

Extraordinary Council Meeting

Date and time

Tuesday 2nd May, 2023

At 7.00 pm

Venue

Hendon Town Hall, The Burroughs, London NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
6	Report of the Monitoring Officer - Constitution Review	3 - 96
8	Report of the Head of Governance - Political Proportionality	97 - 104

Agenda Item 6 – Enclosed are updated versions of the following Constitution sections to deal with amendments and additions that have been identified as being required after the publication of the agenda. In addition, the Code of Corporate Governance which forms part of the Constitution, was recommended by the Audit Committee on 26 April 2023 to Full Council for adoption:

- Article 2 – Members and the Council
- Authorisation Limits – Tables A and B
- Terms of Reference of Committees
- Executive Procedure Rules
- Committee Procedure Rules

Agenda Item 8 – Enclosed is the Political Balance calculation which determines the number of seats on committees and sub-committees.

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Article 2

Members and the Council

AGENDA ITEM 6

1. Introduction

1.1 This Article sets out how Councillors are elected.

1.2 It also includes a statement on the roles and functions of Members of the Council and sets out the rights and duties of Councillors.

2. Powers of the Council

2.1 The regular election of Councillors will be held on the first Thursday in May every four years beginning in May 2002.

2.2 The terms of office of Councillors will start on the fourth day after being elected and except for the Leader and Mayor will finish on the fourth day after the date of the next regular election unless they are re-elected.

3. Roles and functions of all Members

3.1. Key roles:

3.1.1 To participate constructively in the good government of the area;

3.1.2 Contribute actively to the formation or scrutiny of the Council's policies, budget, strategies and service delivery;

3.1.3 To represent effectively the interests of the Ward for which he/she was elected and deal with their constituents' enquiries and representations.

4. Key tasks:

4.1. Fulfil the statutory and locally determined requirements of an elected Member of the Council including compliance with all relevant codes of conduct, and participation in those decisions and activities of the Full Council and its committees;

4.2. Represent the Council to the community, and the community to the Council, through the various forums available;

4.3. Develop and maintain a working knowledge of Barnet's services, activities and other factors which impact upon the community's wellbeing and identity;

4.4. Contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area; and

4.5. Participate in training sessions made available to Members by the Council.

5. Access to Information

5.1. Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law and officers will keep Ward Members informed of matters relating to their Ward

5.2. Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a

Councillor or officer entitled to know it, to do so would be a breach of the Members Code of Conduct

- 5.3. "Confidential" and "exempt" information are defined in the Access to Information Rules set out in this Constitution.
- 5.4. Further details can be found in the Members Information Management Policy and Toolkit.

6. Members Rights to Call-in Planning Applications.

- 6.1. Where an application is recommended for approval or refusal, Members have the right request to 'call-in' an application which affects their ward for determination by a planning committee. A relevant planning consideration must be identified when calling-in the application.

7. Member Requests to Speak at Planning Committees.

- 7.1. Members may address a planning committee on any application, unless they have a pecuniary interest in which case they are precluded.
- 7.2. Members should give notice to the Chair of the meeting of their intention to speak before the start of the meeting. Details of how Members can exercise these rights can be found in this constitution. Members' rights to address planning committees are in addition to the rights of public speakers. MPs and GLA Members from the borough and MPs, GLA Members and Members from neighbouring boroughs may request to address a planning committee on a matter which affects their constituency or ward. Details can be found in this constitution. Notice should be given to the Chair of the meeting before the start of the meeting.

8. Members' rights to attend and speak at committees or subcommittees when they are not a Member of the committee.

- 8.1. Councillors may attend any Cabinet meeting, Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote and should sit with members of the public. Apart from planning committees (which is dealt with above) and licensing [sub](#) committees Councillors may speak at a [committee](#) meeting subject to giving notice to the Chair of the meeting before the start of the meeting and the Chair giving his or her consent. Details of these rights can be found in this constitution.
- 8.2. The Lead Member for Children's Services and Adults Services has a right to address a Committee, Sub-Committee or Partnership Board for up to three minutes when it is considering matters which relate children and young people, subject to giving notice to the Chair of the meeting before the start of the meeting and the Chair giving his or her consent Members may remain for the private part of any committee meeting.

9. Conduct

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

10. Allowances

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

11. Disclosure and Barring Service

London Borough of Barnet - Constitution

11.1. The following posts require a Disclosure and Barring Service Check:

- Any Portfolio Holder with responsibility for Children’s matters including schools.
- Any Portfolio Holder with responsibility for Adults and Public Health matters
- Any Scrutiny Leads for Adults or Children
- Any members on the following: Corporate Parenting Advisory Panel, Secure Accommodation Panel, Barnet Children’s Partnership Board, Barnet Safeguarding Children Partnership, Adults Safeguarding Board

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Decisions relating to Property

(See Table A below)

The 'Compulsory Transaction' column is proposed to be deleted as where the Council is required by law to sell or let or otherwise dispose of its property no decision is required to authorise the transaction.

Decisions relating to Procurement

(See Table B below)

TABLE A – Land and Property Transactions Authorisation Delegated Powers¹

	Authorisation Level²	Acquisitions	Lease in	Lease out for Rent or Consideration	Licences, Easements and Consents	Compensations, Settlements and Covenants	Disposals	Compulsory transaction
A	Less than £213,477	Approved Officer	Approved Officer	Approved Officer	Approved Officer	Approved Officer	Portfolio holder Full DPR – Deputy Chief Executive (unless a Less Than Best transaction, which must be reported to Cabinet Housing and Growth Committee)	Approved Officer
B	<u>£213,477 to £500,000 for revenue or £213,477 to £1,000,000 for capital</u> £213,477 to £500,000	Full DPR – Deputy Chief Executive in consultation with Theme Committee Chair/Portfolio holder	Full DPR – Deputy Chief Executive in consultation with Theme Committee Chair/Portfolio holder	Full DPR – Deputy Chief Executive in consultation with Theme Committee Chair/Portfolio holder 3	Full DPR – Deputy Chief Executive in consultation with Theme Committee Chair/Portfolio holder 4	Full DPR – Deputy Chief Executive in consultation with Theme Committee Chair/Portfolio holder	Portfolio holder Full DPR – Deputy Chief Executive (unless a Less Than Best transaction, which must be reported to Cabinet Housing and Growth Committee)	As B
C	More than £500,000 for revenue or £1,000,000 for capital (Key Decision)	Report to Cabinet Housing and Growth Committee	Report to Cabinet Housing and Growth Committee	Report to Cabinet Housing and Growth Committee	Report to Cabinet Housing and Growth Committee	Report to Cabinet Housing and Growth Committee	Report to Cabinet Housing and Growth Committee	As C

¹ This Table applies to Land and Building activity NOT included in the approved Annual Work Plan

² These values may be either Capital or Annualised Income/Expenditure. For calculating a key decision, the total cost or income of the lease over the whole period, for example, is used excluding VAT and service charges.

³ Leases out for less than best consideration must be reported to Cabinet

⁴ Easements granted for less than best must be reported to Cabinet

D	'Non-Value' Variations post Authorisation	Chief Officer Decision	Chief Officer Decision	Chief Officer Decision	Chief Officer Decision	Chief Officer Decision	Chief Officer Decision <u>in</u> <u>consultation with</u> – <u>Portfolio</u> <u>holder Deputy Chief</u> <u>Executive</u> Report to next <u>Cabinet Housing</u> <u>and Growth</u> <u>Committee</u>	As A above
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Table B – Authorisation and Acceptance Thresholds

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
A	Under £10,000	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Reasonable means of selection * and evidence of having sourced and considered the local Barnet supplier market	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Must move to next threshold if £10,000 or above	Under £10k Audit Form	Purchase Order
B	£10,000 - £24,999	Officer Decision; or Procurement Forward Plan	Officer Decision Report; or Procurement Forward Plan	Minimum 2 written Competitive Quotations sought**	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Must move to next threshold if £25,000 or above	Officer Decision Report	Purchase Order
C	£25,000 - £213,477	Officer Decision; or Procurement Forward Plan	Officer Decision Report; or Procurement Forward Plan	Minimum 2 written quotations No SQ – Suitability Assessment Questions only	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Signed Contract Contract Award Notice
D	£213,477 - £500,000	Portfolio holder decision Delegated Powers Report ; or Procurement Forward Plan	Officer in Consultation with Portfolio holder Theme Committee Chair Delegated Powers Report; or Procurement Forward Plan	Services/Goods – Find a Tender Works – Competitive Quotation	Council Officer as designated by approved Scheme of Delegation	Officer Delegated Power Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report If not within Budget: Chief Officer in Consultation with Portfolio holder Theme Committee Chair Delegated Powers Report	Signed and sealed contract Contract Award Notice

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
E	£500,000 and above	Cabinet Relevant Theme Committee Report; or Procurement Forward Plan	Cabinet Committee Report; or For items authorised via the Procurement Forward Plan in accordance with reporting requirements detailed in the approved Plan	Competitive quotation for works contracts for values £500,000 to £5,336,937 Works and Concession Contracts: Full Find a Tender above £5,336,937 Goods: Full Find a Tender Services: Full Find a Tender Health, educational, cultural and social care related services: Light Touch Regime Tender above £633,540	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report If not within budget: Cabinet Theme Committee Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report If not within budget: Cabinet Committee Report	Signed and sealed contract Contract Award Notice

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Part 2B

Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council

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1 Appeals Committee

- 1.1 The Appeals Committee is comprised of ~~5-3~~ members, including one member of the Executive, who are not also members of the Employment Sub-committee. Council will appoint 1 substitute Member from each group Employment Panel.
- 1.2 The Committee shall hear appeals by the Head of Paid Service, Chief Finance Officer and Monitoring Officer under the relevant disciplinary procedure against action taken against them short of dismissal.
- 1.3 The Committee may uphold the decision or reduce or remove the action.

2 Governance, Audit, Risk Management and Standards Committee

2.1 Statement of purpose

- 2.2 The Governance, Audit, Risk Management and Standards Committee is a key component of Barnet Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2.3 The purpose of the committee is to provide independent assurance to the members of the adequacy of Barnet Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. It also acts as the Standards Committee.
- 2.4 The Governance, Audit, Risk Management and Standards Committee has the following powers and duties:
 - 2.4.1 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
 - 2.4.2 To monitor the effective development and operation of risk management in the council.
 - 2.4.3 To monitor progress in addressing risk-related issues reported to the committee
 - 2.4.4 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
 - 2.4.5 To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
 - 2.4.6 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
 - 2.4.7 To review the governance and assurance arrangements for significant partnerships or collaborations.
 - 2.4.8 To approve the internal audit charter and support the independence of Internal Audit.
 - 2.4.9 To review proposals made in relation to the appointment of external providers of internal and external audit services and to make recommendations.

- 2.4.10 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 2.4.11 Anti-Fraud Activity, to monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT) and approve the Counter Fraud Framework.
- 2.4.12 To review any issue referred to it by the Chief Executive and to oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
- 2.4.13 Accounts, to review and approve the annual statement of accounts and consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 2.4.14 Annual Report, the Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness
- 2.4.15 To review the Treasury Management strategy and monitor progress on treasury management in accordance with CIPFA codes of practice.
- 2.4.16 To agree and have oversight of the Council's Whistleblowing Policy.
- 2.4.17 To have oversight of the Council's ombudsman complaints and internal complaints performance (excluding complaints for Adults and Children's complaints).
- 2.4.18 Promoting and maintaining high standards of conduct by Members, co-opted members and "church" and parent governor representatives.
- 2.4.19 Monitoring the operation of the Members' Code of Conduct.
- 2.4.20 To establish sub-committees and working groups to deal with complaints that a member or a co-opted member has failed to comply with the Council's Code of Conduct.
- 2.4.21 On referral from the Monitoring Officer, to decide whether to take action against a member for breach of the Code of Conduct and if so, to decide what action should be taken.
- 2.4.22 Determine Members requests for non-committee information as specified in the Members Information Management Policy
- 2.4.23 To oversee Member Development
- 2.4.24 To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- 2.4.25 Upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

2.5 Membership

- 2.5.1 An Elected Mayor, the Leader or a member of the Executive may not be Members;

~~2.5.2 Membership of this Committee will be 6 elected Members and Council will appoint 3 substitutes from each group;~~

~~2.5.3 There will also be 2 Independent Members (for audit matters);~~

~~2.5.2 Membership of this Committee will include Independent Members;~~

~~2.5.3~~2.5.4 The Independent Persons are not members of this Committee and shall be invited to meetings if there is a Standards item on the agenda.

3 Standards Sub-committee

3.1 This is a subcommittee of GARMS set up to hear standards complaints about Members in accordance with the procedure for dealing with complaints against Members set out in this Constitution.

3.2 Membership

~~3.2.1~~ 3-4 Members (2 from each of the main Political Groups) and an Independent Person.

~~3.2.2~~ Council will appoint 1 substitute from each group.

4 Health and Wellbeing Board

4.1 Accountability

4.1.1 The Health and Wellbeing Board is set up in accordance with section 102 of the Health and Social Care Act 2012 which makes provision for the Council to establish a Health and Wellbeing Board as a Committee of the Council appointed under section 102 of the Local Government Act 1972. The Council can choose to delegate decision making powers to the Health and Wellbeing Board.

4.1.2 Members of the Board will be required to abide by the Code of Conduct.

4.2 Purpose of the Board

~~4.2.1 To oversee Member Development~~

~~4.2.2~~4.2.1 The Health and Wellbeing Board has the following main functions:

- 4.2.2.1. To work (together with Barnet Borough Partnership) with Integrated Care Partnership (ICP) and Integrated Care Board (ICB) to determine the integrated approach that will best deliver holistic and streamlined care and prevention activities, including action on wider determinants in their communities.
- 4.2.2.2. To jointly assess the health and social care needs of the population with NHS commissioners and use the findings of a Barnet Joint Strategic Needs Assessment (JSNA) to inform all relevant local strategies and policies across partnership including North Central London Integrated Care Strategy.
- 4.2.2.3. To agree a Health and Wellbeing Strategy (HWBS) for Barnet taking into account the findings of the JSNA and strategically oversee its implementation to ensure improvement of population outcomes and plans to tackle health inequalities. The Joint Health and Wellbeing Strategy (JHWS) should directly inform the development of joint commissioning arrangements in the local area, and the

coordination of NHS and local authority commissioning, including Better Care Fund plans.

- 4.2.2.4. To work together to ensure the best fit between available resources to meet the health and social care needs of the whole population of Barnet, by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social wellbeing. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; the Better Care Fund; and Section 75 partnership agreements between the NHS and the Council.
- 4.2.2.5. To provide collective leadership and enable shared decision making, ownership and accountability
- 4.2.2.6. To promote partnership and, as appropriate, integration, across all necessary areas, including joined-up commissioning plans and joined-up approach to securing external funding across the NHS, social care, voluntary and community sector and public health.
- 4.2.2.7. To explore partnership work across North Central London where appropriate.
- 4.2.2.8. Specific responsibilities for:
 - Overseeing public health and promoting prevention agenda across the partnership
 - Developing further health and social care integration.
 - Receiving regular reports on the North Central London Integrated Care Board and their partner NHS trusts and NHS foundation trusts, including joint capital resource use plans, ICB Annual reports, Forward Plans and Performance Assessments

4.3 Membership

4.3.1 14 Members:

- Chair, Vice Chair, Members and substitutes appointed by Council.
- Vice Chair is Clinical Lead (Barnet), North Central Integrated Care Board
- Three Members of the Council
- Director of Public Health & Prevention
- Executive Director for Children & Family Services
- Executive Director Adults & Health
- Two North Central London Integrated Care Board Members: Clinical Lead for Barnet, North Central London Integrated Care Board Director of Integration, Barnet Directorate, North Central London Integrated Care Board Barnet Clinical Commissioning Group – Board Members x 3
- Primary Care Provider Representative x1
- Health Service Provider Representatives x2
- Barnet Healthwatch representative
- Barnet voluntary and community sector representative

- Independent Chair of the Adults Safeguarding Boards (Non-Voting Member)

4.3.2 Each member may nominate a substitute if they cannot attend. Requirement for proportionality is waived and voting rights allowed to members other than Members of the Council.

4.4 Quorum

4.4.1 The Quorum should consist of at least one Councillor, one officer from North Central London Integrated Care Board, and one Council officer.

5 Independent Panel

5.1 The Panel has the following duties:

5.1.1 To consider reports recommending dismissal made by the Independent Investigator and the Employment Sub-Committee in accordance with the disciplinary procedure applying to the Head of Paid Service, Chief Finance Officer and Monitoring Officer;

5.1.2 To prepare a report to Council stating whether it agrees or disagrees with the recommendation to dismiss, including its reasons.

5.2 Membership

5.2.1 The Independent Panel shall consist of 2 independent persons appointed under s.27(7) of the Localism Act 2011.

6 Licensing and General Purposes Committee

6.1 Powers and the duties of the Licensing and General Purposes Committee are:

~~6.1.1 The Panel has the following duties:~~

~~6.1.26.1.1~~ To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (referred to in the Schedule 3A-1) to this document, are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;

~~6.1.36.1.2~~ To carry out the functions under any relevant statutory provision within the meaning of Part I (Health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;

~~6.1.4~~ Electoral Services including: elections and electoral registration performance; and polling places and polling district boundaries;

~~6.1.5~~ To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:

~~6.1.66.1.3~~

~~6.1.6.16.1.3.1~~ All activities under the Licensing/Gambling Acts

~~6.1.6.26.1.3.2~~ Food safety and control.

~~6.1.6.36.1.3.3~~ Animal health, welfare, safety and control.

~~6.1.6.4~~6.1.3.4 Gambling, betting, lotteries and related amusements

~~6.1.6.5~~6.1.3.5 Crime and disorder issues related to the above duties.

6.1.4 To keep under review the Officer Code of Conduct and, after consultation with unions representing staff, make recommendations to Council for amendment or addition.

6.1.5 Act as corporate trustee in respect of all assets held by the Council as charitable trustee.
Make decisions in respect of those assets in the best interests of the relevant charity.
Ensure strict compliance with the relevant Trust document.

6.2 **Membership**

6.2.1 12 Members and Council will appoint 3 substitute Members from each group.

7 Licensing Sub-Committee

7.1 The Licensing sub-committee has the following powers and duties:

7.1.1 To determine applications and to make Orders in respect of:

7.1.1.1 Registration of common land, town greens and variations of rights of common where objections have been received.

7.1.2 To determine applications and to make Orders in respect of:

7.1.2.1 Fees issues within the terms of reference of the Panel;

7.1.2.2 Applications under Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended from time to time.

7.1.2.3 Specific delegations under the Licensing Act 2003 as set out in the Licensing Policy, and the Statement of Principles under the Gambling Act 2005.

7.1.3 In the case of alcohol control provisions in the Licensing Act 2003 to determine:

7.1.3.1 Applications for personal licences where:

7.1.3.1.1 Representations have been made, but remain unresolved.

7.1.3.1.2 Applicants have relevant unspent convictions.

7.1.4 Matters relating to the licensing, certification and authorisation at premises where:

7.1.4.1 Representations have been made to an application, but remain unresolved.

7.1.4.2 An application is made for the review of a premises licence or club premises certificate.

7.1.4.3 Matters of an exceptional nature that in a licensing officer's opinion justify consideration by the Licensing Panel.

7.1.5 [Appeals against decisions of the Licensing Panel must be made to the Magistrates' Court.]

7.2 **Membership**

~~7.1.5~~7.2.1 3 Members of the Licensing Committee (Political Balance requirements do not apply)

8 Employment Sub-Committee (a Sub-Committee of Licensing and General Purposes Committee)

8.1 The Employment Sub-Committee, ~~which shall include one member of the Executive,~~ has the following powers and duties:

- 8.1.1 to make recommendations to Council on the appointment of the Head of Paid Service
- 8.1.2 to appoint and dismiss Chief Officers (as defined in Article 7), ~~7~~ excluding the dismissal of the Head of Paid Service, Chief Financial Officer and Monitoring Officer.
- 8.1.3 to make recommendations to Council on the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer except in cases of redundancy, permanent ill health or the expiry of a fixed term contract;
- 8.1.4 to consider whether to impose a disciplinary sanction on a Chief Officer;
- 8.1.5 to consider matters and take action as required or permitted under the disciplinary procedure for the Head of Paid Service, Chief Finance Officer and Monitoring Officer including:
- 8.1.6 to suspend such an officer and to review such suspension
- 8.1.7 to appoint an independent investigator, agree terms of remuneration and working methods
- 8.1.8 to appoint external advisers
- 8.1.9 to consider the report of an independent investigator and in relation to that report:
 - 8.1.9.1 to hold a hearing if appropriate to consider the report
 - 8.1.10 to impose action short of dismissal on an officer
 - 8.1.11 to decide to take no further action
 - 8.1.12 to recommend informal resolution or other appropriate procedures
 - 8.1.13 to refer back to the independent investigator for further investigation and report to propose dismissal of an officer to Council (in which case the matter should be referred to the Independent Panel prior to referral to Council)
- 8.1.14 to decide whether any objections made by a member of the Executive are material and well-founded and, if it decides that they are, to take appropriate action;
- 8.1.15 to consider grievances by the Head of Paid Service, and appeals by a Chief Officer against decisions made by the Head of Paid Service in relation to a grievance made by the officer;
- 8.1.16 Staff matters generally including council wide contractual changes to salaries and terms and conditions; ~~:- salaries and terms and conditions;~~
- ~~8.1.16~~ ~~approval of staffing restructures involving 20 or more employees;~~
- 8.1.17 approving any changes to the chief officer structure;

- 8.1.18 pay and reward strategy;
- 8.1.19 HR policies which go over and above statutory requirements;
- 8.1.20 develop the annual pay policy statement for Full Council approval

8.2 When considering a report on staffing matters, a representative of the trade unions may submit a request to speak which requires the consent of the Chair, or be questioned by the Sub-Committee before a decision is made. Each representative will have up to 3 minutes to address the committee.

8.3 **Membership**

8.3.1 3 Members including 1 Cabinet Member and Council will appoint 1 substitute Member from each group.

9 Overview and Scrutiny Committee and Scrutiny Sub-Committees

9.1 General Role

9.2 Within their terms of reference, the Overview and Scrutiny Committee and Sub-Committees (other than the Call-In Sub-Committee) will have the following roles:

- 9.2.1 To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with this Article
- 9.2.2 Policy Development and Review – by supporting the Council and Executive in developing the policy framework and budget for the Council, working with partner organisations on issues that may be outside the remit of the Council and reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council’s functions;
- 9.2.3 Service Reviews – by making reports and/or recommendations to the full Council, Executive, Portfolio Holders and any Joint or Area Committees on any of their functions;
- 9.2.4 Review of Issues of Concern to Local People – by considering any matter affecting the area or its inhabitants and monitoring and scrutinising the activities of others;
- 9.2.5 Pre-Decision Scrutiny – following consideration of the Key Decision Schedule (Forward Plan) and with the agreement of the Executive, to scrutinise key decisions prior to them being made;
- 9.2.6 Performance Review - to receive selected monitoring reports (including KPI, financial performance and risk information) in relation to internally and externally delivered services.
- 9.2.7 Scrutiny of Partners – to review or scrutinise the performance of anybody carrying out any function on behalf of or in partnership with the Council.
- 9.2.8 The Call-In Sub-Committees may call in Executive decisions made but not yet implemented.

9.3 Specific Functions

- 9.3.1 Policy development and review
- 9.3.2 The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

- 9.3.2.1 assist the Council, the Executive and Portfolio Holders in the development of the budget and policy framework by in-depth analysis of policy issues;
- 9.3.2.2 conduct research, community and other consultation in the analysis of policy issues and possible options;
- 9.3.2.3 consider mechanisms to encourage and enhance community participation in the development of policy options;
- 9.3.2.4 question Members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area; and
- 9.3.2.5 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

9.4 Scrutiny

- 9.4.1 The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:
 - 9.4.1.1 review and scrutinise the decisions made by, and performance of, the Executive, Portfolio Holders and/or Committees and Council officers both in relation to individual decisions and over longer periods of time;
 - 9.4.1.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - 9.4.1.3 require the attendance of and question Members and chief officers about their decisions and performance, or in relation to particular decisions, initiatives or projects;
 - 9.4.1.4 make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - 9.4.1.5 where partnership working permits, review and scrutinise the performance of other public services in the area, by inviting reports from partners and requesting that they address the Overview and Scrutiny Committee and Scrutiny Sub-Committees about their activities and performance;
 - 9.4.1.6 question and gather evidence from any person (with their consent); and
 - 9.4.1.7 carry out the scrutiny of matters relating to the Health and Social Care including those matters delegated to the Adults and Health Overview and Scrutiny Sub-Scrutiny Committee.

9.5 Annual Report

- 9.5.1 The Overview and Scrutiny Committee will report annually to full Council on its workings and make recommendations for future work programmes and amend working methods, if appropriate.

10 Overview and Scrutiny Committee

- 10.1 The Overview and Scrutiny Committee has the following power and duties:
- 10.1.1 To oversee an agreed work programme that can help secure service improvement through in-depth investigation of performance issues and the development of an effective strategy/policy framework for the council and partners;
 - 10.1.2 To have general oversight of the council's scrutiny function;
 - 10.1.3 To offer challenge and critical support to the Executive's policy development function and the long-term strategic direction of the borough;
 - 10.1.4 To anticipate policy changes and determine their potential impact on residents and to recommend changes where these are appropriate;
 - 10.1.5 To consider the council and partners' strategic approach to service delivery, using, where necessary, the power of overview and scrutiny committees to receive information from partner agencies and to require partner authorities to have regard to reports and recommendations from the Committee, as set out under Part Five of the Local Government and Public Involvement in Health Act 2007;
 - 10.1.6 To undertake detailed investigation of service/financial performance in order to recommend policy changes to the Executive and to undertake investigations;
 - 10.1.7 To report scrutiny findings and recommendations to the Executive within 8 weeks of being published or to its next meeting, whichever is the sooner, in accordance with the council's constitution;
 - 10.1.8 To review or scrutinise decisions made, or other action taken, in connection with the discharge of responsible authorities of their crime and disorder functions in accordance with s.19 of the Police and Justice Act 2006.
 - 10.1.9 To consider items included in the Forward Plan;
 - 10.1.10 To consider Councillor Call for Action in terms of
 - 10.1.10.1 Local Government Matters (9FC of the Local Government act 2000)
 - 10.1.10.2 Local Crime & Disorder Matters (Section 19, Police & Justice Act 2006)

10.2 Membership

- 10.2.1 11 Members and Council will appoint 3 substitutes from each group.

11 Call-In Sub-Committee

- 11.1 The Call-In Sub-Committee has the following powers and duties:
- 11.1.1 to examine decisions of the Executive which are taken but not implemented, and which are 'called in' in accordance with the Committee Procedure Rules;
 - 11.1.2 to refer matters called in to the decision taker with reasons and recommendations for changes;
 - 11.1.3 to refer Executive decisions to full Council if they consider they are contrary to the policy framework or contrary to or not wholly in accordance with the budget.

11.2 Membership

~~12.0.0~~11.2.1 3 Members (drawn from the Membership of the Overview and Scrutiny Committee). Council will appoint 1 substitute member from each group.

13.12 Adults and Health Overview and Scrutiny Sub-Committee

~~13.1~~12.1 The Adults and Health Overview and Scrutiny Sub-Committee shall perform the overview and scrutiny role and function in relation to:

~~13.1.1~~12.1.1 All matters as they relate to Adults Social Care;

~~13.1.2~~12.1.2 Reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Barnet including inviting the relevant Chief Executive(s) of NHS organisations to account for the work of their organisation (s) as set out and required by the Health and Social Care Act 2001 and related primary and secondary legislation

~~13.1.3~~12.1.3 Referring contested major service reconfigurations to the Secretary of State in accordance with the Health and Social Care Act 2001

~~13.1.4~~12.1.4 Receiving and commenting upon any external inspections and reviews

~~13.2~~12.2 Chair, Vice-Chair, Members and substitutes to be appointed by Council

~~13.3~~12.3 The Health and Social Care Scrutiny Sub-Committee has the following powers and duties:

~~13.3.1~~12.3.1 To be responsible in accordance with Regulation 28 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for scrutiny of the Council's health functions other than the power under Regulation 23(9) to make referrals to the Secretary of State.

~~13.3.2~~12.3.2 To recommend to Council that a referral be made to the Secretary of State under Regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.

~~13.3.3~~12.3.3 To have specific responsibility for scrutiny of the following functions:

~~13.3.3.1~~12.3.3.1 Health and social care infrastructure and service

~~13.3.3.2~~12.3.3.2 NHS England, Clinical Commissioning Groups (CCGs) and the Health and Wellbeing Board

~~13.3.3.3~~12.3.3.3 Public Health

~~13.3.3.4~~12.3.3.4 Other policy proposals which may have an impact on health, public health, social care and wellbeing

~~13.3.3.5~~12.3.3.5 Collaborative working with health agencies

~~13.3.3.6~~12.3.3.6 Commissioning and contracting health services

~~13.3.4~~12.3.4 To review the planning, provision and operation of Health services in Barnet and ensure compliance with Regulation 21(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by inviting and taking account of information and reports from local health providers and other interested parties including the local HealthWatch.

~~13.3.5~~12.3.5 Where a referral is made through the local HealthWatch arrangements, to comply with Regulation 21(3) of the Local Authority (Public Health, Health and Wellbeing Boards

and Health Scrutiny) Regulations 2013 by ensuring that the referral is acknowledged within 20 days and that the referrer is informed of any action taken.

~~13.3.6~~12.3.6 Where appropriate, to consider and make recommendations for response to NHS consultations on proposed substantial developments/variations in health services that would affect the people of London Borough of B-Barnet.

~~13.3.7~~12.3.7 Where appropriate, to consider and make recommendations for response to consultations from local health trusts, Department of Health and Social Care.

~~13.4~~12.4 Care Quality Commission and any organisation which provides health services outside the local authority's area to inhabitants within it.

~~13.5~~12.5 To discharge the functions conferred by Section 244 (2ZE) of the National Health Service Act 2006 as amended and Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny Regulations 2013) of reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Barnet.

12.6 To respond to consultations from local health trusts, Department of Health and Social Care and any organisation which provides health services outside the local authority's area to inhabitants within it.

12.7 **Membership**

12.7.1 ~~5~~8 Members. Council will appoint ~~4~~2 substitute Members from each group.

1413 **Children & Education Overview and Scrutiny Sub-Committee**

~~14.1~~13.1 The Children and Education Overview and Scrutiny Sub-Committee shall perform the overview and scrutiny role and function in relation to:

~~14.1.1~~13.1.1 All matters as that relate to Children's Social Care

~~14.1.2~~13.1.2 All matters which relate to services pertaining to the education and well-being of children and young people including youth services

~~14.1.3~~13.1.3 Receive and comment upon any external inspections and reviews.

13.2 **Membership**

13.2.1 ~~8~~8 Members. Council will appoint ~~2~~2 substitute Members from each group.

1514 **Local Pension Board**

~~15.1~~14.1 **Role of the Board**

~~15.2~~14.2 The Board is responsible for assisting with:

~~15.2.1~~14.2.1 securing compliance with Local Government Pension Scheme (LGPS) Government regulations and any other legislation relating to the governance and administration of the LGPS o securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator

15.2.214.2.2 such other matters that the LGPS regulations may specify Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund. The Local Pension Board maintain separate detailed terms of reference which are approved annually

15.314.3 **Membership**

15.3.114.3.1 7 Members comprising: 3 employers side representatives (1 councillor* and 2 employer representatives from an admitted body 3 employee side representatives (1 active member and 2 deferred member) 1 independent member/advisor *Councillors appointed to the Board cannot also sit on the Pension Fund Committee.

15.414.4 **Terms of Reference for the London Borough of Barnet Pension Board**

15.4.114.4.1 The purposed of this document is to set out the detailed Terms of Reference for the Local Pension Board of the London Borough of Barnet Pension Fund.

15.514.5 **Role of the Local Pension Board**

15.5.114.5.1 The role of the local Pension Board, as defined by sections 5(1) and (2) of the Public Services Pension Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013 is to assist with:

15.5.1.114.5.1.1 securing compliance with LGPS Government regulations and any other legislation relating to the governance and administration of the LGPS

15.5.1.214.5.1.2 securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator.

15.5.1.314.5.1.3 such other matters as the LGPS regulations may specify

15.5.1.414.5.1.4 Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund.

15.5.1.514.5.1.5 ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are: the communications policy statement; funding strategy statement; governance compliance statement; statement of investment principles; and the Pension Fund annual report and accounts.

15.5.1.614.5.1.6 ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually.

15.5.1.714.5.1.7 review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS.

15.5.1.814.5.1.8 review the Pension Fund's performance in complying with the requirements of the Pension Regulator.

15.5.1.914.5.1.9 annually submit a proposed work plan for the forthcoming financial year to the Pension Fund Committee

15.5.1.1014.5.1.10 carry out any other activities relating to the efficient governance and administration of the Pension Fund.

15.5.1.1114.5.1.11 submit an annual budget to the Barnet Pension Fund Committee for approval.

~~15.5.2~~14.5.2 The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties which are the responsibility of the Administering Authority (refer to Compliance statement). The Pension Board is an advisory/scrutiny board and does not have decision making powers.

~~15.5.3~~14.5.3 The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.

~~15.6~~14.6 **Appointment of members of the Pension Board**

~~15.6.1~~14.6.1 All Board members will be appointed by Full Council. It is a statutory requirement (section 248A of the 2004 Act) that the Administering Authority must be satisfied that every individual member of the Pension Board, is conversant with;

~~15.6.1.1~~14.6.1.1 the legislation and associated guidance of the Local Government Pension Scheme

~~15.6.1.2~~14.6.1.2 any document recording policy about the administration of the fund which is for the time being adopted by LBB Fund; and

~~15.6.1.3~~14.6.1.3 has knowledge and understanding of;

- the law relating to pensions; and
- such other matters as may be ~~prescribed~~prescribed.

~~15.7~~14.7 **Rules governing Membership the Local Pension Board**

~~15.7.1~~14.7.1 Local Pension Boards must include an equal number of employer and member representative with a minimum requirement of no fewer than four in total.

~~15.7.2~~14.7.2 No officer or Councillor who would be responsible for the discharge of any functions under the Regulations (apart from any relating to LPB) may be a Member of the Local Pension Board of that authority.

~~15.7.3~~14.7.3 Officer precluded would be any officer named in the scheme of delegation (e.g. Section 151 Officer and the head of investments). The guidance also states that consideration should be given as to whether officers of the Fund at a senior level, who are not named in the formal scheme of delegation, but who are responsible for discharging functions under the Regulations, should be precluded from being a member of the LPB.

~~15.8~~14.8 **Composition of the Board**

~~15.8.1~~14.8.1 The Board shall consist of 7 members constituted as follows:

~~15.8.1.1~~14.8.1.1 3 employer representatives comprising:

- 1 councillors who are not members of the Pension Fund Committee
- employer representatives from an admitted or scheduled body (e.g. Re, CSG or Middlesex University)

~~15.8.1.2~~14.8.1.2 3 scheme member representatives (employee side) comprising:

- 1 active members
- retired/deferred members

~~15.8.1.3~~14.8.1.3 1 independent member/advisor

- Having no current employment, contractual, financial or other material interest in the Council or any scheme employer fund and not being a member of the LGPS Fund.

~~15.8.2~~14.8.2 Independent and Scheme Members shall be appointed following a public recruitment, selection and interview process.

~~15.9~~14.9 **Chairman and Vice-Chairman of the Board**

~~15.9.1~~14.9.1 The Chairman and Vice-Chairman of the Board will be appointed by Members of the Board as the first business at their first meeting.

~~15.9.2~~14.9.2 Should the elected Chairman be an Employer representative the Vice-Chairman must be a Scheme Member representative and vice versa.

~~15.10~~14.10 **Substitute Members**

~~15.10.1~~14.10.1 Each member will have a substitute to act as Board member in her/his absence, which will be recommended following a recruitment process consistent with their own appointment. These nominations will be approved as part of the overall appointments made by Full Council.

NB: The independent member shall not have a substitute.

~~15.11~~14.11 **Quorum**

~~15.11.1~~14.11.1 The Pension Board will be quorate when three voting Pension Board Members are in attendance.

~~15.12~~14.12 **Period of Office**

~~15.12.1~~14.12.1 Each Board member shall be appointed for a fixed period of four years, which appointment will normally occur at the Annual Council meeting.

~~15.13~~14.13 **Termination of office**

~~15.13.1~~14.13.1 Each Board member will be expected to attend all meeting and training sessions during the year. The membership of any member who fails to attend two or more meetings shall be reviewed and determined by other Board members in consultation with officers.

~~15.13.2~~14.13.2 The removal of a member from office during her/his term of appointment can only be effected by the unanimous agreement of the other members present at the meeting.

~~15.13.3~~14.13.3 In the absence of mitigating factors a Board member can be removed from the Board in the following circumstances (but not limited to):

~~15.13.3.1~~14.13.3.1 A poor attendance record;

~~15.13.3.2~~14.13.3.2 If a member does not undertake training as requested;

~~15.13.3.3~~14.13.3.3 If a member is in breach of Council's Code of Conduct, Pension Board Code of Conduct and Conflict of Interest policy;

~~15.13.3.4~~14.13.3.4 If a member has a conflict of interest that cannot be managed in accordance with the Board's conflicts policy.

~~15.13.4~~14.13.4 Should the Council representative members, or the active scheme member(s) cease to be Council representatives or active scheme members, he/she will

automatically cease to be a member of the Board and the Administering Authority will conduct a replacement process.

~~15.13.5~~14.13.5 Any Board member choosing not to continue her/his role must provide a written notice of resignation from their post to the Governance Service. The notice period shall be two months. Once the written notice is received the Board shall be notified accordingly and arrangements shall be made for a replacement in line with the procedures for the original appointment.

~~15.14~~14.14 **Voting Rights (this is dependent on makeup of the Board)**

~~15.14.1~~14.14.1 All Board Members will have equal voting rights.

~~15.14.2~~14.14.2 In the event of an equality of voted the Chairman will have the casting vote.

~~15.15~~14.15 **Frequency of meeting**

~~15.15.1~~14.15.1 The number of meetings a year should be in alignment with the number of the Pension Committee meetings year, or should be determined by the Board once it has agreed a workplan, with a minimum of two meetings annually.

~~15.16~~14.16 **Notice of meeting and circulation of papers**

~~15.16.1~~14.16.1 In accordance with the Access to Information Procedure Rules as set out in the Council's Constitution.

~~15.17~~14.17 **Minutes**

~~15.17.1~~14.17.1 In accordance with the Access to Information Procedure Rules as set out in the Council's Constitution.

~~15.18~~14.18 **Accountability and reporting**

~~15.18.1~~14.18.1 The Board is accountable solely to the Council for the effective operation of its functions.

~~15.18.2~~14.18.2 The Board shall report to the Pensions Committee as often as the Board deems necessary and at least annually:

~~15.18.2.1~~14.18.2.1 a summary of the work undertaken;

~~15.18.2.2~~14.18.2.2 the work plan for the next 12 months;

~~15.18.2.3~~14.18.2.3 details of training received and planned; and

~~15.18.2.4~~14.18.2.4 details of any conflicts of interest and how they were dealt with.

~~15.18.2.5~~14.18.2.5 On certain matters the board will report directly to Council;

~~15.18.3~~14.18.3 The Board shall report annually to Full Council on its work.

~~15.18.4~~14.18.4 It will also and as necessary from time to time report to Full Council any breach in compliance or other significant issues such as:

~~15.18.4.1~~14.18.4.1 any areas of persistent non-compliance

~~15.18.4.2~~14.18.4.2 any area of non-compliance within the LGPS Regulations that have been reported to the Pension Fund Committee

~~15.18.4.3~~14.18.4.3 areas raised to the Board to be investigated and how they were dealt with;

~~15.18.4.4~~14.18.4.4 any risks or other areas of potential concern it wishes to raise;

15.1914.19 Code of Conduct

15.19.114.19.1 All members of the Board are expected to act in accordance with Barnet Council’s Code of Conduct for Councillors, and where applicable and the Pensions Regulator’s Code of Practice.

15.2014.20 Conflicts of interest

15.20.114.20.1 All members of the Board must declare on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.

15.20.214.20.2 In accordance with s5(5) Public Service Pension Act 2013, a Board member must not have a financial or other interest that could prejudice him/her in carrying out his/her Board duties. This does not include a financial or other interest arising merely by virtue of being a member of the LGPS.

15.20.314.20.3 On appointment to the Board and following any subsequent declaration of potential conflict the conflict must be managed in line with the Council’s Members Code of Conduct, the Local Government Pension Scheme (LGPS) Guidance on Conduct of Members and Conflicts of Interest, the requirements of the Public Service Pensions Act 2013 and the requirements of the Pensions Regulator’s codes of practice on conflict of interest for Board members.

15.2114.21 Knowledge and understanding including training

15.21.114.21.1 All new members must follow an induction training plan and all members of the Board will be expected to attend the training provided to ensure that they have the requisite knowledge and understanding to fulfil their role.

15.21.214.21.2 All members must be prepared to participate in such regular personal training needs analysis or other processes as are put in place to ensure that they maintain the required level of knowledge and understanding to carry out their role.

15.21.314.21.3 Failure to attend training or participate in the processes may lead to membership being reviewed.

15.2214.22 Definitions

The following terms shall have the following meanings when used in this document:

<i>Administering Authority</i>	London Borough of Barnet
<i>Board or Pension Board</i>	The local Pension Board for the London Borough of Barnet, Administering Authority for the London Borough of Barnet Pension Fund as required under the Public Service Pensions Act 2013
<i>Board Member</i>	A member of the Board including Employer representatives, Scheme Member representatives and an independent member
<i>Code of Practice</i>	The Pensions Regulator’s [draft] Code of Practice no 14 entitled “Governance and administration of public service pension schemes.”

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<i>Conflicts of Interest</i>	As defined in the Public Service Pensions Act 2013
<i>Employer Representative</i>	A person appointed to the Board for the purpose of representing employers for the Scheme
<i>Fund</i>	The London Borough of Barnet Pension Fund within the Scheme administered and maintained by the Scheme Employer
<i>Independent Member</i>	A Member of the Board who is neither an Employer Representative nor a Member Representative
<i>LGPS</i>	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009.
<i>Member Representative</i>	A person appointed to the Board for the purpose of representing members of the Scheme
<i>Scheme</i>	The Local Government Pension Scheme as defined under LGPS
<i>Scheme Manager</i>	London Borough of Barnet as administering authority of the London Borough of Barnet Pension Fund

16.15 Pension Fund Committee

~~16.1~~15.1 To have responsibility for all aspects of the governance, investment and administration of the LB Barnet Pension fund, including, but not limited to the following:

~~16.1.1~~15.1.1 To ensure compliance with all Local Government Pension Scheme statutes, regulations and best practice.

~~16.1.2~~15.1.2 To consider approval and act in accordance with statutory Pension Fund documents:

~~16.1.2.1~~15.1.2.1 Investment Strategy Statement

~~16.1.2.2~~15.1.2.2 Funding Strategy Statement

~~16.1.2.3~~15.1.2.3 Governance Policy Statement

~~16.1.2.4~~15.1.2.4 Pension Administration Strategy

~~16.1.2.5~~15.1.2.5 Communication Policy Statement.

~~16.1.3~~15.1.3 To review the above documents at least triennially, or more frequently if advised by the Chief Finance Officer of the need to do so.

~~16.1.4~~15.1.4 If required, to appoint and monitor:

~~16.1.4.1~~15.1.4.1 Investment advisors

~~16.1.4.2~~15.1.4.2 Pension Fund investment managers

~~16.1.4.3~~15.1.4.3 Pension Fund actuaries

~~16.1.4.4~~15.1.4.4 Performance management company

~~16.1.4.5~~15.1.4.5 Custodians

~~16.1.4.6~~15.1.4.6 Pension Administrator

~~16.1.5~~15.1.5 To review and challenge at least quarterly the performance of the Pension Fund's investments taking into consideration the benchmarks and targets set out in the Investment Strategy Statement and investment management contracts and to consider advice from the investment advisor(s).

~~16.1.6~~15.1.6 To monitor the administration of the Pension Fund.

~~16.1.7~~15.1.7 To approve admissions agreements with any admission body.

~~16.1.8~~15.1.8 To consider actuarial valuations and their impact on the Pension Fund.

~~16.1.9~~15.1.9 To review and consider approval of the Pension Fund's Annual Report and Statement of Accounts, together with recommendations from external and internal auditors.

~~16.1.10~~15.1.10 To consider recommendations from the Local Pension Board.

~~16.1.11~~15.1.11 To determine how the various administering authority

16.215.2 Membership

~~15.3~~ 6 Members. Council will appoint 2 substitute Members from each group~~9 Chair, Vice Chair, Members and substitutes appointed by Council.~~

~~16.3~~15.4 The Committee will ~~To~~ invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled / admitted body)

to committee meetings These representatives are appointed to advise the committee on behalf of the interests they represent, but are not to have any voting rights.

~~16.3.1~~~~15.4.1~~ Further invites to scheduled/admitted bodies to be decided by the chair of the committee. ~~6 substitutes – 3 from each political group.~~

~~16.4~~ **Quorum**

~~16.4.1~~ ~~3.~~

17.16 Strategic Planning Committee

~~17.1~~~~16.1~~ To determine Applications for Planning Permission, including permissions in principle, made under the Town and Country Planning Act 1990 where the recommendation is for approval and the development:

~~17.1.1~~~~16.1.1~~ is within the categories which must be referred to the Mayor of London under the London Mayor Order;

~~17.1.2~~~~16.1.2~~ does not accord with the provisions of the Development Plan and, in the opinion of the Chief Planning Officer, constitutes a significant departure; or

~~17.1.3~~~~16.1.3~~ is by or on behalf of the Council and, in the opinion of the relevant Chief Planning Officer], it is a significant development The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.

~~17.2~~~~16.2~~ The confirmation of Town and Village Green Registration Applications under the Commons Act 2006, including considering the recommendations of a non-statutory inquiry chaired by an independent person.

~~17.3~~~~16.3~~ Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning.

~~17.4~~~~16.4~~ Consider Neighbourhood Development Orders and Community Right to Build Orders for recommendation to Full Council for adoption.

~~17.5~~~~16.5~~ Recommending the creation of Conservation Areas to Full Council

~~17.6~~~~16.6~~ Consider approving Article 4 Directions for consultation.

~~17.7~~~~16.7~~ Take action under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges.

~~17.8~~~~16.8~~ Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.

~~17.9~~~~16.9~~ Any other planning application or planning matter referred to this Committee by relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chair.

~~17.10~~~~16.10~~ Reports on all matters reserved to the Committee shall be made direct to the Committee and not through a Planning Committee.

~~17.11~~~~16.11~~ Any Planning Committee agenda item referred to this Committee for consideration and determination.

~~17.12~~16.12 To consider additions, deletions or amendments to the entries in the Council's Brownfield Land Register, including any referrals from Planning Committees A and B, and conduct any other functions related to the Brownfield Land Register.

~~17.13~~16.13 **Membership**

~~17.13.1~~16.13.1 **9**10 Members. Council will appoint 3 substitute Members from each group. ~~9 Chair, Vice Chair, Members and substitutes appointed by Council. 11 substitutes~~

~~17.14~~ **Quorum**

~~17.14.1~~ 3.

~~18~~17 **Planning Committees A and B**

~~18.1~~17.1 To determine the following application types, except where they are referable under the Constitution to the Strategic Planning Committee:

~~18.1.1~~17.1.1 Applications for Planning Permission made under the Town and Country Planning Act 1990;

~~18.1.2~~17.1.2 Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;

~~18.1.3~~17.1.3 Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;

~~18.1.4~~17.1.4 Applications for permissions in principle made under the Town and Country Planning Act 1990 and any application to add, delete or amend any entries in the Council's Brownfield Land Register" after the words "To determine the following application types, except where they are referable under the Constitution to the Strategic Planning Committee" Where the recommendation is for:

~~18.1.4.1~~17.1.4.1 approval and there is significant local public objection (defined as 5 or more objectors who have objected in writing in response to a planning application)

~~18.1.4.2~~17.1.4.2 approval or refusal and there is a Councillor referral of an application which affects their Ward which has been 'called in' to committee identifying a planning consideration.

~~18.1.5~~17.1.5 Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.

~~18.1.6~~17.1.6 Any other application or planning matter referred to this Committee by the relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chair.

~~18.1.7~~17.1.7 Applications to undertake treatment to trees included within a Tree Preservation Order Applications for a Hedgerow removal notice made under the Hedgerow Regulations 1997.

~~18.1.8~~17.1.8 Applications to demolish buildings on the Council's Local List.

~~18.2~~17.2 **Membership**

~~18.2.1~~17.2.1 **6** Members. Council will appoint 2 substitute Members from each group ~~Three for each Committee 6 substitutes~~

~~18.3~~ **Quorum**

~~18.3.1~~ ~~3~~

19.18 Area Committees

~~19.1~~~~18.1~~ **Area Committee North** (East Barnet, Barnet Vale, High Barnet, Underhill, Totteridge and Woodside, Mill Hill, Edgwarebury and Whetstone);

~~19.2~~~~18.2~~ **Area Committee West** (Burnt Oak, Edgware, Colindale North, Colindale South, West Hendon, Hendon, Cricklewood and Childs Hill); and

~~19.3~~~~18.3~~ **Area Committee East** (Brunswick Park, Friern Barnet, Woodhouse, West Finchley, Finchley Church End, Golders Green, East Finchley and Garden Suburb

~~19.4~~~~18.4~~ In relation to the area covered:

~~19.4.1~~~~18.4.1~~ Provide an opportunity for any resident to raise matters affecting the area (except matters relating to licensing and planning applications).

~~19.4.2~~~~18.4.2~~ Responsibility for all area specific matters relating to the local environment including parking, road safety, transport, allotments, parks and trees.

~~19.4.3~~~~18.4.3~~ Consider area specific matters as agreed with the Chair.

~~19.4.4~~~~18.4.4~~ Consider matters relating to Town Centre regeneration and designating conservation areas.

~~19.4.5~~~~18.4.5~~ Determine the allocation of Community Infrastructure Levy funding within the area subject to sufficient of the budget allocated to the committee being unspent.

~~19.5~~~~18.5~~ **Membership**

~~19.6~~~~18.6~~ ~~8 Members and substitutes appointed by Council~~ ~~8 Chair, Vice-Chair, Members and substitutes appointed by Council.~~

~~19.6.1~~~~18.6.1~~ Committee members must represent a ward in the Area Committee area. All members in the Area Committee area can act as substitutes in that area.

~~19.7~~ **Quorum**

~~19.7.1~~ ~~3~~

2E Joint Arrangements

2019 Joint Committee of the Boroughs of Barnet, Brent, Ealing, Harrow and Hounslow (known as “West London Economic Prosperity Board”)

20.119.1 Functions and Procedure Rules

20.1.119.1.1 Purpose of the Joint Committee

The London Boroughs of Barnet, Brent, Ealing, Hammersmith & Fulham, Harrow and Hounslow (“the Participating Boroughs”) have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

20.1.219.1.2 The Joint Committee shall be known as ‘**West London Economic Prosperity Board**’.

20.1.319.1.3 The Joint Committee’s role and purpose on behalf of the Participating Boroughs relates to ensuring appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing Participating Boroughs’ aspirations for greater economic prosperity in West London, including promoting “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.

20.1.419.1.4 The purpose of the Joint Committee will be collaboration and mutual co-operation and the fact that some functions will be discharged jointly by way of the Joint Committee does not prohibit any of the Participating Boroughs from promoting economic wellbeing in their own areas independently from the Joint Committee.

20.1.519.1.5 The Joint Committee is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by all of the Participating Boroughs.

20.1.619.1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.

20.219.2 Definitions

20.2.119.2.1 Any reference to “Access to Information legislation” shall mean Part V and VA of the Local Government Act 1972 (as amended) and, to the extent that they are applicable, to the Openness of Local Government Bodies Regulations 2014 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).

20.2.219.2.2 Any reference to “executive”, “executive arrangements”, “executive function” or “committee system” has the meaning given by Part 1A of the Local Government Act 2000.

20.319.3 Functions

20.3.119.3.1 The Joint Committee will discharge on behalf of the Participating Boroughs the functions listed below related to promoting economic prosperity in West London:

20.3.1.119.3.1.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities.

20.3.1.219.3.1.2 Providing direction to a nominated lead borough on the allocation of any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where

applicable, approving the approach to the procurement to be undertaken by the lead borough.

~~20.3.1.3~~ 19.3.1.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda.

~~20.3.1.4~~ 19.3.1.4 Exercising any such powers and allocating any such funding.

~~20.3.1.5~~ 19.3.1.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.

~~20.3.1.6~~ 19.3.1.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.

~~20.3.1.7~~ 19.3.1.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.

~~20.3.1.8~~ 19.3.1.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.

~~20.3.1.9~~ 19.3.1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.

~~20.3.1.10~~ 19.3.1.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the Local Democracy, Economic Development and Construction Act 2009 Act, to be established by groups of boroughs in London.

~~20.3.1.11~~ 19.3.1.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.

~~20.3.2~~ 19.3.2 In relation to the Participating Boroughs which operate executive arrangements only executive functions of each borough may be exercised.

~~20.4~~ 19.4 **Membership and Quorum**

~~20.4.1~~ 19.4.1 The membership will comprise of 6 members with each Participating Borough appointing one person to sit on the Joint Committee as a voting member.

~~20.4.2~~ 19.4.2 Each Participating Borough will make a suitable appointment in accordance with its own constitutional requirements.

~~20.4.3~~ 19.4.3 Where a Participating Borough operates executive arrangements, then the appointment of a voting member of the West London EPB will be by the leaders of the

executive or by the executive. It is anticipated that, where practicable, the leader of each such executive will be appointed to the West London EPB.

20.4.419.4.4 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.

20.4.519.4.5 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.

20.4.619.4.6 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

20.4.719.4.7 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.

20.4.819.4.8 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six month notice period must be provided.

20.4.919.4.9 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.

20.4.1019.4.10 The quorum for the Joint Committee is three members. If the Joint Committee is not quorate it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed until a quorum is achieved. If no quorum is achieved after 30 minutes has elapsed, the clerk will advise those present that no business can be transacted and the meeting will be cancelled.

20.519.5 Chair and Vice-Chair

20.5.119.5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.

20.5.219.5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as chair.

20.5.319.5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chair. This appointment will also rotate in a similar manner to the Chair.

20.5.419.5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.

20.5.519.5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.

20.5.619.5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

20.619.6 Sub-Committees

20.6.119.6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.

20.719.7 Delegation to officers

20.7.119.7.1 The Joint Committee may delegate specific functions to officers of any of the Participating Boroughs.

20.7.219.7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.

20.7.319.7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more Participating Boroughs before exercising their delegated authority.

20.819.8 Administration

20.8.119.8.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.

20.919.9 Financial matters

20.9.119.9.1 The Joint Committee will not have a pre-allocated budget.

20.9.219.9.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of LB Ealing.

20.1019.10 Agenda management

20.10.119.10.1 Subject to 10.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the Participating Boroughs or their representatives.

20.10.219.10.2 It will be the responsibility of each report author to ensure that the impacts on all Participating Boroughs are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each Participating Borough or by some other appropriate method.

20.10.319.10.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the Participating Boroughs may include an item for consideration on the agenda of a meeting of the Joint Committee, and may require that an extraordinary meeting be called to consider such items.

20.10.419.10.4 Each Participating Borough operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key- decisions' and/or have them included in the Forward Plan. Each Participating Borough operating a committee system will apply its local non statutory procedures.

20.1119.11 Meetings

20.11.119.11.1 The Joint Committee will meet as required to fulfil its functions.

20.11.219.11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all Participating Boroughs.

~~20.11.3~~19.11.3 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the committee has any members who are not members of an executive of a Participating Borough.

~~20.12~~19.12 Notice of meetings

~~20.12.1~~19.12.1 On behalf of the Joint Committee, a clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

~~20.12.2~~19.12.2 At least five clear working days in advance of a meeting a clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the Participating Boroughs to enable the information to be published on each Participating Borough's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

~~20.12.3~~19.12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

~~20.13~~19.13 Public participation

~~20.13.1~~19.13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

~~20.13.2~~19.13.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.

~~20.13.3~~19.13.3 The maximum number of speakers allowed per agenda item is 6.

~~20.13.4~~19.13.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.

~~20.13.5~~19.13.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the committee including by attending meetings and commenting on proposals and documents.

~~20.13.6~~19.13.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

~~20.14~~19.14 Member participation

~~20.14.1~~19.14.1 Any elected member of the council of any of the Participating Boroughs who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

20.15.19.15 Business to be transacted

~~20.15.1~~19.15.1 Standing items for each meeting of the Joint Committee will include the following:

~~20.15.1.1~~19.15.1.1 Minutes of the Last Meeting

~~20.15.1.2~~19.15.1.2 Apologies for absence

~~20.15.1.3~~19.15.1.3 Declarations of Interest

~~20.15.1.4~~19.15.1.4 Provision for public participation

~~20.15.1.5~~19.15.1.5 Substantive items for consideration

~~20.15.2~~19.15.2 The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

~~20.15.3~~19.15.3 An item of business may not be considered at a meeting unless:

~~20.15.4~~19.15.4 A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or

~~20.15.5~~19.15.5 By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

~~20.15.6~~19.15.6 "Special Circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

20.16.19.16 Extraordinary meetings

~~20.16.1~~19.16.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

~~20.16.2~~19.16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

20.17.19.17 Cancellation of meetings

~~20.17.1~~19.17.1 Meetings of the Joint Committee may, after consultation with the Chair, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chair and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

20.18.19.18 Rules of debate

~~20.18.1~~19.18.1 The rules of debate in operation in the Chair's authority shall apply.

20.19.19.19 Request for determination of business

~~20.19.1~~19.19.1 Any member of the Joint Committee may request at any time that:

~~20.19.1.1~~ 19.19.1.1 The Joint Committee move to vote upon the current item of consideration.

~~20.19.1.2~~ 19.19.1.2 The item be deferred to the next meeting.

~~20.19.1.3~~ 19.19.1.3 The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration.

~~20.19.1.4~~ 19.19.1.4 The meeting be adjourned.

~~20.19.2~~ 19.19.2 The Joint Committee will then vote on the request.

20.20 19.20 Urgency procedure

~~20.20.1~~ 19.20.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Participating Borough (in line with pre-existing delegations in each Borough's Constitution) to take urgent action as is required within each of the constituent boroughs.

20.21 19.21 Voting

~~20.21.1~~ 19.21.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

~~20.21.2~~ 19.21.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

~~20.21.3~~ 19.21.3 Any matter (save for a decision under ~~Rule 4.7~~ the rules above) shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

~~20.21.4~~ 19.21.4 Any two members can request that a recorded vote be taken.

~~20.21.5~~ 19.21.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast they vote for or against the matter or whether they abstained from voting.

20.22 19.22 Minutes

~~20.22.1~~ 19.22.1 At the next suitable meeting of the Joint Committee, the Chair will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.

~~20.22.2~~ 19.22.2 Once agreed, the Chair will sign them.

~~20.22.3~~ 19.22.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

20.23 19.23 Exclusion of Public and Press

~~20.23.1~~19.23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

~~20.23.2~~19.23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

~~20.23.3~~19.23.3 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think is necessary.

~~20.23.4~~19.23.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

20.2419.24 Overview and Scrutiny

~~20.24.1~~19.24.1 Decisions of the Joint Committee which relate to the executive functions of a Participating Borough will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Borough operating a committee system may have) as would apply locally to a decision made by that Participating Borough acting alone.

~~20.24.2~~19.24.2 No decision should be implemented until such time as the call-in period has expired across all of the Participating Boroughs.

~~20.24.3~~19.24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Participating Borough where the Call-In had taken place for it to be heard.

~~20.24.4~~19.24.4 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.

20.2519.25 Access to minutes and papers after the meeting

~~20.25.1~~19.25.1 On behalf of the Joint Committee, a clerk will make available copies of the following for six years after the meeting:

~~20.25.1.1~~19.25.1.1 the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

~~20.25.1.2~~19.25.1.2 the agenda for the meeting; and

~~20.25.1.3~~19.25.1.3 reports relating to items when the meeting was open to the public.

20.2619.26 Amendment of these Rules

~~20.26.1~~19.26.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the Participating Boroughs. Note that Rule ~~3-19.3~~ (Functions) may only be amended following a formal delegation from each of the Participating Boroughs.

20.27.19.27 Background Papers

20.27.19.27.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author:

20.27.1.19.27.1.1 disclose any facts or matters on which the report or an important part of it is based;

20.27.1.219.27.1.2 which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

20.27.219.27.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the clerk shall make available for inspection:

20.27.2.119.27.2.1 a copy of the list of background papers for the report

20.27.2.219.27.2.2 at least one copy of each of the documents included in that list

20.27.319.27.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

21.20 North Central London Joint Health Overview and Scrutiny Committee

21.120.1 To engage with relevant NHS bodies on strategic area wide issues in respect of the co-ordination, commissioning and provision of NHS health services across the whole of the area of Barnet, Camden, Enfield, Haringey and Islington;

21.220.2 To respond, where appropriate, to any proposals for change to specialised NHS services that are commissioned on a cross borough basis and where there are comparatively small numbers of patients in each of the participating boroughs;

21.320.3 To respond to any formal consultations on proposals for substantial developments or variations in health services across affecting the areas of Barnet, Camden, Enfield, Haringey and Islington and to decide whether to use the power of referral to the Secretary of State for Health on behalf of Councils who have formally agreed to delegate this power to it when responding to formal consultations involving all the five boroughs participating in the JHOSC;

21.420.4 The joint committee will work independently of both the Cabinet and health overview and scrutiny committees (HOSCs) of its parent authorities, although evidence collected by individual HOSCs may be submitted as evidence to the joint committee and considered at its discretion;

21.520.5 The joint committee will seek to promote joint working where it may provide more effective use of health scrutiny and NHS resources and will endeavour to avoid duplicating the work of individual HOSCs. As part of this, the joint committee may establish sub and working groups as appropriate to consider issues of mutual concern provided that this does not duplicate work by individual HOSCs; and

21.620.6 The joint committee will aim to work together in a spirit of co-operation, striving to work to a consensual view to the benefit of local people.

2F Terms of Reference of Boards

22.21 Local Strategic Partnership (Barnet Partnership Board)

~~22.1~~22.21.1 A Local Strategic Partnership is an advisory committee which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies

~~22.21.1~~ 22.21.2 Membership

~~22.2.1~~22.2.1.2.1 Leader of the Council, Council representatives to be appointed by Annual Council Senior representatives from:

~~22.2.1.1~~22.2.1.2.1.1 Related Argent

~~22.2.1.2~~22.2.1.2.1.2 Barnet & Southgate College

~~22.2.1.3~~22.2.1.2.1.3 Barnet Council

~~22.2.1.4~~22.2.1.2.1.4 Brent Cross Shopping Centre

~~22.2.1.5~~22.2.1.2.1.5 Barnet Together Alliance

~~22.2.1.6~~22.2.1.2.1.6 Barnet Clinical Commissioning Group

~~22.2.1.7~~22.2.1.2.1.7 Department for Work and Pensions

~~22.2.1.8~~22.2.1.2.1.8 Federation of Small Business

~~22.2.1.9~~22.2.1.2.1.9 London Fire Service

~~22.2.1.10~~22.2.1.2.1.10 Middlesex University

~~22.2.1.11~~22.2.1.2.1.11 Metropolitan Police

~~22.2.1.12~~22.2.1.2.1.12 Saracens West London Alliance

23.22 Children's Partnership Board

~~23.1~~23.22.1 Barnet's Children's Partnership Board brings together all services for children and young people in the borough, to focus on hearing the voice of children and young people and improving their outcomes.

~~23.22.1~~23.22.2 Senior representatives from partner organisations make up the Children's Partnership Board which keeps strategic oversight of the Barnet Children and Young People's Partnership Plan. Each organisation has agreed to be responsible for implementing this plan which will be monitored by the Board.

~~23.3~~23.22.3 The legal framework underpinning Barnet's Children's Partnership Board arrangements is the 'duty to cooperate' and improve the **well-being** of children across the Borough, set out in S10 of the Children Act 2004. The terms of reference and membership will be the subject of annual review to take account of local or national changes and developments.

~~23.4~~23.22.4 General Responsibilities and Functions the Children's Partnership Board is accountable for the following:

~~23.4.1~~22.4.1 Ensuring the voice of children and young people is heard in Barnet

~~23.4.2~~22.4.2 Developing and delivering the Children & Young People's Plan.

~~23.4.3~~22.4.3 Ensuring that the collective resources of the partners are being used to the best effect to meet the priorities in the Children & Young People's Plan.

~~23.4.4~~22.4.4 Resolving issues that block progress against the priorities.

~~23.4.5~~22.4.5 Reviewing Plans and Strategies relating to Children and Young People in Barnet prior to consideration by executive groups (e.g. Children, Education & Safeguarding Committee, Health & Wellbeing Board, etc.)

~~23.4.6~~22.4.6 Working with the Voluntary Sector in a particular approach to enable the best outcomes for children and young people

~~23.5~~22.5 This includes shared responsibility for:

~~23.5.1~~22.5.1 Meeting the priorities in the Children & Young People's Plan

~~23.5.2~~22.5.2 Jointly developing, delivering and resourcing strategies and action plans necessary to meet the priorities

~~23.5.3~~22.5.3 Addressing barriers to meeting the priorities and to identifying future needs, including communication, information and data sharing

~~23.5.4~~22.5.4 Keeping Children's workforce informed and involved, providing clear direction, development and training as necessary

~~23.5.5~~22.5.5 Releasing staff to develop and attend network events

~~23.5.6~~22.5.6 Clarifying and simplifying governance structures and decision-making

~~23.5.7~~22.5.7 Ensuring that children, young people and families have a voice in decision making that affects them

~~23.5.8~~22.5.8 Monitoring performance towards agreed outcomes and taking remedial action where necessary.

~~23.5.9~~22.5.9 Building upon good practice and developing an evidence-based approach to what works.

~~23.6~~22.6 The partnerships remit includes the needs of all children and young people in Barnet under the age of 19, young people up to the age of 25 leaving care and young people up to the age of 25 with disabilities and/or learning difficulties. These responsibilities include effective transition arrangements, where necessary.

~~23.7~~22.7 Roles and Responsibilities of Board Members All members of the Board are required to agree to undertake the following:

~~23.7.1~~22.7.1 Attendance at all Board meetings (or representation provided by as senior replacement).

~~23.7.2~~22.7.2 Members will be responsible for an effective two-way communication system whereby the decisions and aims of the Board are widely disseminated and relevant organisational issues from members' own agencies are communicated to the Board.

~~23.7.3~~22.7.3 Provide leadership on strategic issues to members of the Board

~~23.7.4~~22.7.4 Champion the objectives of the Children and Young People’s Plan and ensure relevant activities within the plan are implemented by their organisation.

~~23.7.5~~22.7.5 Contribute to the development of a strategic three to five-year vision
Meetings will be held quarterly and dates for each year will be set in advance.

~~23.8~~22.8 **Membership**

~~23.8.1~~22.8.1 The Board will be chaired by the Executive Director for Children’s Services

~~23.8.2~~22.8.2 Members are able to delegate a deputy of suitable authority if they are unable to attend, by agreement with the chair. Current partners and members are:

~~23.8.3~~22.8.3 Barnet Council

- Lead Member for Children’s Services;
- Executive Director for Children’s Services;
- Assistant Director Education Strategy & Partnerships;
- Commissioning Strategy & Policy Advisor;
- Assistant Director Commissioning & Strategy;
- Voice of the Child Participation Officer;
- Housing Commissioning Lead;
- Commissioning Lead Growth & Development;
- Senior Communications & Campaigns Manager;
- Public Health Consultant;

~~23.8.4~~22.8.4 North Central London Clinical Commissioning Group (NCL CCG)

- Director for Adults Joint Commissioning
- CYP Health Commissioning Children’s Clinical Lead NHS;

~~23.8.5~~22.8.5 Metropolitan Police – Inspector;

~~23.8.6~~22.8.6 Schools –

- Three representative headteachers, one each from Barnet primary, secondary and special schools

~~23.8.7~~22.8.7 Barnet Education & Learning Service – Chief Executive;

~~23.8.8~~22.8.8 Voluntary Sector –

- Chief Executive, Inclusion Barnet;
- Chief Executive, Young Barnet Foundation;

~~23.8.9~~22.8.9 Young Persons Representatives –

- Member of Barnet Youth Parliament 1;
- Member of Barnet Youth Parliament 2

~~23.8.10~~22.8.10 Multi-Faith Representative - Chair, Barnet MultiFaith Forum;

~~23.8.11~~22.8.11 Parent / Carer Group Representative – Chair of the Parent Carer Forum

23.922.9 Quorum

23.9.122.9.1 5 – must include the following:

- Chair (or deputy)
- At least one representative of the LB Barnet
- At least one representative NCL CCG
- At least one representative of Schools
- At least one member representing the voluntary sector

2423 Safer Communities Partnership Board

24.123.1 The Safer Communities Partnership Board (SCPB) is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending and promote social cohesion. It acts as the Crime and Disorder Reduction Partnership as defined (and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act.

24.223.2 The SCPB operates within the constitutional requirements of Barnet Council, the Metropolitan Police and other partner agencies, who ensure that the Board's approaches to policy formulation and resource allocation are consistent with those of the agencies concerned.

24.323.3 It is taking forward one of the objectives in the strategy to develop an Integrated Offender Management system that brings together the different agencies involved in managing the punishment and rehabilitation of offenders in a much more efficient and joined up way, reducing the risks of reoffending and ensuring far more offenders complete their drug rehabilitation successfully. Barnet Safer Communities Partnership is an unincorporated body and therefore it does not have a legal personality. Its members work collectively within their own individual legal frameworks.

24.423.4 Meetings will be quarterly and a quorum will comprise four members provided this consists of: The Chair (Barnet Councillor) and Vice Chair (Metropolitan Police) At least one other representative each of the Council and the Metropolitan Police.

24.523.5 Other current partners are:

- London Probation Trust
- National Probation Service
- London Fire Brigade
- Barnet Clinical Commissioning Group
- MOPAC (Mayor's Office Policing/Crime)
- Barnet Safer Neighbourhood Board
- Middlesex University
- North West London Magistrates' Court
- Inclusion Barnet
- Victim Support, North London Division

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- Department for Work and Pensions
- Voluntary Sector Representative (as invited by the Board)

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Part 3B

Executive Procedure Rules

1. Application of these Rules

- 1.1 These Rules apply to the Executive and meetings of the Executive (being either a meeting of a number of Members of the Executive or the Leader when taking a Key Decision by way of a Portfolio Holder Meeting). Some Rules also apply to a Member meeting alone.

2. Executive Decisions

- 2.1 Executive functions may be exercised by:

- 2.1.1 the Executive as a whole;
- 2.1.2 an individual Member of the Executive;
- 2.1.3 an officer;
- 2.1.4 an arrangement with another authority for the discharge of functions.

- 2.2 A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

2.3 Definition of Executive Meeting

An Executive meeting shall include:

- 2.3.1 a meeting open to all Members of the Executive.
- 2.3.2 An individual Member of the Executive (Portfolio Holder) when making Key Decisions.

3. Delegation by the Executive

- 3.1 The Leader or, in the absence of the Leader, the Deputy Leader will present to the Council a written record of delegations made by them at the Annual Meeting of the Council for inclusion in the Allocation of Responsibilities (set out in Part 3 of this Constitution).

- 3.2 The document presented by the Leader or, in the absence of the Leader, the Deputy Leader must contain the following information relating to Executive functions in the ensuing Municipal Year:

- 3.2.1 the name of the Executive Member who will serve as Deputy Leader;
- 3.2.2 the names and Wards of the Councillors appointed to the Executive;
- 3.2.3 the nature of the Portfolios to be held by each Executive Member;
- 3.2.4 the extent of any authority delegated to those Executive Members individually, including details of the limitation on their authority;
- 3.2.5 the nature and extent of any deputising arrangements within the Executive;
- 3.2.6 any changes to the terms of reference and constitution of the Executive.
- 3.2.7 any changes to the nature and extent of any delegation of Executive functions to any other authority or any arrangements with another authority for the discharge of functions and the names of those Executive Members appointed to any joint committee for the coming year;

3.2.8 any changes to the nature and extent of any delegation of Executive functions to officers as set out in the Constitution with details of any limitation on that delegation, and the title of the officer to whom the delegation is made;

3.3 In an election year the documents referred to in 3.2 above may be presented by the Leader or, in the absence of the Leader, the Deputy Leader to the first appropriate Council meeting. This may be a special meeting convened for the purpose.

4. The Council's Allocation of Responsibilities and Executive Functions

4.1 The Council will approve a Scheme of Delegations or Allocation of Responsibilities section of the Constitution, and may amend it at any time by resolution, but will normally undertake any revision at its annual meeting.

4.2 However, in years where whole Borough elections are held, notification of the Scheme of Delegation or Allocation of Responsibilities may be presented at the next Council meeting after the Annual Meeting.

5. Conflicts of Interest

5.1 If an individual Member of the Executive has a conflict of interest or if every Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in this Constitution.

5.2 If the exercise of an Executive function has been delegated to an individual Portfolio Holder and a conflict of interest arises, then the function may be exercised, by the Leader or Deputy Leader. In the case where an officer is unable to take a delegated decision due to a conflict of interest, and no scheme exists within the department which allows referral of that decision to another appropriate officer, that decision will be referred to the relevant Portfolio Holder, or the Leader or Deputy Leader.

5.3 If a conflict of interest arises for the Leader or Deputy Leader where the decision would have been referred to them, then that decision may be referred to Cabinet.

6. Urgent Business

6.1 Urgent business may only be considered where:

6.1.1 the Access to Information Procedure Rules in this Constitution have been complied with; or

6.1.2 a Member of the Executive or any Statutory Officer has requested that an item is placed on the agenda for the meeting at any time before the start of the meeting and the Executive agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

7. Executive Meetings

7.1 Time, place and changes to meetings

7.1.1 The Executive will meet at time and place published on the agenda.

7.1.2 The Leader or, in the absence of the Leader, the Deputy Leader may convene additional meetings of the Executive, provided that the requirements of the Access to Information Procedure Rules in this Constitution are complied with.

7.1.3 The date and time of a meeting of the Executive may be changed by the Leader or, in the absence of the Leader, the Deputy Leader upon giving five clear

working days' notice. In urgent situations, the meeting may be cancelled by the Leader or the Head of Governance, with a shorter notice period.

8. Special Meetings

- 8.1 Those listed below may request the Head of Governance to call Executive meetings in addition to ordinary scheduled meetings:
- 8.1.1 the Executive by resolution;
 - 8.1.2 the Leader of the Council;
 - 8.1.3 the Monitoring Officer (where the proper officer is not also the Monitoring Officer); or Chief Financial Officer;
 - 8.1.4 at least one-third of the Members of the Executive, if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.
- 8.2 The date, time and place of special meetings will be set by the Head of Governance.
- 8.3 The Head of Governance must give public notice of the time and place of a public meeting by displaying it at the offices of the relevant local authority and publishing it on that authority's website, if it has one at least 5 clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened.
- 8.4 Where a meeting is convened at short notice, no item of business shall be considered unless a copy of the agenda including the item of business has been available for inspection by the public from the time that the agenda for the meeting was sent to members.

9. Business

- 9.1 Business at special meetings of the Executive shall be restricted to any item of business specified by the Executive, Leader, Monitoring Officer or Chief Financial Officer when calling the meeting or specified in the requisition presented by at least one-third of the Members of the Executive.
- 9.2 Business at the same special meeting may be added to the agenda subject to the agreement of the Monitoring Officer following consultation with the Leader of the Council and the leader(s) of the Opposition Group(s), stating reasons for urgency.

10. Meetings of the Executive to be held in Public

- 10.1 All meetings of the Executive will be held in public. These meetings will be governed by the Access to Information Procedure Rules in this Constitution. Where the Executive is considering reports on matters which contain confidential or exempt information it may pass a resolution to exclude the press and public in accordance with the Access to Information Procedure Rules, having given 28 clear calendar days' notice of the intention to hold a private meeting (or part private).

11. Quorum

- 11.1 Subject to Rule 11.2, the quorum for a meeting of the Executive shall be a minimum of three.

11.2 In order for an Executive meeting to be quorate, the Leader or Deputy Leader must be present unless they are precluded from participating in the item of business by reason of a conflict of interest.

12. Procedure for Decision Making by the Executive

12.1 Executive decisions taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in this Constitution.

12.2 Where Executive Key Decisions are delegated to individual Executive Members, those decisions shall be taken in accordance with the Access to Information Procedure Rules in this Constitution.

13. Conduct of Executive Meetings

13.1 Chair of the Executive

At a meeting of the whole Executive the Leader shall preside if they are present. In the absence of the Leader, the Deputy Leader shall preside. If neither the Leader nor Deputy Leader are present, the meeting shall not proceed unless they are precluded from participating in the item of business by reason of a conflict of interest.

13.2 Petitions

The Council has a petition scheme and this will be followed.

13.3 Public Questions

General

13.3.1 Questions should be submitted in writing to the relevant Governance Officer by 10am on the third working day prior to the meeting.

13.3.2 Any questions submitted after this time will not be considered. Questions must specify the item of business on the agenda which they relate to.

13.3.3 Questions will be answered by the Leader in the meeting in order of receipt, alternating between residents. Residents will be able to ask one supplementary question per question answered.

13.3.4 Questions will be published prior to the meeting. Any additional questions received will be not be accepted.

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

13.3.6 Any questions that are not answered at the meeting will be given a written response at the discretion of the Leader.

13.3.7 Written comments must specify the item of business on the agenda which they relate to. Cabinet agendas are published on the Council's website five clear working days prior to the meeting. Residents should state their road and postcode when submitting comments.

13.3.8 Each written comment is limited to 100 words. Written comments should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any written comments received after this time will not be

considered. A resident may submit one written comment per agenda item. Written comments will be reported to the Cabinet and published alongside the agenda papers for the meeting.

13.4 Time limit for questions and comments

13.4.1 At cabinet meetings a time period of up to 30 minutes is available for public questions and comments in total. Questions and comments will be dealt with in order of receipt.

13.5 Scope of questions

13.5.1 The Monitoring Officer may reject a question if it:

13.5.1.1 is not about a matter for which the Authority has a responsibility or which does not affect the Borough;

13.5.1.2 would risk defamation of an individual or is frivolous or offensive; or otherwise improper;

13.5.1.3 is substantially the same as a question which has been put at any meeting of the Executive in the last six months; or

13.5.1.4 requires the disclosure of confidential or exempt information.

13.6 Questions by Members

13.6.1 Questions ~~with Notice:~~

~~13.6.1.1 A Councillor may ask a Portfolio Holder (Member of the Executive) a question (which depending on its nature may be dealt with in either public or private session) on any matter which is on the cabinet meeting agenda. For the avoidance of doubt, a Member is not limited to asking a single substantive question at any one Executive meeting. No prior notice is required for these questions. The first 4 questions will be given to the opposition group, then they will be rotated between the groups in accordance with the order in which they are received by the Head of Governance.~~

~~13.6.1.1 A Councillor may ask a Portfolio Holder (Member of the Executive) a question (which depending on its nature may be dealt with in either public or private session) on any matter which is on the cabinet meeting agenda in relation to which the Executive has powers or duties. For the avoidance of doubt, a Member is not limited to asking a single substantive question at any one Executive meeting. No prior notice is required for these questions.~~

~~13.6.1.2 A limit of 15 minutes shall be given to the asking and answering of questions by Councillors under this Rule.~~

~~13.6.1.2 A limit of 15 minutes shall be given to the asking and answering of written questions by Councillors under this Rule. Notice of questions should be given in writing by 10am the third working day before the meeting.~~

13.7 Response

13.7.1 In response to a Non-executive Member speaking at Cabinet, an answer may be given by the Leader or Portfolio Holder.

13.7.2 A response may take the form of:

13.7.2.1 a direct oral answer;

13.7.2.2 where the desired information is a publication of the Council or other published work, a reference to that publication; or

13.7.2.3 where the reply cannot conveniently be given orally, a written answer supplied later to the questioner.

13.8 Invalid Questions

13.8.1 The Chair may, in consultation with the Monitoring Officer, rule out of order questions which in their opinion:

13.8.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper; or

13.8.1.2 do not relate to a matter for which the Executive has powers or duties or which does not affect the London Borough of Barnet; or

13.8.1.3 would require the disclosure of confidential or exempt information; or is substantially the same as a question which has been put at any meeting of the Executive in the last six months.

13.8.2 6 Month Rule

13.8.2.1 No deputation, public question or comment shall be accepted within 6 months after a deputation, public question or comment has appeared before on the same or a similar subject.

13.9 The Business of Meetings

13.9.1 At each meeting of the Executive, the following business will be conducted where appropriate.

13.10 Apologies

13.10.1 Approving the minutes of the last meeting;

13.10.2 Declarations of interest and any dispensations granted by the Monitoring Officer

13.10.3 Petitions and questions, comments and deputations (if any);

13.10.4 Matters referred to the Executive (whether by the Overview and Scrutiny Call-in sub-committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution.

13.10.5 Consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;

13.10.6 Consideration of proposals for the budget and policy framework, prior to making decisions on them;

13.10.7 Consideration of the Key Decision Schedule (KDS);

13.10.8 Other matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions in accordance with the Access to Information Procedure Rules set out in this Constitution.

13.10.9 Reports of statutory officers

13.10.10 Matters referred to the Cabinet.

13.11 **Decisions to be taken only on a report**

13.11.1 The Executive, or an individual Executive decision-taker, may only take a decision upon consideration of a written report from the relevant officer of the Council.

13.11.2 Reports from officers will follow a standard format including the following statutory requirements:

13.11.2.1 Resource implications (observations of the Chief Financial Officer)

13.11.2.2 Legal and Constitutional References (observations of the Monitoring Officer)

13.11.2.3 Details of background papers

13.11.2.4 Reasons for Recommendation

13.11.2.5 Options Considered and Rejected

13.11.2.6 List of Background Papers which will be published on the website and made available to the public

13.12 **Consultation**

13.12.1 All reports to the Executive on draft proposals relating to the budget or policy framework must contain details of consultation to be undertaken with stakeholders and relevant Overview and Scrutiny Committee or Scrutiny sub-committees. Final proposals must include details of the outcome of that consultation.

13.12.2 Reports on other matters must set out the details and outcome of consultation as appropriate to the matter under consideration.

13.13 **Executive Agenda**

13.13.1 The Leader or any Member of the Executive may request that the Monitoring Officer places an item on the agenda of the next available Executive meeting.

13.13.2 The Monitoring Officer will place the item on the agenda of the next available meeting of the Executive in accordance with the Access to Information Procedure Rules if the Call-In sub-committee or if the full Council has resolved that an item must be reconsidered by the Executive.

13.13.3 The Monitoring Officer and Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and/or may call or be required to call a meeting in pursuance of their statutory duties. In other circumstances, where both the Chief Financial Officer and the Monitoring Officer are of the opinion that an Executive meeting needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive within an appropriate timescale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.

13.14 **Voting Procedure**

13.14.1 The Executive will decide all matters before it on a collective basis except where dissent is recorded by Members, by simple majority. The Chair will have a casting vote.

13.15 Individual recorded vote and explanation for vote

13.15.1 If immediately before the vote is taken, any voting Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

13.15.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

13.16 Guillotine

13.16.1 Meetings of the Executive will not last longer than 3 hours.

13.17 Key Decisions taken by Portfolio Holders

13.17.1 A Key Decision may not be taken by an individual Member of the Executive unless it is a key decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

13.17.2 All Key Decisions to be taken by a Portfolio Holder will follow the Access to Information Procedure Rules in this Constitution.

13.17.3 At each meeting, the following business will be conducted:

13.17.3.1 declarations of any dispensations granted by the Monitoring Officer;

13.17.3.2 petitions and public questions, if any;

13.17.3.3 matters referred to the Executive Member (whether by the Call-in Sub-Committee or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rule on the Call-In Procedure;

13.17.3.4 consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;

13.17.3.5 consideration of items for decision as set out in the agenda for the meeting.

13.18 Who may speak

13.18.1 Any Member of the Council may attend a meeting of a Portfolio Holder but may only speak if invited to do so by the Portfolio Holder.

13.19 Implementation of Executive Decisions

13.19.1 In order to allow for Call-In, no Executive Key Decision can be implemented until the expiry of five clear working days after the decision has been published, unless the decision-taker resolves as part of the decision that its implementation is urgent when the provisions contained in the Overview and Scrutiny Procedure Rule on the Call-In Procedure apply.

13.20 Confidential Business

13.20.1 All reports, other documents, information, discussions and proceedings of the Executive, or Portfolio Holder which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the meeting following a resolution to exclude the press and public.

13.20.2 Executive Meetings and Key Decisions taken by the Leader (Portfolio Holder Decision Meeting) shall be subject to regulation 5 (Part 2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Access to Information Procedure Rules set out the requirements for advance notice of any private meeting.

13.21 **Minutes of the Executive**

13.21.1 Minutes of the Executive shall be published on the Council's website.

13.22 **Production of Decision Notices and Minutes for Cabinet Meetings**

13.22.1 A Decision Notice will normally be published on the Council's website on the day immediately following the Cabinet Meeting thereby setting/invoking the Call-in period. Minutes of the Cabinet and other Executive Meetings will normally be published within five clear working days of the meeting.

13.23 **Exclusion of the Public**

13.23.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in this Constitution or under Rule 14.4 (Disturbance by the Public) below.

13.24 **Members' Conduct**

13.25 **Precedence of Chair**

13.25.1 When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

13.26 **Member not to be heard further**

13.26.1 If any Member present persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion and the Member may be asked to leave the meeting.

13.27 **General disturbance**

13.27.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as they think it is necessary.

13.28 **Disturbance by Public**

13.28.1 **Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. (See also 27.1 above)

13.29 Deputations

- 13.29.1 Cabinet may receive a deputation on any matter appearing on the relevant agenda.
- 13.29.2 Requests to receive a deputation must be in writing and signed by at least five and no more than 24 citizens or representatives of local organisations or businesses in Barnet (documents with more than 24 signatures will be treated under the Petition Scheme). The signatories must clearly state their names and postcode qualifying education/business address. The request must explain why a deputation is required.
- 13.29.3 The request must be given to the Monitoring Officer/Head of Governance at least two clear working days before the day of the meeting.
- 13.29.4 The people nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputations must not exceed three minutes.
- 13.29.5 The total time allowed for deputations will be 30 minutes.
- 13.29.6 The deputation shall be heard at the beginning of the meeting. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 13.29.7 Members of the Council, co-optees and advisers shall not be signatories to, lead or form part of any deputation.
- 13.29.8 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment (either terms and conditions or the work that they are undertaking) with the Council.
- 13.29.9 Deputations are not permitted:
 - 13.29.9.1 If they don't relate to a substantive item on the agenda
 - 13.29.9.2 If they are defamatory, abusive, offensive or otherwise improper.
 - 13.29.9.3 If submitted from Council employees or trade unions on employment matters; there are other avenues available for these to be addressed.
 - 13.29.9.4 If they would result in the release of confidential information, or which may prejudice enforcement.
 - 13.29.9.5 If they relate to a matter where there is a right of appeal against any decision of the Council.
 - 13.29.9.6 If they have been submitted by someone who has been deemed to be subject to the Management of Unreasonable Complainant Behaviour Policy and they relate to the particular subject matter for which the policy was imposed;
 - 13.29.9.7 If they are received from people who are not Barnet citizens.

13.30 Responses to Deputations

- 13.30.1 The Cabinet may respond to deputations in the following ways:
 - 13.30.1.1 To note the deputation and take no action.
 - 13.30.1.2 Note the deputation in consideration of the report.

13.30.1.3 Ask officers to prepare a report for the next meeting (of either this committee or another relevant committee) on the deputation.

13.30.1.4 Ask officers to provide a written response to the deputation.

Part 3B1

Appendix to Executive Procedure Rules Delegated Powers of Portfolio Holders

1. Key Decisions

- 1.1 A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of this Appendix.

2. Decision taking by individual Portfolio Holders

- 2.1 Where a non-key decision is to be made, individual Portfolio Holders may take those decisions in the following circumstances.

3. Matters the subject of an agreed framework, set by the Executive and on a report from an officer.

- 3.1 Where the Executive has already set a clear framework for a set of decisions, the Portfolio Holder may take that framework forward into implementation.

- 3.2 This power is subject to:

3.2.1 The same conditions as in 2(ii) above; and

3.2.2 Where the matter is controversial, or potentially controversial, the Portfolio Holder should refer the matter to the full Executive for decision.

NB - The fact that a Portfolio Holder, having considered these rules and guidance, decides to take a decision does not render that decision invalid or improperly taken if the matter is later shown to be the subject of disagreement amongst the Members of the Executive.

4 Urgent matters (non-key decisions)

- 4.1 Portfolio Holders may take non-key urgent decisions within their terms of reference, provided the conditions above are satisfied.

- 4.2 It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 of the Access to Information Rules has been followed, that decision will not be subject to the call-in procedure Rules provided the Chair of Overview and Scrutiny Committee agrees.

5 Urgent Matters where the Portfolio Holder is not empowered to act (Key Decisions or matters that are outside the Portfolio Holder's terms of reference.)

- 5.1. When an urgent decision needs to be taken in circumstances where to wait until the next scheduled meeting of the Executive would be prejudicial to the best interests of the Council, and where a Portfolio Holder is not empowered to act under paragraph (iv) above then:
- 5.2. The Leader, (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Portfolio Holder, take the decision.
- 5.3. Before taking a Key Decision, the Leader (or Deputy Leader) must first consider whether the importance of the matter warrants the calling of a special meeting of the Executive.

- 5.4. The decision must be taken in a way that fully complies with the Procedural Rules of the Council and in particular, if relevant, with the rules relating to “Key Decisions”.
- 5.5. A copy of the minutes of the decision must be published within two clear working days of the decision and published on the Council’s website with electronic notification given and no hard copies circulated.
- 5.6. It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 of the Access to Information Procedure Rules has been followed, that decision will not be subject to the call-in procedure provided the Chair of Overview and Scrutiny Committee agrees.

6 Temporary Arrangements

- 6.1 In the absence of the Leader, the Deputy Leader may undertake the responsibilities and exercise the delegated powers of the Leader, to the extent permitted by the Constitution.
- 6.2 In the absence of a Portfolio Holder the Leader may undertake the responsibilities and exercise the delegated powers of that Portfolio Holder.
- 6.3 If a Portfolio Holder is absent for a continuing period, the Leader may, on a temporary basis, allocate the responsibilities and delegated powers of that Portfolio Holder to one or more other Portfolio Holders. If the Leader makes such an allocation they must at the time notify all Members of Council of the temporary transfer of responsibilities and power and of the likely period of such arrangements.

7 None of the delegated powers above authorise the taking of a decision, which either by law or by the operation of the Procedural Rules of the Council is required to be taken at a full meeting of Council.

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Part 3C

Committee Procedure Rules

1. Application of these Rules

1.1 These Rules are made up of the following sections:

1.1.1 The Committees of the Council are:

1.1.1.1 Governance, Audit, Risk Management and Standards Committee, Standards Sub-Committee

1.1.1.2 Licensing and General Purposes Committee: Licensing Sub-Committees, Employment Sub-Committee, Independent Panel and Appeals Committee

1.1.1.3 Strategic Planning Committee and Planning Committees A and B

1.1.1.4 Overview and Scrutiny Committee, Children's & Education Sub-Committee, Adults and Health Sub-Committee and Call-In Sub-Committee

1.1.1.5 Pension Fund Committee

1.1.1.6 Health and Wellbeing Board

1.1.1.7 Area Committees (East, North and West)

1.2 These Rules do not apply to the procedure of Council or the Executive, which have their own Procedure Rules.

2. Establishment of Committees

2.1 The Council at its Annual Meeting will:

2.1.1 decide which Committees and Sub-Committees to establish for the Municipal Year;

2.1.2 decide the size and terms of reference of these Committees and Sub-Committees;

2.1.3 decide the allocation of seats on these Committees and Sub-Committees to the political groups in accordance with the rules on political proportionality apply to those committees;

2.2 The number of Members, Independent Members Independent Persons and co-optees appointed to each Committee and the details of any sub-committees established by Committees can be found in Part 3 of the Constitution (Allocation of Responsibilities).

3. Appointment of Substitutes to Committees and Sub-Committees

3.1 Allocation

The Council will allocate seats on Committees, sub-committees and boards for members and substitutes.

3.2 Number

For each Committee and sub-committee, the Council will normally appoint substitutes in accordance with the wishes of the respective group leaders.

4. Powers and Duties

Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

4.1 Substitution

- 4.1.1 Where the committee have a substitute member sitting a meeting adjourned to another day shall be treated as a new meeting.
- 4.1.2 If a Substitute Member is in attendance at a meeting the ordinary member for whom they are substituting shall not be entitled to attend that meeting and take part as an ordinary member of that body.

5. Attendance of Members at Committees and Sub-Committees

5.1 Right to Speak

- 5.1.1 Members Requests to Speak at Planning Committees
- 5.1.2 Members may address a planning committee on any application, unless they have a pecuniary interest in which case they are precluded. Members should give notice to the Chair of the meeting of their intention to speak before the start of the meeting. Any Member wishing to address the Committee shall have up to 3 minutes. Members' rights to address planning committees are in addition to the rights of public speakers.
- 5.1.3 MPs and GLA Members from the borough and MPs, GLA Members and Members from neighbouring boroughs may request to address a planning committee on a matter which affects their constituency or ward. Notice should be given to the Chair of the meeting before the start of the meeting. Any such Member would be allowed up to 3 minutes.

5.2 Members' rights to attend and speak at committees or subcommittees when they are not a Member of the committee.

- 5.2.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote and should sit with members of the public.
- 5.2.2 Apart from planning committees (see above) and ~~licensing~~ Licensing Sub committees Committees, councillors may speak at a meeting subject to giving notice to the Chair of the meeting before the start of the meeting and the Chair giving his or her consent. (for Licensing Sub Committee the rights to speak are outlined in the Licensing Code) Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.
- 5.2.3 The Lead Member for Children and Adults Services has a right to address a Committee, Sub-Committee or Partnership Board for up to three minutes when it is considering matters which relate children and young people, subject to giving notice to the Chair of the meeting before the start of the meeting and the Chair giving his or her consent.

5.2.4 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee. If the Head of

Governance has any doubts about any Members Item for reasons of propriety, he or she may refer it to the Monitoring Officer. If the Monitoring Officer considers the Members Item to be vexatious, irrelevant, or otherwise improper, the Head of Governance will return it to the Member who submitted it as soon as possible. The Head of Governance will explain to the Member in writing why it will not be included on the agenda circulated for the meeting. This rule does not apply to planning committees and licensing sub-committees. The Head of Governance must receive written notice of a Member's Item, at least seven clear working days before the meeting. The Lead Member for Children's Services is permitted to have one matter only (with no-sub items) on the agenda for a meeting of a Committee, Sub-Committee or Partnership Board on which s/he does not serve when that body is considering an item which relates to children and young people.

5.2.5 A Ward Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is submitting a request for CIL funding to an Area Committee Budget relating to their Ward. Members' Items for CIL funding Budget must be submitted 10 clear working days before the meeting. Items received after that time will only be dealt with at the meeting if the Chair agrees they are urgent.

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

6. Nominated Members

6.1 Minority groups shall nominate from amongst their Members on Committees and sub-committees, a Member to be consulted by Chief Officers in the exercise of delegated powers relating to the urgency procedure. (The Urgency Procedure is set out in Part 4 of the Constitution). Nominated members must be full Members of the Committee concerned.

7. Charing Committees and Sub-Committees

7.1 Election of a Chair of a Committee

7.1.1 The Chairs of Committees of the Council will be appointed by the Council under the Council Procedure Rules. If the Council fails to appoint a Chair for any Committee then that Committee shall appoint a Chair as the first item of business at its first meeting following the Annual Council.

7.2 Election of Chair of Sub-Committee

7.2.1 Where any Committee has a sub committee then the sub committee will appoint the Chair as the first item of business.

7.3 Absence of Chair at Meetings of Committees and Sub-Committees

7.3.1 In the absence of the Chair, the Vice-Chair shall preside.

7.3.2 If after 15 minutes since the identified start time of the Committee or Sub-Committee neither the Chair nor Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

7.3.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned above, the first order of business shall be to elect a Chair for the meeting.

8. Business not on the Agenda

8.1 Business not on the agenda may only be considered where:

- 8.1.1 the Access to Information Procedure Rules in this Constitution have been complied with; or
- 8.1.2 a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency and the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

9. Late and Urgent Reports marked “to follow on the Agenda”

- 9.1 If there is a request to publish a report on an agenda after the statutory deadline for publication, that item may only be considered if the Chair (after consulting the Nominated Member) agrees by virtue of the special circumstances set out either in the report or on the supplementary agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

10. Time and Place of Meetings

- 10.1 Meetings of Committees and sub-committees shall take place at the place and time stated on the agenda. Following consultation with the nominated Members and subject to compliance with the Access to Information Rules, the Chair shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Committee, sub-committee.
- 10.2 For those sub-committees not having scheduled meetings, the date, time and place of meetings will be set by the Head of Governance after consultation with the Chair and nominated Members of the sub-committee.

11. Cancellation or Postponement of Meetings

- 11.1 The Chair, or in their absence the Vice-Chair and/or Head of Governance, may cancel or postpone a meeting of any Committee, sub-committee either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

12. Calling of Special Meetings

12.1 Calling Special Meetings

- 12.1.1 Those listed below may request the Monitoring Officer or Head of Governance to call Committee or sub-committee meetings in addition to ordinary scheduled meetings:
 - 12.1.1.1 the Committee or sub-committee by resolution;
 - 12.1.1.2 the Chair of the Committee or sub-committee. In relation to the Overview and Scrutiny Committee or relevant Overview and Scrutiny sub-committee, the Chair must, before requesting the Monitoring Officer or Head of Governance to call a special meeting, consult with the nominated members of each of the political groups represented on the Overview and Scrutiny Committee or Overview and Scrutiny sub-committee;

12.1.1.3 at least one-third of the members of the Committee or sub-committee, if they have signed a requisition presented to the Chair of the Committee or sub-committee and they have refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

12.2 Business

12.2.1 Business at special meetings of Committees and sub-committees shall be restricted to the items notified in the published agenda.

13. Notice of and Summons to Meetings

13.1 The Head of Governance will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in this Constitution. At least five clear working days before a meeting, the Head of Governance will publish an agenda. The agenda will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by all relevant reports (except those marked to follow in accordance with Rule 7.2).

14. Quorum

14.1 The quorum of a meeting will be at least one quarter or three Members, whichever is the greater, of the whole number of members of the Committee or sub-committee, with the exception of the Overview and Scrutiny Committee.

14.2 The quorum for the Overview and Scrutiny Committee, and sub committees will be one quarter or three members, whichever is the greater of the whole number of Members (including co-opted voting members) AND where there are appointed co-opted voting members, the quorum shall be calculated on the total number inclusive of such co-optees.

14.3 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.

14.4 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee or sub-committee.

15. Closure of Meetings

15.1 Time of Closure

15.1.1 No business at any meeting of a Committee or Sub-Committee shall be transacted after three hours after the start time of the meeting and any business transacted after that time shall be null and void. After three hours and without further debate the Chair shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.

15.1.2 At any meeting of the Strategic Planning Committee and Planning Committees, the Chair at their sole discretion may extend the period for the transaction of business to three and a half hours after the start time of the meeting. This will be recorded in the Committee's decisions.

16. Deputations

- 16.1 This Rule does not apply to Planning Committees, when considering planning applications, nor to Licensing applications, nor to the Overview and Scrutiny Committee, nor Standards Sub-Committee.
- 16.2 Any committee or sub-committee of the Council other than those excluded from the application of this Rule may receive a deputation on any matter appearing on the relevant agenda.
- 16.3 Requests for deputations must be in writing and supported by the signatures of at least five and no more than 24 citizens (deputations with more than 24 signatures will be treated under the Petition Scheme) or representatives of local organisations or businesses in Barnet. The signatories must clearly state their names and post code/qualifying education/business address. The request must explain why a deputation is required.
- 16.4 The request must be given to Head of Governance by 10am on the third working day prior to the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.
- 16.5 Those persons nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed three minutes.
- 16.6 The deputation shall be heard at the beginning of the meeting. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 16.7 The total time for deputations at the meeting will be no more than 20 minutes.
- 16.8 **Responses to Deputations**
- 16.8.1 The Committee may respond to deputations in the following ways:
- 16.8.1.1 To note the deputation and take no action.
 - 16.8.1.2 To vote on the substantive report taking into account the deputation.
 - 16.8.1.3 Ask officers to prepare a report for the next meeting (of either this committee or another relevant committee) on the deputation.
 - 16.8.1.4 Ask officers to provide a written response to the deputation.

17. Public Questions and Comments

17.1 Comments

- 17.1.1 Written comments must specify the item of business on the agenda which they relate to. Committee agendas are published on the Council's website five clear working days prior to the meeting. Citizens should state their road and postcode when submitting comments. Each written comment is limited to 100 words. Written comments should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any written comments received after this time will not be considered. A citizen may submit one written comment per agenda item. Written comments will be reported to the committee and published alongside the agenda papers for the meeting.

17.2 Public Questions

- 17.2.1 Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council's website five clear working days prior to the meeting. Citizens should state their road and postcode when submitting questions. Each question is limited to 100 words.
- 17.2.2 Questions should be submitted in writing to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.
- 17.2.3 Questions will be answered by the Chair in the meeting in order of receipt, alternating between citizens. Citizens will be able to ask one supplementary question per question answered.
- 17.2.4 Questions will be published prior to the meeting. Any additional questions received will be not be accepted. Citizens submitting questions are able to send a substitute to ask their question if they are unable to attend the committee meeting.
- 17.2.5 The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.
- 17.2.6 Any questions that are not answered at the meeting will be given a written response at the discretion of the Chair.

18. Procedure for Questions at Committees

- 18.1 At committee meetings a time period of up to 20 minutes is available for public questions in total.
- 18.2 Questions will be asked in order of receipt.

19. Restrictions for Deputations and Public Questions

- 19.1 Public questions or comments are not permitted:
 - 19.1.1 If they don't relate to a substantive item on the agenda
 - 19.1.2 If they are defamatory, abusive or offensive.
 - 19.1.3 If submitted from Council employees or trade unions on employment matters; Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.
 - 19.1.4 If they would result in the release of confidential information, or which may prejudice enforcement.
 - 19.1.5 If they relate to a matter where there is a right of appeal against any decision of the Council.
 - 19.1.6 If they have been submitted by someone who has been deemed to be subject to the Management of Unreasonable Complainant Behaviour Policy and they relate to the particular subject matter for which the policy was imposed;
 - 19.1.7 If they are received from people who are not Barnet citizens;
 - 19.1.8 At the Strategic Planning Committee and Planning Committees on Town and Country Planning applications (a separate procedure is detailed in section 31.5).

Public questions are permitted at the Strategic Planning Committee on planning policy matters;

- 19.1.9 If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The Chair of the relevant Committee or Sub-Committee, in consultation with the Head of Governance, shall decide whether any particular question, comment or issue will be permitted.

20. Confidential Business

- 20.1 All reports, other documents, information, discussions and proceedings of a Committee or sub-committee which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Committee or sub-committee. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Committee or sub-committee meeting following a resolution to exclude the press and public.

21. Voting

21.1 Majority

- 21.1.1 Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and seated in the room at the time the question was put. Voting shall be by a show of hands or electronic voting.

21.2 Chair's Casting Vote

- 21.2.1 If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

21.3 Individual Recorded Vote and Explanation for Vote

- 21.3.1 If, immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.
- 21.3.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

21.4 Recorded Vote by Roll Call

- 21.4.1 If immediately before an ordinary vote is taken three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

22. Minutes

22.1 Signing the Minutes of Committees or Sub-Committees

22.1.1 The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

22.2 Minutes of Decisions of Committees or Sub-Committees

22.2.1 Minutes of Committees or sub-committees shall be published on the Council's intranet and website.

22.3 Production of Minutes

22.3.1 Minutes of the meetings of Committees or sub-committees will normally be published within five clear working days of the date of the meeting.

23. Record of Attendance

23.1 All Members present during the whole or part of a meeting will be recorded in the minutes. If a member leaves during a meeting or joins a meeting part way through this will be recorded in the minutes.

24. Exclusion of the Public

24.1 Members of the public and press may only be excluded either in accordance with Rule 11 of the Access to Information Procedure Rules in Part 4G of this Constitution or under Rule 24 (Disturbance by the Public).

25. Members' Conduct

25.1 Precedence of Chair

25.1.1 When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

25.2 Member not to be heard further

25.2.1 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

25.3 Member to leave the Meeting

25.3.1 If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.4 General Disturbance

25.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as they think necessary.

26. Disturbance by the Public

26.1 Removal of Member of the Public

26.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

26.2 Clearance of Part of a Meeting Room

- 26.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

27. Adjournment

- 27.1.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.
- 27.1.2 If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

28. Ruling of the Chair on Interpretation of these Rules

- 28.1 The Chair's ruling on the interpretation or application of any of the Committee Procedure Rules is final.

29. Membership of the Planning Committees and Licensing & General Purposes Committee

- 29.1 The requirements set out in this Procedural Rule shall apply to Members and substitute or replacement Members serving on the Planning and/or Licensing & General Purposes Committee.
- 29.2 In nominating Members to serve on the Planning and/or Licensing & General Purposes Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Members who have completed training shall be kept by the Head of Governance and updated periodically by them as future Members are trained.
- 29.3 Members who are not trained may not serve on the Planning and/or Licensing & General Purposes Committee.
- 29.4 Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee or Strategic Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee or Strategic Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application and the applicant to attend the subsequent meeting and make representations and for a rehearing of the application to take place.
- 29.5 Requests to speak about an application on the Planning Committees agenda should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.
- 29.6 In addition to any Councillor and the Applicant (or their representative) two citizens may speak. Such speakers shall be one for and one against the application unless there is no citizen wishing to speak for the application in which case two citizens may speak against the application, or no citizen in objection in which case two citizens may speak in support of the application.
- 29.7 At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.
- 29.8 Citizens who have requested to speak are able to send a substitute to make their representation if they are unable to attend the committee meeting. The Governance

Officer supporting the meeting should be made aware of this prior to the meeting commencing.

- 29.9 Where an application being considered by a Planning Committee is referred to the Strategic Planning Committee for determination, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the Strategic Planning Committee.
- 29.10 Speaking rights will also automatically transfer where an application has been deferred or adjourned to a future meeting of Planning Committees, but only if the speakers have not already addressed the committee on the deferred or adjourned item. In cases where the membership of the committee which considers the deferred or adjourned application is different from the committee which originally heard the application, then the application should be fully re-heard including speakers.
- 29.11 Public speaking arrangements do not apply to an item relating to the making / confirmation of a Tree Preservation Order as this would be contrary to the legislative procedure for making objections and/or representations.

30. Additional Rules for Overview and Scrutiny

- 30.1 The rules below are specific to the Overview and Scrutiny Committee.

31. Membership of the Overview and Scrutiny Committee

- 31.1 All Councillors except members of the Executive may be Members of the Overview and Scrutiny Committee and any Overview and Scrutiny sub-committees.
- 31.2 No member may be involved in scrutinising a decision in which they have been directly involved.
- 31.3 The Overview and Scrutiny Committee will comprise such members as the Council shall determine, including the Chairs of the Scrutiny sub-committees and will also include two voting parent governor representatives and two voting "church" representatives.
- 31.4 Members of the Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.
- 31.5 Appointed representatives of the "church" and parent governors shall be voting members of the Overview and Scrutiny Committee including call -in. They are entitled to vote on any matter relating to an education function of the Authority. They are entitled to speak but not vote on any other matter.

32. Scrutiny Sub-Committees

- 32.1 The Overview and Scrutiny Committee may appoint Sub-Committees. as set out below. Subject to Council approval, the Overview and Scrutiny Committee may discontinue any of these sub-committees and/or appoint alternative sub-committees. The Overview and Scrutiny Committee may also amend the terms of reference of the sub-committees as appropriate, such changes to be reported to Council.
- 32.2 Where the Overview and Scrutiny Committee seeks to discontinue or appoint sub-committees, it should consult interested parties as appropriate.
- 32.3 The Sub-Committees will comprise such Councillors as appointed by Council.
- 32.4 The terms of reference of the sub-committees are set out in the Allocation of Responsibilities in Part 3 of the Constitution.

- 32.5 Membership of the sub-committees will be subject to the political proportionality rules.
- 32.6 The appointment of parent governor representatives to the Children and Education Overview and Scrutiny Sub-Committee will be carried out in accordance with the requirements of the Parent Governor Representatives (England) Regulations 2001.
- 32.7 The appointment of “church” representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of Local Government Act 2000.
- 32.8 The sub-committees may appoint advisers to the sub-committees. Such advisers will not be members of the sub-committees and cannot vote.

33. The Call-In Sub-Committees

- 33.1 The Council will appoint a Call-In Sub-Committee to consider and comment on decisions of the Executive and to process matters “called-in”.
- 33.2 The Call-In Sub-Committee will comprise five Members of the Overview and Scrutiny Committee.
- 33.3 The Rules for call-in are detailed in below and Appendix 1.

34. Meetings of the Overview and Scrutiny Committee and its Sub-Committees

- 34.1 The Call-In Sub-Committee shall be convened as and when required.
- 34.2 In exceptional circumstances, the Chair, or if they are not available the Vice-Chair, may change the date or start time of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.

35. Work Programme

- 35.1 The Overview and Scrutiny Committee will consider its outline work programme, and that of the Overview and Scrutiny sub-committees, at its first meeting following the Annual Meeting of Council, except in years where there are whole borough elections, where the work programme will be considered at the first suitable meeting.
- 35.2 In setting the outline work programme, account will be taken of the need to scrutinise forthcoming policy, for example, the budget and other major policies or strategies in development, whilst leaving flexibility to allow additional items to be added to the agendas for committees and sub-committees and to commission task and finish group reviews during the year in response to new requests for scrutiny.
- 35.3 The Overview and Scrutiny Committee will report the agreed outline work programme to the first available ordinary meeting of the Council.

36. Setting the agenda for meetings

- 36.1 The Chair of the Overview and Scrutiny Committee or the relevant Overview and Scrutiny sub-committees will be responsible for approving the agenda for each meeting.
- 36.2 The Chair of the meeting will decide on all matters of order, relevance and interpretation of these procedures.
- 36.3 The Chair will have the power to vary the order of business to give precedence to any item of business.
- 36.4 Any voting member of the Overview and Scrutiny Committee or the Overview and Scrutiny sub-committees is entitled by giving at least seven clear working days notice

before the meeting to the Monitoring Officer or Head of Governance, that they wish an item relevant to the functions of the Committee or sub-committees to be included on the agenda. The Monitoring Officer or Head of Governance will ensure that the matter is included on the agenda.

36.5 The Overview and Scrutiny Committee shall consider whether it is appropriate to respond to requests from the Council and the Executive, to review particular areas of Council activity.

37. Overview and Scrutiny Committee and Sub-Committees Responsibilities

37.1 The role of the Overview and Scrutiny Committee and Overview and Scrutiny sub-committees in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in this Constitution.

37.2 Overview and Scrutiny Committee and Sub-Committees have the following powers and responsibilities:

37.2.1 Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive.

37.2.2 Make reports or recommendations to Full Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the executive.

37.2.3 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.

37.2.4 Make reports or recommendations to Full Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the executive.

37.2.5 Make reports or recommendations to Full Council or the Cabinet on matters which affect the borough or its inhabitants.

37.2.6 Review or scrutinise the performance of anybody carrying out any function on behalf of or in partnership with the Council.

37.2.7 Commission in depth evidence-based reviews via informal Task and Finish Groups.

37.2.8 Produce and publish an annual report for consideration by Full Council.

37.2.9 To review the policy framework, and budget of the council as set out in the Budget and Policy Framework.

37.3 In relation to the development of the Council's policy on matters which do not form part of the budget and policy framework, the Overview and Scrutiny Committee and/or Scrutiny sub-committees may make proposals to the Executive or the Council for developments in so far as they relate to matters within their terms of reference.

38. Reports from Overview and Scrutiny Committee

38.1 Once it has formed proposals for policy development, the Overview and Scrutiny Committee or sub-committee will prepare a formal report and submit it:

38.1.1 to the Executive, if the proposals are consistent with the existing budgetary and policy framework, or

38.1.2 to the Executive and to the Council, if the recommendations would require a departure from or change to the agreed budget and policy framework.

38.2 If the Overview and Scrutiny Committee or sub-committee cannot agree on one single final report, then any two Members of the relevant committee may prepare a minority report to be submitted for consideration by the Executive or Council together with the majority report.

39. Consideration of Overview and Scrutiny reports by the Executive and/or the Council

39.1 The Council or Executive (as appropriate) shall consider a report of the Overview and Scrutiny Committee or sub-committees within 8 weeks of it being published, or at its next meeting, whichever is the sooner.

39.2 Where reports are sent to the Executive or Portfolio Holder from the Overview and Scrutiny Committee or sub-committees the Executive or Portfolio Holder will have 8 weeks from the date of the reference for them to respond to the Overview and Scrutiny Committee or Scrutiny sub-committees.

39.3 When the Council meets to consider a matter referred from the Overview and Scrutiny Committee or Scrutiny sub-committees, it shall also consider any response of the Executive to the proposals of the Overview and Scrutiny Committee or Scrutiny sub-committees.

40. Rights of Overview and Scrutiny Committee Members to Documents

40.1 The rights of access to documents of Members of Overview and Scrutiny Committees and Sub-Committees are set out in section 23 of the Access to Information Rules (Part 4G)

41. Holding Members and Chief Officers to Account

41.1 In fulfilling the scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require the Leader of the Council and any other member of the Executive or Chief Officer to attend before the Committee to explain:

41.1.1 any particular decisions or series of decisions;

41.1.2 the extent to which the actions taken implement Council policy; and/or

41.1.3 their performance.

41.2 Where required to attend, it is the duty of that Member or Chief Officer to do so subject to them having been given reasonable notice.

41.3 Where the account to be given to the Committee or sub-committee will require the production of a report, the Member or Chief Officer concerned will be given sufficient notice to allow for the preparation of that documentation.

41.4 Where, in exceptional circumstances, the Member or Chief Officer is unable to attend on the required date, the Monitoring Officer or Head of Governance, in consultation with the Chair and the Member or Chief Officer concerned, shall arrange an alternative date for attendance.

42. Attendance at the Overview and Scrutiny Committee and Scrutiny Sub-Committees

42.1 The Overview and Scrutiny Committee and Scrutiny sub-committees may invite any other person to address the Committee or sub-committees. It may, for example, wish to discuss issues of local concern with citizens, partners, Members and officers from other public sector or private sector organisations.

42.2 The Overview and Scrutiny Committee or Scrutiny sub-committees may invite any person to attend, but attendance (except for Chief Executives of Health Authorities) is entirely optional.

43. Call-in

43.1 Call-in is the process whereby a key decision of the Executive, Officer, Portfolio Holder or any Joint Committee (where it has taken a decision delegated to it by the Executive) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision. For the avoidance of doubt a decision may only be subject to the call-in procedure once.

43.2 The process for call-in

43.3 Five Members of the Council can call in a decision of the Executive, which has been taken but not implemented.

43.4 Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This Rule does not apply to urgent decisions. The notice of the decision will state the date on which the decisions may be implemented if not called in.

43.5 Call-in must be by notification to the Monitoring Officer or Head of Governance in writing signed by all five Members

44. Requirement to Give Reasons

44.1 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

44.1.1 inadequate consultation with stakeholders prior to the decision;

44.1.2 the absence of adequate evidence on which to base a decision;

44.1.3 the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;

44.1.4 the action is not proportionate to the desired outcome;

44.1.5 a potential human rights challenge, failure to consider the public sector equality duty or not in accordance with or which undermines the Council's corporate parenting responsibilities;

44.1.6 insufficient consideration of legal and financial advice.

44.1.7 The decision was a key decision and not labelled as such.

45. Referral to the Call-In Sub-Committees

45.1 Once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision. The Monitoring Officer or Head of Governance shall in consultation with the Chair arrange a meeting of the Call-In Sub-Committee to be held within seven clear working days of the receipt of the request for call-in.

45.1.1 Where the Call-In Sub-Committee fails to meet within seven clear working days of the call-in request being received by the Monitoring Officer, the decision may be implemented on the day following twelve clear working days from the date the decision was published.

- 45.1.2 Where the Call-In Sub-Committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive or Joint Committee, the decision may be implemented on the day following the Call-In Sub-Committee meeting.
- 45.1.3 No Member who has signed a call-in notice may sit as a member of the Call-In Sub-Committee which considers that call-in notice.

46. Process for Consideration of Called-in Items at the Call-In Sub-Committee

- 46.1 The Call-In Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the relevant Cabinet Member and a representative of those calling in the decision to provide information at the meeting.
- 46.2 The Sub-Committee may come to one of the following conclusions:
 - 46.2.1 that the challenge to the decision should be taken no further and the decision may be implemented;
 - 46.2.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-In Sub-Committee must set out the nature of its concerns for Council; or
 - 46.2.3 that the matter should be referred back to the decision taker (i.e. the Executive or Joint Committee) for reconsideration. In such a case the Call-In Sub-Committee must set out the nature of its concerns for the decision taker/Executive.

47. Referral - Back under Rule

- 47.1 In the event of a referral-back, the Executive or Portfolio Holder must reconsider the decision within ten clear working days of that referral or at the next meeting of Cabinet. The original decision may then be confirmed or amended in the light of the comments of the Call-In Sub-Committee.

48. Referral to Council

- 48.1 In the event that the Call-In Sub-Committee refers the matter to Council, the decision shall be discussed at the next ordinary meeting of Council.
- 48.2 The Council when considering the matter may conclude:
 - 48.2.1 that the challenge to the decision should be taken no further and the decision may be implemented;
 - 48.2.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or
 - 48.2.3 that the matter should be referred back to the Executive, Portfolio Holder, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or
 - 48.2.4 acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.

49. In the event of a referral back to the Executive

49.1 The Executive must reconsider the decision at its next meeting (consideration should be given to the holding of a special meeting if the issue is considered to now be sufficiently urgent). The Executive can either:

49.1.1 confirm the original decision and report back to the next meeting of the Overview and Scrutiny Committee;

49.1.2 amend or alter the decision in the light of the comments of the Call-In Sub-Committee and report back to the next meeting of the Overview and Scrutiny Committee or sub-committee.

49.2 The decision may be implemented as soon as the original Executive decision is confirmed or amended by the decision taker.

50. Call-in and Urgency

50.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent decision. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

50.2 The record of the decision, and notice by which it is made public, shall state that the matter is considered one of urgency, and will thus not be subject to call-in.

50.3 The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.

50.4 In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Vice-Chair of the Overview and Scrutiny Committee is required.

50.5 Decisions taken, as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.

51. Task and Finish Group Reviews

51.1 Overview and Scrutiny Committee may conduct reviews via informal Task and Finish Groups but the findings must be reported back to the relevant Committee or Sub-Committee.

51.2 In conducting Task and Finish Groups they may also ask people to attend to give evidence at their meetings.

51.3 Task and Finish Groups will be carried out in accordance with the principles set out in the Protocol for Member/Officer Relations in Part 5 of the Constitution.

51.4 Following any Task and Finish Group review, a report will be submitted to the relevant Committee or sub-committees for onward submission to the Executive.

Appendix 1

Overview and Scrutiny Sub-Committees Call-In Procedure: Guidance

This Guidance is written for all members to consider when calling in a decision made by the Executive. The Guidance has been prepared to prevent abuse of the call-in process, and to promote the efficient use of the Council's resources.

The Overview and Scrutiny Committee shall delegate authority to the designated Members (see below) to consider requests for Call-In received in accordance with the Council's constitution, except where either or both of the designated Members have signed the call-in notice (see below).

In the event that the designated Members fail to reach agreement on whether a request should be called in, the request for a Call-In shall automatically pass to the Call-In Sub-Committee for consideration.

(1) Call in by Members of Council

The Guidance will be relied upon by the Chair and Vice Chair of the Overview and Scrutiny Committee. These Members will be the designated Members for the purpose of this Guidance¹ when considering a request for call in by Members of the Council. If either of the designated Members has signed a call-in notice they will not take part in the consideration of the request for call-in and it will be considered by the other Member alone. If both designated Members have signed a call-in notice the request for a Call-in shall automatically pass to the Call-In Sub-Committee for consideration.

¹ When the Chair and Vice-Chair of the Overview and Scrutiny Committee belong to the same political group, the designated members for the purposes of this Guidance only shall be the lead or nominated member from the next largest political group.

Reasons for refusal

The designated Member(s) must ensure that the requirement to give reasons under the Committee Procedure Rules (“the Rules”) as contained in the Council’s Constitution is met. In the event that the requirements are met, the following guidance shall be used when considering a request for call-in to the Call-In Sub-Committee:

1. **Time limit** - A decision may only be called-in during the period of 5 clear working days from the date of publication of the executive decision.
2. **Financial and Political implications** - Only Key decisions may be called in.
3. **Duplication** - The Call-In Sub Committee should not be used when another forum or route is available to deal with concerns about an Executive decision, such as the Standards Committee or Appeals Committee
4. **Relevance** - The Call-in request must be of direct relevance to the Decision being called-in.
5. **Process** - Have the requisite 5 Members requested the call-in (for matters impacting a particular ward, a ward Councillors must be included in the 5 signatures). This guidance about ward councillors does not apply where: all ward councillors are members of the Executive, or where there are vacancies in that ward which mean that the only ward members are members of the executive at the time of the call in.~~Have the requisite 5 Members requested the call-in (for matters impacting a particular ward, the ward Councillors must be included in the 5 signatures)~~
6. **Vexatious Requests** - Can the request be reasonably construed as vexatious having regard to tone, content, language, persistence etc.
7. A decision that can no longer be implemented should not be called in.

The list above is not exhaustive and occasionally additional and different reasons may be relied upon to reject a request for a call in. If this is the case, a review of this Guidance will be carried out to ensure that it remains up to date and of assistance to members.

The designated Member(s) should consider each of the above factors fully when considering a request for call-in, and in the event of refusal, reasons shall be provided which refer to the above categories.

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London Borough of Barnet Code of Corporate Governance 2023/24



To deliver good governance within the Council, all councillors, officers and partners should strive to achieve the Council's objectives while acting in the public interest. This should result in positive outcomes for service users and other stakeholders.

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

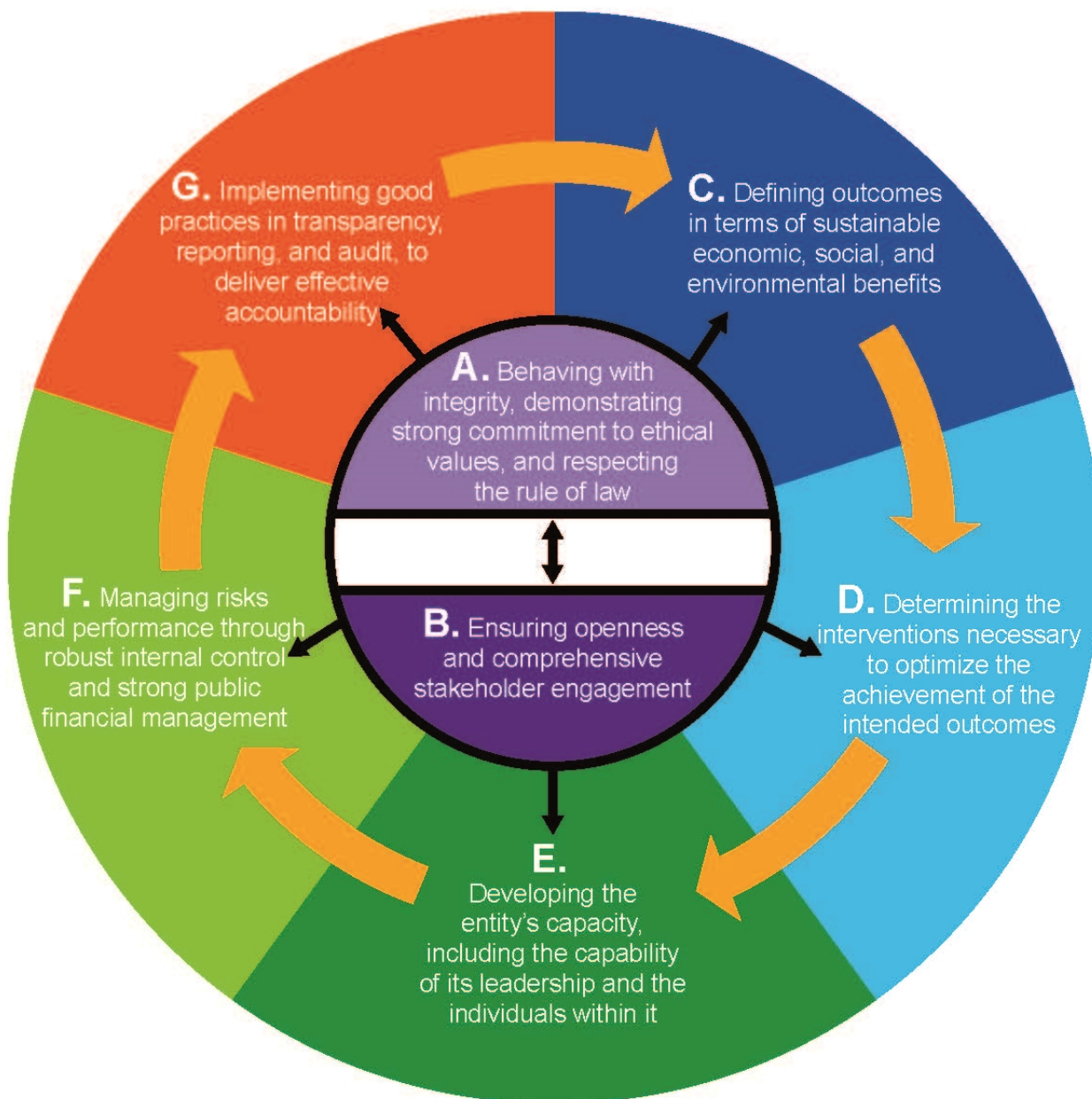
As outlined in the CIPFA Framework, the governance processes and structures focus on achieving economic, societal, and environmental outcomes. Furthermore, the focus on sustainability and the links between governance and public financial management are crucial – the Council recognises the need to focus on the long-term. The Council has responsibility to more than their current electors and should take account of the impact of current decisions and actions on future generations.

The core principles and sub-principles of good governance and how they are met at Barnet are set out in the table below. However, good governance cannot be achieved by rules and procedures alone. Shared values that are integrated into the culture of the organisation, and are reflected in both behaviour and policy, are hallmarks of good governance.

The Council produces an Annual Governance Statement to report publicly on the extent to which the Council complies with its local code and this is a statutory requirement.

Principles of Good Governance

Relationships between the Principles for Good Governance in the Public Sector



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

Supporting Principles	How the Principles are met by the Council
Ensuring Members behave with integrity and develop robust policies which place emphasis on agreed ethical values.	The Principles of Public Life are established within the Members Code of Conduct. The Code outlines the behaviours and values that are required when acting in the capacity of an elected Councillor. The Council's Monitoring Officer is responsible for promoting and maintaining high standards of conduct. The Governance, Audit, Risk Management and Standards (GARMS) Committee receives regular reports on councillor conduct complaints.
Seeking to establish, monitor and maintain the Council's ethical standards and performance.	The GARMS Committee consider and make recommendations to Council on how it can satisfy the continuing duty to promote and maintain standards of conduct by Members, as well as ethical standards in general across the authority. A Standards Sub-Committee is in place to investigate and determine allegations of any breaches of the code.
Ensuring that external providers of services on behalf of the Council are required to act with integrity and in compliance with ethical standards.	Contractors must act in compliance with all relevant council policies and the law.
Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements.	All Council and committee reports are subject to clearance procedures, to ensure decisions taken are compliant with the budget and policy framework, the law and the council's Constitution. Comprehensive schemes of delegation are in place detailing how chief officers will discharge the statutory powers within their remit. The Assurance directorate is responsible for governance and compliance and includes Internal Audit, Governance and the statutory Monitoring Officer. Members oversight is through the council's formal governance arrangements, primarily Cabinet and Overview & Scrutiny committees and sub-committees and their review of financial and corporate performance information, the GARMS Committee and Full Council.
Dealing with breaches of legal and regulatory provisions effectively.	Appropriate action is taken by the Council's legal services (Harrow & Barnet Public Law) with oversight by the Monitoring Officer in liaison with officers within the Assurance directorate .
Ensuring corruption and misuse of power are dealt with effectively.	The Monitoring Officer and Corporate Anti-Fraud Team investigate all allegations of fraud and irregularities across the council and its partners.

B. Ensuring openness and comprehensive stakeholder engagement.

Supporting Principles	How the Principles are met by the Council
<p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used.</p>	<p>Council, Cabinet, committee, and delegated powers reports cover the options available and the reasons for recommendations. Every report sets out why the report is needed, reasons for the recommendation(s) and alternative options considered but not recommended. The formal minutes of Council, Cabinet and committee meetings will record the reasons for Members decisions, which are then published on the council's website.</p>
<p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully.</p>	<p>Where formal partnerships exist between institutional bodies, joint strategies and plans are developed in a collaborative way and jointly adopted through the partnership.</p> <p>Examples include the Safer Communities Strategy (agreed by the Safer Communities Partnership Board) and Health & Wellbeing Strategy (agreed by the Health & Wellbeing Board). In addition, the councils recently updated, Project Management Guidance provides advice on stakeholder engagement.</p>
<p>Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively.</p>	
<p>Ensuring that partnerships are based on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit.</p>	<p>Several partnerships are in place to support work in specific joint areas including community safety (Safer Communities Partnership Board), health and social care (Health & Wellbeing Board), improving the wellbeing of Children across the Borough (Barnet Children's Partnership Board) and sub-regional joint working (West London Economic Prosperity Board).</p>
<p>Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service provision is contributing towards the achievement of intended outcomes.</p>	<p>A Consultation & Engagement Strategy is in place which details the type of decisions that the council will consult on, who we will consult with and how feedback will inform decisions taken. Consultation takes place on any issue that affects residents such as service or policy changes, or various statutory processes (such as planning, traffic or highways matters).</p>

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

Supporting Principles	How the Principles are met by the Council
<p>Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions.</p>	<p>The Barnet Corporate Plan: Caring for people, our places and the planet: our plan for Barnet 2023 – 2026 outlines the priorities of People, Places, Planet, and Engaged and Effective Council. The Plan outlines these priorities and how the council will work to achieve them.</p> <p>The Budget for 2023/24 and Medium-Term Financial Strategy 2023/24 – 2026/27 outlines how resources will be aligned to the strategic outcomes set out in the Corporate Plan. Performance indicators are also regularly reported to Cabinet and Overview & Scrutiny committees and sub-committees.</p>
<p>Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer.</p>	<p>The intended impact of decisions will be evidenced in Council, Cabinet, committee, and delegated powers reports. Equality issues will be further evaluated within equality impact assessments.</p>
<p>Delivering defined outcomes on a sustainable basis within the resources that will be available.</p>	<p>The Corporate Plan and Budget and Medium-Term Financial Strategy set out the council's strategic priorities and how resources will be allocated to support these.</p> <p>All committee reports must include a section on resources implications.</p>
<p>Identifying and managing risks to the achievement of outcomes.</p>	<p>A Risk Management Framework is in place and a Corporate Risk Register is maintained, which is published as part of the annual Business Planning report taken to Cabinet and Full Council. Mitigating actions are put in place where required. Risks are reported periodically to Council Management Team, Cabinet, Overview & Scrutiny committees, and the GAMRS Committee.</p>
<p>Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.</p>	<p>Where appropriate, and in compliance with statutory duties, public consultation is carried out with service users. The Council also maintains an effective Citizens Panel which informs priorities and resource allocation.</p>
<p>Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision.</p>	<p>Committee reports cover this principle and strategic cross-borough planning is also undertaken in liaison with the Mayor of London and the West London Economic Prosperity Board.</p>

Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social, and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs.	Committee reports cover this principle, with alternative options considered and implications of all decisions being outlined in every report. The Medium-Term Financial Strategy also covers these principles
Ensuring fair access to services.	Committee reports will cover equality legislation and ensure that decision-makers are aware of impact upon citizens with the protected characteristics. Equality impact assessments are completed where relevant. The Council also ensures impacts on other disadvantaged local citizens are considered.

D. Determining the interventions necessary to optimise the achievement of the intended outcomes	
Supporting Principles	How the Principles are met by the Council
Determining the right mix of corporate (legal, assurance, regulatory, and finance) interventions to ensure intended outcomes are achieved.	The Chief Executive in liaison with Chief Officers carries out this determination quarterly, in liaison with Chief Officers.
Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.	Committee reports detail post-decision implementation steps. If outcomes are not delivered, the relevant chief officer will ensure that the decision is reviewed, and remedial steps taken.
Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and of associated risks – therefore ensuring best value is achieved however services are provided.	Chief Officers and their direct reports evaluate options and give appropriate advice to decision-makers. Committee reports include sections on ‘Alternative options considered and not recommended’, ‘implications of decisions’ and ‘Risk management’.
Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available.	Feedback from public consultations and the Citizens Panel is set out within relevant committee reports and delegated powers reports and used to inform decision making.

Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets.	Quarterly reporting to the Cabinet and Overview & Scrutiny committees and sub-committees including results of key performance indicators and the management of strategic contracts. In addition, an annual planned programme of work is undertaken by Internal Audit.
Considering and monitoring risks facing each partner when working collaboratively, including shared risks.	Shared risks are identified in a register and reviewed at least quarterly; significant risks facing each partner are subject to quarterly review.
Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances.	When making a decision, or making recommendations to Members regarding a preferred option, Chief Officers take into account the following: delivery of high-quality services; value for money; and the scope to vary arrangements to take into account changing circumstances.
Establishing appropriate key performance indicators (KPIs).	The Corporate Plan details the KPIs required to deliver the council's objectives.
Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term.	As set out within the Constitution's Financial Regulations and the Medium-Term Financial Strategy.

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

Supporting Principles	How the Principles are met by the Council
Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness.	An Asset Management Plan is in place, which provides a strategic approach to the management of property assets (approved and overseen Cabinet). Performance reports are presented to Cabinet and Overview & Scrutiny committees and sub-committees which detail KPIs and financial monitoring. Chief Officers are responsible for the performance of services within their remit and a Commercial Team is in place for oversight and management of key strategic contracts.
Improving resource use through application of techniques such as benchmarking to determine how resources are allocated so that defined outcomes are achieved effectively.	CIPFA benchmarking exercises are undertaken across the Council. Best practice reviews are undertaken as part of service improvement initiatives.
Recognising partnership benefits and collaborative working where added value can be achieved.	Full engagement through the Barnet Partnership Board, sub-regional partnerships (such as the West London Alliance), the Mayor of London and Greater London Assembly, London Councils and with public sector partners, particularly Health and the Police.

<p>Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body.</p>	<p>The Constitution is explicit about which decisions are reserved to Council, Cabinet or committees and which are delegated to officers. Chief Officers maintain schemes of delegated authority that are published and regularly updated.</p>
<p>Ensuring the Leader and the Chief Executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services set by members.</p>	<p>The Constitution details the roles and responsibilities of the Leader and Executive (Article 6 and Part 2C) and Chief Executive (Part 2G). The Leader and councillors set the councils' priorities and strategic direction; the Chief Executive is responsible for delivering these priorities, supported by Chief Officers.</p>
<p>Developing the capabilities of Members and officers, including induction, continuing professional development training, and lessons learnt from governance weaknesses.</p>	<p>A Member Development Programme is agreed and implemented during each council cycle. Members must attend mandatory training before serving on some committees (i.e., planning and licensing) and are strongly encouraged to keep their knowledge and skills up to date in relation to the committees that they serve on. A comprehensive induction programme is provided to all new Councillors following the local elections, as well as following any by-elections. The Council has now achieved 'Charter Status; for its Member Development Programme and will be working with Councillors towards the achievement of 'Charter Plus' status.</p> <p>Officers have an induction programme, a corporate learning and development programme and an e-learning Hub is in place. Where governance weaknesses are identified, remedial actions are put in place and delivery is monitored. Officers have also undertaken a self-assessment against the Centre for Governance & Scrutiny's Risk and Resilience Framework (which considers organisational culture and behaviours) and reviewed governance issues at other local authorities to identify lessons learnt.</p>
<p>Ensuring that there are structures in place to encourage public participation.</p>	<p>Public participation rights are set out in the Constitution (Council, Cabinet and Committee Procedure Rules); decisions that affect residents are usually the subject of public consultation.</p>
<p>Holding staff to account through regular performance reviews which take account of training or development needs.</p>	<p>Performance Related Pay is in operation within the Council. Performance Reviews consider training / development needs and ensure that these are addressed.</p>
<p>Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.</p>	<p>Arrangements are put in place by Human Resources with oversight by Licensing & General Purposes Committee (which has responsibility for HR matters).</p>

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

Supporting Principles	How the Principles are met by the Council
Implementing robust and integrated risk management arrangements and ensuring that responsibilities for managing risks are clearly allocated.	A Risk Management Framework is in place, with officer responsibilities clearly allocated. Strategic risks will be reported to the Cabinet, Overview & Scrutiny committee and Chief Officers.
Monitoring service delivery effectively including planning, specification, execution and independent post implementation review.	Chief Officers are responsible for delivering services within their respective portfolios including specifying outcomes/outputs, monitoring performance, contract management and post-implementation reviews. Internal Audit provide independent assurance on key financial systems and areas of service delivery on a risk-based approach.
Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook.	All committee reports and delegated powers reports require information on relevant risks and how these will be managed.
Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making.	A 'Committee System' governance structure is in place (distinct from a Leader/Cabinet model) which permits cross-party political discussion at all committee meetings on major strategic decisions. All Members are entitled to submit one Members item for an agenda for a meeting of a committee or sub-committee on which they serve. Members are also entitled to attend and speak at any committee meeting by giving notice to the Chairman before the start of the meeting.
Providing Members and senior management with regular reports on service delivery plans and on progress towards outcome achievement.	Regular reports will be taken to the Cabinet and Overview & Scrutiny committees. Chief Officers are provided regular updates and reports via the Council Management Team meetings.
Ensuring effective counter fraud and anti-corruption arrangements are in place.	Responsibilities are set out within the Constitution and Code of Conduct. In addition, the Corporate Anti-Fraud Team is in place within the Assurance Group with the necessary specialist skills to undertake various types of fraud and anti-corruption investigations.
Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor.	Assurance undertaken by Internal Audit within the Assurance Group with a plan of work being approved by the GARMS Committee on an annual basis.

Ensuring an Audit Committee or equivalent group function provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment.	Assurance provided by the Cabinet, Overview & Scrutiny committees and sub-committees and also by the GARMS Committee.
Ensuring effective arrangements are in place for data use and storage and when sharing data with other bodies.	Arrangements in place with the Information Management and Insight & Intelligence Teams.

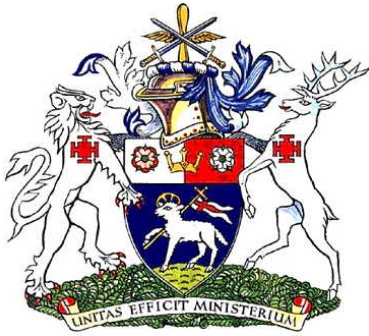
G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Supporting Principles	How the Principles are met by the Council
Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style.	Report writing guidance is in place to clarify information required in each section of reports. Officers, via the report clearance process, review the content and structure of reports to ensure that they can be understood by the public and stakeholders. The Governance Service offers report writing workshops to departments across the council, to provide advice and training on how to ensure reports are easy to understand not unnecessarily complex.
Providing sufficient information to satisfy transparency demands while not being too onerous for users to read and understand.	The Open Barnet data portal can be accessed via the council's website. Published datasets and other information of interest can be searched via one searchable database for anyone to access. Council, Cabinet, committee and delegated powers reports are available on the website.
Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement.	The Council produces an Annual Governance Statement, which provides a self-assessment of compliance with the Framework and actions which need to be undertaken to address any governance or practice weaknesses identified. The statement is reported to the GARMS Committee.
Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate.	Included within Assurance and Barnet Group protocol arrangements.
Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon.	In place through Internal Audit and the tracking of recommendations via quarterly GARMS Committee reporting.
Gaining assurance on risks associated with delivering services through third	Via contract clauses within our contracts with Capita, CSG Re, BELS (Barnet Education & Learning Service) and the Barnet Group the council have the right of access to their

parties and that this is evidenced in the Annual Governance Statement.

records and internal audit reports. The council can also undertake our own audits of their systems and processes and this right is exercised, with protocol / liaison meetings in place to support this.

Chief Officer structure details accountability lines for services and portfolios of activity. Public accountability requirements are met via publication of committee information on the website, opportunities for public participation, consultation on key decisions, Freedom of Information requests and information on the Open Data Portal.



Extraordinary Council

2 May 2023

Title	Political Proportionality
Report of	Head of Governance
Wards	All Wards
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Calculation of Political Balance
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Summary

On 23rd May 2023 the Council is expected to move to an Executive system of governance. This requires the political balance of the Council to be re-calculated based on the new seats allocated to politically proportionate committees.

Officers Recommendations

1. That Council note the political balance of the Council is:

- 40 Members of the Labour Group;
- 22 Members of the Conservative Group; and
- 1 Independent Member

2. Council is requested to agree that the Standards Sub-Committee and Licensing Sub-Committee are bodies to which the political balance rules do not apply as set out in section 1. below.

3. Council agrees the allocation of seats as set out in the tables in Appendix A in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups on Council.

4. Council agrees that the seat allocations come into effect at Annual Council on 23 May 2023.

1. WHY THIS REPORT IS NEEDED

New Governance Arrangements

- 1.1 On 23rd May 2023 the Council is expected to move to an Executive system of governance. This requires the political balance of the Council to be re-calculated based on the new seats allocated to politically proportionate committees.

Waiver of Political Balance Requirements

- 1.2 Under the Local Government and Housing Act 1989 and Local Government Regulations 1990 the Council must allocate seats on Committees to give effect to the political balance rules. The Council can only depart from these rules by passing a resolution with no member voting against the resolution.

Standards Sub-Committee

- 1.3 Council is requested to agree that the Standards Sub-Committee is a body to which the political balance rules do not apply. The Sub-Committee has the following duties:
- It is a sub-committee of the Governance Audit, Risk Management and Standards Committee set up to hear standards complaints about members in accordance with the procedure for dealing with complaints against members set out in the constitution.
- 1.4 Council agreed on 8 December 2015 to waive the requirements under the Local Government and Housing Act 1989 for political balance for the Standards Committee, and that each of the two political Groups on the Council shall have two seats on the Committee (with two substitute members for each Group). This arrangement will continue with the Standards Sub-Committee in the new governance arrangements.
- 1.5 Council is requested to agree that the Licensing Sub-Committee is a body to which the political balance rules do not apply. The Sub-Committees meet on an ad hoc basis as and when there is a matter within their terms of reference to be decided. The current practice is that membership is drawn from available members from the parent Licensing & General Purposes Committee.

Licensing Sub-Committee

- 1.6 The membership of the Licensing Sub-Committee is proposed to be any three members of the parent Licensing & General Purposes Committee.
- 1.7 Appendix A details further special statutory bodies or informal or consultative bodies or committees where proportionality requirements do not apply:
- Local Pension Board
 - Local Strategic Partnership (Barnet Partnership Board)

- Children's Partnership Board
- Safer Communities Partnership Board

2. REASONS FOR RECOMMENDATIONS

2.1 A recalculation of political balance is required for the reasons set out in section 1.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None.

4. POST DECISION IMPLEMENTATION

4.1 Annual Council on 23rd May 2023 are expected to make appointments to the seats on the committees and sub-committees listed in Appendix A.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 N/A

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

5.2.1 There are no resource implications.

5.3 Social Value

5.3.1 N/A

5.4 Legal and Constitutional References

5.4.1 As set out in Appendix A and in sections 1.2 and 1.3 above.

5.5 Risk Management

5.5.1 N/A

5.6 Equalities and Diversity

5.6.1 N/A

5.7 Corporate Parenting

5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 N/A

5.9 **Insight**

5.9.1 N/A

6. BACKGROUND PAPERS

6.1 Item 12.3, Report from Constitution, Ethics & Probity – Standards Regime: [Agenda for Council on Tuesday 8th December, 2015, 7.00 pm \(moderngov.co.uk\)](#)

Calculation of Political Balance (Proportionality)

The Council must allocate seats on Committees and other prescribed bodies to give effect to the political balance rules. The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and Local Government Regulations 1990.

Section 15(5) of the Local Government and Housing Act 1989 sets out the principles as follows:

- a) that not all the seats on the body are allocated to the same political group;
- b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

For political balance, a group is required to have at least two members in order to be formally constituted as a political group.

The Council can only depart from these rules by passing a resolution with no member voting against the resolution.

The political proportionality rules also apply to those outside bodies dealing with local government matters to which the Council representatives.

This proportionality report is based on the principles described above. This report is requested to be agreed by Council to ensure the seats are allocated using the appropriate principles as based in law.

When calculating political balance, to comply with sections (c) and (d) of Section 15(5) of the Local Government and Housing Act 1989 it is usual practice to round up the seat allocation when the strict allocation comes above 0.5 and round down when the strict allocation comes below 0.5.

The political composition of the Council is as follows:

	Council	Labour	Conservative	Independent
Members	63	40	22	1
Percentage	100%	63.49%	34.92%	1.59%

Non-Politically Proportionate Bodies

Bodies to which proportionality does not or need not apply:

- Health and Wellbeing Boards – Section 15 of the Local Government and Housing Act 1989 (and Section 16 and Schedule 1), namely the duty to allocate seats on committees on a proportional basis to political groups, does not apply to Health and Wellbeing Boards under regulation 7 Part 2 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations 2013 SI 2013/218.
- Standards Committee – Council agreed on 8 December 2015 and it is proposed in the resolution to this report, to waive the requirements under the Local Government and Housing Act 1989 for political balance for the Standards Committee, and that each of the two political Groups on the Council shall have two seats on the Committee (with two substitute members for each Group)
- Consultative bodies established for consultation with staff are not regarded as council committees subject to the political balance rules. Each has a special composition.
- The Council appoints or nominates Members to a variety of special statutory bodies, or informal or consultative bodies that are not council committees of the Council. The political balance rules do not apply to these bodies.

Regulation 16A Local Government (Committees and Political Groups) Regulations 1990 SI 1553/1990 provides an exception from the political balance requirements where a committee is established to discharge functions of the authority or to advise the authority or another committee of the authority in respect of any part of the area of the authority, and –

- (i) the authority is a county, district or London borough council; and
- (ii) the voting members of the committee consist solely of persons who are elected for electoral divisions or wards which are wholly or partly within that part; and
- (iii) the area of that part does not exceed two-fifths of the total area of the authority; or
- (iv) the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the area of the authority as so estimated.

This allows the Area Committees to be constituted on a Ward Member basis.

Achieving Political Balance:

An allocation of seats is set out in the table below. The number of Members, and any specific requirements of membership, are taken from the Council's Constitution, Terms of Reference of Committees (to be effective from Annual Council on 23 May 2023)

Seat Allocations on Politically Proportional Bodies

COMMITTEE	NUMBER OF SEATS	LABOUR	CONSERVATIVE	INDEPENDENT
Appeals Committee	3	2 (1.90)	1 (1.05)	0 (0.05)
Governance, Audit, Risk Management and Standards Committee*	6	4 (3.81)	2 (2.10)	0 (0.10)
Licensing & General Purposes Committee	12	8 (7.62)	4 (4.19)	0 (0.19)
Employment Sub-Committee ¹	3	2 (1.90)	1 (1.05)	0 (0.05)
Overview & Scrutiny Committee*	11	7 (6.98)	4 (3.84)	0 (0.17)
Children & Education Overview & Scrutiny Sub-Committee*	8	5 (5.07)	3 (2.79)	0 (0.11)
Adults & Health Overview & Scrutiny Sub-Committee*	8	5 (5.07)	3 (2.79)	0 (0.11)
Call-in Overview & Scrutiny Sub-Committee*	3	2 (1.90)	1 (1.05)	0 (0.05)
Pension Fund Committee	6	4 (3.81)	2 (2.10)	0 (0.10)
Strategic Planning Committee*	10	6 (6.35)	4 (3.49)	0 (0.14)
Planning Committee A	6	4 (3.81)	2 (2.10)	0 (0.10)
Planning Committee B	6	4 (3.81)	2 (2.10)	0 (0.10)
Total	82	53	29	0
Percentages	100%	64.63%	35.36%	0%

¹ Membership must include at least one Cabinet Member

*Cabinet Members cannot sit on these committees and sub-committees

Seat Allocations on Non-Politically Proportional Bodies

Area Based Committees

Committee	Membership	Seat Allocations	
		Lab	Cons
North	8	5	3
East	8	5	3
West	8	6	2

Special statutory bodies or informal or consultative bodies or committees where proportionality requirements do not apply. Membership requirements as detailed terms of reference of committees.

Committee	Membership	Seat Allocations	
		Lab	Con
Standards Sub-Committee	4 Councillor Appointments Other Members as detailed in terms of reference of committees	2	2
Health & Wellbeing Board	3 Councillor Appointments Other Members as detailed in terms of reference of committees	3	0
Local Pension Board	1 Councillor Appointment Other Members as detailed in terms of reference of committees	1	0
Local Strategic Partnership (Barnet Partnership Board)	1 Councillor Appointment (Leader) Other Members as detailed in terms of reference of committees	1	0
Barnet Children's Partnership Board	1 Councillor Appointment (Lead Member for Children's Services) Other Members as detailed in terms of reference of committees	1	0
Safer Communities Partnership Board	1 Councillor Appointment Other Members as detailed in terms of reference of committees	1	0

RECOMMEND that:

- 1. Council note the political balance of the Council is:**
 - **40 Members of the Labour Group;**
 - **22 Members of the Conservative Group**
 - **1 Independent Member**
- 2. Council agree the allocation of seats as set out in the tables above in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups on Council.**