda Item 5)

The Committee considered proposed changes to the constitution as set out in Appendix A. This collated those matters previously agreed in principle for change by the Committee over the course of the 2010/11 municipal year.

RESOLVED TO RECOMMEND -

- (1) That the amendments to the Constitution agreed on 13 October 2010, 9 February 2011, and 6 April 2011 be approved as set out in Appendix 1.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

COUNCIL PROCEDURE RULES – Section 3 – Panels & Consultative Bodies

To amend Section 3 to reflect the current position on the establishment of Social Services Review Panels as this is the responsibility of the Directors of Adult Social Services and Children's Services rather than the DSM.

RESOLVED TO RECOMMEND –

- (1) That the proposed amendment be approved as set out in Appendix A1.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

COUNCIL PROCEDURE RULES - Part 4 - Public Participation Rules

The Committee considered the proposed revision to allow a developer to speak in a Planning or Planning sub-Committee meeting in the unusual circumstances of an officer recommendation of refusal and no objectors wishing to speak against an application.

RESOLVED TO RECOMMEND –

- (1) That the proposed amendment be approved as set out in Appendix A2.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

EXPLANATORY NOTE

The Committee considered revisions to the Explanatory Note to bring it in line with amendments already made to the substantive provisions which include changes to the deadline for questions, for requests to speak and that questions to a Chairman at a meeting must relate to an item the body in question is considering on that occasion.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Explanatory Note as set out in Appendix A3.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

PREFACE TO THE CONSTITUTION

The Committee considered the removal of the reference to Cabinet Overview and Scrutiny Committee to be replaced with Business Management Overview and Scrutiny sub-Committee and the amendment to only key decisions can be called in to bring it in line with amendments already made to the substantive provisions.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Preface to the Constitution as set out in Appendix A4.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

SUMMARY & EXPLANATION

The Committee agreed to the proposed change to the telephone number listed at the end the section.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendment to the Summary and Explanation in the Constitution as set out in Appendix A5.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

ARTICLE 3 – CITIZENS AND THE COUNCIL

The Committee agreed to the proposed general housekeeping of this section.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to Article 3- Citizens and the Council in the Constitution as set out in Appendix A6.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

ARTICLE 7 – THE EXECUTIVE

The Committee considered the removal of the reference to Cabinet Overview and Scrutiny Committee to be replaced by Business Management Overview and Scrutiny Sub-Committee and to replace all references to Barnet Primary Care Trust with NHS Barnet to bring this in line with the changes that have taken place.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to Article 7- The Executive as set out in Appendix A7.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

ARTICLE 9 – THE STANDARDS COMMITTEE

The Committee considered the change from the reference Local Code of Conduct for Members to Barnet's Code of Conduct for Members.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to Article 9- The Standards Committee as set out in Appendix A8.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

ARTICLE 10 – AREA COMMITTEES AND FORUMS AND LOCAL STRATEGIC PARTNERSHIP

The Committee considered the proposal to remove the table of area committees and forums as this is duplicated in Part 3 Responsibility for Functions.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to Article 10- Area Committees and Forums and Local Strategic Partnership as set out in Appendix A9.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

ARTICLE 12 – CHIEF OFFICERS

That the Constitution be updated to reflect the new structure.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to Article 12- Chief Officers as set out in Appendix A10.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

The Committee considered the proposed amendments to the section on Publication.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to Article 16- Suspension, Interpretation and publication of the Constitution as set out in Appendix A11.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

RESPONSIBILITY FOR FUNCTIONS – Allocation of Local Choice Functions

The Committee considered the removal to the reference to Best Value Review and The Resources, Performance and Partnerships OSC.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A12.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

RESPONSIBILITY FOR FUNCTIONS

The Committee considered the removal of the 'Membership column' as we no longer have sub-committees or Chairman appointed by the LC. The DSM arranges the hearing and the Chairman is appointed at the meeting.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A13.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

RESPONSIBILITY FOR FUNCTIONS

Area Planning Sub-Committees

The Committee considered the change in the name of the title of the Director of Planning and Environmental Protection to Assistant Director for Planning, Housing and Regeneration.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A14.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

RESPONSIBILITY FOR FUNCTIONS

Area Environment sub-Committees

That the information presented within the table is consistent with the same information presented in Section 2.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A15.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

RESPONSIBILITY FOR FUNCTIONS

Powers Delegated to Officers

The Committee considered the removal of the references to Executive Directors' powers to approve virements between budget heads and replace with Chief Executive or Deputy Chief Executive and to the Executive Director for Resources and replace with Deputy Chief Executive (Chief Finance Officer).

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to the Responsibility for Functions as set out in Appendix A16.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

SECTION 1 – THE COUNCIL

The Committee considered revisions to the Individual members' motions for the agenda - Part 3 of the meeting and propose a revision to the way in which this can be submitted.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendments to Section 1- The Council as set out in Appendix A17.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

SECTION 3 PANELS & CONSULTATIVE BODIES

The Committee considered the amendment to read Corporate Joint Negotiation and Consultative Committee.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendment to Section 3- Panels & Consultative Bodies as set out in Appendix A18.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

PART 4 – ACCESS TO INFORMATION

The Committee considered revisions to the publication of the Cabinet Forward Plan and the way in which this can be accessed.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendment to Part 4- Access to Information as set out in Appendix A19.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

EXECUTIVE PROCEDURE RULES

The Committee considered the removal of the reference to the address of the Cabinet Member within in the scheme of delegation.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the proposed amendment to the Executive Procedure Rules as set out in Appendix A20.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

FINANCIAL REGULATIONS

The Committee considered the replacement of all reference to Chief Financial Officer with Chief Finance Officer.

RESOLVED TO RECOMMEND –

(1) That the Council approve the proposed amendment to the Financial Regulations as set out in Appendix A21.

(2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.

CODE OF CONDUCT

The Committee considered the change from The Barnet Code of Conduct to Barnet's Code of Conduct for Members.

RESOLVED TO RECOMMEND –

(1) That the Council approve the proposed amendment to the Code of Conduct as set out in Appendix A22.

(2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.

Part 4 - Public Participation Rules

The Committee considered the amendment to Section 4 (Public Participation) relating to the timeframe for the unions requesting to speak at the General Functions Committee meeting.

RESOLVED TO RECOMMEND –

(1) That the Council approve the proposed amendment to Part 4 – Public Participation Rules as set out in Appendix A23.

(2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.

Part 4 – Public Participation Rules

The committee to considered the amendment to Section 4 (Public Participation Rules) to make reference to the terms and conditions of E-Petitions.

RESOLVED TO RECOMMEND –

(1) That the Council approve the proposed amendment to Part 4 – Public Participation Rules as set out in Appendix A24.

(2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.

2. ACQUISITION OF LAND: PRIVATE SECTOR LEASING (Report of the Director of Planning, Housing & Regeneration, Agenda Item 6)

The Committee considered the proposed changes to Part 3 of the Constitution with regard to Responsibilities for Functions for land acquisitions and

discussed the proposal to amend the Councils constitution to increase the value of private sector leases that can be acquired by officers under delegated powers from £10,000 to £20,800 – as detailed in the attached report (Appendix 2).

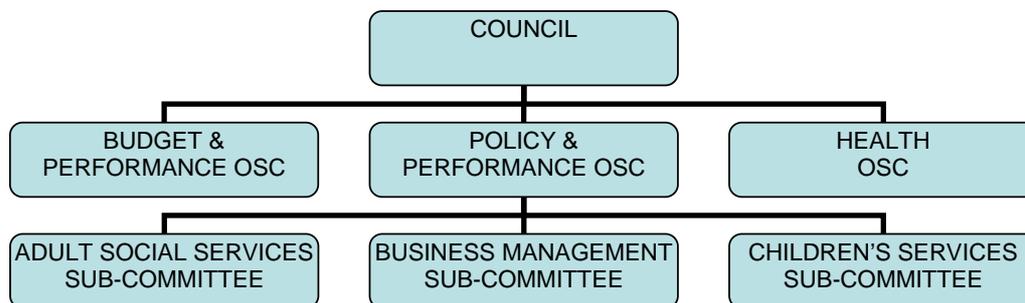
RESOLVED TO RECOMMEND –

- (1) That the Council approve the changes proposed to Responsibilities for Functions for Acquisitions of Land, as set out in Appendix 2.**
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

3. OVERVIEW & SCRUTINY REVIEW (Agenda Item 7)

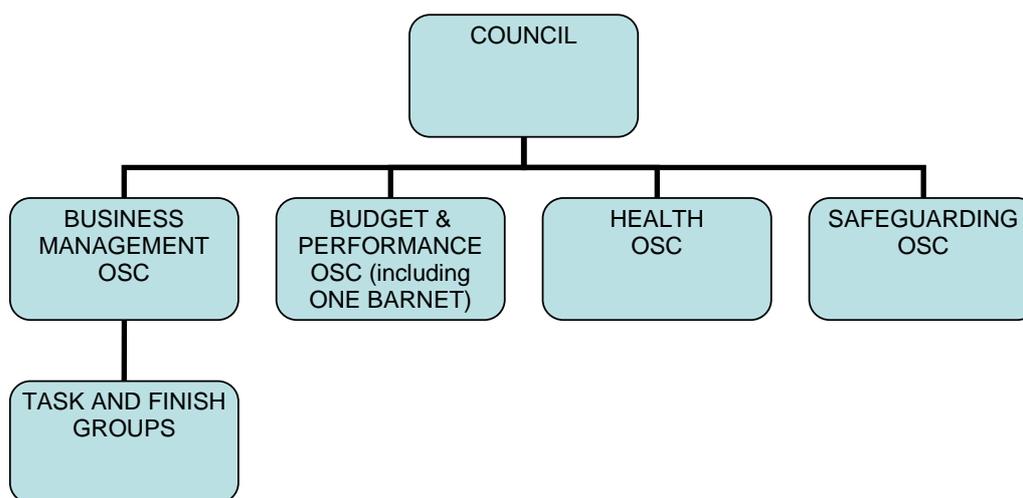
The Committee considered the findings of the Member review and focus groups on the Overview and Scrutiny arrangements in place since May 2009. The findings of the Member review were considered by the Business Management Overview and Scrutiny sub-Committee on 21 March 2011 and the Policy and Performance Overview and Scrutiny Committee on 6 April 2011.

The current Overview & Scrutiny arrangements have been in place since May 2009. These comprise three Overview & Scrutiny Committees and three Overview & Scrutiny sub-Committees, together with scope for the establishment of Panels and Task and Finish Groups. A diagram setting out the current Committee structure of Scrutiny is set out below.



The Committee considered the possible options for revising the Overview and Scrutiny arrangements and resolved to recommend that the free-standing Overview and Scrutiny structure be endorsed by Council. This model simplifies the Scrutiny Committee structure, reducing the number of formal Committees to four.

Free-standing Overview & Scrutiny Committees



This model also applies some rebalancing of resource away from formal Committee work, to allow outcome-focussed Scrutiny to be pursued through Task and Finish Groups, reporting into the Business Management Overview & Scrutiny Committee.

Reflecting the increasing profile and importance of the One Barnet programme, the current One Barnet Overview & Scrutiny Panel would be merged into the formal Budget & Performance Overview & Scrutiny Committee.

Reflecting its importance corporately, this model also establishes a Overview & Scrutiny Committee for Safeguarding. This Committee would fulfil the functions currently carried out by the Adult Social Services Overview & Scrutiny sub-Committee, and the Children’s Service Overview & Scrutiny sub-Committee.

RESOLVED TO RECOMMEND –

- (1) That the Council approve the free-standing Overview & Scrutiny structure as set out in this report.**
- (2) That subject to Council’s approval of recommendation (1) above, Council is further asked to approve the revised Terms of Reference for the new Overview and Scrutiny arrangements (Appendix 3).**
- (3) That the Head of Governance be instructed to make the appropriate changes to the Constitution.**

APPENDIX 1 – CONSTITUTION REVIEW 2010/11

Appendix	Constitution reference and summary of requested changes
A1	Council Procedure Rules – Section 3 – Panels & Consultative Bodies
	To amend to reflect that the establishment of Social Services Review Panels is the responsibility of the Directors of Adult Social Services and Children’s Services rather than the DSM.
A2	Council Procedure Rules – Section 2 – Committees and Sub-Committees
TO ADD IN	To allow a developer to speak in a Planning or Planning sub-Committee meeting in the unusual circumstances of an officer recommendation of refusal and no objectors wishing to speak against an application.
A3	Explanatory Note
	Explanatory note needs to be updated to bring it in line with recent amendments already made to the substantive provisions – that is <ol style="list-style-type: none"> 1. To change deadline for questions to from 7th working day to 2nd. 2. To indicate that questions to a Chairman at a meeting must relate to an item the body in question is considering on that occasion
A4	Preface to the Constitution
	To remove the reference to Cabinet OSC and change to Business Management Overview and Scrutiny Sub-Committee. Change the reference “all Executive decisions can be Called in, not just key decisions” to “only ‘key decisions can be called in.”
A5	Summary & Explanation
	Change telephone number list at the end the section as it is incorrect. Should read 0208 359 2000
A6	Article 3 – Citizens and the Council
	Housekeeping, i.e. capitalisation of certain words e.g. Cllrs, Members,

	Executive, etc....
A7	Article 7 – The Executive
	7.07 (iii) To remove the reference to Cabinet OSC and change to Business Management Overview and Scrutiny Sub-Committee. 7.09 Observer/Adviser Status Replace all references to Barnet Primary Care Trust with NHS Barnet
A8	Article 9 – The Standards Committee
	To change the reference Local Code of Conduct for Members; to Barnet’s Code of Conduct for Members
A9	Article 10 – Area Committees and Forums and Local Strategic Partnership
	10.02 Form, composition and function (a) Table of area committees and forums. To remove the table as it is reproduced again in Part 3 Responsibility for Functions.
A10	Article 12 – Chief Officers
	Amendments to reflect the new structure.
A11	Article 16 – Suspension, Interpretation and publication of the Constitution
	16.03 Publication, Paragraph (b) Amend to: The Democratic Services Manager will ensure that copies are available for inspection at council offices. Paragraph (c) - Delete
A12	Responsibility for Functions
	ALLOCATION OF LOCAL CHOICE FUNCTIONS: To remove reference to Best Value Review and The Resources, Performance and Partnerships OSC
A13	Responsibility for Functions

	To remove all in the 'Membership column'. We no longer have sub-committees or Chairman appointed by the Licensing Committee. The DSM arranges the hearing and the Chairman is appointed at the meeting.
A14	Responsibility for Functions
	<u>Area Planning Sub-Committees (3)</u> Point B: Change Director of Planning and Environmental Protection to Assistant Director for Planning, Housing and Regeneration
A15	Responsibility for Functions
	<u>3.10 Area Environment Sub-Committees</u> Table listed Function of the AESC The table is meant to be a duplication of what is produced in point 2 above. But there are an inconsistencies in the 'Functions' listed. Delete this, incorporate with information in Section 2.
A16	Responsibility for Functions
	Powers Delegated to Officers To remove reference to Executive Directors' powers to approve virements between budget heads and replace with Chief Executive or Deputy Chief Executive. To remove reference to the Executive Director for Resources and replace with Deputy Chief Executive (Chief Finance Officer).
A17	Section 1 – The Council
	31. Individual members' motions for the agenda - Part 3 of the meeting. Inaccurate to simply say the "motion <u>must be signed by the Member.</u> " <u>Revise to "the motion must be signed by the Member or sent by email by the Member or his/her group's political assistant or Group Secretary"</u>
A18	Section 3 Panels & Consultative Bodies
	Corporate Joint Negotiation and Consultative Committee

	<p>Paragraph 1.1:</p> <p>Change the “London Borough of Barnet Corporate Joint Negotiation and Consultative Committee (“committee”) to Corporate Joint Negotiation and Consultative Committee</p>
A19	Part 4 – Access to Information
	<p>14.2 Contents of forward plan</p> <p>“The Democratic Services Manager will publish once a year a notice in at least one newspaper circulating in the area, stating: etc”</p> <p>To be revised stating that the Cabinet forward plan is published on the Council’s website every month.</p> <p>Revised to mention that the Plan will be on deposit in hard copy at Barnet House and Hendon Library, plus reference will be included as a regular feature in Barnet First.</p>
A20	Executive Procedure Rules
	<p>1.2 Delegation by the Leader:</p> <p>To remove the reference that the address of the Cabinet Member will be included in the scheme of delegation.</p>
A21	Financial Regulations
	<p>Replace all reference to Chief Financial Officer with Chief Finance Officer</p>
A22	Code of Conduct
	<p>Title: The Barnet Code of Conduct change to Barnet’s Code of Conduct for Members</p>
A23	Part 4 - Public Participation Rules
	<p>To amend Section 4 (Public Participation) – Paragraph 2.3.7(ii)</p> <p>“If the unions wish to apply to speak to General Functions Committee on an item relating to staff matters as an exception to paragraph 2.3.6 above, they must make this request <u>no more than 2</u> working days prior”. The underlined words should actually read “no later than 2 working days prior...”.</p>
A24	E-Petitions
	<p>To amend the Constitution to make reference to the terms and conditions of E-Petitions.</p>

APPENDIX A1

2. Other boards and panels

- 2.1 The Democratic Services Manager is authorised to appoint, nominate and convene boards and panels for specific statutory purposes. This excludes the establishment of Social Services Review Panels (Children and Community Care) which is the responsibility of the Directors of Adult Social Services and Children’s Services.

Explanatory note – substitute members

This standing order enables the Democratic Services Manager to make all the necessary arrangements for bodies which are set up by the Council, which:

- Are not effectively external bodies to which the Council nominates members; and
- Are not committees or sub-committees.

These bodies are:

(1) School Admission and Exclusion Panels are nominated by the Democratic Services Manager under delegated powers.

(2) The following bodies which are treated as outside bodies to which appointments are made by the Council:

- Standing Council for Religious Education
- Adoption and Permanency Panel

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(1) . The following boards and panels appointed by the Democratic Services Manager under delegated powers:¶
¶
Social Services Review Panels (Children and Community Care)

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- 2.2 The Council shall appoint members to the School Organisation Committee, which is a statutory body but not a committee of the Council, at its Annual Meeting or when vacancies arise.

APPENDIX A2

Part 4 – Public Participation Rules

5. Public comments at meeting and procedure

- 5.1 Any committee or sub-committee may consider allowing anyone who lives or has a business in the borough or is affected by a decision to talk to address it in relation to an item it is considering on that occasion. This must relate to an item of business being considered by the committee or sub-committee.
- 5.2 No more than four persons shall be heard on any single item of business or topic (including any person applying for consent or permission of any kind).
- 5.3 Public comments and questions may not be considered:
 - 5.3.1 on any matter which has been the subject of a decision by the Council or any committee, or sub-committee in the previous six months, unless there has been a material change in the circumstances;
 - 5.3.2 on any matter where public comments have previously been made to a parent committee, sub-committee or committee and it was known at that time by those making comments that the matter would be referred to another committee or Council for a decision, unless legally necessary;
 - 5.3.3 from any person applying to the Council for consent or permission of any kind, except in response to public objections.
- 5.4 Where a person wishes to speak, in accordance with Constitutional requirements, on a matter which is already before the committee for decision, the speaker shall always have the opportunity of being heard before a decision is reached on the item.
- 5.5 If more than four requests to speak have been received and approved, or three requests for items defined under Rule 5.12 being considered by the Planning and Environment Committee or two requests for an item being considered by an Area Planning Sub-Committee, those wishing to speak will be asked to agree amongst themselves which of them should address the committee. If they are unable to agree, the Committee will decide which people they shall hear with a preference for those representatives who wrote in earliest. An applicant retains the right to respond to objectors' oral representations.
- 5.6 If a named speaker is unable to attend the Committee he or she may nominate a substitute to speak on his or her behalf, provided details of the substitute is notified to the Democratic Services Manager prior to the meeting.
- 5.7 The Chairman, who may vary the order of business, will determine the order in which public comments are to be heard at any meeting.

- 5.8 The representative of the public shall speak immediately following the officers' presentation of the item of business, to which the comments relate.
- 5.9 Where public comments relate to an application, the applicant will have a right to reply immediately after the public comments.
- 5.10 Each speech shall be limited to a maximum of five minutes, save for any time spent in replying to questions put by members. The speaker shall be allowed to speak without interruption, except to be advised of time or to be stopped from making defamatory, abusive or offensive comments. Any response from an applicant shall be limited in the same way.
- 5.11 Following all the speeches, any response from applicants present and any questions which may be put by members, the committee or sub-committee shall proceed to debate and determine the item of business under consideration and shall not hear any further representations or comment from any speaker or applicant.

Additional Rules for planning applications and confirmation of Tree Preservation Orders only

- 5.12 The following additional rules apply to public comments on planning applications and confirmation of Tree Preservation Orders at the Planning and Environment Committee or an Area Planning Sub-committee.

For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.

- 5.13 Each speech shall be limited to a maximum of three minutes.
- 5.14 In respect of a planning application reported to the Planning and Environment Committee for decision a maximum of four speakers shall be allowed. Otherwise a maximum of three speakers shall be allowed. In either case this will include where there are objectors the applicant or the applicant's representative named on the planning application or the person who submitted the application or an employee of the applicant or a person (other than a legal or professional representative acting as such) speaking on behalf of the applicant with the applicant's permission" except:
 - 5.14.1 multiple applications for the same site shall be treated as one application for public speaking purposes and a maximum of four speakers if considered by the Planning and Environment Committee or three speakers if considered by an Area Planning Sub-Committee, including the applicant or their representative, shall be permitted on the applications combined;

5.14.2 where the applicant does not wish to speak the number of speakers shall be restricted respectively to three speakers at Planning and Environment Committee and otherwise two speakers only.

5.15 Where the applicant is not a named individual ie a company, trust, place of worship, school or residents' association, only a Bona Fide representative of the organisation will be allowed to speak. As far as Residents' Associations are concerned officers of the Residents Associations or local residents who qualify as members of the Residents' Association may address the Committee.

5.16 Where the Sub-Committee has decided to refer a decision to a parent committee or the parent committee to the Sub-Committee only those speakers who addressed the Committee which originally considered the planning application will be entitled to address any subsequent Committee which determines that application.

5.17 The Chairman of the Committee or Sub-Committee shall have the right to recall a previous speaker to clarify a point.

5.18 Where a Planning Committee or Planning sub-Committee is considering an application that has been recommended for refusal by Officers and there are no objectors speaking on the application, the Applicant or their agent shall have the right to address the Planning Committee or sub-Committee.

APPENDIX A3

EXPLANATORY NOTE

4. The rules relate to two methods of Public Participation at Cabinet, Cabinet Committees, Committees and Sub-Committees.

(i) Public Questions

This is where a member of the public may send in a written question to the Democratic Services Manager addressed to the Chairman or Leader, or relevant Cabinet Member, relating to an item the body in question is considering on that occasion.

Questions must be received by the Democratic Services Manager by no later than 10am on the 2nd working day before the meeting.

(ii) Request to speak and address Committees and Sub- Committees.

This is where members of the public may ask to speak and address the Committee or Sub-Committee when they consider a specific matter which is on the Agenda for the meeting. Requests to speak must be submitted to the Democratic Services Manager by no later than 10am on the 2nd working day before the meeting.

Anyone wishing to speak at Cabinet or Cabinet Committees on items placed on the Agenda for these meetings can only do so upon invitation from the Leader of the Council or the Cabinet Member who will be taking the Chair at the meeting. To enable this to happen, Members of the public should make application to the Leader or relevant Cabinet Member, also by 10am on the 2nd working day before the meeting.

Deleted: any matter¶ that falls within the remit of the Committee or Cabinet or Cabinet Committee. The matter to which the Question refers does not necessarily have to relate to an item already on the Agenda for the meeting.

Deleted: ¶ Therefore questions on the work of Cabinet could relate to the work being carried out on any of the matters within the remit of any of the Cabinet Members. The specific responsibilities are set out in the section entitled "Responsibility for Functions", and could relate, for example, to the environment, community safety, children's services, adult social services.¶

¶ As far as Cabinet Committees are concerned, currently the Leader of the Council has appointed the Cabinet Resources Committee. The detailed remit of the Committee is also set out in Responsibility for Functions and could relate to ICT strategies or grants and loans to voluntary organisations, for example.¶

¶ For other Committees, which include (but not exclusively) Area Planning and Area Environment Committees and Overview and Scrutiny Committees, the questions must relate to any of the matters within the relevant Committee's terms of reference.¶

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APPENDIX A4

PREFACE TO THE CONSTITUTION

Overview and Scrutiny Committees

The functions of Overview and Scrutiny Committees are specified in the 2000 Act and are and can only be:

- policy development and review to assist the Council and the Executive
- scrutinising the decisions and performance of the Executive and the Council, and other public bodies in the area
- calling-in for reconsideration key decisions taken by the Executive but not yet implemented.

Key decisions are those significant in financial terms or in their effect on communities comprising 2 or more wards. The Constitution provides for the call-in process to be operated solely by the Business Management Overview and Scrutiny sub-Committee and only key decisions can be called in.

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Members of the Cabinet cannot be members of Overview and Scrutiny Committees.

APPENDIX A5

Summary and Explanation

| For further information telephone 020 8359 2000.

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APPENDIX A6

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Council Procedure Rules in Part 3 and Access to Information Rules in Part 4 of this Constitution:

(a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.

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(b) **Information.** Citizens 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 the meeting is therefore held in private;

(ii) attend meetings of the Executive when key decisions are being considered;

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(iii) find out from the Forward Plan what key decisions will be taken by the Executive and when;

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(iv) see reports and background papers, and any records of decisions made by the Council and the Executive; and

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(v) inspect the Council's accounts and make their views known to the external auditor.

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(c) **Treatment.** Citizens have the right to:

(i) be treated equally with understanding and respect;

(ii) have equal opportunity with other citizens; and

(iii) receive quality services provided to Best Value principles.

(d) **Participation.** Citizens have the right to contribute to investigations by Overview and Scrutiny commissions.

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(e) **Complaints.** Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council's own complaints scheme;

(iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to Councillors or officers and must not wilfully or recklessly harm things owned by the Council, Councillors or officers.

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APPENDIX A7

Article 7 - The Executive

7.07 Executive arrangements in the event of no Leader being elected

If a situation arises where no political party has overall control on the Council and the Council is unable to elect a leader the following arrangements will apply:

- i. The leaders of the political parties represented on the Council will form a Cabinet.
- ii. The Council will set the policy framework and budget and delegate power to the Chief Executive and other officers to take the majority of executive decisions, under political guidance from the Cabinet.
- iii. The Chief Executive and Cabinet will be held to account by the Business Management Overview and Scrutiny sub-Committee.
- iv. The Chief Executive will be responsible for ensuring the introduction of these arrangements in the circumstances set out.

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7.08 Assistant Cabinet Members

Other Councillors may, from time to time, be designated by the Leader as Assistant Cabinet Members. Such Councillors will not be a member of the Executive and will not participate in Executive decision making but may work closely with an Executive Member. He or she will not be a member of the Business Management Overview and Scrutiny Sub-Committee, nor any Overview and Scrutiny, Panel, Task and Finish Group relating to the specific responsibilities of the Executive Member he or she is assisting or any other area to which they are assigned, but will be able to serve on unrelated Overview and Scrutiny, Panel, Task and Finish Groups.

An Assistant Cabinet Member may represent the relevant Executive Member at briefing meetings. He or she will not have delegated powers and will not be entitled to speak or vote at Cabinet meetings or Cabinet Committee meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at Overview and Scrutiny Committees.

The Leader will advise the Democratic Services Manager in writing of the names of designated Assistant Cabinet Members and of the Cabinet Member they will assist. The Democratic Services Manager will report the designation to the next meeting of the Council.

7.09 Observer/Adviser Status

The Leader may offer observer/adviser status at Cabinet and Cabinet Committee meetings to NHS Barnet. The granting and acceptance of such status would enable the Chief Executive of NHS Barnet to attend meetings of the Executive and sit with Officers in order to observe the proceedings and speak on matters which fall within or

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are relevant to the scope of the public responsibilities of NHS Barnet and/or the Chief Executive's own professional expertise.

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The right for the Chief Executive of NHS Barnet to attend Executive meetings in this capacity would also extend to the part of such meetings from which the press and public are excluded under Section 100A(4) of the Local Government Act 1972, insofar as the matters under consideration fall within or are relevant to the scope of the public responsibilities of NHS Barnet and/or the Chief Executive's own professional expertise. The Chief Executive of NHS Barnet will not be entitled to vote on any item of business or procedural issue being considered by the Cabinet or Cabinet Committee and will be asked to sign an appropriate confidentiality agreement in relation to information and discussions disclosed in the part of any meeting from which the press and public are excluded.

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APPENDIX A8

Article 9 – The Standards Committee

9.04 The Standards Committee will have the following roles and functions.

- (a) Promoting and maintaining high standards of conduct by councillors, faith and parent governor representatives and other co-opted members;
- (b) Assisting councillors and co-opted members to observe Barnet's Code of Conduct for Members; Deleted: the Local
- (c) Advising the Council on the adoption and revision of Barnet's Code of Conduct for Members; Deleted: the Local
- (d) Monitoring the operation of Barnet's Code of Conduct for Members; Deleted: the Local
- (e) Advising, training or arranging to train councillors and co-opted members on matters relating to Barnet's Code of Conduct for Members; Deleted: the Local
- (f) Considering and making recommendations to the Council, as necessary, on ethical issues affecting the Council as a whole;
- (g) Granting dispensations to councillors and co-opted members from requirements relating to interests set out in Barnet's Code of Conduct for Members. Deleted: the Local
- (h) Granting and supervising exemptions from political restriction in respect of any post by the current holder of that post;
- (i) Considering and giving direction to the Council on any requests that a post be politically restricted;
- (j) To be consulted by and respond to the Local Government Ombudsman if s/he believes that a complaint s/he is considering relates partly to a matter which may be of concern to the Committee;
- (k) To appoint a minimum of three Sub-Committees, each of no less than three persons and including at least two Independent Members, drawn from the Standards Committee to carry out any of the roles and functions set out in paragraphs [l] to [p] below.
- (l) To make an initial assessment of any written complaint received alleging breach of Barnet's Code Of Conduct by any councillor or co-opted member and to either refer the matter to the Monitoring Officer for investigation or other action, refer the allegation to Standards for England, if appropriate, or, to decide that no action should be taken in respect of the complaint; Deleted: the Local

- (m) If a decision is made under (l) above that no action should be taken, to take reasonable steps to give notice in writing of the decision and the reasons for this to the person who made the allegation and to the councillor or co-opted member who is the subject of the allegation;
- (n) To have the discretion where the subject of the allegation is no longer a councillor or co-opted member of the London Borough of Barnet but is of another relevant authority (as defined by the Local Government and Public Involvement in Health Act 2007) to refer the allegation to the monitoring officer of that authority;
- (o) To carry out a review of a decision that no action be taken in respect of an allegation in circumstances where the person who made the allegation has subsequently made a written request for a review of that decision within thirty days of the date of the notice of the original decision;
- (p) Following an investigation and receipt of a report by the Monitoring Officer or Officer appointed by the Monitoring Officer to carry out such investigation and prepare such report into an alleged breach of Barnet's Code of Conduct, to make a decision as to whether or not, on a balance of probabilities, there has been a breach of Barnet's Code of Conduct and, if there has been, to consider whether it is appropriate to impose a sanction and, if so, to decide upon a suitable sanction, or, alternatively, whether it is appropriate to refer the case to the Adjudication Panel for England if the sanctions available to the Standards Committee are deemed insufficient.

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- (q) monitoring the operation of the Register of Member's interests.
- (r) responding (through the Monitoring Officer) to consultations on proposed legislation and other matters within the remit of the Standards Committee and ethical governance.
- (s) monitoring and reviewing the Whistleblowing Policy and any other procedures or policies associated with ethical governance including the overseeing of the preparation of the Council's Ethical Governance Assessment;
- (t) submitting to the Council an Annual Report on the work of the Committee.

APPENDIX A9

Article 10 – Area Committees and Forums and Local Strategic Partnerships

10.02 Form, composition and function

(a) ~~The Council will appoint the area committees and forums. The details are set out in Part 3 of this Constitution (Responsibility for Functions).~~

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(b) **Delegations.** The Council and the executive will include details of the delegations to area committees in Part 3 of this Constitution, including the functions delegated showing which are the responsibility of the executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

Area environment sub-committees when considering a proposal for discharging an Executive function for a location that crosses their boundaries may take decisions to approve recommendations submitted to them. When such a proposal is to be considered the Democratic Services Manager shall make arrangements for a joint meeting of the sub-committees within whose areas the proposal falls. Voting at every such meeting shall be separate among the members of the different sub-committees. If any sub-committee fail to agree the recommendations then the whole proposal shall be submitted to the Cabinet for decision.

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Appendix A10

Article 12 – Chief Officers

12.01 Management Structure

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

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

Chief Executive

Deputy Chief Executive

~~Assistant Chief Executive~~

Director for Children’s Service

Director ~~for Adult Social Care and Health~~

Director of Corporate Governance

Director of Environment and Operations

Director of Planning, Housing and Regeneration

~~Director for Commercial Services~~

Deleted: Deputy Chief Executive¶

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Commercial Director

Deleted: Assistant Director(s) Finance¶

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The Director of Corporate Governance will have reserve powers to exercise all or any of the powers delegated to the ~~Assistant Director~~ - Legal or the Democratic Services Manager under the Constitution, together with the following statutory officer powers:

- Members' declarations of acceptance of office
- Members' notice of resignation
- Giving notice of casual vacancies
- Convening Council to fill Mayoral casual vacancy
- Signing summonses for council meetings and receiving notices as to Members' addresses for summonses
- Receiving notification of political groups for the calculation of political balance
- Returning Officer for election of parent governor representatives to Committee
- Deposit of documents
- Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.

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(c) Statutory Officers

The Council will designate the following posts as shown:

Post	Statutory Designation
Chief Executive	Head of Paid Service works with Members and Strategic Directors to deliver the council's themes.
Director of Corporate Governance	Monitoring Officer
Chief Finance Officer	Chief Finance Officer Section 151 Officer
Director of Children's Service	Director of Children's Services
Director for Adult Social Care and Health	Director for Adult Social Care and Health

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Such posts will have the functions described in Article 12.02-12.06 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of Head of Paid Service

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

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full council, or to the Executive in relation to an executive function,

if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct or appoint Officers or others to conduct investigations into allegations of breach of the Code of Conduct referred by the Standards Committee. Then s/he or they will make reports and recommendations in respect of such allegations to a Sub-Committee of/or the Standards Committee. S/he may also refer cases back to the Standards Committee under appropriate circumstances.
- (e) **Fulfilling Standards Board for England Requirements.** The Monitoring Officer will provide the Standards Board for England with the required periodic information on the allegations of misconduct received by the Standards Committee and the exercise of related functions.
- (f) **Reports from Ethical Standards Officers.** Where an investigation into an allegation of misconduct has been conducted by the Standards Board for England, the Monitoring Officer may inform councillors, co-opted members and/or officers as appropriate of the outcome of the investigation and furnish them with a copy of the report where this will help to promote high standards of conduct of councillors and co-opted members of the authority.
- (g) **Proper officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (h) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (i) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the council, in particular through the provision of legal advice and advice on probity and good administration.
- (j) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (k) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

References:

(Section 5), Local Government and Housing Act 1989

Sections 60, 64-66, Local Government Act 2000

Chapters 8 and 9, DETR Guidance

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

12.04 Functions of the Chief Finance Officer

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

12.05 Functions of the Director of Children's Services

- (a) The Council as a children's services authority is required by the Children Act 2004 to appoint an officer to be known as the Director of Children's Services.
- (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.

12.06 Functions of the Director for Adult Social Care and Health

- (a) The Director for Adult Social Care and Health will fulfil the role of the Director for Adult Social Services as required by the Local Authority Social Services Act 1970, as amended by the Children Act 2004

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- (b) The Director of Adult Social Services 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.

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

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

12.08 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.09 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

APPENDIX A11

Article 16 – Suspension, Interpretation and publication of the Constitution

16.03 Publication

- (a) The Democratic Services Manager will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Democratic Services Manager will ensure that copies are available for inspection at council offices.

Deleted: , libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Deleted: (c) . The Democratic Services Manager will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.¶

Appendix A12

Responsibility for Functions

1. ALLOCATION OF LOCAL CHOICE FUNCTIONS

Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the local choice functions that can be allocated to the Executive or to the Council or to Council Committees. The following table shows which body is responsible for each of these. The bodies are described in the table in section 2.

Function	Decision making body
1. Any function under a Local Act.	1. The Executive
2. Determining an appeal against any decision made by or on behalf of the authority where there is a right of appeal to a Council Committee. (This excludes matters where statutory arrangements exist).	2. Appeals Committee
3. The appointment of housing benefit review boards.	<i>This is no longer a function of the local authority</i>
4-6. Making arrangements for appeals against exclusion of pupils, school admission and appeals by governing bodies.	4-6. The Council but delegated to the Democratic Services Manager.
7-8. Do not apply.	
9. Conducting best value reviews.	9. The Executive has the legal duty, which it will discharge through the approval of an action plan. The Resources, Performance and Partnerships Overview and Scrutiny Committee will oversee a review and evaluate and analyse the findings.
10-15. Any function relating to contaminated land and statutory nuisances.	10-15 Planning and Environment Committee with delegation to Area Committees and Officers.

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Function	Decision making body
16. & Planning and other information 17. Notices.	16. & Planning and Environment 17. Committee, with delegation to Area Committees and Officers, except in so far as the notice relates to an executive function.
18. Highways agreements.	18. Planning and Environment Committee, with delegation to Area Committees and Officers, except in so far as the agreement relates to an executive function.
19. Appointments.	19. The Council, with delegation to the General Functions Committee.

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APPENDIX A13

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations sets out the Council functions that are not allocated to the Executive. The following table sets out the body responsible for these.

Many decisions are taken by Officers or Sub-Committees under delegated powers. Delegation to Officers is set out in section 6 below. The division of responsibility between Planning and Environment Committee and the Area Committees is also set out below.

Body responsible	Functions	Membership
Council	Council can discharge all non-executive functions but most are delegated to committees or officers.	All members of the Council.
Council acting as the Licensing Authority	Agreeing and reviewing the Statement of Licensing Policy.	All Members of the Council
Licensing Committee	All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee. Agreeing increases to fees and charges for licence applications under the Gambling Act 2005.	10 Non-executive Councillors, based on overall political proportionality of the Council.
Licensing Sub-Committee	All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee.	The Licensing Committee will agree the membership of six Sub-Committees based on the following principles: Each Committee will have three members in total and one of these will be Chairman. Each of the three Chairmen will chair two of the six Sub-Committees.

Body responsible	Functions	Membership
		<p>Each of the Chairmen will substitute for each other and each of the other 12 'ordinary' members will substitute for the other two Members.</p> <p>The Democratic Services Manager will arrange suitable hearing times.</p>

APPENDIX A14

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

<p>Area Planning Sub-Committees (3)</p>	<p>Determine planning applications within the boundaries of their areas, in accordance with Council policy and within budget, that relate to town and country planning and development control, including tree and hedgerow protection</p> <p>[For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country Planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.]</p> <p>This excludes the functions reserved to the Planning and Environment Committee</p> <p>If in cases where the Council has a minor interest in developments where a decision is required by a Committee, the Assistant Director for Planning, Housing and Regeneration will refer the matter to the appropriate Area Planning Committee.</p> <p><i>(Explanatory note –</i></p> <p>A. consideration of planning applications by Area Planning Sub-Committees:</p> <p>The work of the Area Planning Sub-Committees consists mostly of determining applications for planning applications. Delays in determining applications will jeopardise the Council's ability to meet national performance criteria and impact adversely on the interests of applicants and affected residents.</p>	<p>1 councillor for each ward in the area, with a substitute member for each ward.</p>
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One cause of such delays is the deferral by sub-committees of planning applications for further information or for members to undertake site visits. To minimise this there is a general presumption that:

- Chairmen of Area Planning Sub-Committees should arrange for site visits to be made in advance of the Sub-Committee meeting, particularly where the proposals appear to be contentious or they are of major importance to the area;
- Sub-Committee members who have queries on applications will raise them either at the site visit, or, in any event, as soon as possible before the meeting at which they will be considered).

B. In so far as developments where the Council has minor interests in the development, these matters will normally be dealt with by the Assistant Director of Planning, Housing and Regeneration, and delegated powers, unless it proves necessary to refer them to Committee , and are:

- Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc.
- Minor extensions or ancillary building proposals less than 1000 sq m to buildings or property, including minor school extensions, housing estate, ancillary buildings, community services, etc.

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- Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc.
- Minor extensions or ancillary building proposals less than 1000 sq m to buildings or property, including minor school extensions, housing estate, ancillary buildings, community services, etc.
- Any 'other' or 'minor' developments as defined by the ODPM in PS1/PS2 Planning statistical categories of developments, for example 9 or less dwellings, advertisements, Listed Building and Conservation Area consents.)

APPENDIX A15

RESPONSIBILITY FOR COUNCIL FUNCTIONS Area Environment Sub-Committees

3.10 Area Environment Sub-Committees as well as discharging Council functions (see Part 3, Section 2 – Responsibility for Council Functions) perform functions that are the responsibility of the Executive as set out below.

Explanatory note – Area Environment Sub-Committees

The functions of the Area Environment Sub-Committees do not extend to review of policy or procedural matters, eg the method of assessment of roads for possible traffic management measures. Should the Sub-Committee wish procedures to be changed or reviewed it can put forward a request to the appropriate Cabinet Member to consider this.

Body responsible	Functions
Area Environment Sub-Committees	<p><u>To discharge the Council's functions, within the boundaries of their areas, in accordance with Council policy and within budget, apart from matters of significance to the whole borough or crossing sub-committee boundaries that relate to:</u></p> <ul style="list-style-type: none"> • <u>Highways use and regulation</u> <p><i>(Explanatory note:</i></p> <p><i>The Council's highways functions are limited to:</i></p> <ul style="list-style-type: none"> • <u>creating, stopping up and diverting footpaths and bridleways</u> • <u>asserting and protecting public rights to use highways</u> • <u>removing things deposited on highways which cause nuisance</u> <p><i>All other highway functions are Executive functions).</i></p> <ul style="list-style-type: none"> • <u>Contaminated land and control of pollution and all statutory nuisances</u> • <u>Management of air quality</u> <p><u>Gaming, entertainment, food and miscellaneous licensing (but not hearing individual appeals or applications which are the responsibility of the Licensing Committee, the Licensing Sub-Committee or the Appeals Committee)</u></p>

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Highways use and regulation not the responsibility of the Council ¶

(Explanatory note: The Council's highways functions are limited to:¶

- creating, stopping up and diverting footpaths and bridleways¶

- asserting and protecting public rights to use highways¶

- removing things deposited on highways which cause nuisance.¶

All other highways functions are the responsibility of the Executive).¶

¶ Town centre regeneration and management, including the operation of council markets¶

Private sewers, drains, public conveniences, land drainage and water courses¶

Refuse collection, cleansing, litter, waste and recycling¶

Day-to-day promotion, management and development of:¶ parks, open spaces, allotments, recreation and leisure facilities;¶ libraries, museums, arts and tourism facilities.¶

... [2]

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APPENDIX A16

Responsibility for Functions

6. POWERS DELEGATED TO OFFICERS

Specific Powers

6.6 In addition, in consultation with the Cabinet member concerned:

- The Chief Executive or Deputy Chief Executive has the power to agree virements up to £100,000 between Budget Heads, and
- Directors and Heads of Service, have the power to agree virements up to £100,000 within a budget head.

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6.7 The Chief Finance Officer has the powers set out in the Financial Standing Orders and in particular:

- To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Chief Finance Officer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified. In all circumstances the expenditure must be consistent with performance management plans.
- To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments.
- Subject to details being incorporated in the next available budget a report being submitted to Resources Cabinet Committee on the action taken, to write off individual debt amounts of up to and including £5,000 (including cancellations of penalty charge notices or any other sums due to the Council), in consultation with the Assistant Director-Legal.

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6.8 The following Officers also have the powers indicated:

- the Chief Finance Officer to have responsibilities as set out in Pension Fund Governance Compliance Statement.
- the Director of Planning, Housing and Regeneration, in consultation with the Cabinet Member for Resources to make decisions about:
 - Entering into new leases with a consideration between £25,000 and £50,000 per annum where the council is granting the lease at best consideration in accordance with the Local Government Act 1972.
 - Acquisitions of land whether freehold or leasehold where the cost of the interest being acquired is between £20,000 and £30,000 per annum or as a one off consideration
- The Deputy Chief Executive, (Chief Finance Officer) and Assistant Director-Legal to make decisions about:

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- Occupational and works Licences
- Easements
- Rent Reviews and Licences to Assign.
- Lease renewals where this represents best consideration in accordance with the Local Government Act 1972.
- Entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration in accordance with the Local Government Act 1972, where the Council is granting the lease.
- Acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration
- To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land (see all Disposal of land and real property rules)

Explanatory Note – other disposals

All disposals of freehold interests and leases where a capital premium is obtained for the interest will be agreed by Cabinet Resources Committee.

- 6.9 The Director of Children’s Services shall have powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in child protection and care cases and the Director of Adult Social Services shall have powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in adult protection and care cases.

APPENDIX A17

Section 1 – The Council

Rules that apply to Part 3 of the meeting

31. Individual Members' motions for the agenda - Part 3 of the meeting

Individual member's motions - explanatory Note

These are in effect the method members may use to put items on the agenda for Council meetings for discussion.

Motions should be phrased to take account of the separate functions of the council and the Cabinet. Motions on Council functions, for example, may seek approval to a course of action or instruct council committees or officers to take action. Motions on Executive functions should invite the Cabinet to consider a matter identified in the motion

31.1 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 member must give written notice to the Democratic Services Manager at least six clear working days before the meeting. Any motion delivered after 4pm will be recorded as received on the next working day. The motion must be signed by the member or sent by email by the Member or his/her group's political assistant of Group Secretary.

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31.2 The Democratic Services Manager shall keep a record of the date the notice was received and any member of the Council may inspect the record.

31.3 The Democratic Services Manager shall set out in the summons for the meeting all motions in order of receipt.

31.4 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.

31.5 If the member's motion is not dealt with by the end of the meeting, it will be referred to the Cabinet or an 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).

31.6 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 Cabinet or an appropriate council committee. The member must sign the motion and deliver it to the Democratic Services Manager by hand, post, fax or e-mail.

APPENDIX A18

Section 3 Panels & Consultative Bodies

CONSTITUTION OF THE CORPORATE JOINT NEGOTIATION AND CONSULTATION COMMITTEE

1. Title

1.1 The Committee shall be called the Corporate Joint Negotiation and Consultative Committee.

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APPENDIX A19

Part 4 – Access to Information

14.2 Contents of forward plan

The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 14 days before the start of the period covered. The Cabinet Forward Plan is published monthly on the Council's website stating:

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- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices, and made available on the Council's website;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public on deposit in hard copy at Barnet House and Hendon Library and will be included as a regular feature in Barnet First, and on the Council's website.

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Exempt information need not be included in a forward plan and confidential information cannot be included.

APPENDIX A20

Executive Procedure Rules

1.2 Delegation by the Leader

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will include the name and ward of the person appointed as the executive deputy leader and contain the following information about executive functions in relation to the coming year:

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- (i) the names and wards of the people appointed to the executive;
- (ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

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APPENDIX A21

Financial Regulations

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1 Introduction

Financial Regulations govern the way the Council undertakes financial forward planning, annual budget setting, budget monitoring and closing of the accounts – setting out the responsibilities of Council, Cabinet (and Cabinet Committees), the Chief Finance Officer (Deputy Chief Executive), Corporate Directors, Heads of Service and Managers. These aspects are set out in Part 1 (Financial Management).

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Financial Regulations also govern the way day to day financial administration is conducted and financial controls are exercised. These aspects are set out in Part 2 (Financial Administration).

Financial Regulations are supported by other elements of the Council Constitution, in particular:-

- Scheme of Delegation
- Budget & Policy Framework Procedure Rules
- Contract Procedure Rules
- Management of Real Estate, Property and Land

2 Status of Financial Regulations

Financial regulations apply to every member and officer of the authority and anyone acting on its behalf. All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.

The regulations identify the financial responsibilities of the Full Council, Executive and Scrutiny Committee members, the Chief Executive, the Monitoring Officer, the Chief Finance Officer and other Corporate Directors.

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The responsibilities of the Chief Finance Officer are discharged by the Deputy Chief Executive. Thus this post is responsible for the proper administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972 (and all subsequent amendments). This includes responsibility for producing and updating these Financial Regulations.

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The Regulations shall not override any statutory provisions that apply.

Each Corporate Director is responsible for ensuring that these Regulations are strictly adhered to, throughout the department under their control.

Where applicable consultants or agencies acting for the Council will be bound by these procedures and it should be a condition of their employment or engagement that they do so.

Substantial breaches of Financial Regulations shall be reported to the Deputy Chief Executive by the relevant Corporate Director and may be treated as disciplinary offences. Where the Deputy Chief Executive considers it appropriate he/she will report to the next meeting of the Audit Committee any substantial breach of these Regulations that is identified.

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

The Deputy Chief Executive, as Chief Finance Officer, shall be responsible for ensuring the Council's continuing compliance with the Accounts and Audit Regulations 2003 and 2006 and all relevant Accounting Codes of Practice and Auditing Standards.

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No report having financial implications shall be submitted to Members without adequately timed prior consultation with the Deputy Chief Executive and/or officers delegated to undertake such functions by him/her.

These procedures shall be reviewed regularly by the Deputy Chief Executive but at least every 3 years. The Constitutional Committee should approve all amendments and summaries of changes resulting from reviews of codes of best practice, procedures or explanatory notes. Relevant financial thresholds (e.g. write-offs, petty cash payments) should additionally be reviewed against inflation on an annual basis wherever possible.

The Deputy Chief Executive is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to full Council for approval. The Deputy Chief Executive is also responsible for reporting, where appropriate, breaches of Financial Regulations to the Council and/or to the Executive.

Corporate Directors are responsible for ensuring that all staff in their departments are made aware of the existence and content of the authority's Financial Regulations and other internal regulatory documents, and that they comply with them. They must also ensure that either hard or electronic copies are available for reference within their departments.

The Deputy Chief Executive is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the authority are required to follow.

3 RESPONSIBILITIES

Section 151 of the Local Government Act 1972 states that each local authority “shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs”.

The “arrangements” include the Council’s Financial Regulations, Contract Procedure Rules and the Scheme of Delegation (so far as it relates to financial matters). In approving those arrangements, Members are bound by the general principles of administrative law. The Council’s appointed officer under Section 151 is the Deputy Chief Executive. In performing his/her functions as the appointed officer, he/she shall seek to ensure that the management of the Council’s financial affairs accord with the arrangements approved by Council subject to his overarching statutory duties including those referred to at paragraphs 2.5.7-10 below. The Section 151 officer owes a fiduciary duty to the public to carry out those duties effectively and these cannot be overridden by the Council.

Financial management covers all financial accountabilities in relation to the running of the authority, including the budget and policy framework.

The Full Council

The full Council is responsible for adopting the authority’s constitution and members’ code of conduct and for approving the budget and policy framework within which the Executive operates.

Executive

The Executive is responsible for the regulation and control of the finances of the Council. The Executive shall submit recommendations to the Full Council for the levying of general or special rates or taxes, or for the approval of annual estimates.

The Executive is responsible for the approval of draft estimates for submission to the Full Council. It is also responsible for monitoring financial performance throughout the year.

The Executive discharges its responsibilities in relation to finance through Cabinet and the Cabinet Resources Committee. Throughout the year Cabinet Resources Committee receive reports which allow progress against approved budgets to be scrutinised. All members should receive appropriate training in the areas of Financial Strategy, Local Government Finance and key specialist areas such as Treasury and Risk Management.

Committees

Overview and Scrutiny committees have the remit to scrutinise any aspect of the finances of the Council. They monitor the decisions of the Executive and can challenge or ‘call-in’ a decision that has been made by the Executive.

The Special Committee (Constitutional Review) is responsible for reviewing the Council's constitution and related regulations, codes of conduct and other guidance including the Financial Regulations.

The Audit Committee is responsible for providing independent assurance of the risk management framework and the associated internal control environment, independent scrutiny of 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. It has a specific responsibility to maintain an overview of the Council's constitution in respect of contract procedure rules and Financial Regulations.

The Statutory Officers

Chief Executive:

The Chief Executive is responsible for the corporate and overall strategic management of the Authority as a whole. He or she must report to and provide information for the Executive, the full Council, the Overview and Scrutiny committees and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the Authority.

The Director of Corporate Governance as the Monitoring Officer:

The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively. The Monitoring Officer is responsible for compliance with the Constitution

The Monitoring Officer is responsible for advising all members and officers about who has authority to take a particular decision.

The Monitoring Officer is responsible for advising the Executive and/or full Council about whether a decision is likely to be considered contrary to, or not wholly in accordance with, the Authority's budget and policy framework.

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The Deputy Chief Executive, as Chief Finance Officer, is responsible for:

- The proper administration of the Authority's financial affairs.
- Setting and monitoring compliance with financial management standards.
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Providing financial information.
- Preparing the revenue budget and capital programme.
- Treasury management and banking.

For the remainder of these Regulations, the term 'Chief Finance Officer' will be used in relation to the Deputy Chief Executive's specific responsibilities in relation to finance

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Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council, Executive and external auditor, if the Authority or one of its officers:

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- Has made, or is about to make, a decision which involves incurring unlawful expenditure.
- Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority.
- Is about to make an unlawful entry in the Authority's accounts.

Section 114 of the 1988 Act also requires:

- The Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- The Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under section 114.

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The Chartered Institute of Public Finance and Accountancy has issued a statement on the role of the Chief Finance Officer in Local Government [nb yet to be issued in final form as at 22 Feb]. CIPFA's statement says that the CFO is:

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'the most senior finance professional within a local Authority, and 'is a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest; must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the organisation's financial strategy; and must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively'

Other Council Officers

Chief Internal Auditor (for the purpose of these regulations, this title refers to the officer responsible for delivering an internal audit service in accordance with the CIPFA Code)

The Chief Internal Auditor is responsible for providing an internal audit function which meets the requirements of CIPFA's Code of Practice for Internal Audit in Local Government and providing an opinion, in support of the Annual Governance Statement, on how the Council's risk management processes identify, evaluate, monitor and report that controls are operating effectively within the Council. The Chief Internal Auditor helps the Chief Finance Officer discharge his/her responsibilities under section 151.

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Irrespective of the organisational position of internal audit, this officer should have the right to report on matters concerning internal audit and internal control directly to the Chief Executive and the Audit Committee.

Corporate Directors

Corporate Directors are responsible for ensuring that members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.

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It is the responsibility of Corporate Directors to consult with the Chief Finance Officer and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.

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Each Corporate Director is responsible for observing the Council's Financial Regulations and for monitoring financial performance within their department.

Each Corporate Director is responsible for ensuring that any expenditure incurred within their service is in accordance with both the purpose and objectives of the services being provided and provides value for money. Expenditure must not be incurred or charged to any budget where such expenditure bears no relation to the service being provided.

Each Corporate Director is required to maintain a scheme of financial delegation in accordance with the minimum standards as determined by the Chief Finance Officer as Section 151 Officer or Nominated Deputy, and which accords to the financial limits included within the overall scheme of delegation and contract rules.

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Each Corporate Director is responsible for the control and accountability of employees and the security, custody and control of all of the resources, including plant, buildings, materials, cash and stores, appertaining to his/her department

Each Corporate Director, or failing them, the Chief Finance Officer, shall report to Cabinet immediately where they are not complying with these Rules.

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Council Corporate Directors Group

The Chief Executive and Corporate Directors who form the Council Corporate Directors Group, chaired by the Chief Executive, are responsible, individually and collectively, for ensuring that efficiency and value and value for money are achieved across the Council, in service delivery, internal processes and systems of control, procurement of goods/services and the use of assets.

As budget holders they are responsible for the budgets delegated to deliver the services within their Directorate in line with the priorities of the Council. Whilst they may delegate this responsibility within their Directorate they remain accountable in exercising overall financial control.

Heads of Service

Heads of Service are individually responsible for ensuring that the services within their remit are delivered in line with the agreed policy, and support the strategic direction of the Council. As Budget Holders they are responsible for the budgets delegated to them to deliver their service in line with the priorities within the Corporate Plan.

Heads of Finance/Finance Managers/Senior Management Accountants

The Heads of Finance advise Corporate Directors and their management teams on all financial matters. They are supported in this role by the finance managers and accountants, who are responsible for the preparation of budget reports and the provision of specialist advice and general guidance on financial systems, including rules and procedures

However responsibility for budgetary control lies with the Corporate Directors as delegated budget holders, their Heads of Service and Service Managers.

PART 1 – FINANCIAL MANAGEMENT

Contents

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| 1 | Medium Term Financial Strategy |
| 2 | Financial Forward Planning |
| 3 | Annual Budget Setting |
| 4 | Budget Management & Monitoring <ul style="list-style-type: none">• Latest Approved Budget• Budget Monitoring• Central Contingency• Reporting to Members• Authorisation of Non-Budgeted Expenditure |
| 5 | Further Responsibilities of Corporate Directors and Heads of Service <ul style="list-style-type: none">• Budget Monitoring• External Funding• Full Year Effects• Impact on Other Services• Partnership Working• General Requirements |
| 6 | Closing of Accounts & Statement of Accounts |
| 7 | Treasury Management Framework |
| 8 | Pension Fund Management |

1 MEDIUM TERM FINANCIAL STRATEGY

The Council's Constitution sets out how decisions are made including setting the Council Budget. Whilst the Council Budget sets out what those decisions are, the Medium Term Financial Strategy determines the underlying principles behind them and is key in driving the delivery of the Corporate Plan.

The Financial Forward Plan sits beneath the Medium Term Financial Strategy indicating future years' budgets and council tax levels. Those indications are based on the current available information and provides the starting point for the following year's budget.

1.1 The Medium Term Financial Strategy, approved by Cabinet, sets out the Executive's approach on a range of issues, including:-

- the way in which corporate service priorities are considered as part of the Council's capital and revenue budget processes;
- the level of balances and reserves (having taken account of advice from the Chief Finance Officer);
- the approach to bidding for external funding;
- the setting of fees and charges;
- the management of financial risks;
- the recovery of debt.

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The guiding principles for the Medium Term Financial Strategy are set out in a separate document.

1.2 The Medium Term Financial Strategy will normally be approved by Cabinet at the start of each four year municipal term, and be updated annually or sooner if there is a need to respond to significant changes in resource and/or expenditure assumptions.

2 FINANCIAL FORWARD PLANNING

2.1 The Chief Finance Officer, in consultation with the Cabinet Member with responsibility for Resources, will maintain a Financial Forward Plan that covers a period of at least four financial years, including the current financial year.

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2.2 The Financial Forward Plan will be produced in line with the Medium Term Financial Strategy and reported in conjunction with the annual budget, council tax and rent proposals to Cabinet and Council before 11 March of the preceding financial year. Further updates on the Financial Forward Plan may be reported during the year.

2.3 The Financial Forward Plan will cover revenue and capital budgets, and will highlight how resources are being re-directed to address Corporate Plan priorities.

2.4 In respect to resources, the Financial Forward Plan will take account of the following:-

- forecasts of formula and specific grants;
- increases in fees and charges, and the introduction of new charges;
- interest earnings;
- levels of reserves and balances;
- increased income from rents and council tax;
- capital receipts and grants.

- 2.5 In respect to expenditure, the Financial Forward Plan will take account of the following:-
- full year effects of previous decisions;
 - changes in responsibility arising from new or amended legislation or regulations, net of increased income from new fees and charges;
 - re-direction of resources to achieving Corporate Plan priorities and targets and away from non priority areas;
 - forecast changes in service demand;
 - forecasts of inflation, pay awards and interest rates;
 - efficiency savings;
 - planned service reductions;
 - prudential borrowing;
 - financial risks.

2.6 In that the Financial Forward Plan has a four year horizon it is to be expected that figures in later years will often be preliminary estimates and/or aspirations of future decisions and changes in council policy.

3 ANNUAL BUDGET SETTING

3.1 The Executive will publish a draft budget and performance management plans for consultation, usually after the Provisional Local Government Finance Settlement has been announced. Arrangements for budget consultation will be determined by the Executive.

3.2 The Chief Finance Officer will set the council taxbase for tax-setting purposes before 31 January of the preceding financial year, and notify precepting and levying bodies of this figure by this date. The Chief Finance Officer will, at the same time, notify all Council Members.

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3.3 The Executive will finalise its recommendations to Council on the revenue budget, council tax, capital programme and rent levels taking account of the results of budget consultation. This will normally be in February, following announcement of the Final Local Government Finance Settlement.

3.4 The Executive's recommendations to Council must be made in time for Council to set the capital and revenue budget and council tax before 11 March of the preceding financial year.

3.5 The budget and capital programme that the Executive recommends to Council must be based on reasonable estimates of expenditure and income, and take account of:-

- outturn forecasts for the current year;
- guidance from the Chief Finance Officer on the appropriate level of reserves, balances and contingencies;
- financial risks associated with proposed budget developments, reductions and ongoing projects;
- forecasts of capital receipts;
- affordability of prudential borrowing over the period of the council's financial forward plan;
- recommendations from the external auditor on matters such as the level of reserves and provisions.

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- 3.6 The budget recommended by the Executive will incorporate the latest projection of income from fees and charges.
- 3.7 Corporate Directors and Heads of Service may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.
- 3.8 Cabinet Resources Committee must approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

Alternative Budget Motions

- 3.9 Alternative budget motions must be validated by the Chief Finance Officer before they are accepted as a valid budget motion. This is essential since if an alternative budget motion is approved, the Chief Finance Officer will need to amend the council tax bills immediately following the Council meeting and Cabinet and officers will be required to implement the detailed budget proposals.
- 3.10 The alternative budget motion must set out the appropriate changes to Cabinet's recommendations as they affect the budget for the forthcoming year and any element of the Financial Forward Plan (e.g. balances, full year effects, council tax levels). The Chief Finance Officer may also require further information to be included if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.
- 3.11 Any Member proposing to put an alternative budget motion to Council is responsible for ensuring it is received by the Democratic Services Manager in line with the deadline set out in Part 4, Section 1 of the Constitution. It is also their responsibility to ensure they give the Chief Finance Officer sufficient time to fully validate their alternative budget proposals.

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Definition of Capital Expenditure

- 3.12 Section 16 of the Local Government Act 2003 and Regulation 25 of the Local

Authorities (Capital Finance and Accounting)(England) Regulations 2003, provide a definition of capital expenditure.

- 3.13 Capital expenditure is principally in respect of acquiring, constructing or enhancing physical assets (including buildings, land and immovable equipment) which provide benefit over several years. In this instance, enhancement relates to works which are intended to lengthen the useful life of an asset, increase the open market value of the asset or substantially increase the extent to which an asset can be used in the delivery of services. Capital is also defined more widely for example expenditure on computer software and on the making of loans or grants for capital expenditure by another body.

4 BUDGET MANAGEMENT & MONITORING

Latest Approved Budget

- 4.1 The latest approved budget for a service or capital project is the budget determined by Council prior to the start of the year, as amended subsequently by approved variations throughout the year in accordance with the “Scheme of Virement”.

- 4.2 The Chief Finance Officer is responsible for maintaining the latest approved budget.

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- 4.3 It is envisaged that the Scheme of Virement for revenue and capital budgets will be determined by the Leader as part of the scheme of delegation. If this is not done, the Chief Finance Officer must determine a scheme in consultation with the Cabinet Member for Resources.

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Budget Monitoring – General

- 4.4 Corporate Directors and Heads of Service should ensure that their cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision. Corporate Directors and Heads of Service have no authority to overspend revenue or capital budgets, or under-recover income budgets under their control, and are responsible for monitoring their budgets to ensure this situation does not arise.

- 4.5 Corporate Directors and Heads of Service are required to notify the Chief Finance Officer of all underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the Director or Head of Service is responsible for notifying the Chief Finance Officer that this is to occur.

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- 4.6 Corporate Directors and Heads of Service must notify the Chief Finance Officer of forecast revenue budget or capital project overspends regardless of whether

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offsetting savings or additional income or capital resources have been identified. The following statement from the Council's Medium Term Financial Strategy also applies in these Financial Regulations;

'The Council has to ensure that the management disciplines it operates are regularly reviewed and are robust in ensuring that budget managers adhere to the Council's Constitution. The treatment of overspends has been reviewed and the ongoing ability for General Fund balances to be used to meet overspends is not sustainable going forward. Formula grant funding is likely to be reduced going forward, and the management behaviour of overspending will not be sustainable. In order to protect balances and ensure the authority has a sound financial position overspends be clawed back from the relevant Directorate budgets in the following year, and if the position is not corrected during the following year the overspend be clawed back in the subsequent year.'

Should budget managers adhere to budget management disciplines then it may be possible to review the position regarding the treatment of underspends in subsequent years, and specifically to identify a possible process for sharing underspends to provide incentives for budget control'.

This statement reinforces but does not replace the regulations set out in this document.

Budget Monitoring – Revenue

4.7 Having notified the Chief Finance Officer of a forecast revenue budget overspend, the Director or Head of Service must submit proposals to the Chief Finance Officer for offsetting the forecast overspend, together with an assessment of the impact these corrective actions will have on service delivery and performance targets. Approval to these budget variations will be in line with the Scheme of Virement (see Appendix A).

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4.8 When notifying the Chief Finance Officer of such a situation, Corporate Directors and Heads of Service must advise if the problem relates solely to the current financial year or needs to be addressed within the financial forward plan as well.

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4.9 Some services or projects within the Council's budget and capital programme may be wholly or part funded by time-limited external funding. As soon as the possibility of expenditure slipping past the funding deadline is forecast, the cost centre / project manager must notify the Chief Finance Officer immediately, and provide options for reducing expenditure and/or identifying alternative funding. It will not usually be the case that loss of external funding arising from expenditure slipping will be met from central resources.

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Budget Monitoring – Capital

4.10 Forecast overspends on approved capital projects must be communicated to the Chief Finance Officer immediately

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4.11 Having notified the Chief Finance Officer, the Director or Head of Service must submit options to the Chief Finance Officer for offsetting the forecast overspend (e.g. by reducing the project specification, or budget for other projects) and/or identifying additional funding.

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4.12 Due to the uncertainty around the generation and timing of capital receipts, and the impact that delays could have on the level of prudential borrowing, project managers must obtain the prior approval of the Chief Finance Officer before entering into any individual capital commitment on an approved capital project over £500,000.

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Central Contingency

4.13 The Chief Finance Officer will determine which budget developments are to be held within the central contingency.

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4.14 Allocations from the central contingency relating to planned developments will be approved by the Chief Finance Officer, in consultation with the Cabinet Member for Resources, following the receipt from a Director or Head of Service of a fully costed proposal to incur expenditure that is in line with planned development (including full year effect). Where there is a significant increase in the full year effect, the contingency allocation must be approved by Cabinet Resources Committee.

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4.15 Allocations from the central contingency for unplanned expenditure up to £250,000, including proposals to utilise underspends previously generated within the service and returned to central contingency, will be approved by the Chief Finance Officer in consultation with the Cabinet Member with responsibility for Resources. Where there are competing bids for use of underspends, additional income or windfalls previously returned to central contingency, priority will be given to the service(s) that generated that return.

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4.16 Allocations for unplanned expenditure over £250,000 must be approved by Cabinet Resources Committee.

4.17 Reporting to Members

The Chief Finance Officer will report in detail to Cabinet Resources Committee at least four times a year on the revenue and capital budgets and wider financial standing in addition to two summary reports at the beginning and end of the financial year.

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4.18 Reports on the revenue budget will normally include:-

- (a) a revised forecast outturn including details as part of which, Corporate Directors will inform Cabinet Resources Committee:
 - i) of those cost centres for which they are responsible that are projecting net overspends or underspends either:
 - a) over £100,000 or

- b) over £50,000 where the cost centre's gross budget is less than £1m, and
- ii) of the actions proposed to ensure that these overspends or underspends are not realised.

(b) advice from the Chief Finance Officer on whether action is required to address any diminution in reserves and, if necessary, proposals and/or options for action that needs to be taken.

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4.19 These reports will make recommendations for varying the approved budget (revenue and capital) in the following circumstances:-

- allocations from the central contingency for unplanned expenditure over £250,000, or for planned expenditure where there are significant full year effects;
- underspends and windfall benefits returned to the centre;
- increases in service revenue budgets where overspends are considered unavoidable and cannot be contained within the overall budget managed by a Director or Head of Service;
- variations in capital project budgets;
- additions to the capital programme outside of the main budget cycle.

Authorisation of Non-Budgeted Expenditure

4.20 In cases of urgency or emergency, the Chief Executive may approve revenue or capital expenditure in excess of the latest approved budget.

4.21 The Chief Finance Officer may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:-

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- the expenditure is wholly reimbursable to the Council; or
 - compensatory savings have been identified;
- and
- there are no significant full year effects.

In all circumstances, the expenditure must be consistent with the Corporate Plan and key priority plans and should be reported to the next Cabinet meeting.

5 FURTHER RESPONSIBILITIES OF CORPORATE DIRECTORS AND HEADS OF SERVICE

Budget Monitoring

5.1 Corporate Directors and Heads of Service must establish arrangements for managing revenue and capital budgets within their services. These arrangements must include:-

- schemes of delegation, which set out the authority that cost centre managers and capital project managers have for taking budget decisions within the scheme of virement;
- a budget monitoring framework that reports back to service management teams, enabling Corporate Directors and Heads of Service to provide the Chief Finance Officer with a report on their revenue and capital budgets in accordance with the timetable he/she sets;
- details of who has authority to take decisions in respect to their service's budget in their absence.

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External Funding

5.2 Corporate Directors, in consultation with the Chief Finance Officer, are encouraged to explore all feasible options that maximise external funding available to the Council. External funding covers bids to Government and other organisations that are offering funding for projects that meet certain criteria. It also covers contributions being sought from participating organisations and individuals, from either public or private sources. This may include lobbying Government with new funding proposals.

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5.3 Corporate Directors and Heads of Service must provide the Chief Finance Officer with details of all bids for external funding. Bids will follow the requirements of the Council's investment appraisal process. In particular, the following information must be provided:-

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- how the bid supports achievement of Corporate Plan targets;
- whether the bid is for capital and/or revenue funding;
- revenue and capital matched funding contributions required from the Council, and how these will be identified;
- revenue and capital matched funding contributions required from other organisations and individuals, how these amounts will be secured, and the risks associated with them;
- an 'exit strategy', which sets out how budgets will be adjusted after the grant expires;
- where the bid is for revenue funding:-
 - whether this is to support existing levels of activity or enhanced / new activities;
 - proposals for reducing the activity OR incorporating it in the base budget once the external funding is exhausted;

- where the bid is for capital funding :-
 - whether an asset will be created, and if so, how this fits in with the Council's Asset Management Strategy;
 - how the ongoing cost of maintaining the asset will be funded;
 - whether the asset can / will be disposed of at a later date.

5.4 Corporate Directors and Heads of Service must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed, unless approval has been given by the Chief Finance Officer. Decisions to proceed ahead of confirming external funding will be taken after assessing all relevant risks. The Chief Finance Officer has the right to refer the decision to the Cabinet Resources Committee or Cabinet Member for Resources.

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5.5 Corporate Directors and Heads of Service must advise the Chief Finance Officer of all grant and subsidy notifications as soon as they are received. Where the amount notified is greater than the budget, the excess will be deemed a windfall and should in the first instance be returned to the central contingency unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where the amount notified is less than the budget, the Director or Head of Service must notify the Chief Finance Officer of options for containing any potential overspend.

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5.6 Where external funding is applied for, it is the responsibility of the Director or Head of Service to ensure that the monies are received from the paying body and, wherever possible, received ahead of the planned expenditure being incurred by the council.

5.7 Corporate Directors and Heads of Service must ensure that all conditions associated with external funding are met and that information and evidence required to complete grant and subsidy claims are provided on time.

Full Year Effects

5.8 In preparing any estimates of expenditure and income, Corporate Directors and Heads of Service must give proper consideration to full year effects.

Control of Establishment Lists

5.9 Corporate Directors and Heads of Service are responsible for making arrangements to ensure control of the service HR Establishment list. In particular to ensure that proper controls are in place to ensure that the service HR structure is fully and accurately maintained in the Council's financial accounting system (SAP) and that a system of control is in place to ensure that no new posts are created without adequate resources being in place.

Impact on Other Services

- 5.10 Before a Director or Head of Service makes a decision that could affect the budget of another Director or Head of Service they must first consult with the other Director(s) or Head(s) of Service.

Annual Governance Statement

- 5.11 Corporate Directors and Heads of Service must support the work on corporate risk management led by the Director of Corporate Governance, contributing to the production of the Annual Governance Statement that has to be published alongside the Statement of Accounts.

Partnership Working

- 5.12 Before entering into a partnership with another organisation that involves pooling some of the Council's revenue and/or capital budgets, the Director or Head of Service must ensure that adequate financial controls are in place. A financial risk assessment must also be prepared and monitored over time.

General Requirements

- 5.13 Corporate Directors and Heads of Service must consult the Chief Finance Officer at an early stage on any current or future matter or decision that has financial implications that are not incorporated in the Financial Forward Plan or could impact on the Medium Term Financial Strategy.

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- 5.14 Corporate Directors and Heads of Service must adhere to guidance issued by the Executive Director for Resources and Chief Finance Officer in respect to financial forward planning, budget setting, budget monitoring and closing of the accounts.

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6 CLOSING OF ACCOUNTS & STATEMENT OF ACCOUNTS

- 6.1 The Chief Finance Officer is responsible for making arrangements for closing the accounts and producing the annual Statement of Accounts, as well as all matters relating to their audit and public inspection. Corporate Directors are responsible for ensuring that they and their staff adhere to the timetable and requirements set out by the Chief Finance Officer.

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- 6.2 The Statement of Accounts will be prepared in accordance with the CIPFA Code of Accounting Practice, which includes the deadline for their production and the requirement to include an Annual Governance Statement (AGS).

- 6.3 Corporate Directors and Heads of Service must provide on time any information and evidence the Chief Finance Officer requires to close the accounts and complete all grant and subsidy claims.

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6.4 In closing the accounts, the Chief Finance Officer may amend the originally approved funding of revenue and capital services and projects if this is to the Council's financial benefit.

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6.5 The Annual Audit Letter includes the external auditor's report and opinion on the audit of the accounts, as well as comments and recommendations on the Council's financial standing, the legality of financial transactions and internal control. This will be reported each year to the Audit Committee, together with an appropriate action plan.

7 TREASURY MANAGEMENT FRAMEWORK

7.1 The Council adopts the key recommendations contained in "The Prudential Code for Capital Finance in Local Authorities – fully revised second edition (CIPFA, 2009), "Treasury Management in the Public Services: Code of Practice and cross sectoral guidance notes (CIPFA, 2009) and any subsequent recommended good practice by CIPFA.

Adherence to Prudential Code

This organisation adopts the key recommendations of CIPFA's Treasury Management in the Public Services Code of Practice (the Code), as described in Section 4 of that code.

7.2 Cabinet Resources Committee will create and maintain a Treasury Management Policy Statement (TMPS), stating the policies and objectives of its treasury management activities.

7.3 The Chief Finance Officer will create and maintain suitable Treasury Management Practices (TMPs), setting out the manner in which the Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

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The content of the policy statement and TMPs will predominantly follow the recommendations contained in Section 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of the organisation. Such amendments will not result in the authority materially deviating from the Code's key recommendations.

7.4 Cabinet Resources Committee will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, and an annual report after its close in the form prescribed in the TMPs. These reports will incorporate the prudential borrowing limits and performance indicators.

7.5 The Chief Finance Officer has the delegated authority to undertake long term borrowing on behalf of the Authority and will issue a Delegated Powers Report immediately after this power is exercised to inform Members.

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This organisation delegates responsibility for the implementation and the monitoring of its treasury management policies and practices to the Executive and the updating of the Treasury Management Practices, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the organisation's policy statement and TMPs and CIPFA's Standard of Professional Practices on Treasury Management.

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8 PENSION FUND MANAGEMENT

8.1 The Pensions Manager is responsible for:-

- approving early payment of deferred benefits under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations
- **exercising discretion on compassionate grounds not to actuarially reduce deferred benefits paid early under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations;**
- exercising the power to accept late applications (made more than 30 days after return to work or, if does not return to work, 30 days after the date of leaving) from a member who wishes to pay optional contributions for a period of absence (Regulation 22 of the Administration Regulations);
- informing a member, who is entitled to a pension or retirement grant under two or more provisions, which provision shall apply (Regulation 34 of the 1997 Regulations);
- determining that late applications to convert scheme AVCs into a membership credit will be accepted provided such a late claim is not made within one year of attaining NRD or six months after leaving service whichever is the later (Regulation 26 of the Administration Regulations).
- determining (for Barnet Council Employees only) whether to accept any request for the inwards transfer of pension rights made more than 12 months after the member joined the Scheme (Regulation 83 of the Administration Regulations).
- determining (for Barnet Council employees only) whether to accept any request
- for joining previous Scheme membership (either with this Employer and/or with another scheme employer) made more than 12 months after the member rejoined the Scheme (Regulation 16 of the Administration Regulations).
- exercising absolute discretion in determining the recipient(s) of any death grant payable from the Scheme (Regulations 23, 32 and 35 of the Benefits Regulations);
- deciding whether to treat education or training as continuous despite a break for the purpose of determining eligibility for a child's pension (Regulation 26 of the Benefits Regulations);

- communicating with other employers that are scheduled or admitted bodies as appropriate

Part 2 – Financial Administration

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1 INTRODUCTION

- 1.1 These Financial Rules apply to all financial transactions of the Council with the exception of schools with delegated budgets, which have their own set of financial regulations.
- 1.2 They are designed to safeguard the interests of the Council and individual officers by setting out clear procedures to be followed under the various sections.
- 1.3 This should be used in conjunction with other points of the constitution, legal requirements and other codes of practice which may be issued under 1.5 of this section.
- 1.4 The Chief Finance Officer or Chief Internal Auditor, after discussion with the relevant Chief Officer, may report any breach of this Code to the Cabinet Meeting or Cabinet Resources Committee. Deleted: ial
- 1.5 These Financial Rules may be supplemented at any time by other codes of practice or instructions issued by the Chief Finance Officer. Deleted: ial

2 ACCOUNTING

2.1 All accounting arrangements across the council shall be in a manner approved by the Chief Finance Officer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and the Audit Commission.

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2.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.

2.3 All accounting should occur on SAP and any exceptions must be specifically authorised by the Chief Finance Officer.

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3 INTERNAL AUDIT

3.1 Under the Accounts and Audit Regulations 2006 the Council has a statutory obligation to have an adequate and effective system of internal audit. The Chief Internal Auditor has the delegated authority for providing and maintaining this service.

3.2 Internal Audit is an assurance function that provides 'an independent and objective opinion to the council on the control environment, by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources'. *CIPFA 2006*

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

3.4 **Internal Audit has unrestricted access to all information (including records, computer files, property and personnel) and activities undertaken by the Council, in order to review, appraise and report on:-**

- the adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed;
- the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by the Council and service

management and the extent of compliance with legislation and regulations, including reporting requirements of regulatory bodies;

- the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity and risk management strategies exist;
- the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
- the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
- the suitability of the organisation of the units audited for carrying out their functions, to ensure that services are provided in a way which is economical, efficient and effective;
- the follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely;
- the operation of the Council's Corporate Governance arrangements.

Independence

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

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

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

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

Responsibility & Authority

- 3.8 Internal Audit is an integral part of the organisation and functions under the policies established by management and the Council.
- 3.9 The purpose, scope, authority and responsibility of the internal auditing service is defined in a formal charter. The charter makes clear the independence of the internal auditing service and emphasises that it must not be restricted when carrying out its responsibilities.
- 3.10 Any suspected irregularity involving any asset, or the exercise of any function, of the Council must be reported by the appropriate Chief Officer to the Chief Internal Auditor to inform the overall assurance that can be delivered and to the Corporate Anti Fraud Team (CAFT) Manager for investigation. Primary responsibility for the prevention, detection and initial investigation of fraud lies with line management.
- 3.11 The Chief Internal Auditor and Chief Finance Officer, CAFT Manager or authorised representative, shall have authority to:-
- enter any Council land or premises;
 - have access to all records, documents, correspondence and assets of the Council;
 - receive such explanations as are necessary concerning any matter under examination, and
 - require any employee of the Council to produce cash, stores or any other Council property under his or her control
- 3.12 The Council's Chief Officers shall have regard to the principles of risk management, and to the Council's risk management policy. It is the responsibility of Internal Audit to review the adequacy and effectiveness of the council's arrangements for risk management.
- 3.13 The Chief Internal Auditor shall report to the Chairman of the Audit Committee all significant concerns that he may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.

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Ethical Governance

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

4 CORPORATE ANTI-FRAUD TEAM

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

Objective & Scope

- 4.2 The CAFT is an independent, objective activity designed to add value and improve the Council's operations. It helps the Council achieve its objectives by bringing a systematic, disciplined approach to investigation, evaluating and improving the effectiveness of fraud prevention and detection and the subsequent prosecution of individuals and organisations where appropriate. The Council has a zero tolerance approach to fraud and other irregularity.
- 4.3 The objective of the CAFT is to assist officers and Members in the effective discharge of their responsibilities. To this end, the CAFT furnishes them with assurance, analysis, appraisals, recommendations, counsel, and information concerning the activities it is required to become involved with. The objective includes promoting fraud awareness across the authority.
- 4.4 The scope of the CAFT encompasses both the investigation and examination of the effectiveness of the council's systems of fraud control when subject to breach. In carrying out assigned responsibilities, Investigation Officers:-
- review the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information;
 - provide protocols and systems which ensure accurate reporting of any such fraud (including "Whistleblowing" and a "Fraud Hotline"), create and promote policies, plans, procedures, law, regulations and guidance which have a significant impact on the organisation;
 - provide an effective, efficient and value for money investigation service;
 - provide the organisation, its employees and business partners with a comprehensive guide in areas such as anti money laundering and other legislation relating to the proceeds of crime.

Independence

- 4.5 CAFT officers are independent when they can carry out their work so act freely and objectively. Independence permits Investigators to render the impartial and unbiased judgements essential to the proper investigation and conclusion of fraud.

Responsibility & Authority

- 4.6 The primary responsibility for the prevention detection and deterrence of fraud or money laundering activity lies with Heads of Service. This responsibility includes ensuring that staff and partners are aware of both the implications of fraud and

money laundering and the risks of fraud and money laundering across their service area. The primary responsibility for the investigation of any suspected fraud or money laundering activity found in a service area lies with the CAFT. All details must be immediately forwarded to the CAFT, to preserve the chain of evidence linked to such investigations within the law.

- 4.7 All Council Members and employees are personally responsible for ensuring they (and any subordinates) are aware of the Council's Counter Fraud Framework, Anti Money Laundering Framework, procedures and policies, and for alerting either their Head of Service, CAFT Manager, Director of Corporate Governance and / or the council's Money Laundering Reporting Officer to any suspected breach.

The Director of Corporate Governance will nominate an officer to undertake the duties of the Council's Money Laundering Reporting Officer as detailed within the Council's Anti Money Laundering Framework.

The CAFT Manager is the designated Whistleblowing officer for the London Borough of Barnet and shall undertake the responsibilities of the role as described within the Council's Whistleblowing Policy.

- 4.8 The CAFT Manager and / or the CAFT Deputy Manager are the officers designated by the Secretary of State under the provisions of the Social Security & Administration Act 2001 to act as the Authorised Officer in the obtaining of data prescribed within the Act which may otherwise be protected, in connection with the prevention and/or detection of a crime.

The CAFT Manager and / or the CAFT Deputy Manager are the London Borough of Barnet's 'Senior Appropriate Officers' for the authorisation of production orders, restraint orders, customer information orders and account monitoring orders as described within the Proceeds of Crime Act 2000

- 4.9 The CAFT Manager and / or the CAFT Deputy Manager are the London Borough of Barnet responsible officers for the authorisation of arrest and prosecution of offenders including deciding on any appropriate sanction action available within the law. Those officers are responsible for ensuring that all investigations are conducted in accordance with the Criminal Procedures & Investigations Act 1996 (CPIA) the Police & Criminal Evidence Act 1984 (PACE) and the Human Rights Act 2000.

- 4.10 The CAFT Manager and / or the Assistant Director-Legal are the designated persons for the authorisation of covert surveillance powers in accordance with Regulation of Investigative Powers Act 2000 (RIPA).

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- 4.11 Any suspected irregularity involving fraud/corruption within any function of the Council or its partner organisations or suppliers and contractors must be reported to the CAFT and the Chief Internal Auditor (see Regulation 3.10). Responsibility for the subsequent investigation of potential fraud and corruption lies with the CAFT.

4.12 The CAFT Manager and / or other authorised representative, shall have authority to:-

- Enter or visit any land, premises, offices or establishments of the Council; and carry out any necessary searches of the aforementioned.
- have unrestricted access to, search, and remove any and all records, documents and correspondence, including electronically held correspondence, documents and records, and property and assets of the Council;
- receive such explanations as are necessary concerning any matter under examination, and / or fraud investigation;
- in conjunction with the relevant Chief Officer, suspend any employee of the Council under CAFT investigation from duty: acting in accordance with the Council's disciplinary procedures; and, in cases concerning illegal working, employees may be exited from the organisation and/or may be suspended without pay pending investigation.
- require any employee of the Council to produce and surrender any cash, stores, equipment or any other Council property under his or her control
- interview any and all employees and individuals in connection with investigations including interviews in accordance with the Police & Criminal Evidence Act (on tape).

4.12 The Deputy Director of Corporate Governance, Chief Internal Auditor, the CAFT Manager, the Chief Finance Officer, or other authorised representative, shall have authority to:-

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- Enter or visit any land, premises, offices or establishments of the Council; and carry out any necessary searches of the aforementioned.
- have access to, search, and remove any and all records, documents and correspondence, including electronically held correspondence, documents and records, and property and assets of the Council;
- receive such explanations as are necessary concerning any matter under examination, and / or fraud investigation;
- require any employee of the Council to produce and surrender any cash, stores, equipment or any other Council property under his or her control
- interview any and all individuals in connection with investigations including interviews in accordance with the Police & Criminal Evidence Act (on tape).

4.13 The CAFT Manager shall notify the Chief Internal Auditor of the outcome of all investigations.

5 RISK MANAGEMENT

5.1 Sound governance requires effective and efficient management of risk, covering all forms of risk, not just financial.

- 5.2 The process of identifying risks should demonstrate a direct link to the Corporate Objectives.
- 5.3 Risks are assessed using the matrix scoring system which rates each risk as having a high, medium or low likelihood of occurring and a high, medium or low impact on the ability to deliver against the Corporate Objectives.
- 5.4 All risks should be monitored and re-assessed based on the actions and activities that either mitigate the risk or have had an impact on the risk objective that has either increased or decreased the likelihood or impact.
- 5.5 The process of re-assessing the risk is conducted by the “lead officer” who is identified in the risk log, and accepted by the Director or Head of Service.
- 5.6 The approach to risk management within Barnet is that Corporate Directors and Heads of Service are responsible for ensuring their service has a robust and efficient method of managing risk.
- 5.7 It is the responsibility of Corporate Directors and Heads of Service to ensure that risks are identified in their Key Priority Plans and Service Plans and are reviewed on a regular basis. Corporate Directors & Heads of Services are responsible for taking action to mitigate against the risk or to develop contingencies to be introduced should the risk materialise.
- 5.8 The Risk Management Strategy and operational policies and procedures should be reviewed and refreshed annually by the Head of Risk and Insurance to ensure a consistent approach to the identification, mitigation and monitoring of risk across the Authority.

6 BANKING ARRANGEMENTS

- 6.1 The Chief Finance Officer must approve all banking and card acquiring arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery. Deleted: ial
- 6.2 The Chief Finance Officer will maintain a register of all bank and card acquiring contracts. Deleted: ial
- 6.3 Cheques drawn on the Council's main bank accounts shall be authorised by the pre-printed title “Chief Finance Officer, London Borough of Barnet”. Deleted: ial
- 6.4 Cheques above certain financial limits set by the Chief Finance Officer shall be manually countersigned by those designated officers authorised to do so by the Chief Finance Officer. Deleted: ial

- 6.5 The Chief Finance Officer will be responsible for ensuring that the Council's banking arrangements are reviewed on a regular basis and that the banking contract is reviewed every three years.

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7 SECURITY OF ASSETS

General

- 7.1 Maximum limits for cash Corporate Directors and Heads of Service are responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service. The Chief Executive shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.

- 7.2 Holdings shall be set by the Chief Finance Officer, which may not be exceeded without prior authority. Areas where cash is counted and held must be secure and with access restricted only to authorised staff.

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- 7.3 All keys to safes and the like items shall be carried on the person of the officer responsible. Corporate Directors and Heads of Service shall keep a record of key holders. Any loss of keys must be reported to the Director or Head of Service.

- 7.4 Corporate Directors and Heads of Service are responsible for the proper security and privacy of all information held in computer systems under their control, for ensuring that these systems can only be accessed by authorised personnel and that adequate controls exist to ensure the separation of duties.

- 7.5 Corporate Directors and Heads of Service are responsible for undertaking a risk assessment of all assets considered crucial to the delivery of the service. The risk assessment should cover the loss of the asset caused by malfunction and the possibility of restricted access caused by an emergency crisis and the mitigating actions and contingency plans that will need to be developed to support business continuity.

Land & Property

- 7.6 The Head of Property Services shall maintain an asset register of all properties owned by the Council (except houses and flats provided under the Housing Acts) with those assets valued on a five year cycle.

- 7.7 The asset register will show the service user of the property and link to a database of details of interest and rents payable and tenancies granted.

- 7.8 The Assistant Director-Legal shall have secure custody of title deeds and maintain an indexed register of those titles (terrier). The Geographic Information Services Manager will maintain a digital map of the extents of the titles.

Other Assets

- 7.9 Corporate Directors and Heads of Service must maintain inventories of all assets

employed in their service, and make arrangements for these to be checked at least annually.

7.10 Any surpluses/deficits in excess of a figure set by the Chief Finance Officer shall be reported to him/her. The Chief Finance Officer shall agree the action to be taken in relation to these differences, including, if necessary reporting to the Cabinet Meeting or Cabinet Committee.

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7.11 Council assets may only be used for Council business, and may only be removed from Council premises with the consent of the Director or Head of Service. The officer removing the asset then becomes responsible for the safekeeping of the asset.

7.12 All Council assets shall, wherever possible, be security marked.

7.13 Corporate Directors and Heads of Service are responsible for the sale or disposal of assets employed in their service, and for accounting for these transactions. All disposals in excess of £6,000 (or a higher figure that is consistent with capital accounting regulations) are to be notified to the Chief Finance Officer.

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7.14 The Council has set a *de minimis* threshold for capital expenditure at £10,000. This figure provides guidance only; the Chief Finance Officer may exercise discretion on the *de minimis* threshold.

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Stocks & Stores

7.15 Corporate Directors and Heads of Service are responsible for the safekeeping of stocks and stores held, ensuring no deterioration or damage occurs whilst held and not allowing levels held to exceed a reasonable level. All records, returns and accounts shall be held in a form approved by the Chief Finance Officer and returns will be submitted as and when required.

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7.16 Stores shall only be issued against properly authorised requisition notes, which shall be receipted by the person collecting the goods.

7.17 Unused items returned to stores shall be recorded on a stores return note.

7.18 The condition of stocks shall be checked on a regular basis by the Officer responsible for them. Decisions regarding stock that has become obsolete should be made against clearly defined criteria and options for the most cost effective disposal of that stock must be identified.

7.19 Corporate Directors and Heads of Service must ensure that items classified as stock are checked at least once each financial year.

7.20 All surpluses or deficits identified during stock takes shall be entered onto an adjustment record and the appropriate Director or Head of Service, with the agreement of the Chief Finance Officer, may write-off deficiencies or bring surpluses into account. Wherever possible all stock considered for writing off should first be offered for sale. A record of all write-offs and disposals must be

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maintained. Specialist items such as hazardous chemicals must be disposed of in accordance with relevant safety procedures.

7.21 Stock balances must be valued in accordance with the relevant accounting standards, i.e. where applicable lower of historical cost or net realisable value.

7.22 The Chief Finance Officer or authorised representative may have access to all stock and stores and may make such checks as thought necessary.

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8 IMPREST ACCOUNTS

8.1 The Chief Finance Officer must authorise all imprest accounts.

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8.2 The imprest account holder must:-

- provide a certificate showing the state of the account at the end of the financial year and additionally when requested by the Chief Finance Officer;
- only reimburse expenditure up to a limit set by the Chief Finance Officer;
- obtain receipts for all payments made, which should be proper VAT receipts wherever possible;
- properly account for VAT in all float reimbursements;
- not allow the account to be overdrawn and shall arrange for reimbursement at regular intervals;
- not pay any salaries, wages or allowances from the account;
- not pay income into the account;
- provide the Chief Finance Officer with a full account for the advance when ceasing to be the imprest account holder.

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9 INCOME

9.1 Officers should encourage payment in advance or at point of service delivery wherever possible as per the Debt Management Strategy, and minimise the amount of credit given to customers.

9.2 All records relating to income due to the Council, accounts raised, and receipts issued shall be in a format agreed by the Chief Finance Officer.

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9.3 Officers responsible for controlled stationery must keep it secure.

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9.4 Methods of payment must be agreed by the Chief Finance Officer.

9.5 The Chief Finance Officer, or officer nominated by the Chief Finance Officer, may authorise payment by instalments if full payment cannot be obtained immediately, in accordance with the Debt Management Strategy.

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- 9.6 Officers receiving monies shall keep an accurate and chronological account of all receipts and bankings.
- 9.7 Monies received must be banked on the day of receipt wherever possible, and not later than the next working day. All amounts paid in must be referenced to enable subsequent identification of the accounts to which they relate. All cheques, postal orders etc. shall be crossed with the crossing stamp provided.
- 9.8 No deductions may be made from monies received.

9.9 Heads of Service must notify the Chief Finance Officer of all monies due to the Council under contracts, leases or other agreements and the cessation of use or change of user affecting this income.

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Invoicing & Debt Recovery

9.10 Officers responsible for raising invoices must ensure that VAT has been properly accounted for. They must also ensure debt is recorded in a format approved by the Chief Finance Officer, in accordance with the Debt Management Strategy.

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9.11 As set out in the Debt Management Strategy, officers responsible for the collection of amounts invoiced should only put forward amounts for write-off after all appropriate steps to recover the debts have been exhausted.

9.12 A review of every debt should be undertaken at least quarterly, in accordance with the Debt Management Strategy.

10 INSURANCE

10.1 The Chief Finance Officer is responsible for maintaining the Insurance Strategy arranging adequate insurance cover for the Council and keeping comprehensive records of all risks covered.

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10.2 Corporate Directors and Heads of Service must notify the Chief Finance Officer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.

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10.3 Any incident which could give rise to an insurance claim must be promptly notified to the Chief Finance Officer by the relevant officer, who shall also inform the Police if appropriate.

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10.4 The Chief Finance Officer will handle all insurance claims, in conjunction with the Assistant Director-Legal and/or the insurance company if proceedings are issued.

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10.5 Officers must consult the Chief Finance Officer and Assistant Director-Legal in all cases where the Council is requested to give an indemnity.

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- 10.6 Officers in receipt of a motor vehicle allowance must produce registration documents, insurance policy, certificate of insurance and test certificate if required by the Chief Finance Officer. Insurance policies must be comprehensive and cover use on official business.

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Schools

- 10.7 Where funds for insurance are delegated to any school, the Council may require the school to demonstrate that cover relevant to the Council's insurable interests, under a policy arranged by the Governing Body, is at least as good as the relevant minimum cover arranged by the Council. If the Council makes such arrangements, either paid for from central funds or from contributions from schools' delegated budgets, the Council will have regard to the actual risks, which might reasonably be expected to arise at the school in question in operating this requirement rather than applying an arbitrary minimum level of cover for all schools.
- 10.8 It is the responsibility of the governing body to ensure adequate arrangements are made for insurance against risks arising from the exercise of the community facilities power, taking professional advice as necessary. Such insurance must not be funded from the school budget share. The school should seek the Authority's advice before finalising any insurance arrangement for community facilities.
- 10.9 The Council is empowered to undertake its own assessment of the insurance arrangements made by a school in respect of community facilities, and if it judges those arrangements to be inadequate, make arrangements itself and charge the resultant cost to the school. Such costs could not be charged to the school's budget share.

11. INVESTMENTS, BORROWING, CAPITAL FINANCING & TRUST ACCOUNTS.

11.1 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved at a cabinet meeting or by a cabinet committee. In order to maximise the return on temporary surplus cash balances and minimise the cost of short-term borrowing, the Council employs a policy of "Treasury Management". The Council has adopted the CIPFA Code of Practice on Treasury Management in Local Authorities.

| 11.2 All securities shall be held securely by the Council's bankers, the Chief Finance Officer or custodians approved at a cabinet meeting or by a cabinet committee. Deleted: ial

| 11.3 The Chief Finance Officer shall ensure that all borrowing and, whenever applicable trust funds, are registered in the name of the Council. Deleted: ial

| 11.4 The Chief Finance Officer will set Prudential indicators, as outlined in the Prudential Code for Capital Finance in Local Authorities, for the forthcoming and following two financial years. The Chief Finance Officer will also provide regular monitoring reports to cabinet committee and report any breaches or amendments of the code to Council. Deleted: ial

11.5 The key objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plan of the local authorities are affordable, prudent, sustainable and in accordance with good professional practice – or, in exceptional cases, to demonstrate that there is a danger of not ensuring this, so that the authority can take timely remedial action.

| 11.6 The Chief Finance Officer will be the Council's registrar of all stocks and bonds. In addition this officer will maintain a register of all loans and investments made in the name of the Council. Deleted: ial

| 11.7 The Chief Finance Officer shall ensure that all legislative amendments and changes in treasury or capital limits are approved at a cabinet meeting or by a cabinet committee and where necessary full Council. Deleted: ial

| 11.8 The Chief Finance Officer will be responsible for adopting the changes outlined in 10.6 and ensuring compliance with any amended practices or limits. Deleted: ial

12 ORDERING OF SUPPLIES, WORKS & SERVICES

Procurement of supplies, works and services must be in accordance with Contract Procedure Rules and Procurement Code of Practice. It is a disciplinary offence to fail to comply with Contract Procedure Rules and the Procurement Code of Practice when letting contracts. Council employees have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Chief Internal Auditor. The procedures for initiating

procurement activity, for authorising and accepting tenders and the financial limits for procurement are set out in the Contract Procedure Rules and are not repeated here.

- 12.1 With respect to third party organisations, suppliers should not be awarded business in excess of 25% of their turnover. Where the supplier is a consortium, the relevant figure is the combined turnover of the consortium's constituent members.
- 12.2 Where it is in the interests of the Council, this threshold may be waived by the service director in consultation with the relevant Cabinet Member and Chief Finance Officer.

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Corporate Directors and Heads of Service Directors and Heads of Service are responsible for all contracts tendered and let by their service areas. Their duties in relation to contract letting and management are:

- to ensure compliance with English Law, U.K. and EU legislation and Council policy;
 - to ensure value for money and optimise risk allocation in all procurement matters;
 - to ensure compliance with the Contract Procedure Rules and the Procurement Code of Practice
- 12.3 They must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available. Any procurement activity must follow the relevant steps prior to raising a purchase order:
- 12.4 **Supplier Selection** : The authorised officer may contact the supplier(s) by phone and verbally request a quotation but the quotation should be provided in writing or by e-mail. There should be clarity about the requirements and what is expected to be achieved by this purchase. **Value for money** must be established and this is best achieved by obtaining more than one quotation as is indicated in the Contract Procedure Rules in the section of Selecting Contractors.
- 12.5 **Quote / Tender evaluation** : Contract Procedure Rules require that all tenders are considered on the basis of the most economically advantageous tender (MEAT) taking into consideration price including payment terms and payment method, quality, durability and other relevant issues. Following receipt, check that it is arithmetically correct and that the requirements have been fully met. The reasons for accepting the quotation must be recorded and agreed with the cost centre manager, providing an audit trail should any queries be raised in the future. If the vendor doesn't exist on SAP, then a new vendor request must be sent to the Corporate Procurement Team (CPT). In addition, Corporate Directors and Heads of Service should explore the possibility of early payment discounts with all suppliers of supplies, works and services. This must be done within the context of the overall Procurement Strategy.
- 12.6 **Creation of a purchase Order (PO)** : Once the purchase has been agreed, a purchase order must be raised on SAP. **Payment of an invoice** : Authorised

officers must ensure that a purchase order has been raised on the SAP system and successfully communicated to the supplier. Invoices in respect to works, supplies and services will be paid by the Central Accounts Team, but only after the authorising officer has first receipted the supply on SAP.

- 12.7 All invoices must reference a valid purchase order number, otherwise the Central Accounts Payable Team reserves the right to refuse payment of an invoice.
- 12.8 Only invoices presented in an acceptable format will be passed for payment. This includes invoices that do not comply with VAT Regulations.
- 12.9 To enable the Council to comply with the Late Payment of Commercial Debts Act, no amended invoices will be accepted. Heads of Service must:-
- return an invoice to the supplier and seek a new invoice with a revised date, whenever:-
 - the invoice is dated prior to receipt of supplies, works or services and this is contrary to the agreed payment terms;
 - the invoice is incorrect;
 - the invoice does not reference a valid Purchase Order number.
- 12.10 When certifying an invoice for payment that was initially disputed, record the date on which the invoice was actually validated.
- 12.11 The Central Accounts Payable Team will perform a three-way match against the purchase order, goods receipt and invoice, prior to making a payment. Invoices that do not pass this criteria will be returned to the service for amendment.
- 12.12 **Payments in advance** : Corporate Directors and Heads of Service, prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting. All payments in advance in excess of £100,000 must be notified to the Chief Finance Officer.

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13 SALARIES, PENSIONS & ALLOWANCES

- 13.1 All appointments shall be made in accordance with the Council's contractual terms and conditions (i.e. pay, grading, allowances etc).
- 13.2 The Head of HR Shared Services will ensure that arrangements are made to calculate and pay all remuneration, pensions, compensation and other payments to current and former employees.
- 13.3 School Governing Bodies shall be responsible for assessing teachers' remuneration and the Head of HR Shared Services shall maintain teachers' salary and pensions for Schools that purchase the Traded Service.

- 13.3 Corporate Directors and Heads of Service must provide to the Head of HR Shared Services:-
- the names and specimen signatures of all officers authorised to sign HR records;
 - relevant details of appointments, leavers and any other change of circumstances that may affect payment;
 - details of all work related absences due to sickness, accidents on or off duty;
 - details of special leave without pay or other paid/unpaid leave or absence;
 - when required, overtime and certified time-sheets for staff paid at hourly or weekly rates, at intervals and in the format determined by the Head of HR Shared Services.
- 13.4 On an annual basis, the Head of HR shall require that each pensioner residing overseas provides a life certificate.
- 13.5 Salaries and wages will be paid direct to the employee's bank account. Pensions and gratuities shall be at the discretion of the Head of HR Strategy. All payments shall be made direct to the person concerned unless that person authorises otherwise.
- 13.6 Payment will be paid on contractual dates. The Head of HR Shared Services has the discretion to change payment date.
- 13.7 All cost centre managers should use SAP to periodically verify correct payments to staff.
- 13.8 All claims for payment of car allowances shall be approved through SAP self service or through a paper format approved by the Head of HR Strategy. The names of certifying officers and specimens of their signatures shall be forwarded by Corporate Directors and Heads of Service to the Head of HR Shared Services. The certifying officer must be satisfied that all expenses claims are valid and that the allowances should be paid by the Council before authorising the payment.
- 13.9 The Chief Finance Officer shall make payments of allowances to Members of the Council, co-opted members and members of the public who attend other Council bodies who are entitled to make such claims on submission of the approved form.
- 13.10 The Director of Corporate Governance is responsible for notifying the Heads of HR of any changes to Members' Allowances.
- 13.11 Employees are responsible for providing HR Shared Services with accurate personal details including bank account details.

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13.12 In accordance with procedures agreed by Audit, the Pension Manager can write off debts resulting from overpayment of pension to a maximum of £500 per debtor and a total of £5,000 per year.

14 AMENITY & UNOFFICIAL FUNDS

14.1 Amenity or Unofficial Fund relates to all sums of money other than those which are required to be paid into the Council's General Account (or such other account so authorised by the Chief Finance Officer) or Trust Fund monies outside the authority of the Council.

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14.2 All accounts shall be opened by the Chief Finance Officer and their names shall include the name of the Borough and the establishment concerned.

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14.3 Provided the Chief Finance Officer approves and is satisfied with accounting and security arrangements, separate accounts need not be opened for funds of small amounts.

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14.4 The head of each establishment which sets up such a fund shall inform the relevant Head of Service of its existence (and the Governing Body in the case of schools without delegated budgets).

14.5 Responsibility for the administration of the fund shall rest with the head of the establishment and with such other member(s) of staff as that person shall decide.

14.6 Expenditure from the fund shall be at the discretion of the establishment head in conjunction with other member(s) of staff as felt necessary.

14.7 Cheques shall be signed and countersigned by the head and deputies of the establishment. All transactions above a limit set by the Chief Finance Officer shall be signed by at least two authorised officers.

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14.8 Auditors shall be appointed by the head of the establishment and the fee (if any) shall be charged to the fund. Where the turnover of the fund exceeds an amount set by the Chief Finance Officer, the fund must be audited by auditors approved by that officer. The Chief Finance Officer shall have the right to inspect the accounts.

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14.9 At the end of each financial year the head shall submit an audited summary of the fund to the Chief Finance Officer (and Governing Body if appropriate).

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Scheme of Virement

Virement Arrangements

- a) No virement is allowed from or to any of the following budgets without approval of the Executive
- Financing charges
 - Rates and other taxes
 - Recharges
 - Insurances
 - Contingent budgets (as determined by the Deputy Chief Executive in consultation with the appropriate Corporate Director).
- b) Portfolio Holder agreement will be required for proposals which transfer funds for the creation of new staff posts
- c) Executive approval will be required for proposals which:
- would cause the total budget head to be exceeded in the current year or increase the commitment in future years
 - are to be financed from savings arising from competitive tendering.
- d) Virement will be allowed within one year between other main accounts as follows:
- on the approval of the appropriate Corporate Director for sums up to £50,000
on the approval of the appropriate Portfolio Holder for sums in excess of £50,000 and up to £250,000
 - on the approval of the full Executive for sums in excess of £250,000 and up to £1,000,000
 - on the approval of the full Council for sums above £1,000,000.
- e) Virements actioned by a Corporate Director shall be included on the next quarterly monitoring report to the appropriate Executive meeting and notified to the Chief Finance Officer

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Notification to Deputy Chief Executive

Please ensure that your Head of Finance is informed of all virement approvals granted.

Appendix 22

Part 5 – The Barnet Code of Conduct

Barnet's Code of Conduct for Members

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APPENDIX A23

Part 4 – Public Participation

2. General rules

2.3.7 With respect to General Functions Committee:

- (i) Reports presented to the General Functions Committee by the Trade Unions must have previously been presented and concluded at CJNCC.
- (ii) If the unions wish to apply to speak to General Functions Committee on an item relating to staff matters as an exception to paragraph 2.3.6 above, they must make this request no later than 2 working days prior to the meeting; if the Chairman accepts the request, the address will be limited to 3 minutes.
- (iii) If the Trade Unions mention an issue that has not been debated at CJNCC, then the Chairman of General Functions Committee has the authority to send the report back to CJNCC so it can be thoroughly and openly discussed.
- (iv) Where there is a failure to agree on a report between the employer side and the trade union side, the trade union will be invited to present their rationale in a report to General Functions Committee. Trade Unions will be invited to answer questions on their report by Councillors. (Ref. Para 8.17 – Constitution of the CJNCC).

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APPENDIX A24

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Council Procedure Rules - Section 4 (Public Participation)

3. Petitions and joint letters and procedure

3.2 A petition shall be accepted if it:

- (a) requests for action to be taken or ceased
- (b) contains the signatures and addresses of 25 or more persons who live, work or study in the borough
- (c) relates to a function for which the Council is responsible
- (d) relates to an improvement in the economic, social or environmental wellbeing of the authority's area to which any of its partner authorities can contribute
- (e) "A petition shall be accepted if it: (e) is received in paper form or as an electronic petition submitted using the authority's e-petition facility. The terms and conditions for e-petitions can be found on the authority's website: <http://petitions.barnet.gov.uk/terms>.

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Appendix 2

Meeting	Special Committee (Constitution Review)
Date	6 April 2011
Subject	Changes to Part 3 of the Constitution with regard to Responsibilities for Functions for land acquisitions
Report of Summary	Director of Planning, Housing & Regeneration Proposal to amend the Councils constitution to increase the value of private sector leases that can be acquired by officers under delegated powers from £10,000 to £20,800

Officer Contributors	Nick Lowther, Homelessness Reduction Co-ordinator
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix – Council Constitution, Part 3, Responsibility for Functions
For decision by	Council
Function of	Special Committee (Constitution Review)
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Nick Lowther, Homelessness Reduction Co-ordinator, 020 8359 6002

1. RECOMMENDATIONS

- 1.1 That the changes proposed to Responsibilities for Functions for Acquisitions of Land, as set out in Appendix A, be recommended to Council for approval.**
- 1.2 That the Democratic Services Manager be instructed to make the appropriate amendments to the Council's Constitution if approved by Council.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Delegated Powers Report (DPR) 1201 (Private Sector Lease Acquisitions), 13 January 2011, authorised the acquisition of a number private sector leases with annual values in excess of the current level of delegation to officers in the Council's Constitution, and empowered the officers to acquire further leases up to a limit of £15,000 pending a review of the current delegation limit.
- 2.2 Special Committee (Constitution Review), 9 February 2011, Agenda Item 5, provided an update of various issues that have arisen and some anomalies that had become apparent since the last meeting of the Committee, including Private Sector Lease Acquisitions (item 35 refers).

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Approval to enable Council officers to procure private sector leased (PSL) units at a higher value will help meet the Council's key priority of better services for less money, by reducing the need for time consuming delegated powers reports. Private sector landlords receive rents for properties once a lease has been signed with the Council. Currently there is a risk that this process takes longer than many of Barnet's competitors. This proposal will enable a better service to be offered to landlords approaching the Council and will also reduce the need to use more costly temporary accommodation (TA) for homeless households.

4. RISK MANAGEMENT ISSUES

- 4.1 It is important that the Council is able to lease private sector properties as an alternative to more expensive types of TA, such as nightly purchased, and there is a risk that if we do not streamline our procurement process, that owners will not offer their properties to the Council.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 It is expected that the proposed changes will increase the supply of PSL accommodation offered to the Council, and thereby improve customer choice. Increasing customer choice is likely to improve customer satisfaction for households who approach the Council as homeless with an urgent housing need.
- 5.2 Our data shows that there has been a lower take up of private sector options by some black and ethnic minority groups and also by male led households. The proposed changes will increase the options available and alongside the forthcoming changes to the Housing Allocations Policy should increase the take up of this private sector option.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 There are no extra financial implications for the Council given that the target PSL stock size remains at 400 units.

7. LEGAL ISSUES

- 7.1 None, save those contained in the main body of the report

8. CONSTITUTIONAL POWERS

- 8.1 Constitution, Part 3 – Responsibility for Functions – Section 3 – Responsibilities of the Executive – Section 6.8 – delegates to the Executive Director for Resources, in consultation with the Chief Finance Officer and Assistant Director-Legal authority to make decisions about the “Acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration”. This delegated authority is, now, exercised by the Commercial Director within whose portfolio the duties of the, former Executive Director for Resources falls. The £10,000 limit has proven to be a significant restriction on the acquisition of leases to assist the Council in meeting its statutory duty.

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9 BACKGROUND INFORMATION

- 9.1 The Council has a duty to provide accommodation to people who may be classed as in priority need and homeless as defined in Part VII of the Housing Act 1996 (HA 1996). The Council’s interim duty to accommodate such persons falls within Section 188 of the HA 1996, as amended by the Homelessness Act 2002.
- 9.2 Emergency temporary accommodation is provided through a variety of channels and the most common options are nightly purchased accommodation, TA hostels, Housing Association leased accommodation (HALS) and PSL accommodation. PSL properties can

be used either as a private sector option, preventing homelessness, or as TA.

- 9.3 PSL accommodation is more economically viable than other forms of TA for the Council for a number of reasons:
- Each unit is acquired at a maximum cost of 80% of the Local Housing Allowance (LHA) rate per week and the Council will receive 90% of the LHA rate plus an additional £40 management fee per week in Housing Benefit subsidy which is sufficient to cover running costs.
 - Units can be procured at a much lower cost than other forms of TA such as nightly purchased accommodation
 - Directly managing this form of accommodation better enables the Council to control management costs and thus maximise potential income.
- 9.4 Forthcoming LHA reforms in April 2011 will make leasing a more attractive option to private sector landlords. Leasing schemes will use January LHA rates for subsidy purposes (calculated as the 50th percentile of market rents) for a period of two years, whilst LHA rates for private sector lets will be lower from 1st April 2011 and calculated as the 30th percentile of market rents.
- 9.5 This report seeks authority for (i) the Director of Planning, Housing and Regeneration to acquire private sector leases with annual values or as a one off consideration up to £20,800 per lease and (ii) that the signing of private sector leases be delegated to the Director of Planning Housing and Regeneration.
- 9.6 DPR 1201 authorised the acquisition of private sector leases by officers for values up to £15,000, whilst amendments to the limit of £10,000 cited in the constitution (Part 3, Responsibility for Functions, 6.6-6.8) were sought. It is proposed that this limit is increased to £20,800 to enable the acquisition of larger units, including four and five bedroom properties. The subsidy limit set by central government for leased and licensed temporary accommodation is £375 per week for outer London properties and £500 for inner London. Therefore, the maximum weekly rent payable to landlords under the PSL scheme once costs are factored in is £400 per week, or £20,800 per annum.

10. LIST OF BACKGROUND PAPERS

- 10.1 DPR 1201.

Legal: JKK
CFO: JH/MC

APPENDIX A – CHANGES TO PART 3 OF THE CONSTITUTION WITH REGARD TO LAND ACQUISITIONS

PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Specific Powers

- 6.6 In addition, in consultation with the Cabinet Member concerned:
- Executive Directors have the power to agree virements up to £100,000 between Budget Heads, and
 - Directors and Heads of Service, the power to agree virements up to £100,000 within a budget head.
- 6.7 The Chief Finance Officer has the powers set out in the Financial Standing Orders and in particular:
- To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Chief Finance Officer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified. In all circumstances the expenditure must be consistent with performance management plans.
 - To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments.
 - Subject to details being incorporated in the next available budget a report being submitted to Resources Cabinet Committee on the action taken, to write off individual debt amounts of up to and including £5,000 (including cancellations of penalty charge notices or any other sums due to the Council), in consultation with the Assistant Director-Legal.
- 6.8 The following Officers also have the powers indicated:
- the Deputy Chief Executive (Chief Finance Officer) to have responsibilities as set out in Pension Fund Governance Compliance Statement.
 - the Deputy Chief Executive (Chief Finance Officer), in consultation with the Cabinet Member for Resources to make decisions about:
 - Entering into new leases with a consideration between £25,000 and £50,000 per annum where the council is granting the lease at best consideration in accordance with the Local Government Act 1972.
 - Acquisitions of land whether freehold or leasehold where the cost of the interest being acquired is between £20,800 and £30,000 per annum or as a one off consideration

- The Deputy Chief Executive (Chief Finance Officer) in consultation with the Assistant Director-Legal to make decisions about:
 - Occupational and works Licences
 - Easements
 - Rent Reviews and Licences to Assign.
 - Lease renewals where this represents best consideration in accordance with the Local Government Act 1972.
 - Entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration in accordance with the Local Government Act 1972, where the Council is granting the lease.
 - Acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration
 - To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land (see all Disposal of land and real property rules)
- The Director of Planning, Housing and Regeneration to make decisions about:
 - (i) The acquisition of properties under the private sector leasing scheme, for £20,800 per annum or less or as a one off consideration; and
 - (ii) The Director of Planning, Housing and Regeneration shall have authority to sign the private sector leases as detailed at (i) above

Explanatory Note – other disposals

All disposals of freehold interests and leases where a capital premium is obtained for the interest will be agreed by Cabinet Resources Committee.

APPENDIX 3 Overview and Scrutiny Procedure Rules

~~(May 2011)~~

Deleted: April 2010

~~1.1~~ The Local Government Act 2000 determined that the following responsibilities would fall within the remit of the Overview and Scrutiny function:

Deleted: 1.1. The introduction, by the Local Government Act 2000, of the Overview and Scrutiny process into the work of local authorities offered a significant change in approach to the way in which local authorities conducted their business and engaged with their communities and partners. ¶

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
- (b) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- (d) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
- (e) To make recommendations to the authority or the executive on matters which affect the authority's area or inhabitants.

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~~1.2~~ These responsibilities have been further strengthened by other legislation, including the Local Government and Public Involvement in Health Act 2007, and the Crime and Disorder Act 2006.

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~~1.3~~ The Health and Social Care Act 2001 paved the way for scrutiny by local authorities of other statutory bodies, by establishing Overview and Scrutiny Committees with the remit of scrutinising health service provision.

~~1.4~~ The authority shall appoint a nominated Scrutiny Officer in line with the requirements of the Local Democracy, Economic Development and Construction Act 2009.

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~~1.5~~ The following procedure rules provide the framework for the operation of the Overview and Scrutiny processes in Barnet.

Deleted: In assessing whether the Council is meeting its Corporate Plan objectives and whether the Council and its partners are effectively delivering the Sustainable Community Strategy, Overview and Scrutiny bodies should utilise opportunities to visit and engage with local communities. ¶

Overview & Scrutiny Procedure Rules -
~~May 2011~~

Deleted: April 2010

Overview and Scrutiny Procedure Rules

Part 1: Formal Committees

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1. What will be the number and arrangements for Overview and Scrutiny Committees?

1.1 The Council will have the Overview and Scrutiny Committees set out in the attached Terms of Reference. Such Committees may appoint sub-Committees. Overview and Scrutiny Committees may also be appointed by the Council for a fixed period and with terms of reference stated when they are appointed, on the expiry of which they shall cease to exist

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2. Who may sit on Overview and Scrutiny Committees?

2.1 All councillors except Members of the Executive may be members of an Overview and Scrutiny Committee. However, no Member may take part in scrutinising a decision in which he/she has been directly involved.

Deleted: (b) . The setting of Overview & Scrutiny work programmes will be in line with the corporate planning process as follows:¶

¶ The Chairmen of the six main scrutiny bodies will meet annually with relevant Cabinet Members and Directors to discuss potential items for the Overview and Scrutiny work programme as soon as possible after publication of the Report to Cabinet on the draft Corporate Plan, with the following forming the basis of discussion:¶

¶ Draft Corporate Plan ¶ Leader's Forward Plan of key decisions for the coming year ¶

¶ Meetings of the six Overview & Scrutiny Committees and sub-Committees will take place as soon as possible after the Cabinet Meeting approving the Corporate Plan and the aforementioned meetings with Cabinet Members and Directors.¶

¶ These meetings would set the Overview & Scrutiny work programme for the forthcoming year so that the scrutiny work programme can be submitted to the Annual Meeting of Council for ratification with the Council and the Leader being formally advised of those areas of policy development the Overview and Scrutiny Committees have identified for their involvement.¶

3. Co-opted Members

3.1 Education

Co-opted Education members who will be invited to attend and vote at any meeting where matters are being considered that relate, either in whole or in part, to any education functions which are the responsibility of the Executive.

Where the Committee considering education functions then considers other items that do not relate to the above, the co-opted members may remain and speak but not vote.

VOLUNTARY AIDED SCHOOL REPRESENTATIVES (3)
• One Church of England diocese representative
• One Roman Catholic diocese representative
• One representative of persons who appoint foundation governors to voluntary aided Jewish schools
PARENT GOVERNOR REPRESENTATIVES (2)
Two parent governor representatives - one for secondary schools and one for primary schools

3.2 Housing

Where issues relating to housing or housing benefits and/or the Council's functions as a housing authority are to be discussed by any Overview and Scrutiny body, the Head of Governance, in consultation with the relevant Chairman will arrange for two non-voting representatives appointed by the Barnet Homes Performance Advisory Group to be invited to attend the meeting and speak but not vote on such issues.

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4. Formal Meetings of the Overview and Scrutiny Committees and sub-Committees

4.1 Each Overview and Scrutiny Committee shall meet as frequently as it considers necessary to complete its programme of work.

4.2 Although Overview and Scrutiny Committees will normally meet at the Town Hall, meetings may be held at other venues, provided the venue fulfils legislative requirements with respect to the admission of the press and public.

Deleted: Meetings will normally be held on the dates reserved for Overview and Scrutiny Committees in the Council's calendar of meetings. ¶

5. Quorum

5.1 The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

¶ Additional meetings will be arranged by the Democratic Services Manager in consultation with the Chairman, and as required by the Committees. ¶

6. Who chairs Overview and Scrutiny Committee meetings?

Chairmen of Overview and Scrutiny Committees will be appointed by the Council, normally at their Annual Meeting, from among the councillors sitting on the committee.

Deleted: Chairmen of sub-Committees will be appointed by the Overview and Scrutiny Committee that establishes them.

7. Annual Review of Effectiveness and Annual Report

The Business Management Overview and Scrutiny Committee will, each year, produce an Overview and Scrutiny Annual Report for Council which will include:

- (a) details of Overview and Scrutiny work carried out during the municipal year;
- (b) a review the effectiveness of the Overview and Scrutiny processes; and
- (c) detail outline Work Programmes for Overview and Scrutiny Committees for the coming year.

Deleted: 7. Work Programmes and Policy Development¶

¶ <#>The Chairmen of the six Overview and Scrutiny bodies should meet annually with relevant Cabinet Members and Directors each year to discuss potential items for the Overview and Scrutiny work programme as soon as possible after publication of the Report to Cabinet on the draft Corporate Plan with the following forming the basis of discussion:- ¶

¶ <#>Draft Corporate Plan¶ <#>Leader's Forward Plan of key decisions for the coming year¶

¶ <#>The Overview and Scrutiny Committee Chairmen will also invite all non-executive members and others (including community and voluntary groups, partners, members of the community) whom the Chairmen consider appr... [1]

8. Agenda Items

8.1 Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the Head of Governance that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Head of Governance will ensure that the item is included on the next available agenda.

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Deleted: and report to the Policy and Performance Overview and Scrutiny Committee; this report may include recommendation... [2]

8.2 In instances where multiple Overview and Scrutiny Committees request to scrutinise the same item, the item will be considered by the Committee with the most appropriate terms of reference. Members of the other committee(s) which have requested to scrutinise the item will be invited to the meeting where the subject is considered and invited to contribute to the debate (but not vote) on the item. Where there are multiple requests to scrutinise an item, the Chairman of the Business Management Overview & Scrutiny Committee will, in consultation with the Overview & Scrutiny Manager, determine the most appropriate committee.

Deleted: ¶ This Report will form the basis of an Annual Report on the Overview and Scrutiny Process in Barnet, to be... [3]

8.3 The following matters, subject to paragraph 8.3 below may not be considered by an Overview & Scrutiny Committee:

- (a) a matter relating to an individual planning decision;
- (b) a matter relating to an individual licensing decision;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a sub-Committee

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8.4 A matter does not fall within a description in paragraph 8.3 if it consists of an allegation that a function for which the authority is responsible has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or an appeal matter

9. Referrals by others

9.1 Requests, reports and submissions from the Council, Executive, residents' forums, community and voluntary groups, partnership and outside bodies and locally constituted groups and responses to "Councillor Call for Action" will be referred to the Business Management Overview & Scrutiny Committee.

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9.2 The Committee will meet within one month of the referral being received and will determine what, if any, action is required

9.3 Matters clearly within the remit of the Health, Safeguarding or Budget & Performance Overview and Scrutiny Committees will be referred direct to those Committees by the Head of Governance.

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10. Reports from Overview and Scrutiny Committees

10.1 Once it has formed recommendations on proposals for development the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration to either:

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- (i) the Executive (if the proposals are consistent with the existing budgetary and policy framework),
- (ii) to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

10.2 If an Overview and Scrutiny body cannot agree on a single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.

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10.3 The Council or Executive shall consider the report of the Overview and Scrutiny Committee at their next scheduled meeting.

11. Ensuring that Overview and Scrutiny Reports are considered by the Executive

11.1 Agendas for Cabinet meetings will include items of business referred from Overview and Scrutiny Committees. Where referrals from Overview and Scrutiny relate to the Executive's deliberations on another substantive item on the agenda, these will be considered concurrently.

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11.2 Under the Local Government and Public Involvement in Health Act 2007, the Executive has a duty to:

- (a) consider reports or recommendations made by Overview and Scrutiny bodies;
- (b) respond to the overview and scrutiny committee indicating what (if any) action the authority or the executive propose to take; and
- (c) publish the response within two months of the report or recommendations being received.

11.3 Where an Overview and Scrutiny Committee or sub-Committee prepares a report for consideration by the Executive in relation to a matter where decision making power has been delegated to another individual member of the Executive, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration with copies to the Head of Governance and Leader.

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11.4 If the relevant Cabinet Member does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Executive for debate, before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee.

11.5 The Executive Member to whom the decision-making power has been delegated will respond to the Overview and Scrutiny Committee in line with the provisions set out at 11.2 above. A copy of his/her written response to it shall be sent to the Head of Governance and he/she will attend a future meeting of the relevant Overview and Scrutiny Committee to respond.

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12. Rights of Overview and Scrutiny Committee Members to Documents

12.1 In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

13. Members and Officers Giving Account

13.1 Any Overview and Scrutiny body may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, the body may require any member of the Executive, the Head of Paid Service and any Director or Head of Service or other senior officer to attend before it to explain in relation to matters within their remit and to produce a report if so requested, and it is the duty of those persons to attend if so required.

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(b) . Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration. ¶

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13.2 Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Democratic Services Manager shall inform the member or officer in writing giving notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

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¶
(ii) . the extent to which the actions taken implement Council policy; and/or¶
¶
(iii) . their performance¶
¶
and it is the duty of those persons to attend if so required. ¶
¶

13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance or agree a suitable substitute.

14. Ability to invite others to attend meetings

14.1 The Overview and Scrutiny Committees, Task and Finish Groups and other bodies appointed to carry out any aspect of the Overview and Scrutiny responsibilities may invite whoever they wish to assist them in their work.

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14.2 The Committees may, for example, wish to hear from residents, stakeholders and ~~Members and/or~~ officers in other parts of the public sector and shall invite such people to attend.

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14.3 Attendance by non-Executive Members and the community is, of course, entirely optional, but they will be encouraged to attend, send representatives and/or make submissions. **Officers unable to attend must send a representative.**

15. Call-in

Explanatory note:

Call-in is a statutory process under Section 21 of the Local Government Act 2000.

15.1 When a key decision is made by the Cabinet, ~~a committee of the Cabinet or~~ an individual member of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, the decision shall normally be published on the Council's website within 2 days of being made.

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Deleted: normally by electronic means, and shall be available at the Town Hall or other *Offices of the Council*, normally

15.2 The Head of Governance shall send a copy of each decision to all Members of the Business Management Overview & Scrutiny Committee and to all Members of the Cabinet.

15.3 Each decision will bear the date of publication and will specify the date on which it will come into force and can be implemented.

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15.4 Only key decisions as defined by Article 13 (b) (i) of the Constitution may be called in under Section 21 of the Local Government Act 2000 and for the purposes of Call-in, a key decision under Article 13 (b) (i)

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- (a) must involve expenditure or savings in excess of £500,000 as well as otherwise being significant having regard to the Council's budget for the service or function to which the decision relates, or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

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15.5 Where the decision is a qualifying key decision for call-in purposes, the implementation date will not be less than 5 working days after publication. Before the expiry of that date any Member of the Business Management Overview & Scrutiny Committee ~~(or any substitute Member of that sub-Committee whose appointment for that meeting has been received by the~~ Head of Governance), may call-in the decision by a written request to the Head of Governance to place the decision on the agenda for the next meeting of the Business Management Overview & Scrutiny Committee. The decision shall not take effect until that Committee has met.

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15.6 If a report has more than one recommendation/decision, the Member must in the written request state and specify which decision(s) he or she is calling in, the reason for the Call-in and what objective the Member seeks to achieve.

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15.7 The Head of Governance shall return incomplete or inadequate call-in requests, following consultation with the Chairman of the Business Management Overview &

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Scrutiny Committee (or in the absence of the Chairman, the Vice-Chairman), requesting that the Member calling-in the item provide clarification as to the decision called in, the reason(s) and the objective(s) within one working day in order to progress the call-in.

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Attendance at Meetings

15.8 For Executive decisions called-in under Rule **15.5**, the relevant Cabinet Member shall attend the meeting of the Business Management Overview & Scrutiny Committee in order to respond to:

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(i) the reason(s) and objective(s) for the call-in; and

(ii) questions and other issues raised by the Committee.

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The relevant Cabinet Member is the Member with delegated executive responsibility for the subject matter of the call-in. If the Cabinet Member is unable to attend the meeting, then the Leader or the Deputy Leader will attend to deal with the item.

Reference Back

15.9 If, having considered a decision the Business Management Overview & Scrutiny Committee remains concerned about it then it may refer it back to the decision making body or person for reconsideration, setting out the nature of its concerns, or refer it to full Council if they consider the decision is contrary to the **budget or** policy framework.

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The Committee shall indicate, in the case of decisions with several aspects, the part(s) that is (are) referred back in order that the remaining decisions may be implemented.

If the Committee is content with the action/decision, then can be implemented immediately.

Procedure for decisions referred back to decision-maker

15.10 Where a decision is referred back to the original decision maker, he/she will reconsider the decision and decide whether or not to change it before adopting a final decision.

15.11 Where the decision was taken by the Executive as a whole or a committee of it, the Democratic Services Manager shall place it on the agenda for the next regular meeting of the Executive or of the relevant committee.

Procedure for decisions referred to Council

15.12 The **Head of Governance** shall include those decisions referred to Council on the agenda for the next available ordinary meeting of the Council.

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15.13 If the matter was referred to full Council and the Council does not object to a decision or refer it back to the decision maker, then no further action is necessary and the decision will be effective in accordance with the provision below.

15.14 However, if the Council does object, it has no locus to make decisions in respect of an Executive decision, unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that it is the case, the Council will refer any

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decision to which it objects back to the decision-making person or body, together with the Council's views on the decision.

15.15 Subject to the arrangements in **16.9** above applying where appropriate, that decision-making body or person shall choose whether to amend the decision or not before reaching a final decision within 5 working days of the Council request.

Executive decisions taken by area committees

15.16 Where a key decision has been taken by an area committee then the right of call-in shall extend to any other area committee.

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Exceptions

15.17 In order to ensure that Call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (i) a decision maker can only be asked to reconsider a particular decision once;
- (ii) day-to-day management and operational decisions taken by officers shall not be subject to any Call-in procedure
- (iii) The Call-in procedure does not apply to recommendations made by the Cabinet to full Council on the budget or any part of the policy framework. However, the Business Management Overview and Scrutiny sub-Committee may comment on such recommendations.

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Deleted: An area committee may only request the Democratic Services Manager to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area it has responsibility for under its terms of reference. All other provisions relating to call-in shall apply as if the call-in had been exercised in the ordinary course. ¶
¶

16. Call-in and urgency

16.1 The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. An urgent decision may be exempted from the call-in process.

16.2 A decision which, if it were not taken promptly or otherwise delayed by the call-in process, would seriously prejudice the Council's or the public's interests will be regarded as urgent.

16.3 The record of the decision shall state whether, in the opinion of the decision-making body or person, it is urgent and therefore should be exempted from call-in.

16.4 The Chairman of the Business Management Overview and Scrutiny Committee must agree that the decision proposed is reasonable in all the circumstances and is urgent and consent to it being exempted from call-in.

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16.5 In the absence of the Chairman of the Business Management Overview and Scrutiny Committee, consent to exempt a proposed decision from call-in must be obtained:

- (i) From the Vice-Chairman of the Committee; or
- (ii) From the Head of Paid Service in the absence of both the Chairman and Vice-Chairman; or
- (iii) From the nominee of the Head of Paid Service in the absence of the Chairman, Vice-Chairman and the Head of Paid Service.

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16.6 For the purposes of granting consent to exempt an urgent decision from call-in, the Head of Paid Service may, if absent, delegate the granting of that consent only to his/her deputy or another Chief Officer of the Council.

16.7 For the purposes of this Rule, “absence” is deemed to mean:

Where the individual concerned cannot be contacted by any method of communication or has indicated by formal notice to the Head of Governance that he or she will not be contactable during a specified period.

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16.8 Urgent decisions treated as exempt from call-in must be reported, with an explanation for the reasons for urgency, to the next available Council meeting.

16.9 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. The Party Whip

17.1 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip and the nature of it before the commencement of the Committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. Procedure at Overview and Scrutiny Committee Meetings

18.1 Overview and Scrutiny Committees shall consider the following business:

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- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations);
- (iii) responses of the Executive to reports of the Overview and Scrutiny Committee;
- (iv) the business otherwise set out on the agenda for the meeting.

Note

The following item will also appear on the Agenda of the Business Management Overview and Scrutiny Committee;

Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision or Councillor Call for Action (the arrangements set out in 18.2 – 18.5 below apply when the Committee is dealing with call-in items of business)

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18.2 The Business Management Overview and Scrutiny Committee may not transact any business after 10pm (Section 2 – Committees and Sub-Committees – para 17)

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18.3 At 9.45pm, if the meeting has not yet concluded and it does not appear that it would otherwise complete its business, the Chairman, without further debate, shall immediately call for a vote on any motion, duly moved and seconded, that any remaining items on the agenda be referred back to the original decision making body or person, or that it be referred to full Council if it is considered that the decision is contrary to the policy framework or budget.

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18.4 Any motion by a Member to refer a decision back must concisely articulate the Member's reasons for concern about the original decision; the motion to refer back must be voted upon immediately without further debate.

18.5 Any Call-in matters not dealt with by 10pm will be implemented forthwith.

18.6 Where an Overview and Scrutiny Committee (or Task and Finish Group/Panel etc) conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

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(i) that the investigation be conducted fairly and all members of the scrutiny body be given the opportunity to ask questions of attendees, and to contribute and speak;

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(ii) that those assisting the scrutiny body by giving evidence be treated with respect and courtesy; and

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(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

18.7 Following any investigation or review, the committee/task and finish group/panel etc shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

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19. Speaking at Executive Meetings

19.1 A member of any Overview and Scrutiny Committee may speak on an item of business on the agenda for a meeting of the Cabinet or a Cabinet Committee subject to:

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(i) giving notice to the Leader or Chairman respectively at least 15 minutes before the start of the meeting;

(ii) the Leader or Chairman respectively giving his or her consent; and

(iii) the effective conduct of the business of the meeting not being prejudiced.

Explanatory Note – Speaking at Executive meetings

Although the rule says only 15 minutes' notice is required, it is courteous and good practice to ensure the Leader or Chairman knows of your request in good time and is able to discuss any concerns with you. The Leader or Chairman is unlikely to withhold consent to any reasonable requests that would not interfere with the effective conduct of the business of the meeting. However your request could be refused if a large number of members have requested to speak on the same item.

A note sent the day before the meeting or message left on the answer phone or at an e-mail address on the day of the meeting is unlikely to reach the Leader or Chairman in time.

Unless the Leader or Chairman receives the message, notice has not been given.

20. Application of Committees and Sub-Committees Rules to Overview and Scrutiny Committee Meetings

The following rules contained within Section 2 of Part 4 of the Constitution shall apply to Overview and Scrutiny Committees

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Rule 17 below will **not** apply to the Business Management Overview and Scrutiny Committee, as Overview and Scrutiny Procedure Rule 19.2 deals with this point.

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1	Substitute Members and Quorum
2	Substitute Members – Rules
4	Quorum – Rules
5	Chairman of Meetings
6	Minutes
8	Councillors' rights to attend meetings where they are not a member of the committee or sub-committee
9	Councillors' rights to speak at committees or sub-committees when they are not a member
10	Personal and prejudicial interests
11	Disorderly conduct
12	Validity of Motions and amendments
13	Motions which may be moved during debate
14	Decisions
16	Reports of Sub-Committees and Panels
17	The time limit for meeting and outstanding business
18	Voting at meetings
19	Members dissent
20	Voting on appointments

21. **Part 2 - Other arrangements**

Explanatory Note – Councillor Call for Action

Councillor Call for Action is a statutory process under section 119 of the Local Government and Public Involvement in Health Act 2007

21.1 Any Member may, by giving notice to the **Head of Governance** using the form provided, initiate a Councillor Call for Action relating to a local government matter that is not an excluded matter and where other routes to resolve the issue have not succeeded.

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21.2 A Councillor Call for Action can only be initiated where:

- (i) it relates to the discharge of any of the Council's functions;
- (ii) it relates to a matter which affects the ward of the Member initiating it;
- (iii) it does not relate to individual planning decisions, licensing decisions or matters where the affected person or body has a statutory right of appeal;
- (iv) it does not relate to any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for a scrutiny committee meeting.

21.3 The **Head of Governance** will determine whether the request meets the criteria for a Councillor Call for Action. Where the **Head of Governance** determines that the request does not meet the criteria for a Councillor Call for Action, he/she will, within 10 working days, give written notice of the decision to the Member making the request. In those circumstances, the Member may submit a written request for a review of that decision by the Director of Corporate Governance who will, within 10 working days, determine

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and give notice of the outcome of that review to the Member. Where the Head of Governance determines that the request does meet the criteria for a Councillor Call for Action, he/she will arrange for the matter to be included on the agenda for the **next available meeting** of the Business Management Overview and Scrutiny Committee.

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21.4 Where a Councillor Call for Action is included on the agenda for a meeting of the Business Management Overview and Scrutiny Committee, the Committee will consider the evidence submitted and determine how the Call for Action should be progressed. The Member making the request may address the committee before it is considered. Members of the public are able to speak in support of a Councillor Call for Action. Procedures for speaking as set out in Section 4, Public Participation, are applicable.

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22. Task and Finish Groups

22.1 Task and Finish Groups will carry out their work in the manner in which they see fit. The findings and recommendations of Task and Finish Groups will be presented for consideration to the Business Management Overview and Scrutiny Committee, operating under the Access to Information Rules.

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22.2 When conducting their research there will be a general expectation that:

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- (i) Members in carrying out these activities will, as appropriate, visit and meet with local communities, meet with the Council's partners and others as necessary.
- (ii) Members will look at a variety of methods for inviting comments and views and publicising their work.
- (iii) Meetings and other activities may, on occasions, take place at locations away from the Town Hall or other Council offices. The Democratic Services Manager will make the necessary arrangements in consultation with the relevant Chairman and Members.

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23. Part 3 - Constitutional issues

23.1 The Business Management Overview and Scrutiny Committee will review the operational and constitutional arrangements each year and make recommendations, as necessary, to the Special Committee (Constitution Review).

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23.1 Information Reports by the Executive¶

¶
The relevant Cabinet Member(s) will send by monthly email an Information Report to Overview and Scrutiny Committee Members outlining current issues occurring in their respective portfolios relating to recent practice and developments which are likely to impact on the future work of the Executive and/or the Overview and Scrutiny Committees and/or sub-Committees to update members on the progress of important current projects.¶

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Terms of Reference

Business Management Overview and Scrutiny Committee

Membership

10 Non-executive Members of the Council

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 3

Responsibilities:

1. To have overall responsibility for monitoring and coordinating overview and scrutiny work across the authority.
2. To have responsibility for the review of the policy framework and development of policy and strategy not within the remit of other overview and scrutiny committees.
3. To consider call-ins in accordance the provisions of the Local Government Act 2000 and Overview & Scrutiny Procedure Rule 15.
4. To consider Councillor Calls for Action in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and Overview & Scrutiny Procedure Rule 21.
5. In relation to crime and disorder:
 - (i) to consider all matters, not the responsibility of the Executive, relating to crime, disorder, anti-social behaviour and scrutiny of the Safer Communities Partnership Board in accordance with the provisions of the Police and Justice Act 2006.
 - (ii) to make recommendations to Council on the appointment of representatives to serve on the Barnet Community Safety Engagement Group and to receive regular reports as necessary from those representatives to highlight crime and disorder matters of public concern.
6. To receive, consider and allocate for action (if required) requests, reports and submissions from Council, the Executive, residents' forums, community and volunteer groups, partnership and outside bodies and other locally constituted groups.
7. To appoint scrutiny panels and task and finish groups needed to facilitate the overview and scrutiny function.
8. To coordinate and monitor the work of scrutiny panels and task and finish groups, including considering reports and recommendations and referring to the relevant decision-making body.
9. To review each year the operational and constitutional arrangements for overview and scrutiny make recommendations, as necessary, to the Special Committee (Constitution Review) and Council in accordance with the provisions of Overview & Scrutiny Procedure Rule 23.

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May 2011

10. To produce an annual report on the overview and scrutiny function in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 7.
11. To ensure that overview and scrutiny in Barnet is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
12. Additionally and insofar as relating to matters within its remit, to perform the overview and scrutiny role in relation to:-
 - The Council's leadership role in relation to diversity and inclusiveness; and
 - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

Overview & Scrutiny Procedure Rules -
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Membership

10 Non-executive Members of the Council

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 3

Responsibilities:

Budget and Performance

1. To scrutinise the overall performance, effectiveness and value for money of Council services, including the planning, implementation and outcomes of all corporate improvement strategies.
2. To scrutinise the Council's Information and Communications Technology systems including e-government, investment, implementation and service delivery.
3. To scrutinise the Council's annual budget process, reviewing and scrutinising its performance in relation to budget management, and assisting the Council in developing the three-year budget strategy.
4. To consider, consult upon, comment and, where appropriate, make recommendations to the Executive in respect of the proposed Council budget and Medium Term Financial Strategy.
5. To scrutinise the financial management of resources available to the Council including: property and asset acquisitions and disposals; reviewing the council-wide property and asset strategy; and the capital investment programme.
6. The effectiveness of the Council's partnerships (not within the remit of other overview and scrutiny committees) in furthering the Council's community and corporate plans, communication and public consultation including:
 - Local Strategic Partnership
 - Thematic Boards
 - Partnerships and sub-Partnerships
 - Relevant partner associations not covered by other stand alone committees

One Barnet

7. To perform the overview and scrutiny role in relation to the One Barnet transformation programme, particularly performance and financial issues.
8. To receive and consider options appraisals, business cases and closure reports for One Barnet projects.
9. To monitor the implementation of One Barnet projects throughout the programme lifecycle.

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Overview & Scrutiny Procedure Rules -

May 2011

10. To engage with partner organisations, other relevant public sector bodies, private sector organisations, trade unions, local residents or any other appropriate witnesses when fulfilling the overview and scrutiny role in relation to the One Barnet programme.

Other Responsibilities

11. To ensure that overview and scrutiny in Barnet is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
12. To contribute to producing an annual report on the overview and scrutiny function in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 7.
13. Additionally and insofar as relating to matters within its remit, to perform the overview and scrutiny role in relation to:
 - The Council's leadership role in relation to diversity and inclusiveness; and
 - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

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Safeguarding Overview and Scrutiny Committee

Membership

10 Non-executive Members of the Council

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 3

Responsibilities:

1. To scrutinise the Council and its partners in the discharge of statutory duties in relation to safeguarding.
2. To scrutinise Barnet's Safeguarding Children Board and any relevant Sub-Groups, including policies, procedures and performance through consideration of the Board's Annual Report.
3. To scrutinise Barnet's Safeguarding Adults Board and any relevant Sub-Groups, including policies, procedures and performance through consideration of the Board's Annual Report.
4. To scrutinise the provision of education (children and adults), special educational needs provision, and the protection and welfare of children.
5. To scrutinise the provision of adult social care services (including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs) to ensure that residents are safeguarded and supported to lead as independent lives as possible in their own homes.
6. To receive reports from Barnet's Local Involvement Network (or its successor body) on social care services.
7. To ensure that overview and scrutiny in Barnet is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
8. To contribute to producing an annual report on the overview and scrutiny function in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 7.
9. Additionally and insofar as relating to matters within its remit, to perform the overview and scrutiny role in relation to:
 - The Council's leadership role in relation to diversity and inclusiveness; and
 - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

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Health Overview and Scrutiny Committee

Membership

10 Non-executive Members of the Council

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 3

Responsibilities

1. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas.
2. To make reports and recommendations to the Executive and/or other relevant authorities on health issues which affect or may affect the borough and its residents.
3. To receive, consider and respond to reports and consultations from the Barnet Primary Care Trust, [Barnet GP Commissioning Consortium](#), [Barnet Health and Wellbeing Board](#) and/or other health bodies.
4. To invite executive officers and other relevant personnel of the Barnet Primary Care Trust, [Barnet GP Commissioning Consortium](#), [Barnet Health and Wellbeing Board](#) and/or other health bodies to attend meetings of the Overview and Scrutiny Committee as appropriate.
5. To scrutinise and review promotion of effective partnerships [between health and social care](#), and other [health partnerships](#), in the public, private and voluntary sectors. Deleted: with
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6. To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the Section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001.
7. To ensure that overview and scrutiny in Barnet is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
8. To contribute to producing an annual report on the overview and scrutiny function in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 7.
9. Additionally and insofar as relating to matters within its remit, to perform the overview and scrutiny role in relation to:
 - The Council's leadership role in relation to diversity and inclusiveness; and
 - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

Overview & Scrutiny Procedure Rules -
[May 2011](#)

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Annual Council Meeting

Tuesday 17 May 2011

Item 9

Reports from Other Committees

Report of the Special Committee (Constitutional Review)

14 April 2011

Report of Special Committee (Constitution Review)

14 April 2011

* Chairman: Councillor Anthony Finn

* Vice-Chairman: Councillor Joan Scannell

Councillors

Jack Cohen (*Councillor Lord Monroe Palmer substituted)	*Tom Davey	* Alan Schneiderman
* Melvin Cohen	* Andrew Harper	* Barry Rawlings
*Richard Cornelius	* Alison Moore	

* denotes Member present

1. COUNCIL MEETING REVIEW GROUP (Report of the Head of Governance– Agenda Item 5)

At its meeting on 9 February 2011, the Committee agreed to establish a Council Meeting Review Group to consider the following areas;

- a) The structural framework of the agenda for Council meetings; and
- b) Specific proposals from Members regarding
 - (i) Removing the distinction between Motions and Policy Items
 - (ii) Removing 'comments on the work of Cabinet' from the agenda; and
 - (iii) Changing speaking rules relating to Motions, Policy Items and Committee reports.

The membership of the Council Meeting Review Group included Councillors Andrew Harper, Joan Scannell, Richard Cornelius, Alison Moore and Barry Rawlings. The Council Meeting Review Group met twice and a report was submitted for the Committee's consideration on 14 April 2011.

RECOMMENDATIONS TO COUNCIL -

The following Recommendations to Council were approved at the Special Committee (Constitution Review) meeting on 14 April 2011 for submission to Council:

RESOLVED TO RECOMMEND TO COUNCIL:

That Council approve the following recommendations of the Special Committee (Constitution Review) as outlined below;

- (1) Part 1 – Statutory formalities/Announcements (15 minutes)**
 - (a) That Part 1 remains in its current form and commences at 7pm and concludes at 7.15pm.**

- (2) Part 2 – Question Time (30mins) & Part 6 – Comments on the Work of Cabinet (10 minutes)**
 - (a) That Part 2 (Question Time) remains in its current form (30 minutes) and commences at 7.15pm and concludes at 7.45pm.**
 - (b) That Part 6 (Comments on the Work of Cabinet) is removed from the Agenda.**

- (3) Part 3 – Motions (60 minutes) & Part 4 – Policy Development (60 minutes)**
 - (a) That Part 3 and Part 4 be merged into Part 3 and entitled ‘Business for Debate’.**
 - (b) That Part 3 consists of three items of business for debate;**
 - I. One Administration item (7.45pm-8.15pm)**
 - II. One Opposition item (8.15pm-8.45pm)**
 - III. One item of business proposed by a non-Executive Member. If there is more than 1 item, Council will decide the item of business for debate (9pm-9.30pm).**
 - (c) That each item of business for debate to last 30 minutes making a total duration of one and a half hours.**
 - (d) That the Administration and the Opposition can choose the item of business for debate and the items of business for voting on.**
 - (e) That where there is a cross party consensus of Motions (e.g. congratulations on exams results) a debate is not necessary.**
 - (f) That where business items request that the Chief Executive write to an MP, Government Minister etc, these requests are dispensed with.**
 - (g) That Part 3 (Business for Debate) commences at 7.45pm and concludes at 9.30pm.**

- (4) Part 5 – Statutory Council Business**
 - (a) That Part 5 to be entitled Part 4.**
 - (b) That Part 5 to be retained and considered in detail at a future meeting of the Special Committee (Constitutional Review).**
 - (c) That Part 5 (Statutory Council Business) commences at 9.30pm and concludes at 10pm (30 minutes).**

- (5) Speaking Rules**
 - (a) That no amendments be made to the Speaking Rules.**

- (6) Other Matters**
 - (a) That the 15 minute break is retained and that this commences at 8.45pm and concludes at 9pm.**
 - (b) That the number of Council meetings during the 2011/12 municipal year is reduced by one.**

- (c) That the deadline for amendments (received after the Constitutional deadline for the published amendment) to be with the Governance Service by 10am on the day of the Council meeting.
 - (d) That amendments should not negate the motion with ‘..to delete all words after Council...’
 - (e) That the right to move amendments from the floor be reserved to the Mayor.
 - (f) That Questions to Representatives on Outside Bodies be retained on the Council Agenda.
- (7) That the Council Meeting is to conclude at 10pm with the provision to extend the Full Council Meeting to 10.30pm.
- (8) That Council approve the amendments to the Constitution as set out in Appendix 1.
- (9) That the Head of Governance be instructed to make the appropriate changes to the Constitution.

2. AMENDMENTS TO PUBLIC PARTICIPATION RULES (Report of the Director of Corporate Governance, Agenda Item 6)

The Committee considered a report on the correction of two anomalies within the Public Participation Rules section of the Constitution. The report is attached as Appendix 2.

RESOLVED TO RECOMMEND TO COUNCIL:

- (1) That Council approve the amendments to the Constitution as set out in Appendix 2.
- (2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.

3. CORPORATE JOINT NEGOTIATION AND CONSULTATION COMMITTEE AND TERMS OF REFERENCE OF GENERAL FUNCTIONS COMMITTEE (Report of the Director of Corporate Governance, Agenda Item 8)

The Committee seeks the approval of Council on the cessation of the Corporate Joint Negotiation Consultation Committee (CJNCC) as approved by the General Functions Committee on 30 March 2011, as outlined in the report attached as Appendix 2. Council is further asked to approve the amendments to the Terms of Reference for the General Functions Committee to reflect changes to the Constitution following the Cessation of the Corporate Joint Negotiation Consultation Committee; this is attached as Appendix 3.

RESOLVED TO RECOMMEND TO COUNCIL:

- (1) That Council approve the Cessation of the Corporate Joint Negotiation Consultation Committee (CJNCC), report attached as Appendix 3, and the amendments to the Terms of Reference of the General Functions Committee as set out in Appendix 3b.

(2) That the Head of Governance be instructed to make the appropriate changes to the Constitution.

4. REVIEW OF RESIDENTS' FORUMS AND AREA SUB-COMMITTEES (Report of the Head of Governance, Agenda Item 9)

The Committee considered options papers and qualitative evidence in relation to Residents' Forums and Area Environment Sub-Committees and specific issues in relation to Area Planning Committees.

Residents' Forums

The Council's governance arrangements currently include three sets of structures that mirror parliamentary constituencies, i.e. Hendon, Finchley and Golders Green and Chipping Barnet.

Residents' Forums provide an opportunity for any resident to comment on any aspect of council service, plans and proposals. They are also a mechanism for ward members to debate oral representations and petitions on local issues and to reach some local consensus before a matter is considered by an Area Environment sub-Committee. The Chairman and Vice-Chairman are appointed by Council.

Area Environment sub-Committees

The remit and powers of Area Environment sub-Committees include discharging the Council's Functions relating to Highways use and regulation (excluding Executive highways responsibilities), contaminated land, pollution, air quality and gaming, entertainment, food and miscellaneous licensing (but not individual applications) in accordance with Council policy and within budget, apart from matters of significance to the whole borough or crossing sub-committee boundaries.

The Committee considered a number of factors relating to the current structure. Whilst it was noted that Barnet scored relatively poorly in surveys on whether residents feel involved and able to influence local decisions, it was also noted that Residents' Forums are sometimes poorly attended and perceived by some as having very little value added outcomes. It was further noted that Area Environment sub-Committees are also poorly attended and meetings are regularly cancelled due to lack of business. Furthermore, the Committee noted that neither structure gave residents any real input into decision making or policy development.

New Arrangements – The Proposal to Council

The current Area Forums, while to some extent engaging local people, lack a clear focus or work programme. They do not feed into improvements to the local area to any meaningful degree.

The Area Environment sub-Committees whilst having a clear constitutional role have drifted.

Linking the two could mean that Residents' Forums could take clear direction from local residents on the physical improvements that they wanted to see within their area (within a prescribed framework), and this could then set the Agenda for the Area Environment sub-Committee in the second half of the evening giving it a clear purpose and direction.

Regularity

The Area Environment sub-Committees and Residents' Forums will meet every two months on a Parliamentary Constituency basis at a venue within the Constituency determined by the Governance Service in consultation with the Chairman. This may be at the Town Hall or at other premises such as schools.

Attendance

Attendance at the Forums is open to anyone. This would be ensured by attendees signing in on arrival. Whilst Ward Councillors within that Constituency would be encouraged to attend, normal attendance rules would apply permitting any Member of the Council to attend. The appointment of Chairmen and Vice Chairmen of the Resident Forums would as now be a matter for Full Council.

Resident Forums would be served and minuted by the Governance Service and officers from Planning, Environment and Regeneration with a senior officer from that directorate present.

The Area Environment sub-Committees will be composed of 1 Councillor per Ward covered plus 1 Substitute per Ward. The Chairman will be appointed by Full Council, as at present.

Times

The Resident Forum will meet at 6pm, followed by the Area Environment sub-Committee on the same night and same venue at 8pm.

Residents' Items

The Residents' Forums will give residents the opportunity to raise local matters (basically "Public Works"). Items must be emailed to the Governance Service 24 hours before the meeting on a dedicated email address. There will be a guarantee that if a qualifying matter is submitted as above it will be discussed. A Six Month Rule shall apply preventing matters that have already been dealt with from being raised again within that period. The types of matters that could be covered are:

- Parks and Greenspaces
- Trees
- Allotments
- Highways
- Pavements
- Traffic
- Parking
- Utility issues
- Refuse
- Street cleaning
- Local crime

This may also be forum for certain consultations from the Council as decided by the Chairman. (This would not be referred to the Area Environment sub-Committees).

Petitions (on matters relevant to the Constituency only) can also be presented. Matters raised must **not** relate to Planning or Licensing Issues.

Relevant matters raised at Resident Forum may then be included in the agendas for the Area Environment sub-Committee that follows together with any statutory Area Environment sub-Committee business that may need to be discussed and will be reported to the appropriate committee/body.

The Area Environment sub-Committee will decide on a course of action for each item. Whether just to do nothing, note it, ask officers to present a report to a future meeting of the Area Environment sub-Committee, formally refer to the Cabinet Member, formally instruct an officer (within their powers) to take action, or to bring the matter to the attention of the Ward Councillors.

The Governance Service will ensure that resident who raised matter is informed of with the decision of committee. Future meetings of the Area Environment sub-Committee will of course deal with matters on which officers have been asked to report.

Cabinet/Executive Forums

To replace Leader Listens it is proposed that at least once a year the Leader or nominated Cabinet Member should chair a themed Resident Forum properly minuted and controlled by the Governance Service, on any subject the Leader decides and for which the Leader and Cabinet have executive responsibility. These may include:

- Education
- Housing
- Adult Social Care
- Community Safety (perhaps jointly with police)
- Public Health (perhaps jointly with the PCT)

They could also be used as part of the consultation process, for example on the Community Safety Plan.

The Executive Forums will discuss and question matters relevant to these areas, and to take questions.

The relevant director and senior officers would be expected to attend and again residents would be asked to email questions to the dedicated address 24 hours beforehand (as per the rules for Resident Forums generally).

Area Planning sub-Committees

Members also considered the arrangements for Area Planning Sub-Committees. The Committee agreed to recommend to Council the reduction from three to two area based Sub-Committees. The change could be implemented on an east-west division rather than the present system organised around the Parliamentary constituencies. Falling within the east area would be the Wards currently in the Chipping Barnet Area Planning Sub-Committee together with East Finchley, Finchley Church End, West Finchley, Woodhouse wards. The west area would comprise the Wards currently in the Hendon Area Planning Sub-Committee together with Childs Hill, Garden Suburb and Golders Green Wards. Representation would continue to be on a Ward basis.

That Council is asked to consider whether;

- a) The Residents' Forum and the Area Environment sub-Committee have the same Chairman and Vice Chairman.
- b) The Chairman of the Residents' Forum be the Vice Chairman of the Area Environment sub-Committee and vice versa.

RESOLVED TO RECOMMEND TO COUNCIL:

- (1) That Council approve the new arrangements to the Residents' Forum and Area Environment sub-Committees as outlined in this report and summarised below;**
- (2) The Residents' Forums and Area Environment sub-Committees will meet every two months on a Parliamentary Constituency.**
- (3) The appointment of Chairmen and Vice Chairmen of the Resident Forums would as now be a matter for Full Council.**
- (4) The Area Environment sub-Committees will be composed of 1 Councillor per Ward covered plus 1 Substitute per Ward. The Chairman will be appointed by Full Council, as at present.**
- (5) The Resident Forum will meet at 6pm, followed by the Area Environment sub-Committee on the same night and same venue at 8pm.**
- (6) The Residents' Forums will give residents the opportunity to raise local matters ("Public Works").**
- (7) Items must be received by the Governance Service by 6pm on the day before the day of the meeting for the item to be discussed at the Forum.**

- (8) A Six Month Rule shall apply preventing matters that have already been dealt with from being raised again within that period.
- (9) The Residents' Forum may also be a forum for certain consultations from the Council as decided by the Chairman.
- (10) Petitions on matters relevant to the Constituency only can also be presented.
- (11) Matters must not relate to Planning or Licensing Issues.
- (12) Relevant matters raised at the Forum may be included in the agenda for the Area Environment sub-Committee that follows together with any statutory Area Environment business that may need to be discussed and will be reported to the appropriate committee/body.
- (13) The Area Environment sub-Committee will decide on a course of action for each item.
- (14) That Council is asked to consider whether;
- a) The Residents' Forum and the Area Environment sub-Committee have the same Chairman and Vice Chairman.
 - b) The Chairman of the Residents' Forum be the Vice Chairman of the Area Environment sub-Committee and vice versa.
- (15) That Council approve that the Cabinet/Executive Forums replace Leader Listens and that this takes place at least once a year whereby the Leader or nominated Cabinet Member will chair a themed Resident Forum on any subject the Leader decides and for which the Leader and Cabinet have executive responsibility.
- (16) That the Cabinet/Executive Forum could also be used as part of the consultation process.
- (17) That during the Cabinet/Executive Forum discussions and questions will relate to matters relevant to these areas.
- (18) That the relevant director and senior officers will attend the forum.
- (19) That questions be submitted to the Governance Service by 6pm on the day before the day of the meeting.
- (20) That Council approve the new arrangements for the Area Planning sub-Committees as set out in this report with a reduction from three to two area based Sub-Committees.
- (21) That the change be implemented on an east-west division and that within the east area would be the Wards currently in the Chipping Barnet Area Planning Sub-Committee together with East Finchley, Finchley Church End, West Finchley, Woodhouse wards. The west area would comprise the Wards currently in the Hendon Area Planning Sub-Committee together with Childs Hill, Garden Suburb and Golders Green Wards. Representation would continue to be on a Ward basis.

(22)That Council approve the amendments to the Constitution as attached as Appendix 4.

(23)That the Head of Governance be instructed to make the appropriate changes to the Constitution.

APPENDIX 1

Section 1 – The Council

Types of meetings

Explanatory notes – types of council meetings

Article 4 of the Council Constitution sets out three types of council meeting.

The council meeting comprises all elected members of the council.

Annual meetings

By law, the Council must hold an annual meeting of the Council. It usually does so in May.

The Council will appoint a councillor to the position of executive leader at the post-whole Council election Annual Meeting or on such other day as there is a need to appoint a councillor to this position. The leader will appoint the executive including a deputy leader and present details of his scheme of delegation of executive functions to the Council. The Cabinet can appoint any body subordinate to it, but only committees can appoint sub-committees and panels. Panels are small sub-committees with a specific purpose. Therefore, Barnet's practice is to hold a joint meeting of committees following the annual meeting of the Council to:

- Set up any sub-committees or panels; and
- Appoint councillors and co-opted members to them for the next municipal year.

Ordinary meetings of Council

These will normally be held monthly, unless the Council or Mayor decides otherwise, at 7pm at the Town Hall, The Burroughs, Hendon on the dates agreed by the Council, usually at its annual meeting. Full Council Meetings will conclude at 10pm. At any meeting of the full Council, the Mayor may extend the period for the transaction of business for any period of time up to 10.30 p.m. This will be recorded in the Council's decisions

Budget

The Council must meet before 11 March to agree the Council's budget and the council tax for the following financial year. At this meeting, the Council will usually agree performance management plans that set out what services intend to do in the forthcoming financial year and the revenue and capital programmes that support them

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Section 1 – The Council
May 2011

Mayorality

It is the custom in Barnet for the Council in March to consider nominations for the election of Mayor for the following municipal year. At the meeting the Mayor calls for nominations. After they have been proposed and seconded they are put to the vote. The successful nomination becomes the "Mayor Designate". The actual election of the Mayor is decided at the annual meeting of the Council.

Chairing Council meetings

By law, the Mayor must chair Council meetings. In the absence of the Mayor, the Deputy Mayor may preside only if chosen for that purpose at the meeting. If the Deputy Mayor is not chosen, the Council must choose another member of the Council to preside.

Agenda conference

At least two weeks before an ordinary meeting, the Head of Governance will arrange an agenda conference by e-mail with the Leader of the Council, the Leaders of any other political groups and Group Secretaries, or their representatives:

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- to consult on the agenda;
- to agree the time limits for discussion of each item and for debating any amendments.

All Members of Council will be informed of the items scheduled for consideration at the next meeting on the day after the Agenda Conference.

1. Annual meeting of the Council

- 1.1 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.
- 1.2 The annual meeting will:
 - 1.2.1 elect a person to preside if the Mayor is not present;
 - 1.2.2 elect a Mayor (who may appoint a Deputy Mayor);
 - 1.2.3 approve the minutes of the last meeting;
 - 1.2.4 receive official announcements;
 - 1.2.5 elect the Executive Leader and require him/her to form an executive including a Deputy Leader and to present details of his/her scheme of delegation of executive functions to the Council;
 - 1.2.6 note 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;
 - 1.2.7 appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 and 2 of this Constitution, and a Chairman and (if Council so wishes) Vice-Chairman for each;
 - 1.2.8 agree the scheme of delegation or such part of it as the Constitution determines it is

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Section 1 – The Council

May 2011

- for the Council to agree as set out in Part 3 of this Constitution;
- 1.2.9 approve a programme of ordinary meetings of the Council for the year;
- 1.2.10 consider any other business dealt with in Part 5 of an ordinary Council meeting set out in the notice convening the meeting.

2. Selection of Councillors on Committees and outside Bodies

At the annual meeting the council will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference of those committees;
- iii. decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- iv. receive nominations of councillors to serve on each committee and outside body and
- v. appoint to those committees and outside bodies except where appointment to those outside bodies has been delegated by the Council or is exercisable only by the executive.

3. Ordinary meetings

- 3.1 Unless the Council or Mayor decides otherwise, ordinary meetings of the Council shall be held at 7pm at the Town Hall, The Burroughs, Hendon in accordance with a programme decided at the Council's annual meeting.
- 3.2 Ordinary meetings will deal with the following matters except for the meeting that deals with the approval of the budget and council tax to which only Parts 1 and 5 will apply.

Part 1 - Statutory formalities/Announcements (15 minutes)

- 1 Elect a member to preside if the Mayor is absent
- 2 Prayer
- 3 Minutes of last meeting
- 4 Official announcements
- 5 Declarations of interest
- 6 Any business remaining from last meeting

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

- 7. Questions to the Leader and Cabinet

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Part 3 - Business for Debate (90 minutes)

- 8. Business items, in the order in which notice has been given

Section 1 – The Council
May 2011

9. **Administration Business Item (30 minutes)**

Matters proposed by the political group led by the Leader of the Council and any other political group which acknowledges that it has combined with it to form a political administration.

Deleted: **Part 4 – Policy Development (60 minutes)** ¶

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10. **Opposition Business Item (30 minutes)**

Matters proposed by the other political groups, lasting no more than 30 minutes.

In the absence of agreement between the opposition political groups, the time available in this part of the meeting will be allocated pro rata to the number of members in each group.

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(Break – 15 minutes)

11. **Non-Executive Business Item (30 minutes)**

Matters proposed by non-Executive Members, lasting no more than 30 minutes.

If there is more than one business item for debate and in the absence of an agreement between the non-Executive Members, Council will decide the item of business for debate.

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Part 4 - Statutory Council Business (30 minutes)

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- 11. **Petitions for Debate (20 minutes).** A petition organiser (up to 5 minutes) and Members responding (up to 15 minutes)
- 12. Reports from Cabinet
- 13. Reports from overview and scrutiny committees
- 14. Reports from other council committees
- 15. Reports of officers

4. **Agenda Conference and Timetable for Meetings**

4.1 The Head of Governance will set the agenda and timetable after consultation with the political groups.

4.2 The Head of Governance will consult by e-mail the Leaders and Group Secretaries or if unavailable another representative of the political groups at least two working weeks before the meeting to consult them on the agenda and timetable. This will be known as "the agenda conference". The Administration and the Opposition will confirm the exact wording of the initiatives to the Head of Governance or relevant Democratic Services Officer in writing by either electronic or other means by no later than 4pm on the day of the Agenda Conference.

4.3 The Head of Governance will circulate the draft agenda on the next day.

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15. . Comments on the work of the Cabinet (10 minutes) ¶

16. . Questions to council representatives on outside bodies (this is a statutory requirement for the Council meeting) (10 minutes) ¶

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4(a) Callover

On the day before the meeting after the 10.30 deadline for final items of business the Head of Governance will consult by e-mail the Mayor and political group leaders, copying-in group secretaries (or if unavailable other representatives of the political groups) on variations to the agenda and timetable to add additional time to Part 3 of the meeting from any unused Part of the meeting as set out in Rule 3.2, provided that this does not cause the meeting to terminate after 10.30 pm.

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The Head of Governance will notify Members that day of the changed timetable.

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The variation will be moved in accordance with the provisions of paragraph 10.2.2 at the commencement of Part 3.

5. Visual presentations

A Member presenting a Business Item in Part 3 or commenting on the work of the Cabinet in Part 5 shall be able to make a visual presentation.

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6. Extraordinary meetings

6.1 Extraordinary meetings can be called in accordance with the legal requirements.

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

Explanatory notes – extraordinary meetings

The Mayor may call an extraordinary meeting at any time.

Five members of the Council may also request the Mayor to call an extraordinary meeting. The meeting must be called within 7 days of the notice being presented to the Mayor, although there is no time limit by which the meeting must take place. If the Mayor refuses, or does not call the meeting within the 7 days, any five members may themselves call an extra-ordinary meeting.
(Paragraph 3 of Schedule 12 of the Local Government Act 1972)

Order of business and general procedure for all meetings

7. Chairing Meetings

7.1 The person presiding at the meeting may exercise any power or duty of the Mayor concerning the conduct of Council meetings.

7.2 The Mayor or person presiding at the meeting will always be able to exercise a casting vote in the event of an equality of voting on a Business Item or amendment, in accordance with the provisions of the Local Government Act 1972, provided he or she has voted when the Business Item or amendment was first put to the vote.

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8. Quorum

8.1 No business will be transacted at a meeting of the Council unless there is a quorum present. The quorum is $\frac{1}{4}$ of the membership of the Council rounded up to the nearest whole number.

8.2 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 has passed, the Head of Governance will count the number of members present, and if there is no quorum, he or she will advise the meeting that no business can be transacted and the meeting will be cancelled.

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8.3 If the Mayor finds that a quorum of members is not present at any time during the meeting, the Head of Governance shall call over the names of the members of the Council. If there is not a quorum of members present, the Mayor shall adjourn the meeting and the Head of Governance shall record in the minutes of the meeting the names of those who were present and those who were absent.

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Explanatory Note – Inquorate meetings, adjourned meetings, cancellation and postponement

Where a meeting is inquorate it cannot be held, and if a meeting already commenced becomes inquorate no further business can be transacted. Such a meeting is not “adjourned” since this would require a positive decision that the meeting is, of course, unable to take.

In these circumstances a new date for a meeting must be arranged in accordance with Council Procedure Rule 12 and the Access to Information Procedure Rules giving the requisite days notice of the meeting.

Where a meeting is adjourned by the Mayor or by a unanimous or majority decision of the members a new meeting date must be arranged on the same basis.

Once the council has been convened by the proper officer publishing notice of the meeting there is no power for anyone to cancel or postpone it. The meeting must take place and, if quorate, transact the business set out on the summons.

This does not prevent members at the meeting, if they consider it inappropriate for the meeting to proceed for whatever reason, from taking a unanimous or majority decision to adjourn it.

9. Order of business

The order of business at meetings of the Council shall be as set out in Rules 1 and 2.

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10. Variation

10.1 The following order of business may not be changed:

- 10.1.1.1 to choose a person to preside if the Mayor is absent
- 10.1.1.2 to deal with any business required by statute to be done before any other business
- 10.1.1.3 to approve the minutes as a correct record

10.2 The order of any other business may be varied:-

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

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11. Minutes

11.1 The minutes of the last ordinary meetings of the Council and any extraordinary meetings will be published as soon as possible after the meeting.

(Paragraph 3 of Schedule 12 of the Local Government Act 1972)

11.2 The Mayor shall put the question that the minutes of the meeting of the Council held on the day of be approved as a correct record.

11.3 No discussion shall be allowed on the confirmation of the minutes. Any question about their accuracy must be raised by Business Item and voted on without discussion. Upon approval as a correct record, the Mayor shall subsequently sign the minutes.

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12 Resumption of adjourned meetings

12.1 The Head of Governance, in consultation with the Mayor, must summon the members to resume any meeting adjourned because:

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- 12.1.1 the meeting became inquorate; or
- 12.1.2 the Mayor adjourned the meeting due to a general disturbance in any part of the meeting place open to the public; or
- 12.1.3 the Mayor adjourned the meeting due to a named member continually disrupting the meeting.

(See standing order 28)

12.2 The meeting must be held within ten days of the adjournment and the summons will give details of the business remaining to be dealt with. No new items may be included on the agenda.

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Standing Orders – Interpretation, suspension and amendment

13. Interpretation

- 13.1 The ruling of the Mayor concerning the interpretation or application of these standing orders shall not be challenged at any meeting of the Council.
- 13.2 The ruling of the person presiding at a meeting of any Council body must not be challenged on the interpretation of standing orders relating to the meeting.

14. Suspension

- 14.1 The Council at any of its meetings may suspend any standing order provided that:
- 14.1.1 either due notice has been given, or Council agrees that it is a case of urgency, and
- 14.1.2 the Business Item to suspend a standing order is moved, seconded and carried without discussion by a majority of the members of the Council present and voting.

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15. Amendments to Standing Orders

A meeting of the Council may only consider changes to these standing orders if notice of the intention is included in the summons for the meeting.

Close of business

16. Suspension of business

- 16.1 No business at any meeting of the Council shall be transacted after 11 p.m. and any business transacted after that time shall be null and void

Rules that apply to the whole of all Council meetings

17. Validity of Business Items, amendments, initiatives and questions

- 17.1 Every Business Item, amendment, initiative 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 Business Item is relevant.
- 17.2 If the Head of Governance has any doubts about any Business Item, amendment, initiative or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.
- 17.3 If the Mayor considers the Business Item, amendment, initiative 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. The matter will only be included on the agenda if it is resubmitted in the timescale for receiving an item of business of that category and is signed by at least fifteen members of the Council.

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17A. General provisions for Business Items and amendments

17A.1 An amendment must be relevant to a Business Item on the agenda and shall be to either:

17A.1.1 refer a subject of debate to a committee for consideration or re-consideration; or

17A.1.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the Business Item before the Council (i.e. ...'to delete al words after Council and replace with')

17A.2 No member may submit more than one amendment to a particular Business Item or report on the agenda.

17A.3 If requested by the Mayor, the mover of a Business Item or amendment shall put it in writing and hand it to the Mayor before it is discussed or put to the vote. This standing order does not apply to Business Item or amendments where notice has been given in accordance with these standing orders.

17B. Alterations to Business Items or amendments

17B.1 Where, under Rule 31 a Business Item (including Administration, Opposition and non-Executive Member Business Item for debate in Part 3 of the meeting) has been notified to the Head of Governance, but the deadline for giving such notice has not passed:-

- A Member may alter the text of his or her Business Item or amendment by giving further notice to that effect to the Head of Governance within the deadline. The Head of Governance will keep a record of the altered text and shall record the date the notice altering the text was received. Any Member of the Council may inspect the record.

Otherwise, where the deadline for giving notice of a Business Item or amendment to the Head of Governance has passed:-

- A Member may, at the Council meeting and with the consent of the Mayor, alter the text of his or her Business Item or amendment. If the Business Item or amendment has been moved and seconded, the seconder must also give further consent to the alteration.

Any alteration must adjust, correct or clarify the Business Item or amendment and must not change its sense, meaning or purpose to such an extent that it becomes an entirely new Business Item or amendment.

17C Withdrawal of Business Items and amendments

17C.1 Where, under Rule 31 a Business Item or amendment (including Administration, Opposition, non-Executive Member Business Item for debate) has been notified to the Head of Governance, but the deadline for giving such notice has not passed:

- A Member may withdraw his or her Business Item or amendment by giving further notice to that effect to the Head of Governance within the deadline. The Head of Governance will keep a record of the notice of withdrawal including the date it was received. Any Member of the Council may inspect the record. Once notice of withdrawal has been received by the Head of Governance, the Member concerned may not move the same Business Item or amendment (or a similarly

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worded Business Item or amendment having the same overall meaning purpose or intent as the withdrawn Business Item or amendment) for that particular Council meeting.

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Otherwise, where the deadline for giving notice of a Business Item or amendment to the Head of Governance has passed:-

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- The mover may, at the Council meeting and with the consent of the Council and his or her seconder, withdraw his Business Item or amendment. No member may speak on the Business Item or amendment after the mover has asked permission for its withdrawal, unless permission has been refused.

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18. Business Items and amendments which may be moved without notice

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18.1 The following Business Items and amendments may be moved without notice to:

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- 18.1.1 appoint a Chairman of the meeting;
- 18.1.2 question the accuracy of the minutes;
- 18.1.3 move that an item of business in the summons takes precedence;
- 18.1.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);
- 18.1.5 agree to hear oral representations;
- 18.1.6 give leave to withdraw a Business Item;
- 18.1.7 extend the time limit for speeches;
- 18.1.8 move that "the question be now put" (to the vote);
- 18.1.9 move that "the debate be now adjourned";
- 18.1.10 move that "the Council do now adjourn";
- 18.1.11 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;
- 18.1.12 move that a member named under standing order 30 be not further heard or do leave the meeting;
- 18.1.13 deal in public with a staff matter;
- 18.1.14 give consent of the Council where consent is required by these standing orders;
- 18.1.15 grant urgent action powers.

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19 Business Items which may be moved during debate and closure Business Items

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19.1 When a Business Item is under debate no other Business Item shall be moved except:

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- 19.1.1 to amend the Business Item;
- 19.1.2 Business Items moved by the Mayor or another member that a member:
 - "be not further heard";
 - "must leave the meeting";
- 19.1.3 Business Items to exclude the press and public

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19.1.4 closure Business Items as follows:

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

"That the question be now put";

"That the debate be now adjourned"; or

"That the Council do now adjourn".

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

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19.1.5 If the Council agree "that the question be now put", the mover of the Business Item will retain his or her right of reply before the Business Item is put to the vote.

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19A. Speeches - limit and content

19A.1 A member may only speak once during the debate on an item of business to either:

19A.1.1 move an amendment or Business Item; or

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19A.1.2 second or speak on an amendment or Business Item moved by another member.

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19A.2 The exceptions are:-

19A.2.1 to speak on the substantive Business Item;

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19A.2.2 to exercise a right of reply;

19A.2.3 on a point of order; and

19A.2.4 by way of personal explanation.

19A.3 A member shall direct his or her speech to:

19.A.3.1 the question under discussion or

19.A.3.2 a personal explanation or a point of order.

Voting and division

20. Division bell

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

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21. Voting

21.1 All Business Items and amendments shall be determined by a show of hands except where otherwise provided by law or in these standing orders. However, the Mayor may use his/her discretion if the feeling of the meeting is clear, subject to any

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Member of the Council being able to request a formal vote.

21.2 Members must be seated in the Chamber when voting and while the vote is being recorded.

22. Member's dissent

22.1 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:

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22.1.1 cast his or her vote for or against the question; or

22.1.2 abstained from voting.

23. Division

23.1 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:

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23.1.1 voting for or against the Business Item or amendment;

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23.1.2 abstaining from voting; and

23.1.3 absent from the meeting when the division was taken.

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

24. Voting on appointments

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.

Members' conduct

25. Only one member to stand at a time

A member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak: the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising on a point of order or in personal explanation.

26. Respect for Chairman of meeting

Whenever the Mayor or member chairing the meeting rises during a debate any member then standing must resume his or her seat and the council must be silent.

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27. Points of order and personal explanation

27.1 **Points of order:** A member may rise on a point of order and must be heard forthwith. The point of order shall relate only to an alleged breach of a standing order or statutory provision or a factual error within an officer's report. The member must specify the standing order or statutory provision and the way he or she considers it has been broken, or details of the alleged factual error within the officer's report.

27.2 **Personal explanation:** A member who has previously spoken on an item of business may rise and, with the consent of the Mayor, speak in personal explanation. The member must be heard forthwith if consent is given. The personal explanation shall relate only to some material part of his or her previous speech, which may have been misunderstood in the present debate.

27.3 **Personal attack:** The Mayor may consent to a member giving an immediate personal explanation if he or she is abused, misinterpreted or unfairly accused of a misdemeanour by another member. The member's response should relate only to that part of the previous member's speech, which abuses, misinterprets or unfairly accuses him or her. No member may speak under this standing order unless the Mayor gives consent.

27.4 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

28. Disorderly conduct by a member

28.1 If the Mayor or another member considers that a member of the Council is:

28.1.1 persistently disregarding the ruling of the Mayor; or

28.1.2 behaving improperly or offensively; or

28.1.3 wilfully obstructing the business of the meeting;

Item if the Mayor may move "That [the member named] be not further heard". The Business Item if seconded shall be determined without discussion.

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28.2 The Mayor must notify the Council of the misconduct before he or she, or another member may move the Business Item. If the Business Item is approved, the named member shall be entitled to vote on any remaining matters but must not speak.

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28.3 If the named member continues in a disorderly manner after the Business Item has been passed, the Mayor may either:-

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28.3.1 move "That [the member named] must leave the meeting" (in which case the Business Item shall be determined without seconding or discussion); or

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28.3.2 adjourn the meeting of the Council.

28.4 A member excluded from the meeting under this standing order will not be entitled to return to the meeting to vote on any item.

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28.5 A Business Item passed in accordance with either standing order 28.2 or 28.4 will remain in force for any adjourned meeting.

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See also *Access to Information Procedure Rules - Disturbances by individual members of the public and general disturbance.*

29. Personal and Prejudicial Interests

- 29.1 **Personal interest:** If any member of the Council has a personal interest in any matter being considered at a meeting, he or she must disclose to that meeting the existence and nature of that interest at the commencement of when the matter comes into consideration or when the interest becomes apparent.
- 29.2 **Prejudicial interests:** If any member of the Council has a prejudicial interest in any matter being considered at a meeting, he or she must disclose that interest in accordance with Standing Order 29.1 and withdraw from the Council Chamber (including the public gallery) until the matter has been dealt with unless he or she has obtained a dispensation from the Standards Committee.

Explanatory Note – Declaring Interests at Meetings

When a member declares a personal interest at a meeting, the member should state clearly:

- (a) the specific nature of the interest e.g. employed by ABC Ltd, hold major shares in DE plc;
- (b) whether or not it is a prejudicial interest;

If it is a prejudicial interest the member should state clearly:

- (a) that he or she will withdraw from the Council Chamber until the matter has been dealt with; or
- (b) that a dispensation has been given by the Standards Committee permitting the member to stay to speak and/or vote at the meeting and the nature of the dispensation.

The member's name, nature of the interest and whether or not the member remained in the meeting, took part in the debate or voted will be included in the minutes

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Rules that apply to Part 2 of the Meeting

30. Question Time

Question time – explanatory note

Members may put questions to the Leader of the Council and other members of the Cabinet provided these are submitted in writing 10 working days before the meeting. The same member may ask one supplementary question. No notice is required of the supplementary question.

The questions and written answers will be circulated two working days before the meeting. Questions will be answered in the order in which they are received by the Head of Governance but shall be ordered so that a question from one party is followed by a question from another party until all parties 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. The Head of Governance will consult with the Leader if there is doubt about which Cabinet member should give an answer.

Any supplementary question and any answers will be recorded.

Normally, members may not ask a question which has already been dealt with at a previous Council meeting in the last six months.

Question Time shall end after 30 minutes or at 7.45 p.m. whichever is longer but a supplementary question commenced before the expiry of the time limit may be answered.

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30.1 In part 2 of the meeting the Leader of the Council and other members of the Cabinet will answer questions from any member of the Council. In the absence of the appropriate member of the Cabinet the question may be answered by another Cabinet member. The Head of Governance will consult the Cabinet on which Cabinet member questions should be referred to.

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30.2 Questions will be put to the appropriate Cabinet member 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.

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30.3 Any member wishing to ask a question must deliver it in writing, by hand, post, fax or e-mail, to be received by the Head of Governance by 10.30am ten working days before the day of the meeting.

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30.4 The Head of Governance shall keep a register recording the date and time the

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question was received. Any member of the Council may inspect the record.

- 30.5 The Leader/Cabinet member 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.
- 30.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 30.7 The Leader/Cabinet member may decline to answer a question.
- 30.8 Every question shall be put and answered without discussion.
- 30.9 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow an oral elaboration from the appropriate Cabinet member. In the absence of the appropriate Cabinet member an oral elaboration may be allowed from another member of the Cabinet.
- 30.10 One supplementary question and answer will be allowed on the same subject from the same member.
- 30.11 Questions and answers will be recorded. The Head of Governance shall send the transcript of oral questions and answers to the relevant members for correction of punctuation and grammar prior to publication.
- 30.12 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.

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Rules that apply to Part 3 of the meeting

31. Individual Members' Business Items for the agenda - Part 3 of the meeting

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Individual member's motions - explanatory Note

These are in effect the method members may use to put items on the agenda for Council meetings for discussion.

Business Items should be phrased to take account of the separate functions of the council and the Cabinet. Business Items on Council functions, for example, may seek approval to a course of action or instruct council committees or officers to take action. Business Items on Executive functions should invite the Cabinet to consider a matter identified in the Business Item

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- 31.1 Any member may put a Business Item on the agenda for an ordinary meeting of the Council, except the meeting that deals with the budget and council tax. The member must give written notice to the Head of Governance at least six clear working days before the meeting. Any Business Item delivered after 4pm will be recorded as received on the next working day. The Business Item must be signed by the member and delivered by hand, post, fax or e-mail.

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- 31.2 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.
- 31.3 The Head of Governance shall set out in the summons for the meeting all Business Items in order of receipt.
- 31.4 Once the Business Item is on the agenda, any member may move the Business Item at the meeting. If the Business Item is not moved it shall be treated as withdrawn, unless the Council agrees to postpone it.
- 31.5 If the member's Business Item is not dealt with by the end of the meeting, it will be referred to the Cabinet or an 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 Business Item to be voted on at that Council meeting it will be voted on without discussion).
- 31.6 A member who has a Business Item on the agenda may submit a further Business Item by 10.30am on the last working day before the meeting asking for the Business Item to be withdrawn and referred to the Cabinet or an appropriate council committee. The member must sign the Business Item and deliver it to the Head of Governance by hand, post, fax or e-mail.

32. Amendments to Business Items

- 32.1 Amendments to Business Items must relate to the Business Item on the agenda. They may be:
- 32.1.1 submitted to the Head of Governance in writing, by hand, post, fax or e-mail, (in which case they must be received no later than 10.30 am on the working day before the day of the meeting, and will be circulated by email and by hand by the Head of Governance at or before the meeting); or
- 32.1.2 submitted to the Head of Governance by 10am on the day of the Council meeting.

32.2 The right to give approval for a Member to move an amendment from the floor is reserved to the Mayor. The Head of Governance may require oral amendments to be submitted in writing at the meeting. Where prior notice has not been given in accordance with the Constitution, if a Business Item, to which an amendment is proposed to be moved under this provision, is to be put to the vote without discussion, the Member concerned must move the amendment before the Mayor or Chairman of the meeting calls for the vote on the Business Item. If the amendment is not moved in this way, it will not be voted upon by the Council.

33. Rules of Debate

- 33.1 The rules of debate for part 3 of the meeting are as follows:
- 33.2 Each Business Item 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 Business Item, 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. The time for this part of the debate will be set out in the timetable, 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.

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33.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. After all the amendments have been debated the Business Item will be debated. Then the member who opened the debate, or his/her nominee, has the right to respond. Deleted: motion

33.4 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. Deleted: motion

33.5 The Mayor will then put the initiative to the vote.

34. Time for debate

34.1 The time allowed for Part 3 of the meeting will be set out in the timetable. Each of the first three speakers under Rule 33.2 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.

34.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, Business Item or recommendation be put to the vote without further debate, or that the order of business be varied. This Deleted: motion

Business Item from the Mayor need not be seconded, and will be immediately put to the vote without debate. Deleted: motion

Rules that apply to Part 4 of the meeting

35. Administration, Opposition and non-Executive Member Business Item. Deleted: and
Deleted: Policy
Deleted: Initiatives

Explanatory note

Part 4 of the meeting will debate:

- Any Business Items put forward by the Leader of the Council, a member of the Cabinet or the Leader of any other party or parties who form part of an administration. The time limit for the debate will be 30 minutes.
- Any Business Items put forward by the opposition groups. The time limit for the debate will be 30 minutes.

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35.1 Business Items must consist of comments or requests addressed to the Executive. They must address broad policy issues and relate to the Council's powers or duties or matters that affect the Borough or its residents. Deleted: Motion

35.2 Business Items may not promote a policy initiative which has been rejected, or negate a policy initiative that has been agreed by Council or the Executive in the six months before the meeting. Deleted: Motion

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36 Rules of Debate

36.1 The rules of debate for administration, opposition and non-Executive Member Business Items, are as follows:

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36.2 Each Business Item will be dealt with in turn in the order set out on the agenda. The item need not be seconded. The Leader of the group promoting the Business Item, 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 the opportunity to comment. The time for this part of the debate will be set out in the timetable, 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.

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

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

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36.5 The Mayor will then put the initiative to the vote.

37. Amendments to Business Items

37.1 Amendments to Business Items must relate to the Business Item on the agenda. They may be:

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37.1.1 submitted to the Head of Governance in writing, by hand, post, fax or e-mail (in which case they must be received by no later than 10.30 am on the working day before the day of the meeting, and will be circulated by the Head of Governance at or before the meeting); or

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37.1.2 moved orally at the meeting. The Head of Governance may require oral amendments to be submitted in writing at the meeting.

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38 Time for Debate

38.1 The time allowed for Part of the meeting will be set out in the timetable. Each of the first three speakers under Rule 36.2 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 of the business for that part of the meeting has been dealt with. The Mayor will then put any 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.

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

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Rules that apply to Part 5 of the meeting

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Section 1 – The Council
May 2011

39. Questions on Cabinet/committee reports

A member may ask the Leader/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 Leader/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.

40. Rules of debate

40.1 The rules of debate in this part of the meeting for reports of the Cabinet (except for the report on the Budget and Council Tax to which Rules 44 to 47 apply), Committees and Overview and Scrutiny Committees are as follows.

40.2 The Leader/Chairman of the relevant committee, or another member of the Cabinet/Committee, will move reception of the report and adoption of the recommendations. This Business Item 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. The time for this part of the debate may be set out in the timetable, 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.

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40.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. Amendments need not be seconded. After all the amendments have been debated the Business Item will be debated. Then the Member who opened the debate, or his or her nominee, has the right to respond.

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40.4 At the end of the debate, the Mayor will put each amendment to the vote in turn. If an amendment is carried it alters the substantive recommendation.

40.5 The Mayor will then put the recommendation to the vote.

41 Amendments to recommendations

41.1 Amendments must relate to the recommendation of the Cabinet or committee or officers. They may be:

41.1.1 submitted to the Head of Governance in writing, by hand, post, fax or e-mail, (in which case they must be received no later than 10.30 am on the working day before the day of the meeting, and will be circulated by the Head of Governance at or before the meeting); or

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41.1.2 moved orally at the meeting. The Head of Governance may require oral amendments to be submitted in writing at the meeting.

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42 Time for debate

42.1 The time allowed for Part 5 of the meeting will be set out in the timetable. Each of the first three speakers under Rule 40.2 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

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Section 1 – The Council

May 2011

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.

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

44. Questions to Council representatives on outside bodies

44.1 At an ordinary meeting, a member, who has given 21 clear 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.

(Sub-section 71(5) of the Local Government and Housing Act 1989 - Section 41, Local Government Act 1985 - G.P. Dec. 21/10/85-5)

44.2 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.

44.3 An answer may take the form of:

44.3.1 an oral or written answer (officers will invariably give written answers); or

44.3.2 a reference to a Council publication; or

44.3.3 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.

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

44.5 Questions and answers will be recorded. The Head of Governance shall send the transcript of oral questions and answers to the relevant members for correction of punctuation and grammar prior to publication.

Rules that apply to the report of the Cabinet on the Budget and Council Tax, and Extraordinary Meetings

45 Amendments

45.1 If a member wishes to move an amendment to recommendations in the Cabinet's report or an item on the agenda of an extraordinary meeting he or she may only do so if written notice has been given to the Head of Governance by no later than 10.30 a.m. on the last working day before the day of the meeting.

The member must sign the amendment and deliver it to the Head of Governance by hand, fax, post or e-mail and the Head of Governance must have circulated details to all members on or before that day.

45.2 The Council may at the meeting agree to waive the requirements of this standing order.

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43. Comments on the work of the Cabinet ¶

43.1 In Part 6 of the meeting any Member who has given due notice shall be entitled to comment on the work of the Cabinet subject to the following conditions: ¶

(a) A Member's comment shall not relate to any item included elsewhere on the agenda for that meeting. ¶

(b) A Member shall not comment upon more than one matter and that matter shall only relate to one subject. ¶

(c) Only the Member giving notice may speak. At the conclusion of the Member's comments, the relevant Cabinet member shall be entitled to reply. ¶

(d) In the event of notice being received from more than one Member of intended comment on the same subject, it shall be at the Mayor's discretion as to whether or not such comments shall be taken together. ¶

43.2 Notice by the Member specifying the subject matter of any intended comment shall be given in writing, by hand, post, fax or e-mail, to the Democratic Services Manager by not later than 10.30am on the 2nd working day before the day of the meeting. Details shall be circulated by the Democratic Services Manager to all Members of the Council on the last working day before the day of the meeting. ¶

43.3 In the absence of the notifying Member it shall be competent for any other Member to act in his/her behalf provided he/she has been so authorised by the notifying Member. ¶

43.4 Comments and ... [15]

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Dealing with amendments at the meeting

45.3 An amendment shall not be discussed or put to the meeting unless it has been moved and seconded.

45.4 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with. No member shall move more than one amendment. The mover of the amendment may speak for five minutes.

45.5 If an amendment is lost, other amendments may be moved on the original Business Item but only where notice has been given. If an amendment is carried, the amended Business Item replaces the original Business Item. The amended Business Item then becomes the Business Item upon which any further amendment may be moved. This is known as the substantive Business Item.

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46.5 Once all amendments are dealt with in this way, the Business Item or the Business Item as amended is then put to the final vote.

46. Speeches

46.1 Except with the consent of the Council, which will normally be granted to specified members for the debate on the adoption of the budget, the speech must not exceed:

46.1.1 four minutes, or

46.1.2 five minutes for each speech when a member is moving:

- the cabinet report;
- an item on the agenda of an extraordinary meeting
- an amendment;
- a member is exercising his or her right to reply

46.2 If a member when seconding a Business Item or amendment declares an intention to do so, he or she may reserve the right to speak until later in the debate.

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47. Right of reply

The mover of an original Business Item shall have a right of reply at the close of the debate on the Business Item, immediately before it is put to the vote. If an amendment is moved, the mover of the original Business Item also has a right of reply at the close of the debate on each amendment, but must not otherwise speak on the amendment. At the end of the debate, the Mayor will call on the original mover of the Business Item to exercise his or her final right to reply.

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48 Procedure for Cabinet's budget report

48.1 The Leader, or in his/her absence any other member of the Cabinet, must move a Business Item for the report to be received. The mover may speak for five minutes.

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

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48.3 The Chairman of the Budget and Performance Overview and Scrutiny Committee may speak for five minutes.

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Section 1 – The Council
May 2011

48.4 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.

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

48.6 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.

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Appendix 2

Petitions, Question Time and Public Comments - Rules

Explanatory Note – Petitions, public comments and questions

Cabinet and Cabinet committee meetings

Question Time

The ability for the public to ask Questions of the Leader or the Cabinet Member chairing the meeting applies to meetings of the Cabinet and its Committees. Therefore the provisions set out in paragraphs 2, 4, 6.1(ii), - 6.4, 7.1.1, 7.1.2 and 7.2, will apply.

Speaking at Cabinet Meetings –

The provisions set out in paragraph 5 of these Rules do not apply. However, the Leader (or in the Leader's absence the member chairing the Cabinet) and the Chairman of a Cabinet Committee has discretion to issue invitations to members of the public to speak at Cabinet and Cabinet Committee meetings where he or she considers it appropriate upon application.

Application should be made to the Democratic Services Manager by 10am on the second working day before the day of the meeting.

Petitions relating to Executive matters, other than those falling within the Terms of Reference of the Area Environment Sub-Committees will be reported to Cabinet.

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5. Public comments at meetings and procedure

5.1 Any Committee or sub-Committee may consider allowing anyone who lives or has a business in the borough or is affected by a decision to talk to address it in relation to an item it is considering on that occasion. . This must relate to an item of business being considered by the Committee or sub-Committee.

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7. Circulation of questions and requests to make comments

7.1 Details of the questions to be asked at the meeting will not be set out on the agenda.

Questions

On the working day before the meeting the Democratic Services Manager shall:

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7.1.1 circulate written details of any questions to be asked to members of the Cabinet, Cabinet Committee, committee or sub-committee; and

7.1.2 place copies on deposit for public inspection.

Requests to make comments

On the working day before the meeting the Democratic Services Manager shall:

7.1.3 circulate, via e-mail, details of any requests to speak at the meeting to members of the committee or sub-committee; and

7.1.4 place copies on deposit for public inspection.

7.2 Where a matter relates solely to a particular ward the Democratic Services Manager shall invite the members for that ward to the meeting at which the public comments will be heard, if practicable. This invitation will be delivered by e-mail. This Standing Order does not apply to questions.

APPENDIX 3

AGENDA ITEM: 8

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Meeting

Special Committee (Constitution Review)

Date

14th April 2011

Subject

Corporate Joint Negotiation and Consultation Committee and Terms of Reference of General Functions Committee

Report of

Director of Corporate Governance

Summary

That the Committee recommend changes to Council affecting the Corporate Joint Negotiation Consultation Committee (CJNCC) and the Terms of Reference for the General Functions Committee

Officer Contributors

Aysen Giritli, Head of Governance
Jeremy Williams, Business Governance Manager

Status (public or exempt)

Public

Wards Affected

All

Enclosures

Appendix A – Report to General Functions Committee, Item 13, Proposals in respect of the Corporate Joint Negotiation Consultation Committee (CJNCC)
Appendix B – General Functions – Revised Terms of Reference

For decision by

Special Committee (Constitution Review)

Function of

Council

Reason for urgency

Not applicable

Contact for Further Information:

Aysen Giritli, Head of Governance
aysen.giritli@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 That the Committee note the decision of the General Functions Committee on 30 March 2011 and recommend that Council be asked to ratify the cessation of the Corporate Joint Negotiation Consultation Committee (CJNCC) and approve the amendments to the Terms of Reference for the General Functions Committee (Appendix B).**
- 1.2 That the Democratic Services Manager be instructed to make the appropriate amendments to the Council's Constitution if approved by Council.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 General Functions Committee, 30 March 2011, agenda item 12, Proposals in respect of the Corporate Joint Negotiation Consultation Committee (CJNCC).

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Council is committed to transparency, integrity and accountability in its governance arrangements and will work to further promote awareness of good governance both within the Council and with its partners.

4. RISK MANAGEMENT ISSUES

- 4.1 None.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Equality and diversity in terms of monitoring of policies and procedures will be an integral part of the meetings of the General Functions Committee.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None in the context of the report.

7. LEGAL ISSUES

- 7.1 None in the context of the report.

Constitutional powers

- 8.1 Part 3, **Section 2 of the Constitution** details the functions of the Special Committee (Constitution Review) which are "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".

8.2 The Terms of Reference for the General Functions Committee includes staffing matters (i.e. salaries and conditions of service) and where there are considered to be major implications of a restructure, such as potential redundancies resulting from the proposed restructure, changes to contracts of employment, proposals relating to the discretionary aspects of the implementation of national agreements, proposals involving major changes in working practices, location of employees etc, a report must be submitted to General Functions Committee for approval.

9. BACKGROUND INFORMATION

On 30 March 2011, the General Functions Committee considered a report on and approved the cessation of the Corporate Joint Negotiation Consultation Committee (CJNCC) and the proposed arrangements for incorporating certain matters within the Terms of Reference of the General Functions Committee (Appendix A).

9.2 Special Committee (Constitution Review) is requested to seek the approval of Council on the cessation of the Corporate Joint Negotiation Consultation Committee (CJNCC) and approve the amendments to the Terms of Reference for the General Functions Committee attached as Appendix B.

10. LIST OF BACKGROUND PAPERS

10.1 None.

Appendix A

AGENDA ITEM:13

Page nos. 12 - 22

Meeting	General Functions Committee
Date	30 March 2011
Subject	Proposals in respect of the Corporate Joint Negotiation Consultation Committee (CJNCC)
Report of	Democratic Services Manager
Summary	The Committee is asked to approve the proposals in respect of the CJNCC as outlined in this report.

Officer Contributors	Aysen Giritli – Democratic Services Manager Jacquie McGeachie – Interim Assistant Director for Human Resources
Status (public or exempt)	Public
Wards affected	Not applicable
Enclosures	Appendix 1 - Extract from the Draft Trade Union and Employee Engagement Framework – Collective Disputes Procedure
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Pauline Bagley, Democratic Services, Tel: 020 8359 2023.

1 RECOMMENDATIONS

- 1.1 **That the Committee approve the cessation of the Corporate Joint Negotiation Consultation Committee and the proposed arrangements as outlined in this report.**
- 1.2 **That the Committee approve the amendments to the original proposals as detailed in section 2 and 9 of this report.**
- 1.3 **That the Committee note the outcome of the consultation with the Trade Unions, as agreed at the meeting of the Committee on 28 June 2010.**
- 1.4 **That a report be submitted to the Special Committee (Constitutional Review) in April 2011, recommending that Council be asked to ratify the cessation of the Corporate Joint Negotiation Consultation Committee and that the Democratic Services Manager be instructed to make the consequential amendments to the relevant sections of the Constitution, including amendments to the Terms of Reference for the General Functions Committee.**
- 1.5 **That the Committee agree to further consultation upon the future of the Corporate Health and Safety Joint Negotiation and Consultation Committee.**

2 RELEVANT PREVIOUS DECISIONS

- 2.1 General Functions Committee, 28 June 2010 (Decision no. 10) approved
consultation upon, in principle, proposals for the cessation of the operation of the Corporate Joint Negotiation Consultation Committee (CJNCC) as a separate panel with representatives from Unison, the GMB and the teaching unions being co-opted on to the General Functions Committee as non-voting members when that Committee is dealing with staff and employment matters and further consultation upon the future of the Corporate Health & Safety Joint Negotiation and Consultation Committee.

3 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1.1 The Council is committed to transparency, integrity and accountability in its governance arrangements and will work to further promote awareness of good governance both within the Council and with its partners.
- 3.1.2 The arrangement for resolving Collective Disputes are included in the existing involvement of local Area Joint Negotiation and Consultation Committee.

4 RISK MANAGEMENT ISSUES

4.1 None in the context of this report

5 EQUALITIES AND DIVERSITY ISSUES

5.1 Equality and diversity in terms of monitoring of policies and procedures will be an integral part of business at meetings of the Committee.

6 USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 The draft 'Trade Union and Employee Engagement Framework' provides a modern structure for managing and resolving workforce issues as quickly as possible. The framework promotes ownership of local issues being managed and decisions made.

7 LEGAL ISSUES

7.1 None in the context of this report

8 CONSTITUTIONAL POWERS

8.1 The Terms of Reference for the General Functions Committee includes staffing matters (i.e. salaries and conditions of service) and where there are considered to be major implications of a restructure, such as potential redundancies resulting from the proposed restructure, changes to contracts of employment, proposals relating to the discretionary aspects of the implementation of national agreements, proposals involving major changes in working practices, location of employees etc, a report must be submitted to General Functions Committee for approval.

9 BACKGROUND INFORMATION

9.1.1 On 28 June 2010, the General Functions Committee agreed to consult on the in principle proposals for CJNCC to cease to operate as a separate panel with representatives from Unison, the GMB and the teaching unions being co-opted on to the General Functions Committee as non-voting members when that Committee is dealing with staff and employment matters. At this meeting the Committee approved consultation with the Trade Unions and other stakeholders and consultation commenced on 5 July 2010.

9.1.2 At this meeting, it was further agreed that consideration should be given to alternative arrangements for resolving Collective Disputes. Due to significant changes promoted under the Council's One Barnet programme, it is recognised that any proposal for resolving Collective Disputes must be a robust and a suitable mechanism to ensure effective and timely dialogue between the employers and employee side.

- 9.1.3 A review of the effectiveness and suitability of the arrangements and procedures for resolving Collective Disputes, including the existing involvement of local Area Joint Negotiation and Consultation Committee, were also agreed.
- 9.1.4 Feedback from the Trade Unions on the proposals included clarity around the following areas–
- The number of Trade Union Representatives co-opted onto General Functions Committee as non voting members
 - The frequency of meetings and postponing of meetings
 - Clarification on what is meant by a working day
 - Clarification on disputes over items on the agenda,
 - Managing of Extraordinary Meetings, urgent Items, quorums, and minutes
- 9.1.5 On 30 November 2010, the Trade Unions met with Human Resources Officers. During this meeting, it was put forward by the Officers that, as a result of the wider review of the Industrial Relations framework, the original proposal of having representatives of the Trade Unions as co-opted members of the General Functions Committee had now been superseded by changes to other parts of the process as the next section of the report demonstrates.
- 9.1.6 Human Resources have shared the draft with the Trade Unions and consultation is on-going, however the re-organising of Area Joint Consultation Committees will start from the 1 April 2011 and will be reflective of the new directorates.

9.2 The Collective Disputes Procedure

- 9.2.1 The Collective Disputes Procedure has been in place since July 1996 and no longer supports a modern Trade Union and Employee engagement process. Furthermore there was no evidence of an overarching strategy that encompassed the wider Industrial Relations Framework. This has meant, over time, the relationship and ways of working with Trade Unions has become unclear for Senior Managers/Managers, Human Resources and the Trade Unions.
- 9.2.2 Human Resources had already commenced a piece of work, prior to the Committee's agreement to consult on the proposed cessation of the CJNCC, to develop a Trade Union and Employee Engagement Framework, which the collective disputes procedure will be part of.
- 9.2.3 The draft framework includes a policy statement on how the Council will promote and maintain good industrial relations, a set of principles outlining the type of relationship the Council is committed to with both Trade Unions and deals with the modernising of the Collective Disputes procedure.

9.2.3 It is proposed that collective disputes are dealt with through three distinct tiers which allow for maximum opportunity for dialogue and resolution and provides a clear structure for the escalation of issues (Appendix 1).

9.2.4 The three tiers are;

- Tier 1 – Area Joint Consultation Committee
- Tier 2 – People Management Group – (working title)
- Tier 3 – General Functions Committee

9.3 General Functions Committee and the cessation of the Corporate Joint Negotiation Consultation Committee

9.3.1 Under this proposal, a dispute would be referred to the General Functions Committee (Tier 3) once all avenues relating to Tier 1 and Tier 2 have been exhausted. At its meeting, the Committee will hear the dispute and the Trade Union would address the Committee.

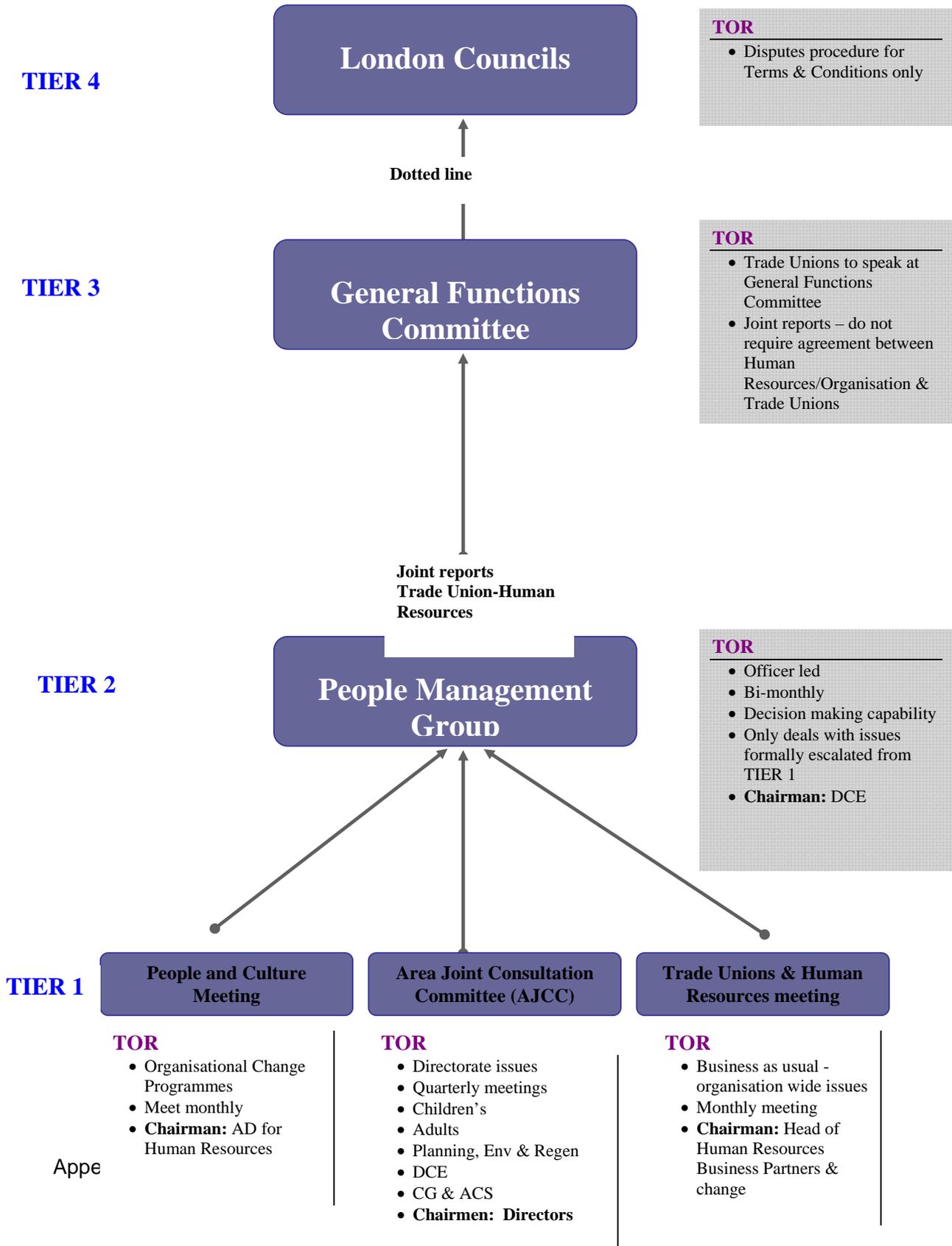
9.3.2 It is important to inform the Committee that some aspects of this framework are already in place and working effectively. Currently, the Trade Unions meet with the Chief Executive and Deputy Chief Executive once a month to discuss and resolve issues within the One Barnet programme. Under the proposals set out in the draft Collective Disputes Procedure, the extension of the terms of reference of this meeting (to broaden its remit and act as the second tier) will further strengthen the relationship and promote transparent, timely decision making.

9.3.3 Subject to the Committee's approval, it is proposed that a report be submitted to The Special Committee (Constitutional Review) on 6 April 2011 outlining the details to the changes to the constitution following the cessation of the Corporate Joint Negotiation Consultation Committee and the revised terms of reference for the General Functions Committee. The mechanisms for Trade Unions to address the committee will also be reported to The Special Committee (Constitutional Review) in January 2010.

10. LIST OF BACKGROUND PAPERS

10.1 None.

Proposed IR Framework



6. COLLECTIVE DISPUTES PROCEDURE

6.1. Aim

The aim of the Collective Disputes Procedure is to provide a standard framework for resolving issues of disagreement about Terms and Conditions of employment between management and employees, as quickly as possible. The early stages of the Collective Disputes Procedure do not apply where the Council has notified a decision to make particular changes to Terms and Conditions for all Council employees. Such notifications will require both parties moving directly to Tier 3 of this procedure

6.2. Approach

6.2.1. Wherever possible, employees should be encouraged to discuss any concerns informally with their immediate manager/head of department. It is expected that the vast majority of concerns can be dealt with in this way.

6.2.2. However, where it is necessary for a group of employees to pursue the formal stages of the Collective Disputes Procedure about a Term and/ or Condition of employment, the aim of senior management will be to pursue resolution of the outstanding problems or concerns. Equally, it is the role of the staff organisation(s) referring the collective dispute to be motivated by a genuine desire to find a reasonable solution to the dispute.

6.2.3. Every effort should be made to achieve the resolution of the collective dispute in the shortest time possible, normally within three months of the matter being formally raised.

6.3. Application

6.3.1. The Collective Disputes Procedure applies only to Terms and Conditions of employment:-

- pay scales, rates and pay intervals
- hours of work, including flexi time
- place of employment
- continuous service
- annual leave entitlements
- sick leave and sick pay schemes including absence management processes
- maternity provisions
- pension arrangements
- part-time or flexible working
- other time-off arrangements
- disciplinary and grievance procedures

For the avoidance of doubt, organisational design and working arrangements do not constitute Terms and Conditions of Employment and these arrangements are not covered by the Collective Disputes Procedure.

6.3.2. The Collective Disputes Procedure will not apply where the complaint or problem is raised by an individual employee and, either does not affect the

interests of other members of staff, or where other members of staff have accepted the change and it is only one employee who remains opposed to the implementation of change.

6.3.3. The Collective Disputes Process can be used to discuss issues of principle arising from the interpretation of specific national terms or procedures.

6.3.4. The Collective Disputes Procedure will not apply in the following circumstances:-

- Matters of discipline
- Matters for which specific national terms and conditions or procedures apply unless the Council has notified that it intends to depart from those specific national terms and conditions
- Any process for which there is an Appeal Process

6.4. Obligations

It is recognised by both sides that:

6.4.1. Management has the right to introduce change and implement decisions, provided that prior consultation has taken place through the established collective machinery and with individuals who may be affected by the proposed changes.

6.4.2. Employees have the right, through their staff organisations, to express any concerns about the plans for implementing change, through the use of this procedure.

6.4.3. Both parties to this agreement support the principle that where disputes arise, they should be resolved at the lowest possible level and as quickly as possible.

6.5. Procedure

If, following appropriate consultation, and subsequent informal discussions, a group (or groups) of employees continue to have unresolved complaints or problems about the implementation (or proposed implementation) of change affecting terms and conditions of employment, the matter should be dealt with in the following way:-

6.5.1. Initial – Local parties

(a) The matter is raised by the local manager of the service area and discussed with his or her local trade union representative.

(b) Where the matter is agreed, it will be the responsibility of the local parties to ensure that all interested parties are communicated to in an appropriate fashion.

(c) Where there is a failure to agree the matter will need to be referred to the Area Joint Consultative Committee which will be Chaired by the Corporate

Director responsible for that particular service area or an authorised substitute.

(d) This referral will take the form of an agreed statement clearly expressing the areas of agreement and the specific areas of disagreement, highlighting the respective positions.

(e) Any matters relating to a particular service area shall not be submitted unless there has been a failure to agree.

(f) This must be done within 7 days of the formal meeting

6.5.2 Tier 1 – Area Joint Consultation Committee

(a) The meeting will be Chaired by the Corporate Director responsible for that particular service area or an authorised substitute.

(b) Both parties will ensure that the matter referred from the local parties will appear on the agenda for the next available Area Joint Consultation Committee and both parties will ensure that they are fully briefed on the matter.

(c) The purpose of discussing the matter will be to find an agreed way forward. The matter will only be discussed at one Area Joint Consultation Committee.

(d) There are 3 outcomes from the discussion:-

- the matter is resolved and the local parties are notified accordingly
- further options for local discussion are identified and the matter is referred back to local level for resolution. The matter cannot be referred back to the Area Joint Consultation Committee following referral to the local parties in this instance.
- The matter remains unagreed.

(e) Where the matter is not agreed at the Area Joint Consultation Committee the minutes must reflect this and the matter be referred to the People Management Group.

6.5.3 Tier 2 – People Management Group

(a) Before any issue can be presented to the General Functions Committee, it will need to be submitted to the People Management Group.

(b) The People Management Group consider the matter and confirm any timescales that have been determined to resolve the matter.

(c) Where the matter is not resolved at the People Management Group the minutes must reflect this and the matter referred to the General Functions Committee.

6.5.4. Tier 3 – General Functions Committee

(a) Where there has been a failure to agree at an Area Joint Consultation Committee and People Management Group about the implementation (or proposed implementation) of change affecting terms and conditions of employment, the matter shall be referred to the General Functions Committee at its next scheduled meeting.

(b) Issues which are submitted to the General Functions Committee will be supported by the minutes of the Area Joint Consultation Committee and People Management Group which considered the matter.

(c) There are 3 outcomes from this discussion

- the matter is resolved and the local parties are notified accordingly
- further options for local discussion are identified and the matter is referred back to local level for resolution. The matter cannot be referred back to the Area Joint Consultation Committee or the General Functions Committee in this instance.
- The matter remains unagreed.

(d) If the matter remains unresolved at this point, the Collective Disputes Procedure is regarded as exhausted.

6.5.5. External parties

(a) Terms and conditions of employment determined by the London Borough of Barnet

In the event of any dispute arising from not being settled by the General Functions Committee, it may be referred, either upon an agreed statement of the facts, or failing this agreement, upon a statement submitted by either party, to the Greater London Provincial Council Joint Secretaries for mediation. The Council will provide 3 months after the date of the General Functions Committee for this mediation. The 3 months can only be extended by mutual agreement of all parties.

(b) Application of a national term or condition of employment

If a difference arises between the Employers' and the Employees' Sides which cannot be resolved by the General Functions Committee, it may be referred, either upon an agreed statement of the facts of the case, or failing agreement, upon a statement submitted by either party, to the Greater London Provincial Council for Joint Secretaries for determination. The Council will provide 3 months after the date of the General Functions Committee for this mediation. The 3 months can only be extended by mutual agreement of all parties.

6.6. Status Quo

Where a dispute has arisen out of an attempt to change existing circumstances i.e. that which has been in place for a minimum of one week prior to the dispute being raised, the practice that it sought to change shall prevail until these procedures have been exhausted except where an

emergency situation is identified and/ or a health and safety matter is identified. This shall be on the understanding that the parties to the dispute or their representatives make themselves available for meetings organised to meet the timescales within this procedure and that the commencement of statutory and contractual notice periods will not normally be postponed.

6.7. Industrial Action

The constituent unions of the employees' side at either Corporate or service level will not take any action to ballot their members for any form of industrial action until the disputes procedure has been exhausted. In the case of a national dispute on pay and conditions of service, formal procedures at the national level must have been exhausted. This will mean reference to the General Functions Committee for London Borough of Barnet determined terms and conditions of employment, reference to Greater London joint machinery for regionally determined conditions of service and national machinery for national conditions of service.

Appendix 3B

General Functions Committee - Terms of Reference

<p>General Functions Committee</p> <p>Meets as and when required but in practice functions discharged by officers.</p>	<p>All other Council functions that are not reserved to Council including</p> <ul style="list-style-type: none"> • Appointing representatives on outside bodies • Appointing representatives to School Governing Bodies • Staff matters (i.e. salaries and conditions of service) <p>Where decisions have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Cabinet Resources Committee</p> <p>Collective Disputes - In accordance with the Council's Trade Union and Employee Engagement Framework, certain disputes may be referred to the General Functions Committee.</p> <p>a) Only where there has been a failure to agree at People Management Group about the implementation (or proposed implementation) of change affecting working arrangements can the matter be referred to the General Functions Committee at its next scheduled meeting.</p> <p>(b) Issues concerning working arrangements which are submitted to the General Functions Committee will be supported by the minutes of the Area Joint Consultation Committee and People Management Group which considered the matter.</p> <p>(c) Where the matter is not resolved at this point, the Collective Disputes Procedure is regarded as exhausted and the Council will advise trade unions and employees of its intentions.</p> <p>(d) When considering the report, a representative of the trade unions may be requested to speak or be questioned by the Committee before a decision is made.</p>	<p>7 councillors</p>
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	<p><i>(Explanatory note: Where the following issues arise from an organisational restructure, the restructure will be considered to have major implications and a report must be submitted to General Functions Committee for approval.</i></p> <ul style="list-style-type: none"> • <i>Organisational restructures which could potentially lead to compulsory redundancies.</i> • <i>Restructures involving changes to contracts of employment.</i> • <i>Proposals relating to the discretionary aspects of the implementation of national agreements</i> • <i>Proposals involving <u>major</u> changes in working practices, location of employees etc, irrespective of whether these changes are provided for in the employment contract.)</i> • Election administration and electoral registration • pensions and superannuation payments for maladministration in cases where the Council has discretion and a payment has not been recommended by the Ombudsman or a court. 	
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APPENDIX 4

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Article 10 – Area Committees and Forums and Local Strategic Partnerships

References: *Part VA, Local Government Act 1972*
Section 13, Local Government and Housing Act 1989
Reg. 4, 5 and 16A Local Government (Committees and Political Groups) Regulations 1990
Section 18, Local Government Act 2000
The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
Chapters 6 and 9, DETR Guidance

10.01 Area committees and forums

The Council may appoint area committees and forums as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

10.02 Form, composition and function

- (a) **Table of area committees and forums.** The Council will appoint the area committees and forums as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column.

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Article 10 - 1
Revised May 2010

Name of Committee	Composition	Terms of Reference
Residents Forums: Hendon Finchley and Golders Green Chipping Barnet	A Chairman and Vice-Chairman of each appointed by the Council. Any Member of the Council may attend.	Residents Forums provide an opportunity for any resident to <u>raise local matters ("Public Works")</u> . <u>Items must be received by the Governance Service by 6pm on the day before the day of the meeting for the item to be discussed at the Forum.</u> <u>The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.</u> <u>The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.</u> <u>Petitions on matters relevant to the Constituency only can also be presented.</u> <u>Matters must not relate to Planning or Licensing Issues.</u> <u>Relevant matters raised at the Forum may be included in the agenda for the Area Environment sub-Committee.</u> <u>Comments made are reported to the relevant decision maker.</u>

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Name of Committee	Composition	Terms of Reference
		<p><u>Cabinet/Executive Forums</u></p> <p><u>The Leader or a nominated Cabinet Member to chair a themed Residents' Forum at least once a year on any subject the Leader decides and for which the Leader and Cabinet have Executive responsibility.</u></p> <p><u>These can be used as part of the consultation process.</u></p> <p><u>Executive Forums will discuss and question matters relevant to these areas and to take questions.</u></p> <p><u>Questions must be submitted to the Governance Service by 6pm on the day before the day of the meeting.</u></p>
<p>Area Environmental Sub-Committees:</p> <p>Finchley and Golders Green</p>	<p>Composed of one councillor (plus a substitute member)for each ward as follows:</p> <p>7 councillors</p> <p>Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards.</p> <p><u>1 substitute Member per ward.</u></p> <p><u>The Chairman to be appointed by Council.</u></p>	<p>These sub-committees discharge functions delegated to them by both the Council and the Executive.</p> <p>Their Council functions are set out in Part 3 of the Constitution, section 2 Responsibility for Council Functions.</p> <p>Their Executive functions are set out in Part 3 of the Constitution, section 3 Responsibility for Executive Functions.</p>

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Revised May 2010,

Name of Committee	Composition	Terms of Reference
<p>Chipping Barnet</p> <p>Hendon</p>	<p>7 councillors</p> <p>Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</p> <p><u>1 substitute Member per Ward</u></p> <p><u>The Chairman to be appointed by Council.</u></p> <p>7 councillors</p> <p>Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards.</p> <p><u>1 substitute Member per Ward.</u></p> <p><u>The Chairman to be appointed by Council.</u></p>	<p><u>Relevant matters raised at the Residents' Forum may be included in the agenda for the Area Environment sub-Committee together with any statutory Area Environment business.</u></p> <p><u>The Area Environment sub-Committee will decide on the course of action for each item:</u></p> <ul style="list-style-type: none"> • <u>-Whether to do nothing</u> • <u>-to note it</u> • <u>-ask officers to present a report to a future meeting of the Area Environment sub-Committee</u> • <u>-formally refer to the Cabinet Member</u> • <u>-Formally instruct an officer (within their powers) to take action</u> • <u>-to bring the matter to the attention of the Ward Councillors.</u>
<p><u>Area Planning Sub-Committees:</u></p> <p><u>East Area Planning Sub-Committee</u></p>	<p><u>Composed of one councillor (plus a substitute member) for each ward as follows:</u></p> <p><u>7 councillors</u></p> <p><u>Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts, Totteridge, East Finchley, Finchley Church End, West Finchley and Woodhouse Wards</u></p>	

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Article 10 - 4
Revised May 2010

Name of Committee	Composition	Terms of Reference
<u>West Area Planning Sub Committee</u>	<u>7 councillors</u> <u>Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill, Childs Hill, Garden Suburb and Golders Green Wards.</u>	

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- (b) **Delegations.** The Council and the executive will include details of the delegations to area committees in Part 3 of this Constitution, including the functions delegated showing which are the responsibility of the executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

Area environment sub-committees when considering a proposal for discharging an Executive function for a location that crosses their boundaries may take decisions to approve recommendations submitted to them. When such a proposal is to be considered the Democratic Services Manager shall make arrangements for a joint meeting of the sub-committees within whose areas the proposal falls. Voting at every such meeting shall be separate among the members of the different sub-committees. If any sub-committee fail to agree the recommendations then the whole proposal shall be submitted to the Cabinet for decision.

10.03 Conflicts of interest – membership of area committees and overview and scrutiny committees

- (a) **Conflict of interest.** If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.
- (b) **General policy reviews.** Where the overview and scrutiny committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area committees – access to information

Area committees will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for area committee meetings which deal with both functions of the executive and functions which are not the responsibility of the executive will state clearly which items are which.

10.05 Executive members on area committees

A member of the executive may serve on an area committee if otherwise eligible to do so as a councillor.

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Revised May 2010,

10.06 Executive members on residents forums

A member of the executive may be the chairman or vice-chairman of a residents forum if so appointed by the Council.

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10.07 Local Strategic Partnership

- (a) The Local Strategic Partnership is a non-statutory body 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 and Local Area Agreements.
- (b) The Local Strategic Partnership is not the ultimate decision maker. All target-setting and consequential financial, commissioning or contractual commitments proposed by the Local Strategic Partnership must be formalised through the Council's Executive or through one of the other Local Strategic Partnership members (for example if policing or health resources are involved).
- (c) The Council's Executive will exercise a leadership role in relation to the Local Strategic Partnership and specifically will ensure that the Local Strategic Partnership has a formal constitution setting out its terms of reference, membership, organisational and management arrangements and the duties and responsibilities of Partnership members, such duties and responsibilities to be incorporated into a partnership agreement to be signed by all Partnership members.
- (d) The Council's Executive will ensure that the Local Strategic Partnership develops clear and transparent lines of accountability and responsibility between its members.
- (e) The Council's Executive will, on an annual basis (or at more frequent intervals should it deem it appropriate to do so), consider a report on the work and performance of the Local Strategic Partnership and its thematic Boards, Partnerships and sub-Partnerships, such annual report to include, amongst other things, a review of the governance arrangements and the progress made in respect of both Sustainable Communities Strategy and Local Area Agreement priorities and objectives.
- (f) The Council's Executive will ensure that a Partnership Register is maintained (and regularly reviewed) by the Council's Officers which sets out key information in relation to the governance arrangements of the Local Strategic Partnership, its thematic Boards, Partnerships and Sub-Partnerships, to include details on terms of reference, membership, financial arrangements, statutory requirements, accountability, risk assessments and data sharing protocols.

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Article 10 - 6
Revised May 2010

- (g) The Council will ensure that appropriate arrangements are in place to enable appropriate scrutiny of the Local Strategic Partnership, thematic Boards, Partnerships and sub-Partnerships and relevant partner associations in accordance with statutory provision.

Article 10 - 7
Revised May 2010

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Annual Council Meeting
17 May 2011

REPORT OF THE HEAD OF GOVERNANCE
AGENDA ITEM 10

10.1 APPOINTMENT OF REPRESENTATIVES OF THE COUNCIL TO OUTSIDE BODIES.

London Councils have advised that the following forums have been discontinued in terms of formal regular meetings:

- Children and Young People
- Economic Development
- Crime and Public Protection
- Culture, Tourism and London 2012
- Health and Adult Services and
- Housing

However, London Councils lead members in these policy areas need to consult and liaise with borough colleagues from time to time on matters of major importance and therefore, via this circular, London Councils seeks information on borough lead members or relevant portfolio-holders in order that we might contact them from time to time.

Appendix A lists in bold the vacancies in the Council's representation on Outside Bodies.

The Group Secretaries have been advised of the vacancies.

RECOMMEND -

- 1. That the Council make appointments to fill the vacancies reported in Appendix A.**

10.2 DRAFT CALENDAR OF THE MEETINGS 2011/12

A draft Calendar of Meetings for 2010/11 is attached at Appendix B.

In accordance with the Constitution, the dates of meetings of the Executive are matters for the Leader. However, these are included in the Calendar of Meetings 2010/11 for information and completeness.

The Council's Constitution requires that approval of Ordinary Meetings of the Council takes place at the Annual Meeting. Dates proposed for Ordinary Meetings of the Council are included in the Calendar of Meetings attached at Appendix B.

The Calendar is based on the existing arrangements which are in accordance with Council's previous instructions and include:

- A 6-weekly cycle (4-weekly for Planning and Environment and planning sub-

- committees) and follows on from the existing Calendar;
- Meetings that require the attendance of all Members are avoided during party conference weeks;
- No meetings are scheduled on those Jewish holydays specified by the Board of Deputies of British Jews. Diwali is also avoided as is the Muslim Festival of Eid-al-Fitr.

In accordance with a previous decision, school half-term holidays are not avoided.

The Group Secretaries have been consulted and, where possible, their comments have been borne in mind in the production of the attached Calendar of Meetings.

RECOMMEND

- 1. That the Calendar 2011-12 attached as appendix B be approved, subject to the approval by Council of the changes to the Committee arrangements as contained in the report of the Special Committee (Constitution Review).**

10.3 APPOINTMENT OF STANDING COMMITTEES (WITH CHAIRMEN AND VICE-CHAIRMEN) AND POLITICAL PROPORTIONALITY

Political Balance: Background

The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules under the Local Government and Housing Act 1989.

The political proportionality rules also apply to those outside bodies dealing with local government matters to which the council appoints three or more representatives.

Bodies to which proportionality does not apply.

The consultative bodies established for consultation with staff are also not regarded as council committees subject to the political balance rules. Each has a special composition.

The political proportionality rules do not apply to the Standards Committee, which is a matter for the Council to determine having regard to Standards Board for England guidance or to the appointment of the Cabinet under the Council's Constitution which is a matter for the Leader to determine.

The Council appoints or nominates members to a variety of special statutory bodies, or informal or consultative bodies that are not council committees or sub-committees of the Council. The political balance rules do not apply to these bodies.

Area Committees

The Regulations provide an exception from the political balance requirements where a committee is established to discharge functions in part of an authority's area, and

- (a) consists entirely of members elected for wards which comprise the area, and
- (b) either the area or its population does not exceed two-fifths of the total for the authority.

This allows the area environment sub-committees to be constituted on a ward member basis.

The proposed reorganisation of Area Planning sub-Committees into East and West, subject to agreement by Council to the report of Special Committee (Constitution Review), means that these sub-Committees are subject to the political balance regulations. It is envisaged that appointments to the Planning sub-Committees be made on a one Member per ward basis.

The political group with the majority of seats on the council is entitled to a majority of seats on all the relevant Committees.

Achieving Political Balance

The proportionality calculation is based on a long-established principle and precedent within the Council

The procedure to be followed is:

- (a) Determine the split between the political groups on the Council. On current numbers, this is calculated as follows:

Party	Number of Councillors	As percentage
Conservative	39	61.90%
Labour	21	33.33%
Lib Dem	3	4.76%
TOTAL	63	99.99% (100%)

- (b) Allocate the total number of seats on 'ordinary committees' directly covered by the proportionality rules in the proportions shown in (a).
- (c) Allocate seats on each committee to match the totals in (b), endeavouring to ensure that each individual committee's composition is as close as possible to balance identified in (a).
- (d) Allocate seats on other committees and sub-committees as far as possible to make the political balance identified in (a) above, but without the requirement to check the balance on the numbers of seats in total.

'Ordinary committees' has a special statutory meaning. It only includes committees that have delegated powers to discharge the council's statutory functions. It does not include informal bodies that are not committees. The total number of committee seats to be allocated on this basis is 84.

Taking the calculations based on the political split described above, the allocation of seats on ordinary committees is set out in Appendix C. The total allocation of seats on ordinary committees is:-

59 Conservative
31 Labour
5 Liberal Democrat

Appendix C also identifies all of the other Council Committees and Panels not required to be appointed proportionally and their compositions.

RECOMMEND:

- (1) That on the basis that the Council is made up of 63 members comprising three political groups (Conservative group (39 members), Labour group (21 members), and Liberal Democrat group (3 members), the allocation of seats on committees subject to the political balance regulations be as set out above.**
- (2) That the Pension Fund Committee be excluded from the political balance arrangements, and that seats be allocated as set out in the schedule at Appendix C.**
- (3) That the allocation of seats on Committees and other bodies appointed by the Council should be in accordance with Appendix C.**
- (4) That each political group be invited to nominate members for seats in accordance with the principles set out above and the allocations set out in Appendix C, and that the Council and Council committees appoint Committees, Panels and other relevant bodies in accordance with those principles and allocations.**

Aysen Giritli
Head of Governance

ANNUAL COUNCIL – 17 MAY 2011**Outside Bodies – Expiring Appointments****Barnet Community Homes**

9898	Councillor Richard Cornelius	17/05/2010 to 17/05/2011
A charity set up to run the Council's former Residential Care Homes for Older People. One representative is required, who does not have to be a Councillor		

Barnet Community Safety Engagement Group

	Current Representative	Period of Appointment
BCPEG.1	Councillor Joanna Tambourides	17/05/2010 to 17/05/2011
BCPEG.2	Councillor Julie Johnson	17 May 2010 to 17/05/2011
BCPEG.3	Councillor Joan Scannell	17/5/2010 to 17/5/2011
BCPEG.4	Councillor Monroe Palmer	17/5/2010 to 17/5/2011
Needs to be Portfolio holder for Community Safety plus three other Councillors		

Barnet Housing Associations Liaison Group

	Current Representative	Period of Appointment
0047	Councillor Richard Cornelius	28/06/2010 to 17/05/2011
0048	Councillor Eva Greenspan	28/06/2010 to 17/05/2011
0049	Ms Pam Wharfe	28/06/2010 to 17/05/2011
0050	Ms Nicky Bird	28/06/2010 to 17/05/2011
The representatives must include the Cabinet Member for Housing and the Director of Social Affairs (or his representative for Housing or his representative for Social Services)		

Brent Cross Association Limited

	Current Representative	Period of Appointment
0055	Councillor Mark Shooter	17/05/2010 to 17/05/2011
a) Clause 17 of the Articles of Association entitles the Council to authorise such person as it thinks fit to act as its representative at any meeting of the Association, i.e one person only. (b) The representative is a non-voting member.		

Continuing Care Review Panel

	Current Representative	Period of Appointment
4526	Continuing Care Review Panel	Ms Irene Smith
a) Annual appointment (to be renewed at Annual Council). b) The representative will only be required to sit on the Panel if the review does not concern a Barnet Borough resident. c) Councillors are not eligible for appointment, and neither are the chairman, chief executive or a non-officer member of any health service body. The person appointed would usually be an officer with relevant expertise, but this need not necessarily be the case.		

Darlands Lake Nature Reserve Management Group

	Current Representative	Period of Appointment
0010	Councillor Brian Coleman	17/05/2010 to 17/05/2011
0011	Councillor John Hart	17/05/2010 to 17/05/2011
One Councillor from Totteridge Ward One Councillor from Mill Hill Ward Members serving on the organisation will not be doing so in the capacity of a Council representative (Decision of the General Functions Committee – 30 March 2011)		

Day's and Atkinson's Almshouse Charity

	Current Representative	Period of Appointment
1003	Dawn Morse	26/03/2009 to 26/03/2012 Resigned 03/04/2010
1004	Councillor Brian Gordon	08/12/2006 to 07/12/2011
Persons appointed need not be Members of the Council but they must be nominated by the Councillors representing the Edgware Ward. Appointment is five years, or for the remaining unexpired term if an appointee is replaced mid-term.		

East Finchley Neighbourhood Centre Management Committee

	Current Representative	Period of Appointment
0169	Councillor Colin Rogers	17/05/2010 to 17/05/2011
0170	Councillor Andrew Harper	17/05/2010 to 17/05/2011
0171	Councillor Kath McGuirk	17/05/2010 to 17/05/2011
0172	Councillor John Marshall	17/05/2010 to 17/05/2011
0173	Councillor Anne Hutton	17/05/2010 to 17/05/2011
Representatives must be Members of the Council and should be serving councillor from any of the wards of East Finchley, Finchley Church End, Garden Suburb, West Finchley and Woodhouse. Members serving on the organisation will not be doing so in the capacity of a Council representative (Decision of the General Functions Committee – 30 March 2011)		

Friends of Barnet Borough Libraries

	Current Representative	Period of Appointment
0075	Councillor Robert Rams	13/7/2010 to 17/05/2011
0076	Councillor Wendy Prentice	17/05/2010 to 17/05/2011

a) The representative and substitute representative must be Members of the Council.
b) Attendance of meetings is in a liaison capacity.

Friern Park Centre Management Committee

	Current Representative	Period of Appointment
0164	Councillor Alison Moore	17/05/2010 to 17/05/2011
0165	Councillor Stephen Sowerby	13/7/2010 to 17/05/2011
0166	Councillor Brian Coleman	17/05/2010 to 17/05/2011
0167	Councillor Sachin Rajput	17/05/2010 to 17/05/2011
0168	Councillor Alan Schneiderman	17/05/2010 to 17/05/2011

Representatives must be Members of the Council and be a serving Councillor from any of the wards of Coppetts, East Finchley, Oakleigh, Totteridge, West Finchley and Woodhouse.
Members serving on the organisation will not be doing so in the capacity of a Council representative (Decision of the General Functions Committee – 30 March 2011)

Grahame Park Partnership Board

	Current Representative	Period of Appointment
0236a	Councillor Richard Cornelius	17/05/2010 to 17/05/2011
0236b	Councillor Gill Sargeant	17/05/2010 to 17/05/2011
0236c	Mr Colin Ross	17/05/2010 to 17/05/2011
0236d	Mr Tony Westbrook	17/05/2010 to 17/05/2011
0236e	Councillor Eva Greenspan (Deputy)	17/05/2010 to 17/05/2011
0236f	Councillor Zakia Zubairi (Deputy)	17/05/2010 to 17/05/2011
0236g	Ms Nicky Bird (Deputy)	17/05/2010 to 17/05/2011

Annual appointment, Current appointees are Cabinet Member for Housing and Regeneration, Ward Member for Colindale, Head of Regeneration and Principal Project Manager.
Deputies are a majority party council member, a Ward Member for Colindale and an officer for Regeneration. The Board would like any replacements to hold the same offices or similar level of seniority.

Hampstead Heath Management Committee

	Current Representative	Period of Appointment
0099	Councillor Melvin Cohen	17/05/2010 to 17/05/2011
The representative must be a Member of the Council.		

Heritage of London Trust

	Current Representative	Period of Appointment
0100	Councillor Melvin Cohen	17/05/2010 to 17/05/2011
Initially blank		

LGA's Urban Commission

	Current Representative	Period of Appointment
0223	Councillor Richard Cornelius	17/05/2010 to 17/05/2011
0224	Head of Regeneration	17/05/2010 to 17/05/2011
Authorities are entitled to appoint up to two representatives to attend meetings of the Commission - either two elected members or one member and one officer. Barnet Council has 7 votes. Meetings of the LGA Urban Commission are held twice a year.		

LHC - Building Components and Services

	Current Representative	Period of Appointment
0116	Councillor Richard Cornelius	17/05/2010 to 17/05/2011
0117	Councillor Eva Greenspan	17/05/2010 to 17/05/2011
0118	Councillor Brian Salinger	17/05/2010 to 17/05/2011
The representatives and substitute must be Members of the Council.		

Local Government Association

	Current Representative	Period of Appointment
0214	Councillor Alison Moore	17/05/2010 to 17/05/2011
0215	Councillor Andrew Harper	17/05/2010 to 17/05/2011
0216	Councillor Richard Cornelius	17/05/2010 to 17/05/2011
0217	Councillor Lynne Hillan	17/05/2010 to 17/05/2011
a) Representatives must be Members of the Council. b) Votes are allocated on the basis of population. Barnet has seven votes which are taken by the Administration, who will decide on the allocation between their representatives.		

London Youth Games Limited

	Current Representative	Period of Appointment
0124	Councillor Andrew Harper	17/05/2010 to 17/05/2011
0125	Ms Layla Hall	17/05/2010 to 17/05/2011
a) Annual appointment. b) The representative is normally a Member of the Council. c) The substitute is to be an Officer.		

Management Committee for Rowley Green Common

	Current Representative	Period of Appointment
0159	Councillor Bridget Perry	17/05/2010 to 17/05/2011
0160	Councillor Wendy Prentice	17/05/2010 to 17/05/2011
0161	Greenspaces Service Manager	17/05/2010 to 17/05/2011
0162	Director of Environment and Operations	17/05/2010 to 17/05/2011
a) Annual appointment.		

National Society for Clean Air and Environmental Protection

	Current Representative	Period of Appointment
0132	Director of Planning Housing and Regeneration	17/05/2010 to 17/05/2011
0132a	Environmental Health Manger	17/05/2010 to 17/05/2011
0132b	Group Manager Noise & Nuisance	17/05/2010 to 17/05/2011
The Council's representatives on this body must include the Head of Environmental Services or their representative (General Purpose Committee Decision 2/6/75-8(e)).		

North London Waste Authority

	Current Representative	Period of Appointment
0133	Councillor Melvin Cohen	17/05/2010 to 17/05/2011
0134	Councillor Brian Coleman	17/05/2010 to 17/05/2011
The persons appointed must be elected members.		

Oakhill Woods Nature Reserve Management Group

	Current Representative	Period of Appointment
0135	Councillor Robert Rams	17/05/2010 to 17/05/2011
0136	Councillor Barry Evangeli	17/05/2010 to 17/05/2011
0137	Councillor Lisa Rutter	17/05/2010 to 17/05/2011
0138	Greenspaces Service Manager	17/05/2010 to 17/05/2011
0139	Director of Environment and Operations	17/05/2010 to 17/05/2011
Annual appointment.		

Stanley Road Playing Fields Association Management Committee

	Current Representative	Period of Appointment
1166	Councillor Colin Rogers	17/01/2008 to 17/01/2011
The appointed representative must be a member of the Council. Appointment is for 3 years.		

Stonegrove and Spur Road Partnership Board - Special Conditions:

	Current Representative	Period of Appointment
SSRPB1	Councillor Richard Cornelius	15/12/2009 to 14/12/2011
SSRPB2	Head of Regeneration	15/12/2009 to 14/12/2011
SSRPB3	Councillor Darrel Yawitch (Deputy)	17/05/2010 to 17/05/2012 N/A
SSRPB4	Stonegrove Project Director (Deputy)	17/05/2010 to 17/05/2012 N/A
The representatives should be the Lead Member for Housing and one officer, with one Member and one officer as deputies. Appointments are for 2 years.		

Strawberry Vale Estate Monitoring Committee

	Current Representative	Period of Appointment
1142	Councillor Alison Moore	17/05/2010 to 17/05/2011
1143	Councillor Colin Rogers	17/05/2010 to 17/05/2011
Can be either a Member or an Officer, but the Trust suggests that at least one representative should be an East Finchley Ward Member.		

Wright Community Development Trust

	Current Representative	Period of Appointment
0237	Councillor Richard Cornelius	17/05/2010 to 17/05/2011
Representative should be the Lead Member for Housing. Annual appointment.		

Draft Calendar of Meetings 2011-12

Appendix B

		May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
1	Health and Safety JNCC	26/5				6/9				1/12		15/3		
2	General Functions Committee		30/6			15/9			14/12			29/3		
3	Standards Committee		1/6				10/10				1/2			
4	Audit Committee		16/6			6/9			8/12				26/4	
5	Business Management Overview & Scrutiny Committee	25/5		11/7		5/9	6/10	16/11		9/1		5/3	18/4	
6	Safeguarding Overview & Scrutiny Committee			4/7			10/10			5/1			16/4	
7	Health Overview & Scrutiny Committee	19/5				20/9			12/12				3/4	
8	Budget & Performance Overview & Scrutiny Committee		21/6	21/7		22/9	24/10		6/12	26/1		7/3	24/4	
9	Cabinet Resources	24/5	29/6	28/7		27/9		7/11		12/1	28/2		5/4	
10	Cabinet Briefing Meeting.	31/5		6/7	24/8		11/10	24/11		30/1		28/3		
11	Shadow Cabinet	23/5	28/6		30/8		11/10	22/11		4/1	13/2	20/3		
12	Cabinet - Formal Meeting		15/6	26/7		14/9		3/11	14/12 Budget Head lines		20/2		4/4	
13	Party Group Meetings for Council			7/7		8/9	25/10 (Tues)			19/1		1/3	11/4 (Wed)	10/5
14	Council			12/7		13/9		1/11		24/1		6/3*	17/4	
15	Council - Annual Meeting	17/5												15/5

16	Finchley & Golders Green Residents Forum		23/6			14/9		23/11		23/1		14/3		
17	Hendon Residents Forum		23/6			12/9		21/11		12/1		13/3		
18	Chipping Barnet Residents Forum		23/6			20/9		24/11		18/1		21/3		
19	East Area Planning Sub		6/6	13/7		7/9	6/10	8/11	5/12	11/1	7/2	5/3	2/4	8/5
20	West Area Planning Sub		6/6	13/7		7/9	6/10	8/11	5/12	11/1	7/2	5/3	2/4	8/5
21	Planning and Environment Committee		14/6	20/7		19/9	18/10	17/11	19/12	17/1	14/2	12/3	10/4	9/5
22	Licensing			6/7				10/11						
23	Pension Fund Committee		22/6			1/9			7/12			19/3		
24	Special Committee (Constitution Review)			19/7				2/11				13/3		
25	Welsh Harp JCC			19/7				9/11		10/1		21/3		
26	Chipping Barnet Area Environment sub-Committee (to meet at 8pm at the same venue as Residents Forums)		23/6			20/9		24/11		18/1		21/3		
27	Finchley & Golders Green Area Environment sub-Committee (to meet at 8pm at the same venue as Residents Forums)		23/6			14/9		23/11		23/1		14/3		
28	Hendon Area Environment sub-Committee (to meet at 8pm at the same venue as Residents Forums)		23/6			12/9		21/11		12/1		13/3		
29	Corporate Parenting Advisory Board (included for information only)	Dates to be circulated upon confirmation												

30	Health and Wellbeing Board (included for information only)	26/5	Further dates to be circulated upon confirmation
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* Budget Council meeting, election of Mayor Designate

APPENDIX C

Allocation of Seats on Council Committees

Subject to the agreement of Council to the changes to Committee structure proposed by the Special Committee (Constitution Review).

The political proportionality requirements apply to a total of 10 committees with a total membership of 95 (the control total). Seats on these committees and sub-committees are allocated proportionately.

Rounded up/down to the nearest whole number, the proportion of seats for each party under the control total is Conservative Group – 59; Labour Group – 31 and the Liberal Democrat Group – 5. Figure 1 gives details of the appointments to each of the control committees by each political Group.

Figure 1: Seat allocations on politically proportional committees

Committee	Membership	Seat Allocation		
		Con	Lab	L/D
Audit Committee	7	4	2	1
Planning & Environment Committee	10	6	3	1
General Functions Committee	7	4	2	1
Health Overview & Scrutiny Committee	10	6	4	0
Business Management Overview & Scrutiny Committee	10	6	3	1
Safeguarding Overview & Scrutiny Committee	10	6	4	0
Budget & Performance Overview & Scrutiny Committee	10	7	3	0
Licensing Committee	10	7	3	0
East Area Planning sub-Committee	11	7	4	0
West Area Planning sub-Committee	10	6	3	1
TOTAL	95	59	31	5

The proposed reorganisation of Area Planning sub-Committees into East and West means that these sub-Committees are subject to the political balance regulations and are thus included in the control total. It is envisaged that

appointments to the Planning sub-Committees be made on a one Member per ward basis.

Appointments should also be made to the following non-control committees. Members for Area Environment Sub-Committees/Welsh Harp JCC should represent wards to the appropriate area concerned. Standards Committee and Pension Fund Committee have equal representation from the three political groups. The Corporate Parenting Advisory Board is not subject to proportionality rules.

Figure 2: Seat allocations on non-politically proportional bodies

Committee	Membership	Seat Allocation		
		Con	Lab	L/D
Standards Committee	6	2	2	2
Special Committee (Constitution Review)	10	6	3	1
Appeals Committee	10	5	5	0
Pensions Fund Committee	6	2	2	2
Corporate Health & Safety JNCC	6	4	2	0
F&GG Area Environment Sub- Committee	7	3	3	1
Chipping Barnet Area Environment Sub-Committee	7	6	1	0
Hendon Area Environment Sub-Committee	7	4	3	0
Welsh Harp Joint Consultative Committee	4	3	1	0
Corporate Parenting Advisory Board	8	5	2	1

Two substitutes from each Group can also be appointed to each Committee where that Group has representation.