

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 24TH JANUARY, 2023 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

SUMMONS AND AGENDA



All Councillors are hereby summoned to attend the Council Meeting for the transaction of the business set out.

Agenda and Timetable
Tuesday 24th January, 2023

Item	Subject	Timing	Page Nos
	Part 1 - Statutory formalities/Announcements (15 minutes)		
1.	Apologies for absence		
2.	Elect a Member to preside if the Mayor is absent		
3.	Words from Young People in Barnet		
4.	Declarations of Interest		
5.	Minutes of the last meeting		5 - 20
6.	Official announcements		
7.	Any business remaining from last meeting		
	Part 2 - Question Time (30 minutes)		
8.	Questions to the Leader (and Committee Chairmen if he/she has delegated)		To Follow
	Part 3 - Statutory Council Business (60 minutes)		
9.	Petitions for Debate (20 minutes)		
10.	Reports from the Leader		
11.	Reports from Committees		
11.1	Referral report from Constitutional & General Purposes Committee - Pay Policy Statement 2023/24		21 - 48
12.	Reports of Officers		
12.1	Report of the Monitoring Officer - Constitution Review		49 - 100

12.2	Report of the Director of Finance - London Boroughs Grants Scheme - Borough Contributions, 2023/24		101 - 108
12.3	Report of the Head of Governance		109 – 116 (Appendix A to follow)
12.4	Report of the Head of Governance - Calculation of Political Balance Report		117 - 124
	Part 4 – Business for Debate (45 minutes)		
13.	Motions (45 minutes)		
13.1	Administration Motion in the name of Cllr Ross Houston- Great Homes upgrade		125 - 126
13.2	Opposition Motion in the name of Cllr Jennifer Grocock - Combatting Crime in Barnet- more police for Barnet		127 - 128
13.3	Administration Motion in the name of Cllr Sara Conway - Borough of Sanctuary		129 - 130
13.4	Opposition Motion in the name of Cllr Dan Thomas - Stop expansion of the ULEZ and say 'no' to future road pricing		131 - 132
13.5	Administration Motion in the name of Cllr Gill Sargeant - Age Friendly Barnet		133 - 134
14.	Motions for Adjournment		

Andrew Charlwood, Head of Governance
2 Bristol Avenue, Colindale, NW9 4EW

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. **If you wish to let us know in advance that you will be attending the meeting,**

please telephone the Governance Service (020 8359 6452).

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

FIRE/EMERGENCY EVACUATION PROCEDURE

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

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

Do not stop to collect personal belongings

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

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

Recording of meetings

Members of the public have the right to film, record or photograph public meetings. You may be asked to stop filming, photographing or recording a meeting if the Chair feels that the activity is disrupting the meeting.

The meeting may be broadcast live or recorded for later transmission by the Council.

Recordings may be available live or for twelve months afterwards.

If you are attending the meeting either in person or online, you understand that you may be picked up in recordings made by the public or the Council.

Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BQ, on 1 November 2022

AGENDA ITEM 5

PRESENT:-

The Worshipful the Mayor (Councillor Alison Moore)
The Deputy Mayor (Councillor Nagus Narenthira)

Councillors:

Ernest Ambe	Shuey Gordon	Ammar Naqvi
Richard Barnes	Eva Greenspan	Alex Prager
Zahra Beg	Jennifer Grocock	Simon Radford
Andrea Bilbow OBE	Rohit Grover	Barry Rawlings
Rishikesh Chakraborty	Kamal Gurung	Tim Roberts
Anne Clarke	Lachhya Gurung	Gill Sargeant
Pauline Coakley Webb	Marianne Haylett	Alan Schneiderman
Dean Cohen	Ross Houston	Mark Shooter
Melvin Cohen	Anne Hutton	Elliot Simberg
Philip Cohen	Giulia Innocenti	Caroline Stock
Joshua Conway	Andreas Ioannidis	Daniel Thomas
Sara Conway	Laithe Jajeh	Liron Velleman
Geof Cooke	Humayune Khalick	Lucy Wakeley
Alison Cornelius	Paul Lemon	Sarah Wardle
Richard Cornelius	David Longstaff	Emma Whysall
Edith David	Linda Lusingu	Nigel Young
Val Duschinsky	Kath McGuirk	Zakia Zubairi
Paul Edwards	Michael Mire	
Claire Farrier	Arjun Mittra	

Apologies for Absence

Councillor Nick Mearing-Smith	Councillor Danny Rich
Councillor Giulia Monasterio	Councillor Ella Rose
Councillor Matthew Perlberg	Councillor Tony Vourou

1.1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ella Rose, Councillor Tony Vourou, Councillor Matthew Perlberg, Councillor Danny Rich, Councillor Giulia Monasterio and Councillor Nick Mearing-Smith.

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

The Worshipful the Mayor was present.

3. WORDS FROM YOUNG PEOPLE IN BARNET

The Worshipful the Mayor invited Jonah Howe, a member of the My Say Matters project to say a few words.

4. DECLARATIONS OF INTEREST

None.

5. MINUTES OF THE LAST MEETING

Council noted a correction to the minutes that Councillor Lemon left the meeting at minute item 14.4 and not Councillor Naqvi as recorded in the minutes. Subject to that correction it was **RESOLVED that the Minutes of the Council meeting on 26 July 2022 were agreed as a correct record.**

6. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor sadly acknowledged the passing of former Councillor, Laurie Williams and expressed her condolences to Laurie's widow, Sally and family who were in the public gallery.

The Worshipful the Mayor invited tributes from Councillors Phil Cohen, Caroline Stock, Marianne Haylett, Jennifer Grocock, Tim Roberts and Alison Cornelius.

The Worshipful the Mayor then asked the Council to stand for a minute's silence.

The Worshipful the Mayor on behalf of the Council, extended her warmest congratulations to Councillor Dan Thomas and Victoria on the birth of their son Noah.

The Worshipful the Mayor informed Council that we had recently received the Defence Employer Recognition Silver award and were now going for Gold.

The Worshipful the Mayor commended the wonderful events that had taken place across the borough to mark Black History Month which had been a huge success.

The Worshipful the Mayor noted that last month she had held a reception to mark the 50th anniversary of Ugandan Asians in Barnet.

The Worshipful the Mayor informed Council that at the beginning of October, she had visited Morphou for the annual rally.

The Worshipful the Mayor reminded Council that Remembrance Sunday was on 13 November 2022 and encouraged Councillors to attend services in their wards. She extended her thanks to those Councillors who would be representing the Mayoralty, Councillors and burgesses by laying a wreath on her behalf this year.

The Worshipful the Mayor reminded Councillors that the Civic awards nominations were now open and would close on 31 December 2022.

The Worshipful the Mayor also reminded Council that Holocaust Memorial Day will be held on 29 January 2023 with an event held at Middlesex University organised by the Council.

The Worshipful the Mayor informed Council that Barnet officially celebrated Diwali which fell on 24 October this year at Hendon Town Hall by lighting of Diwa with traditional prayers and dance led by children from a local temple.

7. ANY BUSINESS REMAINING FROM LAST MEETING

None.

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

Council were asked to note that the answers to questions 24 and 46 were amended as follows:

Question 24 amended so that it reads "None-we're not increasing the charge."

Question 46 amended so that it reads "There won't be an increase."

A proposed increase had incorrectly been included in a report to Policy & Resources Committee on 29 September 2022.

9. PETITIONS FOR DEBATE (20 MINUTES)

None.

10. REPORTS FROM THE LEADER

None.

11. REPORTS FROM COMMITTEES

11.1 REFERRAL FROM AUDIT COMMITTEE - ANNUAL REPORT OF THE AUDIT COMMITTEE 2021/22

Councillor Mitra, Chair of the Audit Committee, moved the reception and adoption of the recommendations in the report.

On the recommendations in the report being put to the vote, the votes were recorded as follows:

For: 57
Against: 0
Abstain: 0
Absent: 6

Total: 63

RESOLVED that Council note and approve the Annual Report of the Audit Committee for 2021/22 as an accurate record of the outcomes and work programme for the year.

11.2 REFERRAL FROM COMMUNITIES, LEADERSHIP & LIBRARIES COMMITTEE - SAFER COMMUNITY STRATEGY 2022-27

Councillor Sara Conway, Chair of the Communities, Leadership & Libraries Committee, moved reception and adoption of the recommendations in the report.

On the recommendations in the report being put to the vote, the votes were recorded as follows:

For: 57
Against: 0
Abstain: 0
Absent: 6
Total: 63

RESOLVED that Council to note and approve the Barnet Safety Communities Strategy 2022-2027.

11.3 REPORT OF THE CONSTITUTION & GENERAL PURPOSES COMMITTEE - CONSTITUTION REVIEW

Councillor Rawlings, Chair of the Constitution and General Purposes Committee moved reception and adoption of the recommendations in the report.

On the recommendations in the report being put to the vote, the votes were recorded as follows:

For: 36
Against: 21
Abstain: 0
Absent: 6
Total: 63

RESOLVED that:

- 1. Council note the report of the Constitution & General Purposes Committee held on 6 October 2022 (Annex 1i) and note that the Committee approved the amendments.**
- 2. Council approve the Constitution amendments as set out in Appendices A to D.**
- 3. Council authorise the Monitoring Officer to implement these revisions and publish a revised Constitution.**

11.4 REFERRAL REPORT OF THE POLICY & RESOURCES COMMITTEE- FEES AND CHARGES 2022/23 & 2023/24

Council noted that an addendum report had been published on the Fees and Charges consultation findings and Equalities Impact Assessment.

Councillor Rawlings, Chair of the Policy and Resources Committee moved reception and adoption of the recommendations in the report.

On the recommendations in the report being put to the vote, the votes were recorded as follows:

For: 36
Against: 21
Abstain: 0
Absent: 6
Total: 63

RESOLVED that Council approve the proposed fees and charges for 2023/24 set out in Appendix A having taken into account the consultation responses and Equality Impact Assessment.

12. REPORTS OF OFFICERS

12.1 REPORT OF THE HEAD OF GOVERNANCE

The Head of Governance introduced the report, outlining the various administrative matters for Council's agreement.

On the recommendations in the report being put to the vote, the votes were recorded as follows:

For: 57
Against: 0
Abstain: 0
Absent: 6
Total: 63

RESOLVED that:

- 1. That Council note and approve the appointments to Outside Bodies in Appendix A.**
- 2. That Council approve the appointments of the Other Appointments outlined in Appendix B.**
- 3. That Council approve the changes to appointments of Committees outlined in Appendix C.**

*Councillor Mark Shooter left the meeting at 8.55pm.

13. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

None.

14. MOTIONS (45 MINUTES)

14.1 ADMINISTRATION MOTION IN THE NAME OF CLLR SIMON RADFORD - IMPACT OF THE MINI-BUDGET ON THE COST-OF-LIVING CRISIS

Councillor Radford moved the motion in his name. Councillor Thomas moved an amendment in his name. Councillor Whysall moved an amendment in her name. Debate ensued.

Votes on the amendment in the name of Councillor Thomas were recorded as follows:

For: 20
Against: 36
Abstain: 0
Absent: 7
Total: 63

The amendment in the name of Councillor Thomas was LOST.

Votes on the amendment in the name of Councillor Whysall were recorded as follows:

For: 36
Against: 20
Abstain: 0
Absent: 7
Total: 63

The amendment in the name of Councillor Whysall was CARRIED.

Votes on the motion as amended by Councillor Whysall were recorded as follows:

For: 36
Against: 20
Abstain: 0
Absent: 7
Total: 63

The motion as amended by Councillor Whysall was CARRIED.

RESOLVED that:

This Council notes:-

- 1. The disastrous lasting impact of the Government's 'mini-budget' on the markets, inflation, interest rates, the economy, and the cost-of-living crisis.**
- 2. The sacking of the Chancellor of the Exchequer after only 38 days and the reversal of the 'mini-budget' following the financial turmoil.**

- 3. The resignation of the Prime Minister, Liz Truss, after only 44 days in office.**
- 4. The decisions of “eye-watering difficulty” that the new Chancellor has said are now required, including brutal real terms cuts to public services to repair the destruction caused by the ill-advised ‘mini-budget’.**
- 5. The delay of the fiscal statement until 17 November, which falls after the Bank of England’s next interest rate decision and causes further uncertainty.**
- 6. The detrimental impact the inevitable cuts are likely to have on frontline public services that are already experiencing a funding and recruitment/retention/pay crisis.**
- 7. The devastating consequential impact this will have on the users of these services in Barnet and on the Council’s ability to respond to support the growing number of people in need.**

Council also notes that:

- 1. Many people in Barnet are already struggling with the cost-of-living crisis, with around 9,500 families known to have debts to the Council of more than £1,000.**
- 2. There will be more people with other debts not known to the Council, meaning the total number of households in Barnet in need of support is in fact much higher.**
- 3. LB Barnet’s new administration is doing all it can to help, and has agreed a package of support totalling £9m for those struggling with the cost-of-living crisis including:**
 - a. Launching a cost-of-living hub and a public awareness campaign to support residents by giving them quick access to advice, information and financial support**
 - b. Setting up a £2m Residents’ Support Fund to provide financial support to residents in crisis (equivalent to 1% of council tax)**
 - c. Agreeing to refund this year’s 1% Council Tax increase in 2023/24 to keep bills lower next year**
 - d. Providing additional funding to the cross-sector partnership, Barnet Together Alliance, who are doing so much good work to support our communities**
 - e. Providing other targeted interventions to mitigate food and fuel poverty challenges to our residents.**

However, Council believes that this will not be sufficient to help all those in need as the cost-of-living crisis continues into next year.

Council therefore resolves to:

- 1. Ask the Leader of the Council to urgently write to the latest Prime Minister outlining:**
 - i. The strain that the Government’s poor political choices has placed on the local economy and the residents of Barnet.**

- ii. **The need for more help from the Government to support those struggling with the cost-of-living crisis through the winter and beyond, including ensuring ongoing support for energy bills and that benefits are updated by inflation not earnings.**
 - iii. **The need to protect frontline public services from further cuts and provide sufficient funding to local councils as set out in the London Councils Key Priorities document, including funding to help us insulate and retrofit homes and reach our Net Zero targets.**
- 2. Ask Barnet's three Conservative MPs to also write to the Government in support of these needs, and to seek assurances that the former Prime Minister's comments made about the 'North London anti-growth coalition' don't lead to further levelling-down in Barnet and London.**

14.2 OPPOSITION MOTION IN THE NAME OF CLLR DAN THOMAS- COUNCIL PLEDGES TO NOT RAISE PARKING CHARGES UNTIL THE COST-OF-LIVING CRISIS HAS BEEN ALLEVIATED

Votes on the motion in the name of Councillor Thomas were recorded as follows:

For: 20
Against: 36
Abstain: 0
Absent: 7
Total: 63

The motion in the name of Councillor Thomas was LOST.

14.3 ADMINISTRATION MOTION IN THE NAME OF CLLR PAUL LEMON- STANDING UP FOR RESPONSIBLE TAX CONDUCT

Votes on the motion in the name of Councillor Lemon were recorded as follows:

For: 36
Against: 20
Abstain: 0
Absent: 7
Total: 63

The motion in the name of Councillor Lemon was CARRIED.

RESOLVED that:

Council notes that:

- 1. The pressure on organisations to pay their fair share of tax has never been stronger.**
- 2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.**
- 3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.**
- 4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.**
- 5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.**

6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Council also notes that:

1. LB Barnet's compliance in ensuring contract workers pay a fair share of employment taxes (IR35) is robust, following a positive audit by HMRC.
2. LB Barnet is developing a new procurement strategy to see how the Council can work proactively with its supply chain, contractors and partners to set out wider ethical procurement practices, including on environmental sustainability and fair tax.

Council resolves subject to complying legislative and regulatory requirements to:

1. Request that Policy & Resources Committee consider the 'Councils for Fair Tax Declaration' in the context of LB Barnet's developing procurement strategy with a view to ensure the Council:
2. Leads by example and demonstrates good practice in our tax conduct, right across our activities.
3. Continues to robustly implement IR35.

4. Does not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertakes due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
6. Demands clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promotes Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Supports Fair Tax Week events in the area and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.
9. Supports calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

14.4 OPPOSITION MOTION IN THE NAME OF CLLR DAN THOMAS- COUNCIL WILL NOT RAISE THE PRICE OF GARDEN WASTE FROM £70 COLLECTIONS FOR THE REMAINDER OF THE ADMINISTRATION TO HELP WITH THE COST-OF-LIVING CRISIS

Council was asked to note that the amendment in the name of Councillor Alan Schneiderman has been withdrawn.

Votes on the motion in the name of Councillor Thomas were recorded as follows:

For: 56
Against: 0
Abstain: 0
Absent: 7
Total: 63

The motion in the name of Councillor Thomas was carried.

RESOLVED that:

Council notes that:

1. Residents across the borough are suffering from a cost-of-living crisis
2. The London Borough of Barnet currently charges £70 a year for garden waste collections

Council believes that:

It would be wrong to increase the price of the garden waste collection service when so many in Barnet are suffering from the increasing costs of living

Council resolves to:

Not raise the price of the garden waste collection service in Barnet for the remainder of the administration

14.5 ADMINISTRATION MOTION IN THE NAME OF CLLR ERNEST AMBE- BECOMING A LIVING WAGE EMPLOYER: ACCREDITATION

Votes on the motion in the name of Councillor Ambe were recorded as follows:

For: 36
Against: 20
Abstain: 0
Absent: 7
Total: 63

The motion in the name of Councillor Ambe was CARRIED.

RESOLVED that:

Council believes that:

- 1. Everyone should be paid a fair day's pay for a fair day's work.**
- 2. The real Living Wage (in London, the London Living Wage), set annually by the Living Wage Foundation, is the minimum rate of pay that covers the cost of living.**

Council notes that:

- 1. LB Barnet currently pays at least the London Living Wage to all permanent directly employed staff, but not all contracted-out staff or those working for commissioned providers and in the Council's wider supply chain are currently paid the relevant real Living Wage.**
- 2. Working towards becoming a London Living Wage Borough is a manifesto commitment of the Council's new administration, and this requires the Council to achieve Living Wage accreditation as the next step.**

Council resolves to:

Request that Policy & Resources Committee considers the steps necessary for the Council to become a Living Wage Employer, including instructing officers to bring options to achieve accreditation to a future meeting.

14.6 OPPOSITION MOTION IN THE NAME OF CLLR DAVID LONGSTAFF- A REDUCTION IS NOT A REBATE - LABOUR MUST FULFIL THEIR MANIFESTO PLEDGE TO REBATE THE SOCIAL CARE PRECEPT WITHIN THE 2022/23

FINANCIAL YEAR

Councillor Longstaff moved the motion in his name. Councillor Rawlings moved an amendment in his name. Councillor Longstaff moved an amendment in his name. Debate ensued.

The votes on the amendment in Councillor Rawlings name were recorded as follows:

For: 36
Against: 20
Abstain: 0
Absent: 7
Total: 63

The amendment in the name of Councillor Rawlings was CARRIED.

The votes on the amendment in the name of Councillor Longstaff were recorded as follows:

For: 20
Against: 36
Abstain: 0
Absent: 7
Total: 63

The amendment in the name of Councillor Longstaff was LOST.

Votes on the motion as amended by Councillor Rawlings were recorded as follows:

For: 36
Against: 20
Abstain: 0
Absent: 7
Total: 63

The motion as amended by Councillor Rawlings was CARRIED.

RESOLVED that:

Council notes that:

- 1. Barnet Labour promised to “freeze council tax and refund residents this year's 1% council tax increase”.**

This Council also notes that:

- 1. General council tax in 2022/23 has been frozen.**
- 2. LB Barnet’s Labour administration has refunded residents the 1% council tax increase through a targeted £2m Resident Support Fund in 2022/23**

3. **LB Barnet's Labour administration has also agreed to refund residents a further £2m through a universal 1% council tax refund in council tax bills in 2023/24**

Council resolves to:

1. **Continue to freeze general council tax in 2022/23**
2. **Refund residents, as Labour promised, within the 2022/23 financial year by implementing the targeted 1% refund made available through the £2m Resident Support Fund**
3. **And in addition, effect the universal 1% refund in 2023/24 as set out in the Policy & Resources Report in September.**

14.7 **OPPOSITION MOTION IN THE NAME OF CLLR DAN THOMAS- COUNCIL COMMITS TO NOT JOINING NEIGHBOURING LABOUR-CONTROLLED CAMDEN COUNCIL IN RESTRICTING ALL COUNCIL-OPERATED ROADS TO A 20MPH SPEED LIMIT**

Votes on the motion as amended by Councillor Schneiderman were recorded as follows:

For: 36
Against:20
Abstain: 0
Absent: 7
Total: 63

The amendment in the name of Councillor Schneiderman was CARRIED.

Votes on the motion as amended by Councillor Schneiderman were recorded as follows:

For: 36
Against: 20
Abstain:0
Absent:7
Total: 63

RESOLVED that:

Council notes that:

1. **The LB Barnet Labour administration has a policy of agreeing 20mph zones on roads where a majority of residents support this.**

Council believes that:

1. **Varied speed limits should be left in where residents want them.**
2. **20mph zones can serve a good purpose in certain localities, for example, outside schools.**

3. Speed limits should be based on evidence.

Council resolves to:

Commit to listening to residents and only introduce 20 mph zones where residents want them.

15. MOTIONS FOR ADJOURNMENT

None.

The meeting finished at 9.26 pm

This page is intentionally left blank



Council
24 January 2023

Title	Referral from Constitutional & General Purposes Committee – Pay Policy Statement 2023/24
Report of	Chair of the Constitution & General Purposes Committee
Wards	Not applicable
Status	Public
Enclosures	Annex 1 – Report to the Constitutional & General Purposes Committee 12 th January 2023 – Pay Policy Statement 2023/23 Appendix A – Pay Policy Statement (Incl. Appendices to the Pay Policy statement A1, A2, A3 and A4)
Officer Contact Details	Jon Bell 020 8359 2330 jon.bell@barnet.gov.uk Prodromos Mavridis, Human Resource Policy and Reward Lead 020 8359 6066 prodromos.mavridis@barnet.gov.uk

Summary

The Constitution, Article 4 includes the following within the Council's responsibilities:
The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework.

The Constitutional & General Purposes Committee at the meeting on 12th January 2023 resolved to recommend that Council note and endorse the updates to the Pay Policy Statement 2023/24.

Officers Recommendation

That Council approves the Annual Pay Policy Statement for the financial year 2023/24 (Appendix A).

1. WHY THIS REPORT IS NEEDED

- 1.1 At its meeting on 12th January 2023, the Constitutional & General purposes Committee considered the Pay Policy Statement 2023/24.

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As set out in the report at Annex 1.

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

- 5.2.1 As set out in the report attached at Annex 1

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution Article 4 states 'The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework.

5.4 Insight

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

5.5 Social Value

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

5.6 Risk Management

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

5.7 Equalities & Diversity

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

5.8 Corporate Parenting

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

5.9 Consultation and Engagement

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

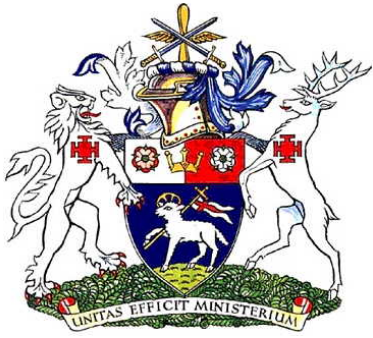
5.10 Environmental Impact

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

6. BACKGROUND PAPERS

6.1 N/A

This page is intentionally left blank



Constitution and General Purposes Committee

12th January 2023

Title	Pay Policy Statement
Report of	Jon Bell, Assistant Director – Human Resources and Organisational Development
Wards	Not Applicable
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Pay Policy Statement (Incl. Appendices to the Pay Policy statement A1, A2, A3 and A4)
Officer Contact Details	Jon Bell 020 8359 2330 jon.bell@barnet.gov.uk Prodromos Mavridis, Human Resource Policy and Reward Lead 020 8359 6066 prodromos.mavridis@barnet.gov.uk

Summary

Local Authorities are required to prepare and approve a Pay Policy Statement before the end of March each year. The Statement must be published as soon as is reasonably practicable after it has been approved. This report introduces a draft Pay Policy Statement to the Constitution and General Purposes Committee for consideration, before approval by Full Council on 8th March 2023, prior to its publication.

Officer Recommendation

That the Committee considers the Pay Policy Statement (as attached at Appendix A) and refers it to the next meeting of the Full Council on 8 March 2023 for approval.

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement.

2. REASONS FOR RECOMMENDATIONS

- 2.1 To comply with the Localism Act 2011, associated statutory guidance, the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 issued by the Department for Communities and Local Government in February 2015 and the Council's constitution.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4. POST DECISION IMPLEMENTATION

- 4.1 The Pay Policy Statement requires endorsement by Full Council on 8 March 2023 prior to publication.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Not applicable

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

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

5.3 Social Value

- 5.3.1 Not applicable

5.4 Legal and Constitutional References

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

The pay policy statement for a financial year must set out the authority's policies for the financial year relating to—

- (a) the remuneration of its chief officers,
- (b) the remuneration of its lowest-paid employees, and
- (c) the relationship between—
 - (i) the remuneration of its chief officers, and
 - (ii) the remuneration of its employees who are not chief officers.

5.4.2 The Council's Constitution, Article 7 (Committees, Forums, Working Groups and Partnerships) designates the [Constitution and General Purposes] Committee as responsible for overseeing the Council's governance arrangements, which cover staffing matters, including, inter alia:

- Salaries and terms and conditions;
- pay and reward strategy; and
- developing the annual pay policy statement for Full Council approval

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not directly applicable

5.7 Corporate Parenting

5.7.1 Not applicable

5.8 Consultation and Engagement

5.8.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 Local Government Transparency Code 2015
(<https://www.gov.uk/government/publications/local-government-transparency-code-2015>)

6.2 Localism Act 2011 (<https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>)

6.3 The Code of Recommended Practice for Local Authorities on Data Transparency
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5967/1997468.pdf)

This page is intentionally left blank

APPENDIX A

London Borough of Barnet

Pay Policy Statement 2023/24 [incorporating information on Gender Pay Gap]

Published
April 2023

1 Background

Localism Act 2011 - Openness and accountability in local pay

- 1.1. Section 38(1) of the Localism Act 2011 requires local authorities to publish an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions. However, they do emphasise the need to deliver value for money for local taxpayers.
- 1.3. This statement will be presented to Full Council for adoption and any further changes during the year will be brought back to Council for approval.
- 1.4. This statement only relates to the remuneration of staff directly employed and managed by the Council of the London Borough of Barnet. It does not cover school-based employees or those working for partner organisations.

Related Remuneration and Transparency Context

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 issued in February 2015 by the then Department for Communities and Local Government; and specific guidance relevant to the Localism Act issued by the Department in February 2012 and February 2013.
- 1.6. The Code of Recommended Practice for Local Authorities on Data Transparency includes publishing information relating to salaries over £58,200. Similarly, the Local Government Transparency Code 2015 stipulates that salaries over £50,000 should be published. In order to comply with both Codes, the Council publishes a summary of posts that are paid more than £50,000. The summary is available on the website of the Council.
- 1.7. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 ordinarily require the Council to report 'pay gap' information such as the difference between the average (mean and median) pay of female employees and that of male employees.

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

- 2.1. The Constitution and General Purposes Committee (appointed by Council) has responsibility for decisions related to the pay and terms and conditions of employment for staff (other than those within the remit of the Chief Officer Appointment Panel¹) in accordance with Article 7 (Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership) of the Constitution.

¹ The Chief Officer Appointment Panel deals with matters relating to appointments, discipline and capability of the Council's Chief Officers.

- 2.2. Included within the responsibilities of the Committee is the duty to develop and publish the annual pay policy statement for approval by Council (being its parent body) which will comprise:
- the level and elements of remuneration for each Chief Officer
 - relationship between the remuneration of Chief Officers and other employees
 - a description of the relationship between decisions made on the lowest paid and top paid employees in the organisation
 - remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition)
 - in relation to Chief Officers - remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments
 - transparency arrangements, including the publication of and access to information relating to the remuneration of chief officers
 - reasons for chosen approach to remuneration levels and how this is to be implemented
 - differences of approach to groups of employees and the reasons for them
 - pay dispersion
 - incremental progression factors
 - use of honoraria and ex-gratia payments (these are currently codified in the Policy for Additional Responsibility and Outstanding Contribution Payments)
 - determination of remuneration parameters for officers who have returned to work for the local authority
 - appointment and remuneration term.
- 2.3. In addition, the Committee has a duty to review remuneration annually and ensure that sufficient flexibility exists within the Council's pay policy to allow responses to unforeseen circumstances without having recourse to revising the policy between annual reviews.
- 2.4. Council is asked to consider the Constitution and General Purposes Committee's recommendation(s). The Council is ultimately responsible for approval of the annual pay policy statement.

3. Remuneration arrangements for all employees

Introduction

- 3.1. This section sets out the remuneration arrangements for Barnet Council employees.

Senior Management

- 3.2. The Senior Management Team's pay and reward arrangements include:
- A market-based pay structure which links job size to the midpoint between Median and Lower Quartile Pay data;
 - Evaluation of all roles using Hay job evaluation scheme to define the scope and 'size' of each post;

- Pay Grades reflect job sizes and evaluated roles are slotted into a grading system according to the evaluated job size;
- Automatic enrolment into Local Government Pension Scheme (LGPS);
- Base pay linked to the NJC for Local Government Services;
- 30 days' annual leave² for officers employed on a full-time basis (the entitlement for those employed on a part-time basis is adjusted on a pro-rata basis); and
- Contractual sick pay up to a maximum of six months at full pay and six months at half pay

Pay Grade	Grade Minimum On 1 April 2022	Grade Maximum On 1 April 2022	Chief Officer and Senior Management Posts
1	£194,643	£205,493	Chief Executive*
2	£163,015	£173,866	Deputy Chief Executive*
3	£139,726	£162,512	Executive Director for Children & Families* (incorporates statutory Director of Children's Services); Executive Director for Adults & Health* (incorporates Statutory Director for Adults and Social Services) Executive Director for Environment*
4	£125,621	£139,726	Executive Director of Resources (s.151 Officer)* Executive Director of Assurance* Director of Adult Social Care Director of Growth
5	£114,770	£125,621	Director of Commercial and Customer Services Director of Public Health and Prevention* Director of Children's Social Care (Early help, Children in need of help & protection) Director of Children's Social Care (Corporate Parenting, Disability and Permanence) Street-Scene Director
6	£94,685	£115,352	Senior Management – mainly Assistant Director posts
7	£81,632	£91,422	
8	£72,931	£81,632	

Table A: Barnet Council senior management grading system with details on Chief Officer (posts denoted with an asterisk) and Director remuneration.

² The annual leave entitlement for full-time employees is 30 days (pro-rata adjustments will continue to apply for part-time employees)

Rest of the Council

- 3.3. Current arrangements for the remainder of the council's workforce include:
- A grading system with grade minima and maxima broadly corresponding to points within the National Joint Council (NJC) for Local Government Services (LGS) pay 'spine';
 - Grading of all posts through systematic job evaluation (Hay scheme);
 - Automatic enrolment of employees into the Local Government Pension Scheme (LGPS)³;
 - 30 days' annual leave⁴ for officers employed on a full-time basis (the entitlement for those employed on a part-time basis is adjusted on a pro-rata basis); and
 - Other terms and conditions of employment such as entitlement to contractual sick pay governed by the NJC LGS

Pay Scales - Senior Management Team

- 3.4. The Senior Management grade structure and salaries were agreed by General Function Committee on 3rd May 2017. The Constitution and General Purposes Committee (subject to Council approval) sets the pay rates applicable to the grade structure on an annual basis and this pay policy statement is updated. Table A below sets out the salaries associated with the pay grades for the Senior Management Team and the Statutory Officer posts. Salaries are reviewed during April of each year and an updated pay policy statement is approved and published by the Council as necessary.
- 3.5. Each Pay Grade comprises a minimum (entry pay point) and a maximum (fully competent) pay point. The Fully Competent pay point reflects the evaluated level of the job. The Council does not pay beyond the evaluated level of the job.
- 3.6. The appropriate pay point at recruitment will normally depend upon the applicant's assessed level of competence.
- 3.7. All Chief Officer appointments (those officers listed in Article 9 of the Council Constitution) are conducted by the Chief Officer Appointment Panel, which comprises five elected members appointed to the panel by Council. The Panel includes the Leader of the Council, the Deputy Leader of the Council, the Chairman of the Constitution and General Purposes Committee, the Leader of the Opposition and a further member of the opposition group. The post holder's remuneration will be voted on by the Constitution and General Purposes Committee and reported to Council at the earliest opportunity.
- 3.8. The Constitution and General Purposes Committee is responsible for the appointment of all chief officers with the exception of the Head of Paid Service

³ Note that, for a small number of designated roles where recruitment and retention issues exist, employees are offered the option of switching to a lower-cost scheme (NEST) and receiving a pay uplift which the Council funds through savings in employer contributions to the LGPS.

⁴ The annual leave entitlement will increase to 31 days with effect from 1 April 2023 (pro-rata adjustments will continue to apply for part-time employees)

(Chief Executive) as Council retains the responsibility to confirm the appointment or dismissal of the Head of Paid Service.

- 3.9. Pay progression within senior management grades is assessed through the annual performance review cycle. There are four performance levels, each corresponding to a defined percentage of salary increase until an employee reaches the top of the pay grade for their post, shown in Table B.

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

Table B: Barnet Council performance-based pay progression for senior management.

Pay Scales - Rest of the Council

- 3.10. The Council, in accordance with its single status agreement, has a grading system in place for staff not covered by the SMT arrangements outlined above. In accordance with the Council's job evaluation scheme, each post is assigned one of 13 grades. The lowest point in the pay 'spine' is £23,457 and the highest point is £72,266. A full list of grades and corresponding salary amounts across the Council's paid service can be found in Appendix A1.
- 3.11. The pay point on recruitment is normally at the bottom point of the grade for each post unless there is a justifiable reason for doing otherwise. Justifiable reasons for appointments at higher levels within a grade may include a need to match the appointee's salary at a previous employer and/or challenges in relation to staff recruitment and retention for a particular post or level of skill.
- 3.12. Pay progression within grades is assessed through the annual performance review cycle. There are four performance levels, each corresponding to a defined percentage of salary increase until an employee reaches the top of the pay grade for their post.

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

Table C: Barnet Council performance-based pay progression for grades A-M.

Barnet Living Wage

- 3.13. The Council has developed a fair pay policy to ensure that it applies a wage 'floor' for Council employees, the essence of which is set out in the following statement:

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

- 3.14. As outlined above, the lowest point in the Barnet Council pay 'spine' is £23,457. All posts within the Council's grading system are remunerated at levels that exceed the 2022 London Living Wage [expressed as an hourly rate of £11.95, which would correspond to an annual salary of £22,432 for a full-time employee].
- 3.15. It is important to note that the Council's grading system and Living Wage provisions do not include remuneration rates in respect of apprenticeships, where the national apprenticeship rates will apply at a minimum.
- 3.16. The Council has commenced discussions with the Living Wage Foundation, with an ambition of eventually becoming accredited as a Living Wage Employer. Achieving the aforementioned accreditation is likely to require a considerable amount of time as it would create the need for the Council to establish procurement and audit mechanisms covering virtually all of its contractors/subcontractors as well as other parts of its supply chain.

Other Elements of Remuneration

Pay Protection

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

Recruitment and Retention Premia

- 3.18. The Council has a recruitment and retention payments policy applicable to all employees which describes when and how the Council may pay beyond the evaluated level of a job. Any such payments will need to be supported by clear labour market evidence before they can be made, and to be reviewed periodically.

Other

- 3.19. The Council does not operate a bonus scheme for senior managers or any other employees, however it does award salary progression within grades on the basis of employee performance as outlined above.
- 3.20. The Council does not offer any benefits in kind.

- 3.21. The Council operates a Policy for Payments for Additional Responsibilities and Outstanding Contributions which allows discretionary payments to be made to staff who are required to undertake duties outside the scope of their post or/and have made extraordinary contributions to the work of the Council.

Payments under the Policy are subject to an approval process which includes senior management as well as the Assistant Director of Human Resources and Organisational Development.

Payment for election duties

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

Pension Arrangements

- 3.24. Employees of the London Borough of Barnet are automatically enrolled into the Local Government Pension Scheme (LGPS). However, employees are entitled to opt out of the Scheme if they so wish.
- 3.25. The rate of employee pension contributions is determined by national LGPS regulations.
- 3.26. Pension matters are dealt with by LGPS Scheme Rules. LGPS members are also entitled to receive benefits related to ill-health retirement and death in service.

Redundancy Terms

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

Appointment and Remuneration Terms

- 3.31. The Council appoints to roles on a variety of terms [within the parameters of its Unified Reward framework and other relevant policies], and the final decision about appointment and remuneration terms will generally be a reflection of the requirements of the role, the evaluated level of the role, the longevity of the role, budgetary constraints, and broader value for money considerations.
- 3.32. As part of the provisions of its Officer Code of Conduct and other relevant policies and procedures, the Council requires its staff to disclose any participation in activities (e.g. employment with other organisations) or interests (e.g. close personal relationships with suppliers) which may have an impact on the work of the Council or its relationships with relevant stakeholders. Any such disclosures are reviewed on a case-by-case basis, with steps being taken to protect the interests of the Council as well as the reputation and overall well-being of its employees.

4. Severance arrangements

- 4.1. The Council does not enhance severance packages beyond statutory and contractual entitlements. In practice this means severance packages consist of redundancy pay (see 3.27) and any holiday pay to which the employee is contractually entitled. Employees who are members of the LGPS may also be entitled to redundancy-related payments in accordance with the Regulations of the Scheme. From the Council's perspective, this will mean that mandatory and discretionary payments towards premature retirement compensation will be included in the assessment of the severance payments which are made to an individual.
- 4.2. Where an employee who is a member of the LGPS is aged 55 or above and is made redundant, then, by virtue of the LGPS scheme rules, the employee's pension will automatically come into payment. It should be noted that an employer cost, known as 'Pension Strain' will be crystallised and is a cost to be paid by the employer to the LGPS.
- 4.3. For the purposes of calculating the component parts of a severance package this will include:
- redundancy pay
 - holiday entitlement earned but not taken
 - 'pension strain' cost payable by the Council to the Pension Scheme.
- 4.4. The Council has been given the opportunity to vote on severance packages at or above £100,000 per annum and has delegated this function to the Constitution and General Purposes Committee.

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

Remuneration of the Lowest Paid

- 5.1. The definition of the lowest paid is outlined in Section 5.4 (below). The Council has adopted that definition based on the lowest point of the Council’s pay ‘spine’- see section 3.10. The reader should note that salaries are quoted in this Statement on a full-time basis; salaries for employees who work part-time are calculated on a pro-rata basis in line with the grade for their role.

Pay Dispersion

- 5.2. The highest paid role in the Council is that of the Chief Executive with earnings of £205,493. Earnings for the median average paid role stand at £36,671, falling within Grade H which covers multiple roles across a wide range of Council services. The ratio between the highest paid in the authority (Chief Executive Officer) and the median average paid role is approximately 5.6:1. The lowest-paid role in the Council is in the Streetscene Service, with full-time earnings of £23,457 per annum. The ratio between the highest and lowest paid roles is 8.76:1.

- 5.3. A pay dispersion comparison between the current year and previous year is shown in Table D below:

Description	2022/23	2021/22
Highest Paid	£205,493	£198,511
Median	£36,671	£32,215
Lowest paid	£23,457	£20,658
Highest to median ratio	5.6:1	6.2:1
Highest to lowest ratio	8.8:1	9.6:1

Table D: Pay dispersion at the Council in 2021/22 and 2022/23.

Elements of Chief Officer Remuneration

- 5.4. As described previously, Chief Officers do not ordinarily receive any bonuses or benefits in kind. In common with all Council posts, where there is evidence that the evaluated level of the job does not reflect current labour market conditions, a market supplement may be considered. Any market supplement would need to be agreed and reviewed by the Constitution and General Purposes Committee.

6. Gender Pay Gap

- 6.1 The Council is committed to reporting accurately on its gender pay gap. As at 31.03.2021, the average hourly rate of pay for female employees was higher than that for male employees in terms of both the mean (14.15%) and median (25.54%) averages.

7. Staff moving posts within the public sector

- 7.1. The Council operates a recruitment policy based on merit, in line with the provisions of Section 7 the Local Government and Housing Act 1989.
- 7.2. Should a successful candidate for a Barnet Council vacancy be in receipt of a severance payment or pension, the Council would follow the Rules of the Local Government Pension Scheme and Modification Order to manage the following scenarios, should they occur:
- Where someone previously employed by the same authority, left with a severance or redundancy payment returns to the Council's employment as a Chief Officer
 - Officers in receipt of a Local Government Pension Scheme or Firefighter pension (whether their previous service was with the same authority or not).
- 7.3. Where an employee leaves the Council on the grounds of redundancy, there would normally need to be a 12-month break before the Council would consider engaging them again either as an employee or under a contract for services

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

- 8.1. Remuneration information about Chief Officers is published on the Council website.
- 8.2. The Council's Annual Accounts set out remuneration information for roles paid above £50,000. These accounts are published on the Council's website.

9. Amendments to this Pay Policy Statement

- 9.1. Data within this statement are correct as at 15 December 2022 [unless stated otherwise, e.g. in the case of the Gender Pay Gap information]. The reader should note that the median pay may be subject to minor variations as a result of posts being created, deleted, re-evaluated, or included in transfers of

activities/services (commonly referred as TUPE) between the Council and partner organisations.

- 9.2. There is a requirement to keep this Pay Policy Statement as up to date as possible. Therefore, mid-year amendments to the statement may be approved and published by the Council as appropriate.

APPENDIX A1



PAY AND GRADING STRUCTURE FROM 1 APRIL 2022

GRADE	Minimum	Maximum
Grade A	£23,457	£24,804
Grade B	£24,408	£25,629
Grade C	£25,212	£26,472
Grade D	£26,046	£27,357
Grade E	£26,913	£28,737
Grade F	£28,737	£31,731
Grade G	£31,731	£35,217
Grade H	£34,341	£37,725
Grade I	£37,725	£41,793
Grade J	£42,795	£47,805
Grade K	£50,910	£56,022
Grade L	£57,102	£63,684
Grade M	£65,262	£72,266
Grade 8	£72,931	£81,632
Grade 7	£81,632	£91,422
Grade 6	£94,685	£115,352
Grade 5	£114,770	£125,621
Grade 4	£125,621	£139,726
Grade 3	£139,726	£162,512
Grade 2	£163,015	£173,866
Grade 1	£194,643	£205,493

APPENDIX A2

Gender Pay Gap information

(Note: Data as at 31.03.2021)

1. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 ordinarily require the Council to report ‘pay gap’ information, including the difference between the average (mean and median) pay of female employees and that of male employees as well as an analysis of the workforce by pay quartile.
2. The 2020/21 gender pay gap figures for Barnet Council have already been published through the central Government’s Gender Pay Gap Reporting Service. However, the Council is keen to continue its work on transparency and the overall equality, diversity, and inclusion agenda and has decided to include the relevant information⁵ in this report.
3. The mean average hourly pay for female Council employees is £19.23, and the median average hourly pay for female Council employee stands at £17.70. The figures for male employees are £16.85 and £14.10 respectively. Consequently, the mean average gender pay gap is 14.15%, and the median average gender pay gap is 25.54% (Table 1).

<i>Type of figure</i>	31 Mar 20	31 Mar 21
Mean pay per hour for male employees	£17.22	£16.85
Mean pay per hour for female employees	£19.58	£19.23
Gender pay gap – mean average	13.7%	14.15%
Median pay per hour for male employees	£14.03	£14.10
Median pay per hour for female employees	£17.72	£17.70
Gender pay gap – median average	26.28%	25.54%

Table 1: Barnet Council gender pay gap figures.

4. The Barnet pay gap figures appear to be significantly different from gender pay gap data across London Borough Councils⁶, where a very small gap exists in the other direction, with male employees’ median hourly pay being 0.5% higher than that of female employees, as well as local authorities across England and Wales, where the median pay of male employees is 4.3% higher than that of female employees⁷.

⁵ The reader may wish to note that the statutory definition of gender pay gap calculations is based on the earnings of male employees. Consequently, using that definition, the Council technically has ‘negative’ pay gaps. The Council reports its pay gap figures to the central government’s Gender Pay Gap Service using the relevant template [devised by that Service] in order to facilitate comparisons with other organisations.

⁶ LGA report: ‘The gender pay gap in local government 2019’

⁷ LGA data pack: ‘Local Government Workforce Summary Data’, March 2021

The difference can largely be attributed to the fact that Barnet Council has outsourced the work of certain specialist/professional functions (such as Information Technology) which traditionally attract a higher proportion of men and which other authorities continue to deliver internally. This means that women make up the majority of employees in the top 3 pay quartiles within the Council (Table 2).

Quartiles	Male 31.03.20	Female 31.03.20	Male 31.03.21	Female 31.03.21
Lower Quartile	60.5%	39.5%	70.7%	29.3%
Lower Middle Quartile	45.5%	54.5%	33.3%	66.7%
Upper Middle Quartile	29.7%	70.3%	34.4%	65.6%
Upper Quartile	32.1%	67.9%	32.6%	67.4%

Table 2: Gender 'split' of Barnet Council employees by pay quartile.

5. The Council remains fully committed to the EDI (Equality, Diversity, and Inclusion) agenda and continues its work to improve its engagement with all sections of the community as well as its employer 'brand' within and beyond the Borough.

APPENDIX A3

Information on Payments for Additional Responsibility and Outstanding Contributions

(Note: Data from 01.04.2022 to 31.12.2022)

1. ADDITIONAL RESPONSIBILITY AND OUTSTANDING CONTRIBUTION PAYMENTS

- 1.1 In 2016, the Council implemented the Unified Reward agreement which codifies the grading and remuneration arrangements within its paid service. With the introduction of the Unified Reward pay agreement, the Council removed the facility to award ad hoc honorarium payments to staff who undertake duties over and above their normal job role, or who make an outstanding contribution to the work of the Council through their hard work and good performance.
- 1.2 Taking into account both the Council's emphasis on arranging work in an agile, responsive way and wider labour market trends, a decision was made in late 2021 to introduce a Policy for Additional Responsibility and Outstanding Contribution Payments.
- 1.3 While there is no statutory obligation on the Council to report on such payments, we have decided to publish a summary of information relating to both types of payments (OCP and ARP) in line with our ongoing commitment to transparency around the Council's pay structures and remuneration arrangements. In the first three quarters of the 2022/23 financial year, approximately 2.5% of Council staff (47 officers in total) have received a combined total of just under £29k in such payments.
- 1.4 The information is summarised in Table 3 below. The reader may wish to bear in mind that, as the Policy was enacted shortly before the commencement of the 2022/23 financial year, the information in the table only relates to the first three quarters of the financial year (i.e. up until the end of December 2022).

Service area	Additional Responsibility		Outstanding Contribution		Total staff receiving payments	Aggregate average amount paid
	Number of staff receiving payment	Average amount paid	Number of staff receiving payment	Average amount paid		
Adults & Health	15	£476.39	10	£582.50	24	£512.69
Customer & Place	2	£431.55	3	£ 677.42	5	£532.79
Education & Skills	0	N/A	1	£1,000.00	1	£1,000.00
Family Services	6	£620.08	3	£2,537.81	9	£958.50
Strategy & Resources	1	£300.00	5	£720.00	6	£600.00
Streetscene	2	£889.00	0	N/A	2	£889.00
Grand Total	26	£546.41	22	£764.30	47	£616.80

Table 3: Summary of Payments for Additional Responsibility and Outstanding Contributions.

APPENDIX A4

Recruitment and Retention payment information

(Note: Data as at 30.12.2022)

2. RECRUITMENT AND RETENTION PAYMENTS- BACKGROUND

- 2.1 Recruitment and Retention Payments (RRP) are additional payments to the basic pay of an individual post or specific group of posts. The Council considers RRP's to be discretionary and non-contractual.
- 2.2 Recruitment or Retention Payments may be paid in circumstances where market pressures would hinder the Council's ability to recruit and retain adequate numbers of employees of an appropriate calibre for the posts concerned if it offered the normal salary for the grade of the job. Until October 2021, payments had been capped at 10% for each element. Following a review of labour market conditions, the Council has decided to remove the caps, however only one post currently attracts a combined RRP which exceeds 20% of the corresponding base salary.
- 2.3 Recruitment or Retention Payments apply to posts rather than to employees. Where an employee moves from a post that attracts a RRP to one that does not, the payment will cease. As RRP's are not considered contractual, no pay protection would apply in those circumstances.
- 2.4 Prior to the implementation of the Unified Reward grading system, a number of posts at the Council attracted market factor supplements which had been introduced as a means of improving the Council's ability to compete in competitive markets covering 'hard to recruit to' posts. Other market factor supplements had been established purely on the basis of improving the Council's ability to retain key members of staff in critical service areas. In the main these were introduced to cover specific groups of staff which were difficult to recruit and retain, for example Social Workers in Family Services.
- 2.5 With the introduction of Unified Reward, RRP's replaced all market supplements and associated payments.
- 2.6 In December 2022, the Council had a total of 1,945 posts in its establishment [excluding vacancies and apprenticeships]. Of those, 156 posts (8% of the total) attracted Recruitment and Retention Payments. Just over half (81) of those posts attracted RRP's between 11% and 20% of the associated base salary, one post attracted a 23% RRP, while the remaining 72 posts attracted RRP's between 3% and 10%.

2.7 A summary of Council posts which attract RRPs is provided in Table A4. This summary does not include any posts which are vacant as at December 2022.

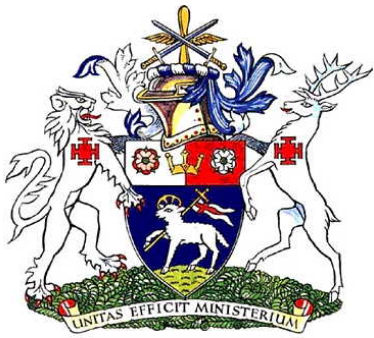
Function[s] / Service Area[s]	Total posts attracting RRP	RRP 3-9% Posts	RRP 10% posts	RRP 11-19% posts	RRP 20% posts	RRP 20+% Posts
Family Services, [Children's] Social Care	105	19	13	44	29	0
Adults [Social Care], Communities, Public Health	12	5	7	0	0	0
Environment and Streetscene	14	0	13	1	0	0
Strategy & Resources, Assurance	10	6	1	2	1	0
Customer and Place	15	5	3	1	3	1
GRAND TOTAL	156	35	37	48	33	1

Table A4: Summary of Barnet Council posts which attract Recruitment and Retention Payments by function or service area. Please note that certain service areas have been grouped together with a view to mitigating privacy risks for individual postholders.

2.8 An Equality Impact Assessment has been undertaken and demonstrates there are no specific inequalities within the payment framework. Most posts which attract RRPs are held by female employees; the posts are mostly concentrated in social work, a field in which women comprise over 80% of the UK workforce⁸.

⁸ See e.g. 'DfE Experimental statistics: Children and family social work workforce in England, year ending 30 September 2017'.

This page is intentionally left blank



Council AGENDA ITEM 12.1
24 January 2023

Title	Constitution Review
Report of	Monitoring Officer
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	<p>Appendix A – Article 1 (The Constitution)</p> <p>Appendix B – Article 2 (Members and the Council)</p> <p>Appendix C – Article 3 (The Full Council)</p> <p>Appendix D – Article 4 (The Mayor)</p> <p>Appendix E – Article 5 (Decision-making)</p> <p>Appendix F – Article 6 (The Executive)</p> <p>Appendix G – Access to Information Rules</p> <p>Appendix H – Members Licensing Code</p>
Officer Contact Details	<p>Jessica Farmer Monitoring Officer, 020 8424 1889 Jessica.farmer@harrow.gov.uk</p> <p>Andrew Charlwood, Head of Governance, 020 8359 2014 andrew.charlwood@barnet.gov.uk</p>

Summary

The Council's Constitution is the framework for the Council's operations and decision-making and ensures the Council operates in a way which is efficient, transparent, ethical and accountable to local people. It is a reference point for Members, officers and the public.

The Secretary of State has given directions pursuant to S. 9P of the Local Government Act 2000 by the Local Government Act 2000 (Constitutions) (England) Direction 2000. The information that is required in the Constitution includes the membership, terms of reference and functions of the authority's committees or sub-committees and any rules governing the conduct and proceedings of meetings of those committees or sub-committees.

In July 2022, the Council passed a resolution which requested that officers review the Council's governance arrangements to move to an Executive system. To give effect to the change the Council's Constitution requires re-writing. It needs to be made up-to-date and legally compliant, reflective of the Council's values and ambitions and consistent with the need for clear, efficient and timely decision-making.

The Constitution sets out a duty for the Monitoring Officer to review the Constitution and make recommendations and changes which need to be approved by full Council.

Due to the size of the Constitution, the time required to review it and the date for the new constitution to come into effect being May 2023, the Monitoring Officer considers that it would be best dealt with in stages. Once the final report is approved, the new Constitution will come into effect at Annual Council in May 2023.

In order to review the Constitution, an informal Cross-Party Members Constitution Working Group was established and consultation with some other members has also taken place.

Relevant sections have and will be considered by necessary stakeholders including Council Management Team and a Constitution Review Cross-Party Working Group working group, where appropriate.

The Licensing Code has been considered by the Licensing Committee.

Council is asked to consider the following sections of the Constitution in this report:

- A. Article 1 (The Constitution)
- B. Article 2 (Members and the Council)
- C. Article 3 (The Full Council)
- D. Article 4 (The Mayor)
- E. Article 5 (Decision-making)
- F. Article 6 (The Executive)
- G. Access to Information Rules
- H. Members Licensing Code

The Constitution review will also be supported by training for Members and officers to assist members in understanding the various parts of the Constitution and its implications.

Officers Recommendations

- 1. That Council consider and approve the first tranche of the Constitution as set out in the Appendices A to H attached.**
- 2. That Council agree that the Constitution sections attached as Appendices A to G will come into effect at Annual Council in May 2023 and that the Members Licensing Code will come into effect immediately.**
- 3. That Council delegate authority to the Monitoring Officer to make ‘housekeeping changes’ to the Constitution such as terminology to ensure consistency, numbering and formatting changes.**

1. WHY THIS REPORT IS NEEDED

1.1 Under Section 9P of the Local Government Act 2000

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

- (a) a copy of the authority's standing orders for the time being,
- (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
- (c) such information as the Secretary of State may direct, and
- (d) such other information (if any) as the authority considers appropriate.

1.2 Such other information as the Secretary of State directs – under the Local Government Act 2000 (Constitutions)(England) Direction 2000 this information includes the membership, terms of reference and functions of the Council's Committees and Sub-Committees, and any rules governing the conduct and proceedings of those Committees and Sub-Committees.

1.3 Subject to the provisions above, it is for the Council to decide what information its Constitution should contain.

1.4 The current version of the Constitution needs to enable the Council to move to an Executive system from Annual Council on 23 May 2023.

1.5 Detailed changes and the reasons for them are set out below.

2. REASONS FOR RECOMMENDATIONS

2.1 To re-write the Council's Constitution to enable the Council to move to an Executive system from Annual Council on 23 May 2023.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Council could retain the current Constitution un-amended. This is not recommended as the Constitution needs to be re-written to enable the Council to move to an Executive system from Annual Council on 23 May 2023.

4. POST DECISION IMPLEMENTATION

- 4.1 Subject to the Council's approval, the re-written constitution will come into effect at Annual Council on 23 May 2023.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The current corporate plan (Barnet Plan 2021-2025) was adopted in March 2021. A new corporate plan is being developed.

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

- 5.2.1 The new governance system should be cost neutral in respect of Members Allowances and Governance Service staffing. However, there will be costs associated with delivering the change and these are currently being collated but will include: officer time; facilitated workshops with Council Management Team and the Corporate Senior Management Team; additional staff capacity in the Governance Service to support the team during period of change; and legal costs associated with reviewing the Constitution. Costs will be met from existing Assurance budgets or the Transformation Reserve.

5.3 Legal and Constitutional References

- 5.3.1 Council's Constitution, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council" and "To have responsibility for overseeing the Council's governance arrangements." The Constitution and General Purposes Committee agreed at their meeting on 6 October 2022 that Constitution amendments related to the Governance Review Project could be reported from the member working group directly to Council rather than via the Committee. To ensure that there is on-going Member involvement in the emerging Constitution, the Committee have agreed to set up a Constitution Review Cross Party Working Group to look at the detailed parts of the constitution that will then be reported to Council.
- 5.3.2 The law allowing the move to an Executive system is the Local Government Act 2000 section 9K under this section 'A local authority may cease to operate its existing form of governance and start to operate a different form of governance.'
- 5.3.3 A resolution of a local authority is required in order for the authority to make a change in governance arrangements. As soon as practicable after passing such a resolution a local authority must—
- (a) secure that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at its principal office for inspection by members of the public, and
 - (b) publish in one or more newspapers circulating in its area a notice which—

(i) states that the authority has resolved to make a change in its governance arrangements,

(ii) states the date on which the change is to have effect,

(iii) describes the main features of the change,

(iv) states that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at the authority's principal office for inspection by members of the public and specifies the address of the authority's principal office. The change has to be implemented at Annual Council.

5.3.4 It is expected that Council will deal with the resolution to change governance arrangements in May 2023.

5.4 **Insight**

5.4.1 Not applicable for this report.

5.5 **Social Value**

5.5.1 Not applicable for this report.

5.6 **Risk Management**

5.6.1 Risks are being managed via the Governance Review project. Any escalated risks will be reported to Members via this committee as required.

5.7 **Equalities and Diversity**

5.7.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that Council has regard to the statutory grounds in the light of all available material such as consultation responses.

5.7.2 The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

5.7.3 A public authority must, in the exercise of its functions, have due regard to the need to:

a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.7.4 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.7.5 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include steps to take account of disabled persons' disabilities.

5.7.6 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular the need to:

- a) Tackle prejudice, and b) Promote understanding.

5.7.7 Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

5.7.8 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership

5.7.9 Officers consider that the proposals are an opportunity to look at how the public engage with the council and to advance engagement and to potentially remove any barriers to engagement.

5.8 Corporate Parenting

5.8.1 The role of members in Corporate Parenting will be outlined in the constitution.

5.9 Consultation and Engagement

5.9.1 A cross party member working group has been set up to look at the detail of the constitution. Public consultation on the ways that the public can engage with the council is underway and the results are expected to be reported to Council in February 2023. The consultation is live between 14th December 2022 and 25th January 2023. This meeting will also consider the sections of the constitution regarding public engagement taking into account the results of this consultation.

5.10 Environmental Impact

5.10.1 There are no direct environmental implications arising from the recommendations.

6. Background papers

- 6.1 Council, 26 July 2022, Item 14.5, Administration Motion in the name of Councillor Barry Rawlings – Barnet’s Governance Arrangements: Agenda for Council on Tuesday 26th July, 2022, 7.00 pm | Barnet Council (modern.gov.co.uk)
- 6.2 Constitution & General Purposes Committee, 6 October 2022, Item 12 – Governance Review Project Update: Agenda for Constitution and General Purposes Committee on Thursday 6th October, 2022, 7.00 pm (modern.gov.co.uk)
- 6.3 Constitution & General Purposes Committee, 13 January 2023, Item 11 – Governance Review Project Update: [Agenda for Constitution and General Purposes Committee on Thursday 12th January, 2023, 7.00 pm \(modern.gov.co.uk\)](#)

This page is intentionally left blank

Article 1

The Constitution

Introduction

This Article sets out the fundamental provisions of the Constitution. It confirms that the Authority will act within the law and the provisions of this Constitution, and that the Authority will monitor and review its Constitution. It also provides for methods of changing the constitution, and for its publication.

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Council of the London Borough of Barnet.

1.3 Purpose of the Constitution

The purpose and principles outlined in the Constitution seek to:

- enable the Council to provide clear leadership to the community;
- work in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision makers to public account;
- provide excellent standards of ethics and probity in decision making;
- ensure that those responsible for decision making are clearly identifiable to local people;
- explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

1.4 Interpretation of the Constitution

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of

the Council. Such interpretation will have regard to the purposes of this Constitution contained in this Article.

1.5 Review and Amendment of the Constitution

The Council will monitor and evaluate the operation of the Constitution and will amend it as appropriate.

Where changes must be approved by Full Council, the Monitoring Officer, having first consulted with the Leader of the political groups or their nominees, may present a report direct to Council proposing changes to the Constitution. Subject to any statutory requirements, the Codes and Protocols and other documents in Part 4 of the Constitution may be reported to the relevant committee prior to adoption by Full Council.

1.6 Publication

The constitution is published on the Council's website and updated when amendments are made.

1.7 Change from a Leader and Executive form of governance to alternative arrangements, or vice versa.

The Council must comply with any statutory requirements in relation to such changes.

1.8 Suspension of the Constitution

The Articles of this Constitution may not be suspended. Other Rules and Protocols may be suspended by the body to which they apply (or if no such body, by the Council) to the extent permitted within those Rules, and Protocols and the law.

Article 2

Members and the Council

Introduction

This Article sets out how Councillors are elected.

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

1. Election and terms of Councillors

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

2. Roles and functions of all Members

(a) Key roles

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

(b) Key tasks

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

(c) Access to Information

- members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions

and in accordance with the law and officers will keep Ward Members informed of matters relating to their Ward

- Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it, to do so would be a breach of the Members Code of Conduct
- “confidential” and “exempt” information are defined in the Access to Information Rules set out in this Constitution.

Further details can be found in the Members Information Management Policy and Toolkit.

(d) Members Rights to Call-in Planning Applications.

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.

(e) Member Requests to Speak at Planning Committees.

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. 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.

(f) Members’ rights to attend and speak at committees or subcommittees when they are not a Member of the committee.

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 in section e above) and licensing 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. Details of these rights can be found in this constitution.

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.

3. Conduct

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

4. Allowances

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

5. Disclosure and Barring Service

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

This page is intentionally left blank

Article 3

The Full Council

Introduction

This Article defines the functions that are reserved for decision by the Full Council.

The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council also retains responsibility for (i) regulatory functions (which include planning, licensing and health and safety at work); (ii) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws) and (iii) most of the local choice functions which the Council is free to decide whether they are the responsibility of Full Council or the Executive. The Council also has a role in holding the Executive to account.

1. Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:

- (i) Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended):
 - Safer Community Strategy
 - Statement of Gambling Licensing Policy
 - Statement of Licensing Policy
 - Local Implementation Plan
 - Plans and strategies which together comprise the Development Plan
 - Youth Justice Plan
- (ii) Further Plans, which the Council considers, should or legislation requires to be subject to Council approval:
 - Council's Corporate Plan
 - Corporate Equalities Objectives
 - Corporate Parenting Strategy
 - Sustainable Community Strategy

(b) Budget

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

(c) Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications to the Secretary of State for approval to a programme of disposal of 500 or more Council properties under the Leasehold Reform, Housing and Urban Development Act 1993, or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

2.Functions of the Full Council

The functions of Full Council are set out in Part 2A of the constitution.

Article 4

The Mayor

Introduction

This Article describes the appointment and role of the Mayor

1. Appointment of the Mayor and Deputy Mayor

The Mayor will be appointed annually by the Council from amongst the Councillors. The Deputy Mayor will be appointed by the Mayor annually from amongst the Councillors and this will be noted by Council.

Neither the Mayor nor Deputy Mayor can be a member of the Executive.

The Deputy Mayor may stand-in for the Mayor in respect of all the roles and functions in paragraphs 2 and 3 whenever the Mayor is unable to act (for example, due to an overlap of events). If the Deputy Mayor is also unavailable to perform a role or function in paragraph 2, it shall be open for the Mayor to request a former Mayor of the Borough, to act in their place for that particular occasion.

2. Ceremonial

- (i) The Mayor shall be the First Citizen of the Borough;
- (ii) The Mayor will promote the Council as a whole and act as a focal point for the community;
- (iii) The Mayor will preside over civic functions;
- (iv) The Mayor will carry out ceremonial duties on behalf of the Authority. They will be a symbol of the Authority and of an open society and will perform their duties in a manner that develops and reinforces the social cohesion of the Borough;
- (v) The Mayor will promote local charitable and voluntary causes where they benefit the people of Barnet;
- (vi) The Mayor will also personally select a local charity or charities and raise funds specifically for it or them during their year of office;
- (vii) The Mayor will promote citizenship and participation;

- (viii) The Mayor will act as a non-partisan ambassador of the Council at notable events, for example, in meeting and greeting members of the Royal Family and international delegations;
- (ix) The Mayor will put forward local people who are deemed to be deserving for national awards and honours (for example, local people who have made a unique or exceptional contribution to the Borough in a voluntary capacity);
- (x) The Mayor will lead the Council's support and activities for Remembrance Sunday, Holocaust Memorial Day, Armed Forces Day and other similar locally marked national events.

3. Chairing meetings of the Council

The Mayor will have the following responsibilities:

- (i) to uphold and promote the purposes of the Constitution, and to interpret it when necessary;
- (ii) to preside over meetings of the Council, so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Executive are able to hold the Executive Members to account;
- (iv) to promote public involvement in the Council's activities;
- (v) such other duties that may fall to the Mayor to exercise by virtue of statute or this Constitution.

In the absence of the Mayor, the Deputy Mayor will chair meetings of the Council with the agreement of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council will, as a first item of business, appoint one of its Members to chair the meeting.

Article 5

Decision-making

Introduction

This Article provides for the recording of decisions of the Council and the Executive and the principles governing those decisions

1. Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or which individual has the responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Allocation of Responsibilities in Part 3 of the Constitution.

2. Principles of decision-making

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

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- a recording of options considered and rejected.

3. Type of Decision

(a) Decisions reserved to Full Council

Decisions relating to the functions listed in Part 3B will be made by the Full Council and may not be delegated.

(b) Key Decisions

A Key Decision is an executive decision which:

- (i) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.

A decision is significant for the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question.

Decision takers may only take key decisions in accordance with the requirements of Rule 23 of the Executive Procedure Rules set out in Part 4 of this Constitution.

4. Decision making by Council bodies acting as tribunals or in a quasi-judicial manner

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

Article 6

The Executive

The Council will appoint the Leader of the Council. The Leader will determine the size and membership of the Executive, will appoint Members to the Executive and appoint one of those Members as the Deputy Leader. When determining the allocation of responsibilities (see Part 3 of the Constitution) the Leader will also determine any delegations to individual Members (of the Executive) who will be known as Portfolio Holders.

The Executive will consist of the Executive Leader together with at least two but not more than nine other Councillors.

The Terms of Reference set out the Executive's functions. The Rules of Procedure set out and determine how the Executive will operate and include arrangements for meetings, individual decision-making, and the Allocation of Responsibilities.

There may be no co-optees, deputies nor substitution of Executive Members. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Executive. No member of the Audit committee may be an executive member. The Chair of any planning committee may not be an executive member. Members of the Executive may not be Members of the Overview or Scrutiny Committee or one of its sub-committees.

Part 3A of the Constitution includes a full description of the responsibilities of Portfolio Holders.

This page is intentionally left blank

G. Access to Information Procedure Rules

Rule		Page No.
1.	Scope	4G – 1
2.	Additional Rights to Information	4G – 2
3.	Rights to Attend Meetings	4G – 2
4.	Recording of Meetings	4G – 2
5.	Notice of Meetings	4G – 2
6.	Access to Agenda and Reports Before the Meeting	4G – 3
7.	Late Reports	4G – 3
8.	Supply of Copies of Agenda and Reports	4G – 4
9.	Access to Minutes and Committee Documents after the Meeting	4G – 4
10.	Background Papers	4G – 5
11.	Summary of the Public's Rights	4G – 5
12.	Exclusion of the Public to Meetings	4G – 6
13.	Excluding Public Access to Reports	4G – 10
14.	Procedure before taking Key Decisions	4G – 11
15.	The Key Decision Schedule	4G – 11
16.	General Exception	4G – 12
17.	Special Urgency	4G – 13
18.	Requirement for a Report to be made to Council	4G – 13
19.	Record of Decisions	4G – 14
20.	Key Decisions taken by Individual Members of the Executive or by Officers	4G – 15

Rule	Page No.
21. Record of Individual Decisions	4G – 15
22. Inspection of Documents and Background Papers	4G – 16
23. Overview and Scrutiny Committee Access to Documents	4G – 16

Access to Information Procedure Rules

1. Scope

Derivation -

These Rules implement the requirements of Sections 100A to K and Schedule 12 and 12A of the Local Government Act 1972, Sections 9G and 9GA of the Local Government Act 2000, and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Rules 1 -12 apply to all meetings of:

The Governance, Audit, Risk Management and Standards Committee
The Council
The Planning Committees
The Licensing and General Purposes Committee and Sub-Committees
The Overview and Scrutiny Committee and Sub-Committees
Independent Panel
Pension Fund Committee
Health and Wellbeing Board
Area Committees

Any Consultative Committees established under section 102(4) of the Local Government Act 1972 & The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Any sub-committees or panels of the above Committees

Any Area-Based Forums or Committees

Meetings of the Executive including the Cabinet, Executive (Cabinet) Committees,

Other Statutory Committees

together referred to in these Rules as “meetings”.

Rules 14 - 21 apply only to meetings of the Executive, Executive Committees and executive decisions taken by individual Members of the Executive or by

officers but do not apply to meetings of Consultative Forums or Advisory Panels.

2. Additional Rights to Information

These Rules do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

3. Rights to Attend Meetings

Members of the public and representatives of the Press may attend all meetings subject only to the exceptions in these Rules. Members of the public and representatives of the Press may also attend when an individual Member of the Executive is determining a matter that is a Key Decision (see Rule 20).

4. Reporting of meetings

The reporting of meetings is permitted except where the press and public are excluded under Rule 12 of these Rules.

5. Notice of Meetings and Key Decisions

The Council will give at least five clear working days' notice of any meeting by publishing details of the meeting at Hendon Town Hall, The Burroughs.

Notice will also be given of when an individual Member of the Executive is to take a Key Decision. Key Decisions can only be taken by the Leader except where the Executive has delegated the decision to an individual Portfolio Holder.

At least 28 clear calendar days before a Key Decision is made, a Key Decision Schedule must be available for inspection by the public – at the offices of the Council and on the Council's website.

At least 28 clear calendar days before a private executive meeting, the Council must make available at the Council's office and published on the Council's website, a notice of its intention to hold the meeting in private. This notice will be included in the Key Decision Schedule and will apply to both Key and Non-Key Decisions to be taken. See Rule 12.5 for procedure.

6. Access to Agenda and Reports before the Meeting

- 6.1.** The Council will make copies of those agenda and reports which are open to the public available for inspection at Hendon Town Hall, and on the Council's website, at least five clear working days before the meeting.
- 6.2.** Where the meeting is convened at shorter notice than set out in Rule 5, copies of the agenda and reports shall be open to inspection from the time the meeting is convened.
- 6.3.** Where an item is added to an agenda, copies of which are open to inspection by the public, copies of any report for the meeting relating to the item shall be available from the time the item is added to the agenda. Nothing in this Rule requires copies of any agenda item or report to be open to inspection by the public until copies are available to Councillors. Copies of agendas and reports must be made available at the meeting.

7. Late Reports

If there is a requirement to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting. If the report involves a Key Decision please also see paragraph 16 of these Rules.

This Rule does not apply to the Meetings of the full Council where Council Procedure Rule 6 applies.

Where a report is prepared after the agenda has been sent out the Head of Governance shall make the report available to the public as soon as the report is completed and sent to Councillors.

8. Supply of Copies of Agenda and Reports

The Council will supply copies and make these available on the Council's website:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items on the agenda;
- (c) any other documents supplied to Councillors in connection with an item, if the Head of Governance considers it appropriate and practical;
- (d) in terms of the Executive and where a Key decision is to be taken by the Leader or an individual Members where this has been delegated to them by the Executive, when a copy of the report for a meeting is made available for inspection by members of the public, at the same time – a copy of a list compiled by the Proper Officer of the background papers to the report, must be included in the report and at least the title of each of the documents included in that list and a copy of the document to be made available on the Council’s website.

9. Access to Minutes and Committee Documents after the Meeting

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

- (a) the minutes of meetings (or the record of all decisions taken at a meeting, together with the reasons, for all meetings of the Executive), excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public when the minutes open to inspection do not provide a reasonably clear and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

10. Background Papers

10.1 List of Background Papers

The Chief Officer responsible for the drafting of a report (or in the case of joint reports, the first named Chief Officer) shall set out in the report a list of those documents (called the background papers) relating to the subject matter of the report which in his/her opinion:

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

but will not include in such list published works or those which disclose exempt or confidential information (as defined in Rule 12) and in respect of reports to a meeting of the Executive, any advice given by a political advisor.

10.2 Public Inspection of Background Papers

The Council will make available for public inspection for at least four years after the date of the meeting a copy of each of the documents on the list of background papers. In the case of the Executive, the background papers will also be available on the Council's website.

11. Summary of the Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents is included in paragraph 3 of the Summary and Explanation in this Constitution.

12. Exclusion of Access by the Public and Press to Meetings

12.1 Confidential Information – requirement to exclude the public from a meeting

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

12.2 Exempt Information – discretion to exclude the public and press from a meeting

The public and press may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

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

Extract from Article 6 'Right to a fair trial - in the determination of his or her civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time.'

12.3 Meaning of Confidential Information

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

12.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to the relevant condition)

Category	Condition
<p>1. Information relating to any individual</p>	<p>Information falling within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>2. Information which is likely to reveal the identity of an individual</p>	<p>Information falling within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p>“Financial or business affairs” includes contemplated as well as past or current activities.</p>	<p>Information falling within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information if it is required to be registered under</p> <ol style="list-style-type: none"> a. the Companies Act 1985 b. the Friendly Societies Act 1974 c. the Friendly Societies Act 1992

Category	Condition
	<p>d. the Industrial and Provident Societies Act 1965 to 1978</p> <p>e. the Building Societies Act 1986</p> <p>f. the Charities Act 1993</p>
<p>4. Information relation to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.</p>	<p>Information falling within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act or any dispute about a matter within this paragraph.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information falling within paragraph 5 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

Category	Condition
<p>6. Information which reveals that the authority proposes</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person</p> <p>or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information falling within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information falling within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

12.5 Procedures prior to Private Meetings of the Executive

At least 28 clear days before a private meeting, the Council must—

- (a) make available at Hendon Town Hall a notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

The notice must include a statement of the reasons for the meeting to be held in private.

12.6 At least five clear days before a private meeting, the Council must—

- (a) make available at Hendon Town Hall a further notice of its intention to hold the meeting in private;
- (b) publish that notice on the Council's website.

12.7 This further notice must include:

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the Council about why the meeting should be open to the public;
- (c) a statement of its response to any such representations.

12.8 Where the date by which a meeting must be held makes compliance with this paragraph impracticable, the meeting may only be held in private where the Council has obtained agreement from:

- (a) the Chair of the relevant Overview and Scrutiny committee;
- (b) or if the Chair of the relevant Overview and Scrutiny committee is unable to act, the Mayor;
- (c) where there is no Chair of either the relevant Overview and Scrutiny Committee or the Mayor is not available, the Deputy Mayor may give agreement.
- (d) Where there is no Chair or Mayor or Deputy Mayor, the Vice-Chair of the relevant Overview and Scrutiny Committee will may give agreement

12.9 As soon as reasonably practicable after the Council has obtained agreement to hold a private meeting, it must:

- (a) make available at the Hendon Town Hall a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

13. Excluding Public Access to Reports

The public may be denied access to reports if the Chief Officer responsible for drafting the report believes that the report relates to matters which, in accordance with Rule 12, will not be considered in a public meeting. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

14. Procedure before taking Key Decisions

Subject to Rule 16 (general exception) and Rule 17 (special urgency), a Key Decision may not be taken unless:

- (a) the “Key Decision Schedule” has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication at the Hendon Town Hall and the Council’s Website of the Key Decision Schedule;
- (c) where the decision is to be taken at a meeting of the Executive, a notice of the meeting has been given in accordance with Rule 5 (notice of meetings) and a written report providing all relevant and necessary information has been considered by the body taking the decision; and
- (d) where the decision is to be taken by an individual Member of the Executive at least five clear working days have elapsed following receipt of the report required under Rule 20.1 and notice of the consideration of a Key Decision has been given under Rule 5 (notice of meetings) and in accordance with (b) above.

15. The Key Decision Schedule (KDS)

15.1 Period of the Key Decision Schedule

The KDS will be prepared by the Head of Governance to cover a period of three months and published 28 clear days prior to the decision being taken by that meeting.

The KDS must be published at least 28 clear days before the date of the meeting taking that Key Decision.

15.2 Contents of the Key Decision Schedule (KDS)

The KDS will contain matters which the Monitoring Officer/Head of Governance believes will be the subject of a Key Decision to be taken by the Executive or under joint arrangements. Items which relate to the discharge of an Executive function must be included, but other items may be included. It will describe the following particulars in so far as the information is available:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their name and title, if any, and where the decision taker is a body, its name and a list of its Members;
- (c) the date on which, or the period within which, the decision is to be made;
- (d) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the Key decision is to be made;
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) a list of the other documents relevant to those matters that may be submitted to the decision maker;
- (g) The procedure for requesting details of those documents (if any) as they become available.

16. General Exception

If a matter which is likely to be a Key Decision has not been included in the Key Decision Schedule, then subject to Rule 17 (special urgency), the decision may still be taken if:

- (a) the Monitoring Officer has informed by written notice the Chair of the Overview and Scrutiny Committee, or if there is no such person available, each Member of that Committee, by notice in writing of the matter to which the decision is to be made;
- (b) the Monitoring Officer has made available to the public at the Hendon Town Hall on the Council's website, a copy of that notice; and
- (c) at least five clear working days have elapsed following the day on which the Monitoring Officer complied with (b).

Any such decision taken by the Executive must be taken in public unless it relates to a matter which is confidential or exempt pursuant to paragraph 12 above.

17. Special Urgency

If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or if that Chair is unable to act, then the agreement of the Mayor, or in their absence the agreement of the Deputy Mayor is required.

Any such decision taken by the Executive must be taken in public unless it relates to a matter, which is confidential or exempt pursuant to paragraph 12 above.

As soon as reasonably practicable after agreement has been obtained, the decision maker must make available at Hendon Town Hall a notice setting out the reasons for urgency and publish the notice on the Council's website.

18. Requirement for a Report to be made to Council

18.1 Request from the Overview and Scrutiny Committee

If the Overview and Scrutiny Committee thinks that a Key Decision has been taken which was not included in the Key Decision Schedule, they may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The report must include details of the decision and the reasons for it, the name of the decision maker and the Executive's reasons for its opinion that the decision was not key.

18.2 The timing of the report to Council

The Executive will prepare a report for submission to the Council at such intervals as may be determined by the Council. The report to Council will set out particulars of each decision, and a summary of the matters in respect of which each decision was made. The Leader must submit at least one report on special urgency annually, unless otherwise determined by the Council.

18.3 Requirement for quarterly reports on special urgency decisions

In any event the Leader of the Council will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. Record of Decisions

After the meeting of the Executive or any of its Executive (Cabinet) Committees, Advisory Panels or Consultative Forums, the Head of Governance or a Chief Officer present, will produce as soon as practicable and make available for inspection by members of the public and on the Council's website:

- (a) a record of the decisions taken;
- (b) a statement of the reasons for each decision; and

- (c) any alternative options considered and rejected at that meeting
- (d) a record of any conflict of interest declared by any Executive Members and a note of any dispensation granted.

20. Key Decisions taken by Individual Members of the Executive or by Officers

20.1 Reports

A Key Decision shall not be taken by an individual Member of the Executive or by an officer until twenty eight clear days after the publication of the Key Decision Schedule and five clear working days have elapsed from receipt of a report which includes relevant and necessary information for the making of the decision.

20.2 Provision of copies of reports to the Overview and Scrutiny Committee

On the giving of such a report to an individual decision maker, the person preparing the report will at the same time give a copy to the Chair of the Overview and Scrutiny Committee and make it publicly available.

20.3 Notice of the Decision

Notice of the taking of a Key Decision by an individual Member or officer shall be given in the same way as a notice of a meeting of the Executive (Rule 5). Members of the public and representatives of the Press may attend the taking of a Key Decision by an individual Member.

21. Record of Individual Decisions

As soon as reasonably practicable after any Executive decision has been taken by an individual Member or after a Key Decision has been taken by an officer they will instruct the Head of Governance or the relevant Director to prepare a record of the decision, a statement of the reasons for it, any alternative options considered and rejected (see Rule 19), a record of any

conflict of interest declared by any Executive Member and in respect of any declared conflict of interest, a note of dispensation granted.

22. Inspection of Documents and Background Papers

The provisions of Rules 9 and 10 (access to documents after meetings and background papers) will also apply to the making of decisions by individual Members of the Executive and Key Decisions by officers. This does not require the disclosure of exempt or confidential information.

23. Overview and Scrutiny Committee – Access to Documents

23.1 Members of Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive, Executive (Cabinet) Committee, a Portfolio Holder, and which contains material relating to:

- (a) any business transacted or to be transacted at a meeting of the Executive, Executive (Cabinet) Committee; or
- (b) any decision taken by a individual Member of the Executive;
- (c) any decision that has been made by an officer of the authority in accordance with Executive Arrangements.

23.2 These documents should be provided by the Executive as soon as reasonably practicable and no later than 10 clear days from the Executive receiving the request.

23.3 No Member of the Overview and Scrutiny Committee is entitled to a copy of any such document as contains exempt or confidential information unless the information is relevant to:

- (a) An action or decision that the Member is reviewing or scrutinising.
- (b) Any review contained in any programme of work of the Overview and Scrutiny Committee.

No Member of the Overview and Scrutiny Committee is entitled to any such document as contains advice from a political adviser.

- 23.4** Where the Executive determines that a Member of the Overview and Scrutiny Committee is not entitled to a copy of a document (for reasons under Rule 23.3) it must provide a written statement of the decision to the Overview and Scrutiny Committee.

This page is intentionally left blank

MEMBERS' LICENSING CODE

1 PURPOSE OF THIS CODE

1.1 This Licensing Code has been prepared to guide Members and Officers in the discharge of the Council's statutory licensing functions [\(under the Licensing Act 2003 and Gambling Act 2005\)](#). This Code will also inform potential applicants and the public generally of the high standards of ethical conduct expected of the Council in the exercise of its licensing powers.

1.2 Members should abide by both this Licensing Code and also the Code of Conduct for Members.

1.3 The provisions of this Licensing Code are designed to ensure that licensing decisions are taken on proper licensing grounds and in a consistent and open manner. The Licensing Code is also designed to assist Members and Officers in dealing with approaches from applicants and residents.

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

2 CONTEXT

2.1 Licensing decisions are often based on balancing competing interests and making an informed judgement having taken account of all the evidence presented. Decision makers need to make fair and open decisions that are [based on promoting the licensing objectives](#), in the wider public interest on what can be controversial proposals regardless of personal or political allegiances.

2.2 Licensing decisions can be controversial. Any application is likely to have significant impact on the neighbourhoods where people live and therefore they are subject to close public scrutiny.

2.3 Licensing decisions can be appealed to the Magistrates Court, they can be challenged in the High Court and they can be the subject of a complaint to the Local Government Ombudsman. Members [deciding a licensing matter](#) are required to act in a -largely -quasi-judicial role, without reference to their political considerations and taking into account the issues which the law says are relevant to the decision.

2.4 One of the key aims of the licensing system is to balance private interests against the wider public interest. Opposing views are often strongly held by those involved. Whilst Councillors who sit on licensing committees must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so.

2.5 The aim of this Code is therefore to ensure that the Council's processes are sound and that decisions are lawful, consistent and procedurally correct.

General roles of Councillors and officers

2.6 Members and officers have different but complementary roles. Both serve the public. Officers are responsible to the Council as a whole through the Chief Executive, whilst Members are responsible to the electorate and the Council. In licensing matters, unlike planning, officers present only the facts and do not form a view as this is for Members of the committee alone to determine. The exception to this is where a Council's Licensing team (in its capacity as one of the Responsible Authorities under the 2003 Act) submits a representation in respect of a licence application or makes an application for a review of a licence. In this case, an officers from the team making the representation/application will present their view and submissions to the Sub-Committee for its consideration, alongside any representations from other parties. Where a representation / application is made by the licensing authority, as Responsible Authority a separate officer from the licensing authority who is not involved in the making of the representation may also attend to assist the Committee and present the licensing report. Sub committee members can ask officers -questions in the meeting.

2.7 Members must not put pressure on officers to deal with a licensing matter in a particular way. This does not prevent a Councillor- who is not a member of the panel from asking questions or submitting views to an officer. These views, when received in written form, will be placed on the licensing file and considered together with other material licensing considerations.

2.8 If Members wish to speak at any Licensing sub committee meeting, they can only do so if they have submitted a relevant written representation, unless they have been asked to speak on behalf of a party who has submitted a relevant written representation in which case they cannot go beyond the scope of that representation.

2.89 Representations on Licensing applications under the Licensing Act 2003 and the Gambling Act 2005-

<u>Type of application</u>	<u>Legislation</u>	<u>Who can make representations.</u>
<u>New premises licence/club premises certificate</u>	<u>Licensing Act 2003</u>	<u>Members of the public, namely residents or businesses, community groups; appropriate ward Councillors and neighbouring wards, and Responsible Authorities including Licensing, Metropolitan Police, London Fire Brigade, Pollution Control, Health and Safety Team, Food Safety Team, Planning Department, Children's Services, Trading Standards and Public Health.</u>
<u>Variation of premises licence/club premises certificate</u>	<u>Licensing Act 2003</u>	<u>Members of the public, namely residents or businesses, community groups; appropriate ward Councillors and neighbouring wards, and Responsible Authorities including Licensing, Metropolitan Police, London Fire Brigade, Pollution Control, Health and Safety Team, Food Safety Team, Planning Department, Children's Services, Trading Standards and Public Health.</u>
<u>Review of licence</u>	<u>Licensing Act 2003</u>	<u>Members of the public, namely residents or businesses, community groups; appropriate ward Councillors and neighbouring wards, and Responsible Authorities including Licensing, Metropolitan Police, London Fire Brigade, Pollution Control, Health and Safety Team, Food Safety</u>

		Team, Planning Department, Children’s Services, Trading Standards and Public Health.
Summary review of licence	Licensing Act 2003	The licence holder. Note: the initial interim steps hearing can proceed without any representations from the premises licence holder and there is no requirement for the premises licence holder to be present at that initial hearing. That does not mean the Licensing Authority cannot afford the licence holder such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.
Temporary Event Notice	Licensing Act 2003	Police and environmental health Ward Councillors and the public may not make representations as Relevant Persons may only speak and the Act defines these under s99Aa as police and Environmental Health only
Gambling Act Gambling Premises License (including variations)	Gambling Act 2005	Representations can only be made by Responsible Authorities or Interested Parties. These are defined by s 157-158 of the 2005 Act, with “Interested Parties” being a persons who, in the opinion of the licensing authority, lives sufficiently close to the premises to be likely to be affected by the authorised activities, or have a business interest that might be affected by the application, authorised activities, or someone who represents either of these people. †This can include Ward Councillors.
Review of Gambling Premises Licence	Gambling Act 2005	The Licensing Authority, a Responsible Authority, an Interested Person or the Premises Licence Holder

[-2.10 The Licensing Act 2003 requires that 'Responsible Authorities' such as the police, environmental health and others are notified of every application for a new premises licence or variation of an existing licence. An applicant is also obliged to advertise their application in a local paper and place a notice outside the premises for 28 days \(10 days for a minor variation application\). The 2003 Act enables Responsible Authorities and any other person to make relevant representations about the effect of the application on the promotion of the licensing objectives. This means that the community have a greater say in licensing decisions.](#)

[2.11 A representation may be an objection or a positive comment. Representations must be relevant to the premises. For a representation to be relevant, it must be about the likely effect of the application on the promotion of the four licensing objectives. A representation will not be relevant if it is vexatious or frivolous. If no relevant representations are made, the licence or variation must be granted in the form that the application was made.](#)

[2.12](#) When Members are making Licensing decisions, they must be open-minded: a Member must not make up his/her mind until s/he has heard all the relevant evidence, which will not happen until the meeting itself.

3 MEMBER INTERESTS

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

3.2 The following general advice should be considered by all Members likely to become involved in the Licensing process in any way:

- An application relating to premises in the vicinity of where a Member lives or has a legal interest in property is likely to involve a Ppecuniary Iinterest. (please see the Member's Code of Conduct for further details)
 - A Member being a frequent visitor to the premises in a personal capacity is likely to involve an pecuniary Iinterest or a perception of bias as the decision may affect the Member's wellbeing.
 - A Member belonging to a lobby or campaign group that may be directly impacted by the outcome of an application is likely to have an pecuniary Iinterest and there may be a perception of bias.

3.3 Where a Member has a Ppecuniary Iinterest relating to an application they s/he may not sit on the committee (including sub-committee) hearing that application. Any Member, whether or not a Member of the committee, with a Ppecuniary Iinterest is precluded from taking part in that item at the meeting. ~~making representations orally to the committee either as a Member or in a private capacity and precluded from making representations on behalf of a party to the hearing.~~

3.4 A Member with a Ppecuniary Iinterest areis advised to ~~can still present their views to the committee through other means:~~

- ~~make written representations to officers; the existence and nature of the interest should be disclosed in such representations and the Councillor should not seek preferential consideration for their representations~~
- arrange for another Member to represent the views of the Councillor's constituents.

3.5 The Members Code of Conduct requires Members to declare interests and withdraw from meetings and this is to prevent most obvious forms of bias, e.g. not deciding your own licensing application. However, Members may also consider that a "Non-Ppecuniary Iinterest" under the Code also gives rise to a risk of what is called apparent bias.

4 PREDISPOSITION, PREDETERMINATION AND BIAS

4.1 Licensing Committee Members need to avoid any appearance of bias or of having predetermined their views before taking a decision, considering or hearing all the relevant evidence. ~~on a planning application, on planning policies or on other planning matters, such as enforcement.~~ Avoidance of bias or predetermination or the appearance of bias or predetermination is a legal requirement that the decision maker must respect.

4.2 A distinction needs to be made between situations which involve pre-determination or bias on the one hand and predisposition on the other. The former is indicative of a "closed mind" approach. -Bias can also arise from a member's relationships or interests, as well as their state

of mind. [Pre-determination and bias are unlawful and can make a decision unlawful](#) and likely to leave the committee's decision susceptible to legal challenge by [appeal or](#) Judicial Review.

[4.3 The legal test is: "whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased". A fair-minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.](#)

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

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

~~4.5 For example, a Member who states "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a Councillor who states: "Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area". The former has a closed mind and is predetermined, whereas the latter is predisposed but still has an open mind.~~

4.6 A Licensing Committee Member who has been lobbied and wishes to support their constituents or is a Ward Councillor and wishes to campaign for or against a proposal will not be able to sit on the committee hearing the proposal as this would amount to predetermination.

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

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

5 APPLICATIONS SUBMITTED BY THE COUNCIL, COUNCILLORS (MEMBERS) OR OFFICERS

5.1 Licence applications by the council for its own use could give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for licences associated with the council's own use will be treated no differently from any other application.

5.2 Certain Members may through their other roles outside of a Licensing Committee, have been heavily committed to or involved in a Council's own licensing development proposals. In such circumstances, when an item comes to be considered at Committee the Member concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer.

Applications submitted by Members or officers.

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

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

5.5 Where decisions relate to applications made by Members of staff or an elected Member these should be reported to Committee where they relate to the following:

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

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

6 LOBBYING

6.1 ~~Lobbying is not a permitted part of the licensing process.~~ Those who may be affected by a licensing decision, ~~whether through an application, a site allocation in a development plan or an emerging policy,~~ will often seek to influence it through an approach to their Ward Councillor or to a Member of the Licensing Committee.

6.2 A Licensing Committee Member should explain to those lobbying or attempting to lobby them that ~~it they were to discuss the matter with them that there is a danger that they would be seen to be predetermined the law does not allow them to discuss the matter before the hearing.~~ Licensing Committee Members should therefore:

- suggest to lobbyists that they submit written representations (within the permitted timeframe) to the Licensing Service in order that their views can be included in the officer reports prepared for determination under delegated powers or by Committee;
- pass on any lobbying correspondence received (including plans, data, correspondence in respect of an application) to the Licensing Service as soon as practicably possible so that, if appropriate, it can be taken into account and included in the report on the application;

- remember that their overriding duty is to the whole community not just to the residents and businesses within their ward and that they have a duty to make decisions impartially and should not improperly favour, or appear to improperly favour, any person, company, group or locality;
- not accept gifts or hospitality from any person involved in or affected by a licensing proposal, but if a degree of hospitality is unavoidable (eg refreshments at a meeting), ensure that they comply with the provisions in the Members' Code of Conduct on gifts and hospitality and inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying.

7 POST-SUBMISSION DISCUSSIONS

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

~~7.2 In limited circumstances Licensing Committee Members may legitimately engage in post-submission discussions.~~

7.23 If a Licensing Committee Member is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. A Licensing Committee Member should report to the ~~chief~~ licensing team officers any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them, so that it can be recorded on the licensing file.

7.34 Licensing Committee Members should not attend post-submission meetings that are not organised through officers.

7.45 Members should report any substantive discussion with applicants to the ~~chief~~ licensing officer team.

8 SITE VISITS

8.1 The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the licensing application and which would not be apparent from the licensing application to be considered by a Licensing Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area. Discussions on site visits shall be confined to the application as currently submitted.

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

8.3 Under the Chair's~~man's~~ guidance the role of the Licensing Officer attending the site visit will be to brief Members on the licensing applications(s) the subject of the visit.

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

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

8.6 A site visit should not be on the basis of exposing Members of the Licensing Committee (including sub-committees) to local opinion but should be to explore the licensing issues in the application.

10. LICENSING APPEALS

10.1 Licensing decisions can be appealed to the Magistrates Court, they can be challenged in the High Court and they can be the subject of a complaint to the Local Government Ombudsman. Members are required to act largely in a quasi-judicial role, without reference to their political considerations and taking into account the issues which the law says are relevant to the decision.

10.2 An appeal against the decision of the Licensing Committee is made to the Court while a complaint about the way in which that decision was made can be made to the Ombudsman

10.3 Where the Licensing Committee refuses or allows an application and there is an appeal Members may attend the appeal as observers if they so wish. The decision of the Committee will be documented in the minute and set out in the decision notice.

11. LICENSING ENFORCEMENT

11.1 Members should bring to the attention of the Licensing Service suspected breaches of licensing law so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the ~~chief~~ licensing team officer.

12. COUNCILLOR TRAINING

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

13 MEETINGS OF THE LICENSING COMMITTEE

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

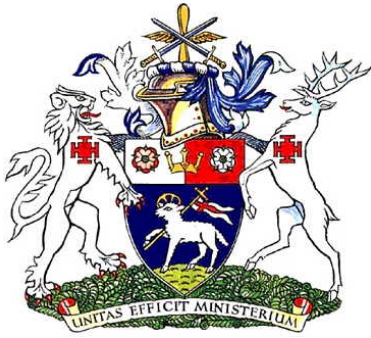
13.2 Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chair~~man~~ prior to dealing with the next agenda item This may be by recorded vote.

13.3 For the good conduct of the meeting ~~The~~ Chair~~man~~ should ensure:

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

- reference at Committee to non-licensing [objectives](#) issues by Members and those giving evidence are discouraged;
- the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined;
- Residents and applicants understand that the late submission of further representations could lead to the deferral of the meeting and the further representations may not be permitted without agreement of all parties.

This page is intentionally left blank



Council

24 January 2023

Title	London Boroughs Grants Scheme – Borough Contributions, 2023/24
Report of	Director of Finance & Section 151 Officer
Wards	All
Status	Public
Urgent	Yes
Key	No
Enclosures	None
Officer Contact Details	Marta Montague, Community Innovation and Funding Manager, Marta.Montague@barnet.gov.uk

Summary

This report considers the proposals of the London Councils Leaders' Committee regarding the overall level of expenditure of, and borough contributions to, the London Boroughs Grants Scheme (LBGS) in 2023/24.

Officer's Recommendations

1. That the recommendation of the London Councils Leaders' Committee for an overall level of expenditure and borough contributions of £6,686,152 in 2023/24, involving a levy on Barnet of £295,545, be approved.
2. That the Director of Resources & Section 151 Officer be instructed to inform the Chief Executive of London Councils accordingly.

1. WHY THIS REPORT IS NEEDED

- 1.1 Formal approval of the 2023/24 LBGS budget by at least the two-thirds majority of the constituent boroughs is required before 1 February 2023. In the event of the budget not being agreed by this statutory deadline, the Secretary of State for Communities and Local Government has powers to intervene and set the budget at the same level as in 2022/23 (£6,668,000).

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The next meeting of the Policy and Resources Committee to which this report would ordinarily have been submitted is not until 22 February, after the statutory deadline for notifying the council's decision.

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The council is committed to working in partnership with the voluntary and community sector (and with other public agencies and local businesses) to ensure that high quality public services are delivered in the most effective and efficient way in line with the Corporate Plan.
- 5.1.2 The LBGS was established in 1985 under section 48 of the Local Government Act 1985 to make grants to pan-London and sub-regional voluntary organisations. The scheme remains in force so long as a majority amongst London boroughs continues to support it.
- 5.1.3 Section 48(3) of the 1985 Act requires constituent councils to contribute towards any expenditure of the designated authority in the making of grants which has been incurred with the approval of at least a two-thirds majority of the councils.
- 5.1.4 With the consent of constituent authorities, the City Corporation succeeded the London Borough of Richmond upon Thames as the appointed designated authority for the LBGS in 2004, involving the discharge of certain formal requirements such as issuing the annual levy on boroughs. In all practical respects, however, the scheme is administered by London Councils.

Reviews of Future Role and Scope of LBGS

- 5.1.5 In 2010, following a review of the future role and scope of the LBGS set against cuts in

public sector spending, the London Councils Leaders' Committee agreed the principles for a future grants scheme based on funding a genuinely London-wide programme embracing services that are frontline, specialist or where mobility of clients is key to delivery; infrastructure support to service providers; voice/representation services; and capacity building.

5.1.6 Funding for all services categorised as essentially local in nature, but either more suited to sub-regional decision-making and delivery or capable of local determination and priority, ceased in 2011/12.

5.1.7 In 2012, following consultation with boroughs and other stakeholders, the Leaders' Committee agreed the principles and priorities to be applied in selecting four-year commissions through the LBGS with effect from April 2013, based on commissioning fewer, but better resourced, services and only those that are genuinely pan-London. The priorities were:

- to tackle homelessness, including developing new ways of working with partners, focused on early intervention and prevention of homelessness, emergency accommodation and advice services;
- to prevent sexual and domestic violence and assist victims to access emergency services and/or services that support women and communities affected by forced marriage and harmful practice;
- to tackle poverty by promoting access to employment and training, drawing on opportunities for match funding provided by boroughs working with London Councils and the European Social Fund (ESF);
- to help London's voluntary and community sector to build capacity and operate more efficiently.

5.1.8 A further review of the LBGS in 2015 against the backdrop of further announcements about the funding position of local authorities over the following five years resulted in discontinuance of the fourth priority (capacity building of the third sector) in commissioning new services for the four-year period from April 2017.

5.1.9 The programme currently has two priorities:

- Combatting Homelessness
- Tackling Sexual and Domestic Violence

2023/24 LBGS budget

5.1.10 The LBGS overall budget for 2023/24 is £6.686 million, an increase of £18,000 on the current year, comprising the cost of borough pan-London commissioned services of £6.233 million, covering priorities 1 for Homelessness and for 2 Domestic and sexual abuse, plus the cost of administering the scheme of £453,000. This sum includes the annual membership subscriptions for boroughs for London Funders of £60,000. The overall budget of £6,686,000 in 2023/24 to meet the cost of the current set of commissions, which is met from:

	£
borough subscriptions	6,668,000
transfer from reserves	18,000
	<u>6,686,000</u>

2023/2024 LBGS budget

5.1.11 The Leaders' Committee on 13 December 2022 agreed to recommend to constituent authorities for approval an overall level of expenditure of £6,686,000 for 2023/24, £18,000 increase on the budget for the current year, made up of:

	2023/24	2022/23
	£	£
Payments to commissions	6,223,000	6,223,000
Operating expenditure (including central recharges and London Funders' membership fees)	453,000	435,000

5.1.12 It is proposed that the budget would be met from borough subscriptions (of £6,668,000) and a transfer of reserves (£18,000). Barnet's apportionment of the levy based on population data will be 4.43% in 2023/24, which will result in a Barnet contribution of £295,545, same as the current year 2022/23

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

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

5.2.2 The levy on Barnet has fallen from £1,145,489 in 2010/11 to £295,545 in 2023/24 (same as in 2022/23).

5.2.3 Based on mid-year 2020 population estimates, when Barnet's population was 399,010 (compared to 395,870 in mid-2019), Barnet's contribution to the LBGS in 2023/24 will be 4.43% of total borough contributions (remaining the same as in 2022/23).

5.2.4 Provision for the level of contribution to the LBGS, as finally approved, will be included in the draft 2023/24 revenue budget, which will be presented to the Policy and Resources Committee on 22nd February 2023. If the LBGS budget put forward is approved, Barnet's

contribution in 2023/24 will remain the same as in 2022/23.

5.2.5 Approval of the budget will mean that total borough contributions to the LBGS will be £18,232,000 less than the sum of £24,900,000 paid in 2010/11.

5.3 **Legal and Constitutional References**

5.3.1 Article 7 of the council's constitution details the terms of reference of the Policy and Resources Committee, which includes grants. The committee is not scheduled to meet until after the statutory deadline for formal approval of the 2023/24 LBGS levy. Article 4 of the constitution provides that Full Council may make decisions on matters normally reserved to committees where an urgent decision is required. Determination of whether a matter is urgent is reserved to the mayor and chairman of the relevant committee in consultation with the leader and the relevant chief officer. The mayor and the leader, who is chairman of the Policy and Resources Committee, have been consulted and have agreed to the urgency.

5.3.2 Further legal and constitutional considerations are detailed in paragraphs 5.1.2, 5.1.3, 5.2.1, 5.6 (below) and 5.7 (below).

5.4 **Insight**

5.4.1 Not relevant in the context of this report.

5.5 **Social Value**

5.5.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits, a consideration for London Councils as the commissioning agency for the LBGS.

5.6 **Risk Management**

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

5.6.2 If the LBGS budget for 2023/24 is not agreed by two-thirds of constituent councils before 1 February 2023, the budget will be set at the same level as in 2022/23 (£6,668,000).

5.7 **Equalities and Diversity**

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

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

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

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

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

5.8 Corporate Parenting

5.8.1 Not relevant in the context of this report.

5.9 Consultation and Engagement

Grants Programme, 2017-22 & 2022-26

5.9.1 In 2015, London Councils consulted boroughs and stakeholders on whether the grants programme should continue past March 2017 and, if it did, what the priorities of the programme should be.

5.9.2 The council in its response acknowledged the value of the LBGS in funding organisations that supported niche groups which would lack adequate scale if resourced locally but expressed concern about how effectively the scheme was promoted within boroughs and that many of the commissioned services did not benefit Barnet residents to any significant degree. Many of the organisations supported operated predominantly in central London and the disproportionate benefit that inner London boroughs with smaller populations received amounted to a redistribution of wealth from outer London.

5.9.3 The response stated that there was a need to take account of how many costly problems had migrated outwards to the suburbs and that sub-regional programmes tended to be better aligned to local need than those commissioned at the pan-London level. In the council's opinion, better outcomes could be achieved by redeploying the levy locally. Although it did not necessarily wish to withdraw from all activities funded through the LBGS, its overall view given the nature of the consultation, which posed a single question about the future of the programme, was that it should not continue.

5.9.4 The consultation and other evidence signified a majority view that acting collectively to address London-wide priorities was effective; provided value for money; and delivered positive outcomes for people with protected characteristics under the Equality Act 2010. A majority amongst stakeholders expressed support for continuation of a pan-London grants programme operating in accordance with the principles agreed in 2012.

5.9.5 The existing grants programme, extended to a fifth year, ending in March 2022, because of the disruption caused by the Covid-19 pandemic, eliminated capacity building of the third sector from the previously agreed commissioning priorities pursuant to announcements about the future funding position of local authorities. Fourteen projects have been commissioned, dedicated to tackling homelessness; sexual and domestic violence; or promoting access to employment on a pan-London basis. The latter-named theme of work, a fallback to when the scheme was a beneficiary of the European Social Fund, will no longer feature as a commissioning priority.

5.9.6 Under the new programme, to commence in April 2022, third sector organisations have been invited to bid for funding to deliver services that will address sexual and domestic violence and homelessness, continuing priorities which acknowledge the significant increase in demand for domestic abuse victim services during the pandemic; how many Londoners have experienced homelessness for the first time as employment terms have changed or ended; and how many people still have housing needs.

5.10 Environmental Impact

5.10.1 Not relevant in the context of this report.

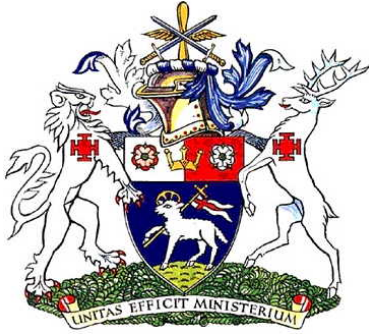
6 BACKGROUND PAPERS

6.6 Council, 25 January 2022: approval of an overall level of LBGS expenditure of £6,668,000 in 2022/23, involving total borough contributions of £6,668,000 and a levy on Barnet of £295,545.

6.7 Reports to London Councils Leaders' Committee (13 December 2022) on the LBGS proposals for 2022/23

6.8 London Councils Chief Executives' Circular dated 15th December 2022 seeking approval to the 2023/24 budget.

This page is intentionally left blank



Council
24 January 2023

Title	Report of Head of Governance
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	Appendix A – Appointments to Outside Bodies Appendix B – Other Appointments Appendix C – Collated Calendar of Meetings
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Summary

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

Recommendations

1. That Council note and approve the appointments to Outside Bodies in Appendix A.
2. That Council approve the other appointments as outlined in Appendix B.
3. That the Council note and approve the calendar of remaining meetings for 2023, specifically noting the move of Budget Council from 8th March 2023 to 28th February 2023.

1. WHY THIS REPORT IS NEEDED

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

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the attached appendices.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 None specifically arising from this report.

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

- 5.2.1 There are no specific financial implications from the changes in the appendices. All changes will be funded from the Council's budget.

5.3 Social Value

- 5.3.1 N/A

5.4 Legal and Constitutional References

- 5.4.1 Council Constitution, Article 4, Full Council, Council has responsibility for "agreeing and amending the terms of reference of committees, deciding their composition and making appointments to them."

- 5.4.2 As outlined in Article 4, The Full Council, Council has responsibility for "approving the Member and officer appointment to outside bodies and external organisations on the recommendation of the Group secretaries or Chief Executive."

5.5 Risk Management

- 5.5.1 None specifically arising from this report.

5.6 Equalities and Diversity

- 5.6.1 None specifically arising from the report.

5.7 **Corporate Parenting**

5.7.1 None specifically arising from the report

5.8 **Consultation and Engagement**

5.8.1 None specifically arising from the report

5.9 **Insight**

5.9.1 None specifically arising from the report

6. **BACKGROUND PAPERS**

6.1 None.

This page is intentionally left blank

Appendix B – Changes to Outside Bodies Membership

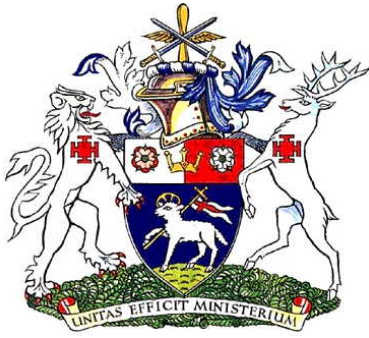
Standing Advisory Committee for Religious Education - Special Conditions (SACRE)	Current representative	New representative
	Alison Cornelius <i>Period of Appointment - 24/05/2022 to 24/05/2026</i>	Joshua Conway

This page is intentionally left blank

CALENDAR BY NUMBER OF MEETINGS (January – May 2023)

Committee	Jan 2023	Feb	Mar	Apr	May
Council	24	28 (B/C)			23 (A/C)
Party Group	19	23			18
Adults & Safeguarding Committee			13		
Audit Committee	16			26	
Barnet Children's Partnership Board		14		27	
Children, Education & Safeguarding Committee			20		
North Area Committee	26		28		
Community Leadership & Libraries Committee		7			11
Constitution & General Purposes Committee	12				
Corporate Parenting Advisory Panel		1		17	
Environment and Climate Change Committee	25		14		
East Area Committee	26		28		
Health & Wellbeing Board (9.30am)	19		16		
Health Overview & Scrutiny Committee		27			17
West Area Committee	30		30		
Housing & Growth Committee	17		23		
<i>Joint Health Overview and Scrutiny Committee - TBC</i>					
Licensing Committee		20			
Local Pension Board			1		
Pension Fund Committee	31		22		
Planning Committee A	11	8	15	4	3
Planning Committee B	23	21	21	18	16

Committee	Jan 2023	Feb	Mar	Apr	May
Policy & Resources Committee		22		20	
Safer Communities Partnership Board (10am)	20			28	
Strategic Planning Committee	18		2 29	19	
<i>Welsh Harp Joint Consultative Committee (Provisional)</i>			16		



Council 24 January 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
Officer Contact Details	Andrew Charlwood, Head of Governance, andrew.charlwood@barnet.gov.uk 020 8359 2014

Summary

On 13th December 2022 a casual vacancy arose following the sad death of Councillor Melvin Cohen which has altered the political balance of the Council.

Officers Recommendations

1. That Council note the political balance of the Council is:
 - 41 Members of the Labour Group;
 - 21 Members of the Conservative Group
2. Council agree 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.

1. WHY THIS REPORT IS NEEDED

- 1.1 On 13th December 2022 a casual vacancy arose in the Golders Green Ward following the sad passing of Councillor Melvin Cohen which has altered the political balance of the Council. Details of the revised political balance of the Council is set out in Appendix A.
- 1.2 A by-election is scheduled to take place in the Golders Green Ward on Thursday 16th February 2023.
- 1.3 Following a recalculation of political balance there is no requirement to reallocate committee seats to different political groups to achieve political balance overall as detailed in Appendix A.

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 N/A. There is no requirement to reallocate committee seats to different political groups to achieve political balance overall.

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.

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 None

This page is intentionally left blank

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
Members	62	41	21
Percentage	100%	66.13%	33.87%

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 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, Article 7 (Committees, Forums, Working Groups and Partnerships):

Seat Allocations on Politically Proportional Bodies

COMMITTEE	NUMBER OF SEATS	LABOUR	CONSERVATIVE
Policy & Resources	12	8 (7.94)	4 (4.06)
Children, Education and Safeguarding	11	7 (7.27)	4 (3.73)
Environment and Climate Change	11	7 (7.27)	4 (3.73)
Housing & Growth	11	7 (7.27)	4 (3.73)
Community Leadership & Libraries	11	7 (7.27)	4 (3.73)
Adults and Safeguarding	11	7 (7.27)	4 (3.73)
Licensing	12	8 (7.94)	4 (4.06)
Audit	6	4 (3.97)	2 (2.03)
Strategic Planning	9	6 (5.95)	3 (3.05)
Planning A	6	4 (3.97)	2 (2.03)
Planning B	6	4 (3.97)	2 (2.03)
Health Overview & Scrutiny	9	6 (5.95)	3 (3.05)
Constitution & General Purposes	9	6 (5.95)	3 (3.05)
Pension Fund	9	6 (5.95)	3 (3.05)
Urgency Committee	3	2 (1.98)	1 (1.02)
Chief Officer Appointment Panel	5	3 (3.30)	2 (1.69)
Total	141	92	49
Percentages	100%	65.25%	34.75%

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

Bodies where the political balance requirements have been waived

Committees
Local Pension Board
Local Strategic Partnership (Barnet Partnership Board)
Children's Partnership Board
Safer Communities Partnership Board

Special statutory bodies or informal or consultative bodies or committees where the Council has agreed that proportionality requirements have been waived – Membership requirements as detailed in Article 7.

Committee	Membership	Seat Allocations	
		Lab	Con
Standards	4	2	2

Committee	Membership	Seat Allocations	
		Lab	Con
Health & Wellbeing Board	3	3	0

RECOMMEND that:

- 1. Council note the political balance of the Council is:**
 - **41 Members of the Labour Group;**
 - **21 Members of the Conservative Group**
- 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.**

Council meeting, 24 January 2023

Motion: Cllr Ross Houston

Great Homes Upgrade

AGENDA ITEM 13.1

Council believes that:

1. A green recovery from the pandemic is not only possible but imperative if we are to meet our carbon reduction targets as a local authority.
2. Up to now much of the proposed action by Government is little more than rhetoric. We need to turn rhetoric into action.

Council notes that:

1. Melting ice caps and forest fires can often seem like someone else's crisis when many are taking effect so far from our homes.
2. Crises closer to home affecting thousands of local families cannot be separated from those further afield.
3. There are 15,188 households living in fuel poverty in Barnet.
4. Across the UK there are more than 24 million homes leaking heat.
5. There is no route to decarbonising the economy without retrofitting these homes across the UK.
6. Doing so would not only help to protect our planet, but can improve housing, lead to cheaper energy bills and create hundreds of thousands of good quality jobs.
7. Here in Barnet it is estimated that there are at least 61,399 homes below EPC C that require retrofitting and this could create thousands of good quality jobs in our local communities.

Council therefore resolves to write to the Prime Minister, Chancellor of the Exchequer and Secretary of State for Levelling-Up, Homes and Communities calling on them to:

1. Commit to a Great Homes Upgrade to retrofit 19 million homes by 2030.
2. Use the Spring Budget to commit to spending £11.7bn over the next three years to begin the Great Homes Upgrade.
3. Commit to working with local authorities, housing associations, private rental landlords and owner occupiers to upgrade properties for net zero.
4. Commit to setting up a retrofitting taskforce to target resources now to achieve net zero through upgrading properties.

Council also resolves to:

1. Write to our neighbouring local authorities to ask them to join the campaign.
2. Support London-wide efforts to lobby the Government on this issue.
3. Write to our 3 local MPs asking them to join the campaign and lobby the Government for the Great Homes Upgrade.

This page is intentionally left blank

Combatting Crime in Barnet- more police for Barnet

AGENDA ITEM 13.2

Council notes that:

- 1) Barnet has experienced some horrific acts of crime recently with three stabbings and a shooting on our streets.
- 2) The Government increased its funding to the Metropolitan Police by £138.9m in 2021 and have committed to a further increase of £164.2m in 2022 with the additional announcement in December 2022 that in the 2023/2024 period the total funding for Policing will be up to £17.2 billion.
- 3) Since 2017, violence against the person has risen 11%, muggings by 25%, rape by nearly 11% and other sexual offences by over 33.1% in London. In Barnet, between the same time, general crime rose by 21% with lockdown being the only respite in the continual increase.
- 4) The main increases in crime in Barnet are:
 - a) Violence and sexual offences
 - b) Vehicle crimes

Council believes that:

1. The people of Barnet should feel safe in their borough, their neighbourhoods and their homes.
2. Increased police presence decreases the frequency of property-related crimes and antisocial behaviour and increase the success rate of prosecution for these crimes.
3. In order to make our residents feel safe, it is important that there is a visible police presence across the borough.

Council resolves to:

- 1) call upon the current Labour Administration to support the Conservative's continued requests to the Labour Mayor of London to provide the Borough of Barnet with more Police.
- 2) Urge the Mayor of London to:
 - a) Improve police officer numbers in Barnet, giving our residents value for money in their policing.
 - b) Spend more money on policing in Barnet.

Under Full Council Procedure Rule 17.17: if my item is not dealt with by then end of the meeting, I ask that it be voted upon at the Council meeting.

This page is intentionally left blank

Council meeting, 24 January 2023

Motion: Cllr Sara Conway

Borough of Sanctuary

Council notes that:

1. Barnet is proud of its diversity and history of welcoming people from across the world to the borough.
2. There is a tradition at the heart of Barnet's communities, those of faith and of none, of working together to welcome, host, feed, clothe and support people seeking sanctuary here.
3. Barnet is enhanced by the contribution of those from a diverse range of backgrounds.
4. Over the last few years, the council has, with the support of the VCFS, residents, partners and community groups, co-ordinated the resettlement of refugees and supported asylum seekers. This has included:
 - a. Supporting the resettlement of 50 individuals through the Syrian Vulnerable Persons Resettlement Scheme
 - b. Hosting 1,553 Ukrainian refugees escaping war
 - c. Resettling 4 refugee families through the Afghanistan Citizens Resettlement Scheme
 - d. Working with the VCFS to support the integration of those arriving in Barnet on the Hong Kong BN(O) visa scheme.
 - e. Provision of drop-in and other support through the Barnet Together VCFS network, Barnet Multi-Faith Forum, Citizens UK, Nisa Nashim and faith spaces like the New North London Synagogue, Finchley Progressive Synagogue and Hendon Synagogue Community Centre who work together and separately to provide welcome and practical support for refugees and asylum seekers in terms of advice and legal signposting, food, clothes, community spaces, and cultural events.
 - f. Commissioning the New Citizens Gateway and Persian Advice Bureau to support asylum seekers
 - g. Ongoing work with London-wide partners such as the GLA, London Councils, the Home Office and the London Strategic Migration Partnership to shape policy and provide insight onto the challenges local authorities face.
5. We are committed to continuing to work with partners, schools, and the voluntary, community and faith sector to create a welcoming and secure borough for those seeking sanctuary.
6. LB Barnet is currently supporting 55 Unaccompanied Asylum-Seeking Children.
7. The Borough of Sanctuary is awarded by City of Sanctuary to institutions that are welcoming to those fleeing violence and persecution in their own countries, and protecting the rights of all migrants, asylum-seekers and refugees.

Council believes that:

1. Standing up for those facing persecution, and welcoming refugees, asylum seekers and migrants is a moral responsibility that enriches our borough.
2. LB Barnet must continue to support its migrant communities and that the journey to become a Borough of Sanctuary will solidify this commitment.
3. Refugee & asylum seekers are much more likely to be subject to both criminal and sexual exploitation as well as modern day slavery.

4. We have a duty of care towards children, and vulnerable and trafficked adults in our borough, and this must extend to refugees and migrants.

Council resolves to:

1. Welcome those fleeing persecution and launch the journey to become an awarded Borough of Sanctuary by joining City of Sanctuary's local authority network
2. Embody the City of Sanctuary values of Inclusive, Openness, Participation, Inspire, and Integrity in all we do
3. Embed our organisational principles of equality and inclusion at the heart of our work with refugees and asylum seekers
4. Develop a formal approach to how we engage with, listen to and support those seeking sanctuary, including the development of a three-year strategy and accompanying action plan
5. Challenge anti-migrant sentiment wherever we find it and champion the rights and dignity of refugees and asylum seekers
6. Find more opportunities across the Council and the borough to celebrate our migrant communities, tell their stories, and promote their voices.
7. Work with local community, health, and education partners, including those with lived experience, to shape Barnet's Borough of Sanctuary ambition.
8. In addition to taking local action, we will call on the Government to:
 - a. Guarantee the safety of all children under their care
 - b. Create a proper plan for resettlement

Stop expansion of the ULEZ and say 'no' to future road pricing

AGENDA ITEM 13.4

Council notes:

- 1) That air pollution is an issue and the need for ULEZ in the most congested inner parts of London may be justified.
- 2) The Mayor of London has confirmed he will expand ULEZ to the outer boroughs of London.
- 3) That ULEZ is a means for the Mayor of London to generate revenue from the people of Barnet.
- 4) Barnet has areas that are urbanised, suburbanised and semi-rural; the use of cars is vital for many residents to get around.
- 5) Barnet's air quality is good and pollution is on a downwards trend.
- 6) The Mayor of London held a consultation on ULEZ's expansion to Outer London Boroughs like Barnet.
- 7) Barnet Conservatives encouraged and called for residents in Barnet to have their say in the ULEZ expansion consultation.
- 8) 66% of the consultation respondents were against Sadiq Khan's ULEZ expansion.
- 9) An overwhelming majority said 'no' to a cost-of-living charge being imposed on the poorest and most vulnerable people both in and outside of London, which will do very little, if anything, to improve air quality.
- 10) Sadiq Khan has been quoted in the BBC and Guardian as supporting road pricing.

Council believes that:

- 1) The people of Barnet should not have to pay more to meet the mayor's budgetary black hole.
- 2) ULEZ expansion is a precursor to widespread road pricing.
- 3) Many Barnet residents require a car to live their daily lives and the imposition of the ULEZ tax will hit the poorest in Barnet.

Council resolves to:

- 1) Direct the Leader to make a last-ditch attempt to stop the mayor's expansion of ULEZ and advise him this council will oppose any form of road pricing.

Under Full Council Procedure Rule 17.17: if my item is not dealt with by then end of the meeting, I ask that it be voted upon at the Council meeting.

This page is intentionally left blank

Council notes that:

1. According to the 2021 census, there are 26,300 residents in Barnet who are 75 and over.
2. This is an increase of 11% since 2011 and means that older people are an increasingly significant proportion of our community and projections show this will only continue to increase.
3. We want older people in Barnet to be able to live active, independent and fulfilling lives for as long as possible.
4. Just as we aspire to Barnet being family friendly and dementia friendly, we want our Borough to be 'age friendly'
5. Age Friendly Communities is a concept developed by the World Health Organisation (WHO) in 2007 with almost 1500 members worldwide.
6. In an Age Friendly Community, services, local groups, businesses and residents all work together to identify and make the necessary changes in both the physical and social environment to both support and enable older people to lead healthy and active lives.
7. Council recognises that older people make a positive contribution to life in Barnet, through employment, volunteering, caring, and in other spheres.
8. Council recognises that Barnet has a strong foundation in its network of community, voluntary, faith and public services that support older residents
9. Working together with community and voluntary groups, the council's Ageing Well and Mental Health champion and interested councillors have already identified the first steps we need to take to put this plan into action.

Council also notes that:

1. Becoming an Age Friendly Community is a statement of intent to:
 - a. take into account ageing, and the needs and wishes of older people in every area of policy making,
 - b. to take those needs seriously,
 - c. to combat ageism that is seen in every area of society, particularly the portrayal of older people as a burden
 - d. to share with the UK Network of Age Friendly Communities knowledge and expertise that will improve the lives of our residents in later life.
2. To become officially recognised as Age Friendly, the leadership in a town, city or county must make a written commitment to actively work towards becoming a great place to grow old in for all of its residents.
3. This must be done with the support and engagement of older people and relevant stakeholders across the public, education, voluntary, community and faith sector, and businesses.

Council, therefore, resolves to:

1. Make an official application to join the UK Network of Age Friendly Communities as a first step in its commitment towards joining the World Health Organisation Global Network of Age-friendly Cities and Communities.
2. Rename the Council's Ageing Well and Mental Health Champion, the 'Age Friendly and Mental Health Champion', who will work with the Chair of the Adults and Safeguarding Committee to progress the Age Friendly Community agenda.