

# Extraordinary Meeting of the Council of the London Borough of Barnet

NOTICE IS HEREBY GIVEN THAT THE WORSHIPFUL THE MAYOR HAS CALLED AN  
EXTRAORDINARY MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF  
BARNET TO BE HELD ON

TO BE HELD ON

TUESDAY 2ND MAY, 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 Extraordinary Council Meeting for the transaction of the business set out.

Agenda and Timetable  
Tuesday 2nd May, 2023

Item	Subject	Page Nos
1.	<b>The Worshipful the Mayor to read the Notice of the Meeting</b>	
2.	<b>Apologies for absence</b>	
3.	<b>Declarations of Interest</b>	
4.	<b>Official Announcements</b>	
5.	<b>Report of the Monitoring Officer (if any)</b>	
6.	<b>Report of the Monitoring Officer - Constitution Review</b>	5 - 162
7.	<b>Report of the Head of Governance - Members' Allowances Scheme 2023/24</b>	163 - 188
8.	<b>Report of the Head of Governance - Political Proportionality</b>	Report to follow

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

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<p>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. <b>If you wish to let us know in advance that you will be attending the meeting, please telephone the Governance Service (020 8359 6452).</b></p> <p><b>People with hearing difficulties who have a text phone, may telephone our Minicom number on 020 8203 8942.</b></p>

### **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**

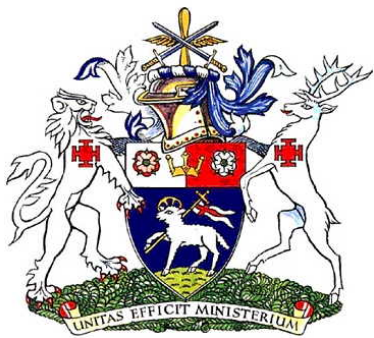
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The meeting may be broadcast live or recorded for later transmission by the Council.

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.

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# Extraordinary Council

AGENDA ITEM 6

## 2 May 2023

<b>Title</b>	<b>Constitution Review</b>
<b>Report of</b>	Monitoring Officer
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	<p>Appendix A - Members Planning Code</p> <p>Appendix B - Terms of Reference for Council</p> <p>Appendix C - Code of Recommended Practice on Local Authority Publicity</p> <p>Appendix D - Members Rights to Access Information</p> <p>Appendix E - Code of Conduct for Officers</p> <p>Appendix F - Terms of reference of committees</p> <p>Appendix G - Terms of Reference of Portfolio holders</p> <p>Appendix H - Introduction and Summary</p> <p>Appendix I - HR Regulations</p> <p>Appendix J - Protocol for Recording of Decisions made by Officers</p> <p>Appendix K - Code of Conduct for Officer Member Relations</p> <p>Appendix L - Article 6 – The Executive</p> <p>Appendix M - Table A and B relating to thresholds for contracts and property transactions</p> <p>Appendix N - Executive Procedure Rules</p> <p>Appendix O – Committee Procedure Rules</p>
<b>Officer Contact Details</b>	<p>Jessica Farmer Monitoring Officer, 020 8424 1889</p> <p><a href="mailto:Jessica.farmer@harrow.gov.uk">Jessica.farmer@harrow.gov.uk</a></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 via 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 considered that it was 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 Member Constitution Working Group was established and consultation with some other Members has also taken place.

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

The Members' Licensing Code has been considered by the Licensing Committee.

Council agreed the following sections in January 2023:

- Article 1 (The Constitution)
- Article 2 (Members and the Council)
- Article 3 (The Full Council)
- Article 4 (The Mayor)
- Article 5 (Decision-making)
- Article 6 (The Executive)
- Access to Information Rules
- Members Licensing Code

Council agreed the following sections in February:

- Financial Regulations
- Contract Procedure Rules
- Procedure for dealing with complaints against members
- Officer Code of Conduct
- Terms of Reference of Cabinet
- Terms of Reference of Council
- Terms of Reference of committees
- Article 7 Officers
- Delegations to Officers
- Budget and Policy Framework
- Council Procedure Rules
- Committee Procedure Rules
- Executive Procedure Rules

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 third tranche of the Constitution as set out in the Appendices attached.
2. That Council agree that the Constitution in full will come into effect during Annual Council in May 2023.
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.
4. That the Council requests that the Monitoring Officer to take the steps outlined in paragraph 5.3.3 of this report.
5. That Council resolves to cease to operate the committee system and starts to operate executive arrangements with effect from the start of the 2023/24 Municipal Year.
6. That Council agree that the constitutional review working group continues as a cross party working group to look at future constitutional changes before they go to council for approval.

## **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.

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.

- 1.2 Subject to the provisions above, it is for the Council to decide what information its Constitution should contain.
- 1.3 The current version of the Constitution needs to be amended to enable the Council to move to an Executive system from Annual Council on 23 May 2023.
- 1.4 Detailed changes and the reason for them are set out below.

## **2. Reasons for recommendations**

- 2.1 To enable the Council to move to an Executive system from Annual Council on 23 May 2023 the Council needs to re-write the Council's Constitution.
- 2.2 Article 6 has been updated so that no member of the Strategic Planning Committee can also be a member of the executive to avoid conflicts of interest.
- 2.3 Tables A and B of the current constitution has been updated so that they reflect Key Decision thresholds.
- 2.4 The terms of reference of Council and the employment sub-committee have been updated to cater for officer packages over £100 k going to council to comply with guidance on this point.
- 2.5 The Committee Procedure Rules have been amended to incorporate Members' Items.
- 2.6 The planning protocol has been updated to reflect current practice.
- 2.7 A Members' Rights to Access Information protocol has been developed to give members guidance on requesting information.
- 2.8 A Protocol for Recording Decisions made by Officers has been developed for officers' guidance.
- 2.9 The Code of Conduct for Officers has been updated regarding smoking outside the office and regarding safeguarding responsibilities to show that:

“ All staff share responsibility for safeguarding and promoting the welfare of children, young people and vulnerable adults. Staff are expected to report any incidents or



concerns that cause you to believe that a child, young person or vulnerable adult is, or is likely to be, at risk of harm. This includes responsibility to report if you suspect that a child or adult at risk may be under the influence of radicalisation, extremism, forced marriage or modern slavery.”

2.10 The Code of Conduct for Member Officer Relations has been updated

2.11 It is planned to continue with the cross-party constitutional review working group to look at constitutional changes before they go to council for approval. This is to enable cross party discussion of any constitutional changes.

## 2.12 **Consultation Findings Report**

2.12.1 The Consultation on Public Participation at Council Committee meetings launched on 14 December 2022 and ended on 24 February 2023. The findings were reported to Council in February.

## **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 Barnet Corporate Plan: Caring for people, our places and the planet: our plan for Barnet 2023 – 2026 was adopted by Council on 28 February 2023. It includes priorities of:

Being “an effective and engaged council” where we will ensure that “...decision-making is open, transparent and accountable”; and

“More efficient and transparent decision making” including “We want to engage local groups and residents through the council’s decision-making meetings. Our move from a Committee System to an Executive system (from May 2023) will support more efficient decision-making and improved accountability with Cabinet Members being responsible for specific portfolios.”

5.1.2 The new Constitution will support deliver of these priorities.

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

- 5.2.1 The current Administration have indicated that the new governance system should be cost neutral in respect of Members' Allowances. There is a separate report on the Council agenda regarding Members' Allowances. However, there have been costs associated with delivering the change of governance arrangements 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 Constitution Review Cross Party 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.

#### **5.4 Insight**

5.4.1 N/A

#### **5.5 Social Value**

5.5.1 N/A

#### **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. 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, to 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, in particular, 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, to 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.
- 5.7.10 The Equalities Impact Assessment was reported to February Council.

## **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 Constitution Review Cross Party Member Working Group was set up to look at the detail of the constitution. Public consultation on the ways that the public can engage with the council has taken place and was reported to February Council.

## **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 [Agenda for Council on Tuesday 26th July, 2022, 7.00 pm \(moderngov.co.uk\)](https://moderngov.co.uk/agenda-for-council-on-tuesday-26th-july-2022-7-00-pm)
- 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 [Agenda for Constitution and General Purposes Committee on Thursday 12th January, 2023, 7.00 pm \(moderngov.co.uk\)](https://moderngov.co.uk/agenda-for-constitution-and-general-purposes-committee-on-thursday-12th-january-2023-7-00-pm)
- 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 \(moderngov.co.uk\)](https://moderngov.co.uk/agenda-for-constitution-and-general-purposes-committee-on-thursday-12th-january-2023-7-00-pm)
- 6.4 Council, 24 January 2023, Constitution Review, Item 12.1: [Agenda for Council on Tuesday 24th January, 2023, 7.00 pm \(moderngov.co.uk\)](https://moderngov.co.uk/agenda-for-council-on-tuesday-24th-january-2023-7-00-pm)

- 6.5 Council of 28<sup>th</sup> February 2023,item 12.2 [Agenda for Council on Tuesday 28th February, 2023, 7.00 pm \(moderngov.co.uk\).](#)
- 6.6 Council of 28<sup>th</sup> February 2023, Item 11.2: [Agenda for Council on Tuesday 28th February, 2023, 7.00 pm \(moderngov.co.uk\)](#)

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## Part 4F

### Members' Planning Code

#### 1. Purpose of this code

- 1.1 This Planning Code has been prepared to guide Members and Officers in the discharge of the Council's statutory planning functions. This Code will also inform potential developers and the public generally of the high standards of ethical conduct expected of the Council in the exercise of its planning powers.
- 1.2 Members should abide by both this Planning Code and also the Code of Conduct for Members.
- 1.3 The provisions of this Planning Code are designed to ensure that planning decisions are taken on proper planning grounds in an open and transparent manner. The Planning Code is also designed to assist Members and Officers in dealing with approaches from property owners, developers and residents.
- 1.4 If Members have any doubts about the application of this Planning Code they should seek early advice preferably well before any meeting takes place from the Monitoring Officer.

#### 2. Context

- 2.1 The planning process has the potential to deliver sustainable planned growth aspirations for the borough and planning decisions are often based on balancing competing interests (social, economic and environmental). Decision makers must make decisions in accordance with Local Plan policies unless material planning considerations indicate otherwise regardless of personal or political allegiances.
- 2.2 Planning decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public engagement as part of the decision-making process. It is important that the decision-making process is open and transparent.
- 2.3 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. Opposing views are often strongly held by those involved. Whilst Councillors who sit on planning 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. The expectation is that members who sit on planning committees will be fair and reasonable when making decisions.
- 2.4 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

- 2.5 Councillors 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.
- 2.6 Planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

- 2.7 Planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Solicitors Regulation Authority. Officers in other professions will have corresponding codes.
- 2.8 Members must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a Councillor from asking questions or submitting views to an officer. These views, when received in written form, will be placed on the planning file and considered together with other material planning considerations.

### 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 Planning Committee he or she should raise this with the Monitoring Officer as soon as possible.

3.13.2 Members should declare pecuniary and non-pecuniary interests at the start of the meeting or as soon as they become aware of the interest. If in doubt about their interests they should consult with the legal adviser, preferably in advance of the meeting.

3.23.3 Where a Member has a pecuniary interest relating to an item under discussion, the Councillor may not participate in any discussion of the matter at the meeting or participate in any vote on the matter. Councillors who have a pecuniary interest must leave the room. There is no obligation for that Councillor to withdraw from the Chamber although this is advisable so that it is transparently clear that the Member concerned has not taken part in the determination of this particular item. This also means that a Councillor with a pecuniary interest is precluded from making representations orally to the committee, either as a Councillor or in a private capacity, and precluded from making representations on behalf of a party to the hearing.

3.33.4 A Councillor with a pecuniary interest can still present their views to the committee through other means:

- make written Representations to officers; in accordance with the normal consultation process for planning applications. 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.

3.43.5 Conflicts of Interest: all Members must be seen as impartial; this may be a particular issue for Members who have in-borough property related business activity and who are more likely than others to be uncomfortable in the role of planning committee member by reason of the combined pressures of their private local business interests, the Ward Member advocate role, and the constraints of the planning system. Members with a property-related background may also give rise to a perception by residents that such Members are more likely to be in favour of the development even where they are determining cases completely impartially.

3.53.6 In order to minimise the risk to the Council and the Member concerned s/he should discuss any conflict of interest with the Monitoring Officer if they are nominated to a planning committee.



#### **4. Predisposition, predetermination and bias**

- 4.1 Planning Committee Members need to avoid any appearance of bias or of having predetermined their views before taking a decision 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 predetermination or bias on the one hand and predisposition on the other. The former is indicative of a “closed mind” approach and likely to leave the committee’s decision susceptible to legal challenge by Judicial Review.
- 4.3 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor 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.
- 4.4 The law provides that a Councillor 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 Councillor was biased.
- 4.5 For example, a Councillor 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 Planning 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 need to consider whether this is likely to be regarded as amounting to bias and going against the fair determination of the planning application. If they have predetermined the matter or have given that impression, they should avoid being part of the decision-making body for that application.
- 4.7 Participation as a Member in a Planning Committee where a Councillor is or may be perceived to be biased, in addition to the risk of a complaint against the individual Councillor, also places the decision of the Committee at risk from legal challenge. As such, if a Planning 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 or Officers**

### ***Applications submitted by the Council***

- 5.1 Proposals for the Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for a Council's own development will be treated no differently from any other application.
- 5.2 Certain Councillors may through their other roles outside of a Planning Committee, have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Committee the Councillor 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 Councillors or officers***

- 5.3 It is perfectly legitimate for planning 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 Councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing and/or determination. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing and/or its determination.
- 5.5 The ~~1~~APP planning application form requires an applicant to indicate whether they are a member of staff or an elected Member or a partner/spouse of a Member or Officer of the Council. 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 Planning Authority.
- 5.6 The term "Officers of the Local Planning Authority" means officers within the Council who are closely involved in the day-to-day work of the Council's planning function and include all external persons such as lawyers, contractors and advisors who work for the Local planning Authority.
- ## **6. Lobbying**
- 6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning 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 Planning Committee.

- 6.2 As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".
- 6.3 Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.
- 6.4 A Planning Committee Member should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the Committee's decision making if they are asked to express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing. Planning Committee Members should ensure that it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant information during the sitting of the determining Committee.
- 6.5 Planning Committee Members should therefore:
- suggest to lobbyists that they write to the Planning 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 Planning Service as soon as practicably possible so that 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 planning proposal, but if a degree of hospitality is unavoidable (e.g. 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. Pre-application discussions**

- 7.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. If potential applicants seek to meet Planning Committee Members then any such pre-application meeting should be organised through officers.

## **8. Post-submission discussions**

- 8.1 A Planning Committee Member should not usually be involved in discussions with a developer or agent when a planning 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.

- 8.2 In limited circumstances Planning Committee Members may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers and recorded in the planning file. ~~run under the same procedural rules as pre-application discussions.~~
- 8.3 If a Planning 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 Planning Committee Member should report to the Chief Planning Officer 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 planning file.
- 8.4 Planning Committee Members should not attend post-submission meetings that are not organised through officers.
- 8.5 Councillors should report any substantive discussion with applicants to the chief planning officer.

## **9. Site visits**

- 9.1 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 planning application and which would not be apparent from the planning application to be considered by the Planning 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.
- 9.2 The Chairman (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.
- 9.3 Under the Chairman's guidance the role of the Planning Officer attending the site visit will be to brief Members on the planning application relevant to the visit.
- 9.4 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.
- 9.5 Whilst on site visits, Members of Planning Committee should not express an opinion on the planning 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. They should avoid discussions with either the applicant or objector on site visits.
- 9.6 Members should make every effort to attend site visits organised by officers. Members of the planning committee who were not present at a pre-arranged site visit should not seek to defer consideration of the planning application.
- 9.7 A site visit should not be arranged on the basis of exposing Members of the Planning Committee to local opinion but should be to explore the planning issues in the application.

### 9.79.8 Members should only attend site visits with Officers.

## **10. Planning Appeals**

- 10.1 Appeals against the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and

Councillors are able to attend. Councillors are encouraged to attend such hearings, as they can be a good learning experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.

- 10.2 If a Councillor wishes to attend a public inquiry or informal hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the chief planning officers to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge.
- 10.3 Where the Strategic Planning Committee or an Area Planning Committee refuses an application against the officer's recommendation one Member of the Committee should support the planning officer assigned to the appeal with the Council's case. attend any appeal on behalf of the Council and other Members may attend as observers if they so wish. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision with such assistance from the nominated Committee Member as may be required. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.
- 10.4 Where the decision of planning committee members is contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant engaged/employed by the Council.

## 11. Planning Enforcement

- 11.1 Councillors should bring to the attention of the Planning Service suspected breaches of planning 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 planning officer.

## 12. Councillor training

- 12.1 All new/Planning Committee Members, newly appointed Chairmen and returning Members of the Council's Planning Committees must attend annual induction training immediately after a Borough election or refresher training at the earliest date possible and ideally before the first committee meeting and are encouraged to attend all other planning training which takes place. 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 Planning Committee

- ~~13.1 No material revision to any planning application submitted by the applicant which might lead to a change in the officer recommendation shall be considered at Planning Committee unless it has been submitted at least 14 clear days before the relevant Planning Committee meeting, and has been the subject of a written report prepared by the planning department and any necessary public consultation has taken place.~~
- 13.1 If the Planning Committee seeks to make a decision contrary to the planning officer's recommendation an agreed procedure will be followed. The Courts have expressed the view that the planning reasons for the contrary decision should be clearly recorded which means that members may be required to openly state in the meeting as to how and why they reached a contrary view.

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.

13.3 The Chair~~man~~ should ensure:

- Members' comments at Committee only relate to the planning merits of the application before them;
- reference at Committee to non-planning issues by the public / Members are discouraged as this can lead to decisions being made on non-material planning considerations and the decision of the committee being challenged;
- 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 evidence could lead to the deferral of the item and may not be permitted without agreement of all parties.

## Part 2A

### Terms of Reference of Council

#### Council

##### The Full Council

**1. Only the full Council can exercise the following functions:**

- 1.1 adopting and changing the Constitution;
- 1.2 approving or adopting the policy framework and the budget, including setting Council tax, determining borrowing limits, approval of the capital programme;
- ~~1.2~~ 1.3 approving the Pay Policy Statement
- ~~1.3~~ approving the statement of accounts;
- 1.4 approving any application to the Secretary of State in respect of any Housing Land Transfer;
- 1.5 appointment of the Mayor and noting the appointment of the Deputy Mayor;
- ~~1.5~~ 1.6 electing chairs and vice chairs of committees;
- 1.7 appointing the Leader and noting Members of the Executive;
- 1.8 Noting the appointment of the Leader of the Opposition
- ~~1.6~~ 1.9 approving annually the Allocation of Responsibilities of this Constitution;
- ~~1.7~~ 1.10 subject to the urgency procedure contained in the Access to Information Procedure Rules in this Constitution, making decisions about any Executive functions which are contrary to the policy framework or contrary to or not wholly in accordance with the budget where these have been referred to the Council by the Call-In sub-committee;
- ~~1.8~~ 1.11 agreeing and/or amending the terms of reference for the Committees of the Council, deciding on their composition and making appointments to them;
- ~~1.9~~ 1.12 adopting the Scheme of Members' Allowances set out in the Constitution;
- ~~1.10~~ 1.13 appointing the Independent Persons under s.27(7) of the Localism Act;
- ~~1.11~~ 1.14 conferring the title of honorary alderman or freedom of the borough; confirming the appointment of the Head of Paid Service or the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer;
- 1.15 to confirm the dismissal, appointment and designation of the Head of Paid Service;
- 1.16 to confirm the dismissal and designation of the Monitoring Officer and Chief Finance Officer;
- 1.17 deciding whether to reject or uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer ~~by the Employment Sub-committee; the Chief Officers' Employment Panel;~~
- 1.18 to approve packages for newly created posts over £100,000 (packages to include salary, bonuses, fees and allowances and benefits in kind);
- ~~1.12~~ 1.19 to approve any severance packages for Officers of £100,000 or over. (packages to include pay in lieu of notice, redundancy compensation and pension strain, and any

bonuses, fees or allowances paid) (report to be taken to Council in advance of any restructure which may result in such payments);

~~1.13~~1.20 making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills;

~~1.14~~1.21 to determine the meaning of “significant” in relation to “key” decisions (Article 6 refers);

~~1.15~~1.22 deciding whether to make a delegation of a non-Executive function or accept a delegation of a non-Executive function from another Authority;

~~1.16~~1.23 to receive reports and consider recommendations from the Executive; Scrutiny; Governance, Audit, Risk Management and Standards and other Committees as appropriate; and

~~1.17~~1.24 making appointments and nominations of Members including council companies to outside bodies; and

~~1.18~~1.25 all other matters which by law must be reserved to Council.

Note: The items referred to in Schedule 1 to the Functions and Responsibilities Regulations in this Constitution may not be the responsibility of the Executive and will be discharged by the Council, one of its Committees or an officer.



## Part 4L

### Code of Recommended Practice on Local Authority Publicity

The Publicity Code provides guidance on the content, style, distribution and cost of local authority publicity.

[Recommended code of practice for local authority publicity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674212/Recommended_code_of_practice_for_local_authority_publicity.pdf)

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## Part 4K - Members' Rights to Access Information

### Guidance and Protocol

#### 1. Introduction

- 1.1. Members have a right to see the majority of information which the Council holds so they can carry out their duties as Councillors. This can range from information about services to information about their constituents generally. The general rule is that information should be supplied if requested. However, there is certain information, particularly that held about individuals, where access may be restricted.
- 1.2. This document sets out general guidance on the circumstances in which members may gain access to information owned by the Council. A Members' Access to Information Policy and Toolkit is provided for members and officers to follow in relation to requests for confidential information. If further advice regarding a particular situation is required this can be obtained from the Monitoring Officer.
- 1.3. All committee reports are available to Members on the intranet and council website.

#### 2. Rights to access material

- 2.1. Members have a right to see documents, or parts of documents, where this is reasonably necessary to enable them to perform their duties as a Councillor or their role within the Council. This is commonly referred to as the 'need to know' principle. This covers cases where a councillor seeks to see information which relates to a committee of which they are a member.
- 2.2. This does not amount to an automatic right to see documents. The basis of this rule is that the member needs the information to carry out their duties. If the member was seeking to see documents for improper purposes, this would not be covered.
- 2.3. In addition to the general right, any member has a statutory right to see documents which contain information relating to:
  - a. business transacted at meetings of the Executive (including panels and forums), the Council and its Committees,
  - b. any decision taken by a portfolio holder in accordance with the Council's constitution and
  - c. any key decision made by the Officer.
- 2.4. Some categories of information are exempt from this provision, including that related to individuals. The list of exemptions is set out at Appendix 1. The practice in the Council is that members can generally see such information. However, there will be some circumstances where this is not the case, for example, where it affects the member's personal affairs. All information disclosed is treated as confidential for the purpose of the members' Code of Conduct.
- 2.5. If the Council is minded not to disclose exempt information, it will consider whether, in all the circumstances of the case, the public interest in disclosing the information outweighs the public interest in maintaining the exemption. If so, the information will be disclosed.

### **3. Overview and Scrutiny Committee**

- 3.1. In addition to the above rights, members of the Overview and Scrutiny Committee can obtain exempt information as set out in Appendix 1 or confidential information but only if it is relevant to an action or decision that the Committee is reviewing or scrutinising; or which is relevant to any review contained in any work programme of the committee. These members will also be entitled to copies of any document which is in the possession or control of the Executive, a Portfolio Holder, and which contains material relating to:
- a. any business transacted at a meeting of the Executive; or
  - b. any decision taken by an individual member of the Executive
- 3.2. Confidential information is defined as:
- a. Information provided to the local authority by a government department which has forbidden the disclosure of the information to the public; or
  - b. Information which cannot be disclosed to the public by a law or court order

### **4. Freedom of Information Act 2000 (FOIA)**

- 4.1. Members have the same rights as any other member of the public to request information under the FOIA. Any such request should be dealt with under the Council's procedure for FOI requests.
- 4.2. It should be noted that a political group is not part of the Council and therefore the Freedom of Information Act does not apply to it.

### **5. Data Protection Act**

- 5.1. The provisions of the Data Protection Act will apply to any personal information relating to individuals. The position differs according to the capacity in which the member is acting.

### **6. Member acting on behalf of local residents**

- 6.1. A local authority does not generally have to get the consent of an individual to disclose their personal information to an elected member as long as:
- a. The elected member represents the ward in which the individual lives;
  - b. The elected member makes it clear that they are representing the individual in any request for their personal information to the local authority; and
  - c. The information is necessary to respond to the individual's complaint
- 6.2. In these circumstances, a member will be required to sign a form confirming this. A copy of the form is attached at Appendix 2.

### **7. Member acting as a member of the council**

- 7.1. Personal information can be disclosed on a 'need to know' basis.

### **8. Sensitive information**

- 8.1. Certain information is classified as sensitive under the Data Protection Act including information about racial or ethnic origins, political opinions and religious beliefs. Normally, consent from the individual or another condition specified under the Act is required. However, disclosure of such information to a member is allowed where they have been asked by the individual to take action (and has written consent from the

individual to obtain the information) on their behalf and the information is necessary in order for them to assist.

**9. Legal proceedings including care proceedings**

- 9.1. For certain legal proceedings, the consent of the Court is required to disclose information related to those proceedings. Documents regarding legal proceedings or prospective proceedings, will only be shared when a Member is able to identify a 'need to know' and not in circumstances where the Member is supporting the other party.
- 9.2. The Family Proceedings Court Rules lay down strict rules in respect of information relating to family proceedings. Information can only be disclosed with leave of the court. This is not restricted to documents filed with the court but covers any information relating to these proceedings. Members cannot see any such information in any circumstances, even where he or she is representing a constituent.

**10. Code of Conduct**

- 10.1. Members should bear in mind the provisions of the Code of Conduct where they hold Council information. This restricts the circumstances in which they can disclose confidential and exempt information.

**11. Protocol for Requesting Information**

- 11.1. If a member requests information and the officer concerned has no doubts that it can be disclosed, the information should be provided. However, where the officer has doubts that the information should be disclosed, the steps below should be followed.
- 11.2. Members should be asked to make a written request to the appropriate Director for the information to be provided. The request must state the purposes for which the information is required, having regard to the above guidance.
- 11.3. Where personal information is requested, the Member should complete the form attached at Appendix 2.
- 11.4. The Director should consider whether the information should be provided in accordance with the guidance above.
- 11.5. The Director should reply to the member within 5 working days and should either:
  - a. Provide the information,
  - b. Refuse to grant the request, stating reasons in writing, or
  - c. Give a timescale for providing the information which should be as soon as possible but not longer than 20 working days after the date of the request.
- 11.6. Where the request is not granted and the member is not satisfied with the reasons provided, the member may seek advice from the Monitoring Officer on whether the refusal is justified. If the Monitoring Officer decides that the information should be provided, then the Director who has refused the information must provide it to the member within a further 5 working days of that decision.
- 11.7. Where the Monitoring Officer decides that the information should not be provided, the request may be referred to the Governance, Audit, Risk Management and Standards Committee for resolution. Such meeting must have at least one Independent Person in attendance and their views must be taken into consideration.

- 11.8. Where the request is granted, the member may be allowed to inspect the relevant information, or to take away copies, depending on the information. Where copies are taken off site, the Director may specify steps which the member must take to keep the information secure, for example, keeping documents in a lockable cabinet. If given electronically, it should be password protected and watermarked.
- 11.9. The member must not use information for any other reason than that specified in the request and, where it is confidential or exempt, must keep it confidential in accordance with the code of conduct.

## Appendix 1

### Exempt information

- 1) Information relating to any individual.
- 2) Information which is likely to reveal the identity of an individual.
- 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4) Information relating 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.
- 5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6) Information which reveals that the authority proposes:
  - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b) to make an order or direction under any enactment.
- 7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The above categories of information are 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.

## Appendix 2

### Request for information relating to an individual

This form is to be completed by a Councillor requesting information regarding an individual.

<b>Name of person about whom information is requested</b> <i>(please print)</i>	
<b>Type of Information requested</b> <i>(please be as specific as possible)</i>	
<b>I confirm that:</b> a) The person named above has asked me to represent him/her; b) I represent the ward in which the person named above lives; and c) The information requested is necessary to respond to the individual's complaint	
<b>Signed:</b>	
<b>Print name:</b>	
<b>Date:</b>	



## London Borough of Barnet

### Code of Conduct for Officers

#### 1. Introduction

- 1.1 Council employees are delivering a service to the public using taxpayers' money, and as such the council expects them to exhibit exemplary standards of behaviour and conduct. Employees are expected to adhere to the seven Principles of Public Life (the "Nolan Principles"):
- **Selflessness** – acting solely in the public interest
  - **Integrity** – avoiding conflicts of interest and undue influence
  - **Objectivity** – taking decisions impartially without discrimination or bias
  - **Accountability** – being open to scrutiny
  - **Openness** – being transparent about decisions and actions
  - **Honesty** – truthful at all times
  - **Leadership** – exhibit the right behaviours and challenge poor conduct
- 1.2 Where a member of staff believes there is or may be a conflict of interest affecting their ability to work in this way, the expectation is that they will declare this potential conflict in a timely manner, and before it comes to light by some other means. Failure to make a declaration where there is subsequently discovered to be grounds for doing so, may be treated as a disciplinary issue.
- 1.3 In addition to the duties of their post, Council employees have an obligation to comply with statutory duties as set out in relevant legislation including (but not limited to), the Data Protection Act 2018 and the Equality Act 2010.
- 1.4 The National Joint Council for Local Government Services (the Green Book) and the Constitution Salaries Conditions of Service (Joint Negotiating Committee for Chief Officers of Local Authorities) states: "Employees will maintain conduct of the highest standards that public confidence in their integrity is sustained. Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers."
- 1.5 This Code of Conduct applies to all employees under a contract with the council. Governing bodies of non-community schools and partner organisations in receipt of public funds should be encouraged to adopt this Code of Conduct.

#### 2. Standards

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

2.2 Safeguarding responsibilities - All staff share responsibility for safeguarding and promoting the welfare of children, young people and vulnerable adults. Staff are expected to report any incidents or concerns that cause you to believe that a child, young

person or vulnerable adult is, or is likely to be, at risk of harm. This includes responsibility to report if you suspect that a child or adult at risk may be under the influence of radicalisation, extremism, forced marriage or modern slavery.

### **3. Council Information**

- 3.1 The Council's policies on information management and security can be found on the staff intranet. These policies outline responsibilities for the management and security of Barnet Council information. It is a condition of employment at Barnet Council that staff work at all times in accordance with these policies. The policies may be amended and added to from time to time and the intranet site will show the most recent policies which staff must observe. Line managers are responsible for ensuring that staff are supported in complying with council information management (IM) policies and they should identify to their line manager any concerns that prevent compliance with the policies. The council will consider very seriously any alleged breaches of these policies which may be dealt with under the Council's Disciplinary Procedure. Employees are required to complete training periodically on this subject.
- 3.2 It is generally accepted that open and transparent government is best. The law requires that certain types of information must be available to elected members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Staff must be aware of the authority's policies and of their duties in relation to the handling of both personally and commercially sensitive information. If in doubt guidance should be sought from management before information is disclosed.
- 3.3 The council has a process for dealing with information requested under the Freedom of Information Act. All requests made under the FOI legislation must be passed to the FOI team where they will be logged and tracked. Each directorate has an FOI Link Officer responsible for co-ordinating responses and ensuring that the directorate is compliant.
- 3.4 Staff should not use any information obtained in the course of their employment that is not in the public domain for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 3.5 Information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

### **4. Political neutrality**

- 4.1 Staff must conduct their council duties in a politically neutral manner without regard to their personal political persuasions. This includes such matters as email sign offs promoting political organisations.
- 4.2 They must serve all Councillors and not just those of the controlling group and must ensure that the individual views of all Councillors are respected.
- 4.3 Subject to the authority's conventions, staff may also be required to advise political groups, in ways which do not compromise their political neutrality.
- 4.4 The council maintains a list of politically restricted posts. Holders of posts designated politically restricted will have this stated in their contract. They have limitations placed upon them in terms of active membership of political parties or holders of office within them. They are restricted to membership of a political party without playing any active

role within the party or undertaking any canvassing.

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

## **5. Relationships**

### **5.1 Councillors**

- 5.1.1 Staff are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between staff and councillors is essential to good local government. Close personal familiarity between staff and individual Councillors can damage the relationship and prove embarrassing to other staff and Councillors and should therefore be avoided.
- 5.1.2 No personal matters to do with an employee's job should be raised with Councillors directly, but should be referred through the accepted Council procedures. In the same way, allegations or claims about other employees should be referred to the appropriate manager and not raised directly with Councillors. Employees should not use Councillors to by-pass formal Council procedures in any way, for example, to influence the outcome of a disciplinary action.
- 5.1.3 The council has protocols and etiquette around working with Councillors and managers should ensure new recruits are aware of these.

### **5.2 The Local Community and Service Users**

- 5.2.1 Staff should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

### **5.3 Contractors**

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

### **5.4 Soliciting or being solicited for employment**

- 5.4.1 Where Council staff engage in discussions about future employment with any organisation, contractor or partner with whom the council either has a contractual relationship or is in the negotiation stages of a possible contractual arrangement then this must be declared prior to being developed further to the Head of Service or Chief Officer as appropriate, or Chief Executive where the person is themselves a Head of Service or Chief Officer. The Council reserves the right to temporarily redeploy staff to a suitable alternative post where such discussions are taking place.
- 5.4.2 Managers will make a note of relationships and personal interests, declared to them by staff, any risks identified and the mitigating action taken and send this note to the Human Resources unit who will keep this information on the employee's personal file.

### **5.5 Recruitment, Employment and promotion of Relatives**

- 5.5.1 Staff involved in all types of recruitment, whether to permanent, fixed term or casual roles, should ensure that these selection decisions are made on merit. It would be

unlawful for an employee to make an appointment or promotion which was based on anything other than the ability of the candidate to undertake the duties of the post.

5.5.2 The Council recognizes that employees are entitled to privacy in their personal affairs and have the right to enjoy a private life. However, all employees are expected to avoid placing themselves in situations in which their personal relationships may create actual or perceived conflicts of interest. Such conflicts could occur in the following situations. However, these are illustrative and not exhaustive:

- Applying for a position at the council without declaring a relationship with a councillor or existing officer
- Being involved in recruitment or promotion decisions where candidates are relatives or close friends
- Being involved in tendering processes where potential tenderers are closely related or where a financial interest exists
- Commencing a relationship with a colleague where that relationship could create conflicts of interest (e.g. between a line manager and employee) - in such cases employees are required to notify their senior manager

5.5.3 In all cases, employees should seek advice where a potential conflict of interest may occur. Such advice can be obtained confidentially from Human Resources or the Monitoring Officer

5.5.4 The same standards should be applied to the selection and appointment to interim, agency, contractor or consultancy opportunities.

## **6. Additional Employment**

6.1 Staff should be clear about their contractual obligations and should not take outside employment or engage in any business which conflicts with the authority's interests.

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

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

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

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

6.6 Assistant Directors and above are empowered to decide whether officers should be permitted to take up part-time employment or engage in any business in addition to their full or part-time appointment with the council. The decision in this respect should be

communicated in writing to the employee concerned. A copy must be placed in their personal file. Requests from AD and above should be referred to the Chief Executive for a decision.

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

6.8 Employees may, and are encouraged to, take up unpaid roles, such as being trustees or governors. However, they should still declare the role as an interest, and must seek approval from their chief officer if the time commitment required for the role is likely to impact on their employment (see below)

6.9 Where in doubt, staff should seek advice from their AD, [Director](#) or Chief Executive.

## **7. Intellectual property**

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

## **8. Inventions and Patents**

8.1 Under the Patents Act 1977 inventions are the property of the employer if they have been made either

8.2 in the course of the employee's normal duties or in the course of duties specifically assigned to the employee falling outside their normal duties, and in both cases where invention might reasonably be expected;

8.3 in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

## **9. Conflict of interest**

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

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

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

9.4 Any interests, financial or otherwise which could conflict with the authority's interests must be declared e.g. involvement with an organisation applying for or receiving grant aid from the authority, or involvement with an organisation that is seeking to contract with the council or is already a contractor or client. It is accepted that some staff may be members of organisations and groups and have no active involvement in the group.

However, there is an expectation that where an employee is involved in the running of the group or organisation, has a financial interest or otherwise, or is involved as a Committee member, or in the decision making process, that this would be declared. Likewise those who are asked to undertake work in response to a request from a group or organisation of which they are a member would be wise to declare their membership.

- 9.5 Staff must declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct.
- 9.6 The completed declaration of interest form will be reviewed by an appropriate AD to consider any action that may be necessary before being placed on the employee's personal file.
- 9.7 The declaration of interest is not a historical document to reflect the situation at time of entry to the council's employment, rather an evolving document that must be kept up-to-date. It is the responsibility of the employee to ensure that as their circumstances change during the time of their employment that they keep their declaration up-to-date. Should an employee need to amend or review a declaration they must contact HR and complete a new declaration and send this to the appropriate AD for review before it is placed on personal files.
- 9.8 Declaration forms are securely stored and would not be open for inspection to staff, other than by their Senior Managers (at AD level) or HR. These managers/HR may need to check declaration forms should either membership of an organisation or pressure group emerge or, should there be suspicion that a relationship has emerged which was relevant to the staff member's duties and is contrary to the Code of Conduct. FOI requests relating to such information, would be redacted to ensure identifying information is excluded..
- 9.9 Any member of staff who is in any doubt as to whether or not specific outside interest exists and should be declared should contact their AD for guidance.
- 9.10 All staff involved in procurement activity should ensure that they are familiar with procurement policies and procedures, especially with regard to conflicts of interests and make declarations of interests as appropriate.

## **10. Separation of Roles During Tendering**

- 10.1 Staff involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior staff who have both a client and contractor responsibility must be aware of the need to demonstrate accountability and openness.
- 10.2 Staff in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub-contractors.
- 10.3 Staff who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised third party or organisation.
- 10.4 Staff should ensure that no special favour is shown to current or recent employees and workers or their partners, close relatives or associates in awarding contracts to businesses.

## **11. Workers and Residents**

- 11.1 In circumstances, where an London Borough of Barnet (LBB) worker who is also a resident

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

- 11.2 The worker must ensure that they do not divulge any information that is not already in the public domain.
- 11.3 Where opinions are expressed on TV, film, website, social networking site or in photographs, the worker must not wear any badges or clothing which would readily identify the individual as a worker at the Council.
- 11.4 Should a worker express an opinion without making clear that he or she is making that opinion as a resident of LBB or he or she is wearing badges or clothing that readily identifies the individual as a worker at the Council, he or she may be subject to a disciplinary process.
- 11.5 Notwithstanding the above, employees should not, in any circumstances, act in a way that would bring the council into disrepute, and to do so would be a disciplinary matter.
- 11.6 Council staff who are Trade Union officials must not make statements about council business without making it clear that this is in their official union capacity in accordance with agreed working protocols.

## **12. Equality Diversity and Inclusion (EDI)**

- 12.1 The council is committed to promoting equality, diversity and inclusion, and expects all of its employees to act in a way that supports this. As well as complying with all aspects of the Equality Act 2010, employees are also expected to support the Council's 6 Equality, Diversity and Inclusion (EDI) workforce goals:
  - 12.1.1 We have an inclusive culture, based on an empathic understanding of people's life situations and lived experiences
  - 12.1.2 Our workforce is representative of the communities we serve, at all levels
  - 12.1.3 Our working environment is safe and supportive, free from discrimination, bullying, harassment and micro-aggressions, where all staff can bring their whole selves to work
  - 12.1.4 All staff are given the opportunity to grow and develop
  - 12.1.5 Barriers to equality are better understood and eliminated
- 12.2 Equalities, diversity and inclusion are promoted at all levels of the council, internally and externally
- 12.3 All staff should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law.
- 12.4 All members of the local community, customers and other employees and workers have a right to be treated with fairness and equity.

## **13. Use of Financial Resources**

- 13.1 Staff must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.
- 13.2 In addition, staff must consider financial matters solely with regard to the public interest and in accordance with the council's financial regulations.

#### **14. Fraud, Bribery and Corruption**

- 14.1 These are serious criminal offences.
- 14.2 The council is under a duty to protect public funds it administers. To this end any information which the council obtains as a consequence of your employment may be used for the detection of fraud. The information may, where necessary, be used by the council and provided to other bodies administering public funds for the detection of fraud.
- 14.3 It is also a serious criminal offence in an official capacity, to offer or receive a bribe, or corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour, to any person, group or organisation. If it is proved that some kind of reward was given to or received by the employee, then the onus is on the staff member to disprove corruption.
- 14.4 Suspicions of Fraud, Bribery or Corruption must be referred to the Councils Corporate Anti-Fraud Team (CAFT) for investigation. Such matters can also be raised under the council's whistle blowing Policy by workers

#### **15. Gifts, Hospitality and Sponsorship**

- 15.1 In the course of their work for or on behalf of the Council staff may be offered gifts, hospitality or sponsorship by contractors, consultants, clients or other members of the public. In some instances, accepting such gifts could place staff in a serious predicament, open to allegations of bribery and corruption, disciplinary proceedings and or criminal investigation.
- 15.2 These guidelines are designed to protect workers from such allegations, proceedings or investigations. It is essential that workers are open, and not secretive in their relationships with outside agencies and at all times act in a manner that will protect the integrity and reputation of the Council. Under no circumstances should gifts, hospitality or sponsorship be accepted to give personal, commercial, regulatory or contractual advantage (acceptance of bribes). All workers are required to have an understanding and awareness of the Counter Fraud Framework – Bribery Policy Statement and Procedure.
- 15.3 Offering or accepting bribes is a matter to be investigated by the Corporate Anti Fraud Team (CAFT) and could result in prosecution.
- 15.4 Staff should not routinely accept gifts and hospitality.
- 15.5 Any gift, hospitality or sponsorship that is offered in connection with work undertaken for the council (whether accepted or not) must be recorded in writing, immediately on receipt, or offer, on the Hospitality, Gifts and Sponsorship Declaration Form. For the avoidance of doubt, it is required to fully complete the declaration form on each and every occasion that an offer of a gift, hospitality or sponsorship is made, unless there is an exemption for gifts, etc. below a specified value threshold.
- 15.6 After completion, the declaration form must then be passed immediately to the line manager. Once the line manager has completed their section they should then immediately pass the declaration form to the council's Monitoring Officer. The Monitoring Officer will consider if further action is appropriate. The Monitoring Officer will then pass the declaration form to a Governance Officer for inclusion in the central register recording receipt/offers of gifts, hospitality and sponsorship to Council officers. In the interests of transparency the council may publish the "gifts hospitality and sponsorship" register, but will delete personal data, where it is appropriate to do so.



- 15.7 **Minor gifts/hospitality under £25**, e.g. calendars, diaries, stationery items, need not be recorded. The same applies to the receipt of minor hospitality e.g. tea and biscuits. Where unsolicited gifts, with a value of less than £25, such as a bottle of wine, food, confectionery, etc are offered, these can be accepted, and if not capable of sharing with colleagues, residents/users (e.g. of a social services' establishment), they should be donated to the Mayor's charity. Staff should declare multiple gifts received (in a period of 12 months) from the same donator/company whether or not they exceed £25.
- 15.8 **Gifts of higher value**, e.g. cases of spirits, clothes, jewellery, holiday bookings, holiday discounts and electrical equipment, must not be accepted and, if received, should be returned to the sender, but must still be recorded on the declaration form as having been received and returned unused or as directed by the Head of CAFT (to whom such gifts must be separately reported by you)
- 15.9 **Cash, Cheques, Money Orders** or any monetary form offered to or received as a gift or otherwise must not be accepted, under any circumstance, and any such offers must still be recorded on the declaration form as having been received and returned unused or as directed by the Head of CAFT (to whom such offer or receipt must be separately reported by you)
- 15.10 **Discounts** - It is not permitted, on a personal basis, take advantage of discounts which have been offered or negotiated by the Council with its suppliers for the purchase of goods, materials or services, unless the discount has been negotiated specifically as a benefit available to all staff or to a specific group of staff (of which the individual claiming the discount is a member).
- 15.11 **Hospitality** - The Council recognises that from time to time there is a need for certain officers to attend business functions where they may receive hospitality in the form of light refreshments, drinks and/or meals. Such hospitality may be accepted when provided in the course of normal business - e.g. lunch at a contractor's expense during a business meeting or function, provided that it is recorded in the gifts, hospitality and sponsorship register (subject to the exemption for minor hospitality previously referred to). If the offer of alcohol is accepted, vehicles must not be driven until an appropriate time has elapsed for the alcohol to have left the system. Individuals should consider whether the acceptance of hospitality could affect or may reasonably be perceived as likely to affect the outcome of a business transaction involving the Council or may otherwise be reasonably perceived as not appropriate and/or not bona fide expenditure.
- 15.12 **Prestige Events** - Invitations to prestige events, such as Wimbledon and Royal Ascot and other events such as football matches, theatre, opera, or weekend breaks must not be accepted, and offers must be recorded on the declaration form. Consideration may be given to attendance at certain events if that attendance is in connection with the business purposes or otherwise in the interests of the Council, but authorisation must be obtained from your line manager and approved by the Monitoring Officer before any attendance and this must be recorded on the declaration form.
- 15.13 **Sponsorship** - Attendance at sponsored conferences and other business related events would be permissible provided that such attendance is either necessary for the business purposes or otherwise in the interests of the Council or it is normal practice for officers in local authorities or other public bodies to attend. Attendance must be recorded on the declaration form.
- 15.14 **Council workers providing personal care**, such as Care Workers, Home Helps and

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

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

15.16 Records may be subject to inspection.

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

## **16. Sponsorship – Giving and Receiving**

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

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

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

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

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

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

17.4 Up-to-date information on the council's Acceptable Use Policy is available on the Internet and should be regularly reviewed by users of the council's Internet and Intranet facilities. The use of all social media by workers of the council, including the use of authorised and personal social media channels, must be in accordance with the specific terms and general spirit of the Code of Conduct that requires staff to exhibit exemplary standards of behaviour. In particular, the use of social media must comply with the terms of section 3 (Council Information), section 10 (Workers and Residents) and section 17 above (Use of Internet, Intranet and email facilities). For the avoidance of doubt, social media may not be used in any way that:

- 17.4.1 Breaches the security of Barnet Council information, as set out in the council's information management policies, including the transference of information to third parties and/or third party social media channels.
- 17.4.2 Makes unauthorised comments on council policy or business in any way that may be construed as being made by a representative or worker of the council.
- 17.4.3 Brings the council into disrepute
- 17.5 Circumvents or otherwise inhibits the council's whistleblowing policy and management thereof.
- 17.6 Failure to comply with any of the above will be fully investigated under appropriate policies and could result in disciplinary action.

## **18. Smoking, Alcohol and Substance misuse**

- 18.1 Smoking in or in the immediate vicinity of Barnet offices is strictly prohibited. Smoking in work vehicles or vehicles that will carry members of the public is also prohibited. E-Cigarettes are treated exactly the same as cigarettes or cigars. Please see Smoking at Work Policy for full details.
- 18.2 The consumption of alcohol, drugs or substances (except medically prescribed drugs) are strictly prohibited during working time. Staff at business related engagements outside of working time are representing the council as ambassadors and as such are expected to keep any alcohol intake within recommended daily guidelines. Problem drinking is an illness or could be related to a mental health problem and the individual concerned should be encouraged to seek appropriate support. Employees who drive for work or who carry out safety critical tasks must never drive or work while under the influence of alcohol drugs or substances. Please see Alcohol, Drugs and Substance Misuse Policy for full details.

## **18.19. Application of the Code of Conduct**

- 19.1 There will be specific mention of the Code of Conduct in the contract of employment for new starters and that they could be required to declare interests after the selection process but before taking up their posts.
- 19.2 Any apparent breaches of this Code of Conduct will be fully investigated by the appropriate manager and any proceedings would follow the normal disciplinary procedures of the Council and in serious cases could also result in prosecution.
- 19.3 If anyone has any concerns about improper conduct or malpractice or abuse within the Council or to any of its service users and wish confidentiality when reporting a concern, they are encouraged to use the whistleblowing policy which can be found on the intranet in the HR Staff Handbook section.

## **19.20. Criminal Offences**

- 20.1 It is a condition of employment that employees notify their manager immediately if they are charged, cautioned or convicted of a criminal offence, including offences against children. Personal information which you supplied to the Council will be stored on computer systems and will, therefore be subject to the provisions of the Data Protection Act 2018.

## Hospitality, Gifts and Sponsorship Declaration Form (Page 1 of 2)

*NB this will be an online process*

<b>Date hospitality, gift or sponsorship offered/received:</b>
<b>Name of person offered/receiving the hospitality, gift or sponsorship:</b>
<b>Work address:</b>
<b>Directorate:</b>
<b>Hospitality, gift or sponsorship received from:</b>
<b>Details of hospitality, gift or sponsorship offered/received:</b>
<b>Approximate value of hospitality, gift £ or sponsorship offered/received:</b>
<b>Declaration: <i>(please delete as appropriate)</i></b> <b>1 The hospitality, gift or sponsorship was offered but was declined.</b> <b>2 I declare that the gift/hospitality/sponsorship has been/will be accepted and is entirely consistent with the requirements of the Council's Code of Practice on Gifts, Hospitality and Sponsorship and that no business decisions have or will be influenced by the acceptance and that no advancements or personal gain have been or will be obtained.</b> <b>3 I confirm that I have read and understand the Code of Practice on Gifts, Hospitality and Sponsorship and the Bribery Policy Statement and Procedure</b> <i>– Counter Fraud Framework and have made all necessary declarations during the last year.</i>
<b>Print Name:</b>
<b>Signed and dated:</b>
<b>(If the declaration is made by e-mail, state by e-mail in the signature box above)</b>

## Hospitality, Gifts and Sponsorship Declaration Form (Page 2 of 2)

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

## Declaration of Interest Form Definition

If a member of staff is a close relative, a friend, a personal acquaintance, a Councillor or have had any form of relationship either present or past, the relationship must be declared to the Assistant Director or Director.

- The relationship must be declared to the Director for them to review the information detailed on the form and make an informed decision on any action to be taken.
- **For example:** make a change to line management responsibilities, review interview panel members, change decision making responsibilities for employment by instructing the employee **not** to be involved in any recruitment and selection decision, pay including provision of overtime, grading, training, appraisal, disciplinary, grievance decisions.
- If you **fail to seek permission or disclose details** of any relationship it could be dealt with under the Disciplinary procedure and **could** result in dismissal

I declare that I have a “close relationship” with .....

### Decision and rational made by Director

--

Name of employee	Signed by employee
Declaration of conflict of interest has been declared, considered and instructed as above.	Signed:  Assistant Director/Director

Once complete scan and send to HR in Belfast Barnet HR & Payroll ([barnethrpayroll@capita-services.co.uk](mailto:barnethrpayroll@capita-services.co.uk))

## Part 2B

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

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## **1 Appeals Committee**

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

## **2 Governance, Audit, Risk Management and Standards Committee**

### **2.1 Statement of purpose**

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



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

## **2.5 Membership**

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

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

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

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

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

### **3 Standards Sub-committee**

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

#### **3.2 Membership**

3.2.1 3 members and an Independent Person.

3.2.2 Council will appoint 1 substitute from each group.

### **4 Health and Wellbeing Board**

#### **4.1 Accountability**

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

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

#### **4.2 Purpose of the Board**

~~4.2.1 To oversee Member Development~~

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

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

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

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

### **4.3 Membership**

#### **4.3.1 14 Members:**

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

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

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

#### 4.4 Quorum

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

### 5 Independent Panel

#### 5.1 The Panel has the following duties:

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

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

#### 5.2 Membership

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

### 6 Licensing and General Purposes Committee

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

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

~~6.1.2~~ 6.1.1 To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (referred to in the Schedule 3A-1) to this document, are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;

~~6.1.3~~ 6.1.2 To carry out the functions under any relevant statutory provision within the meaning of Part I (Health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;

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

~~6.1.5~~

~~6.1.3~~

~~6.1.6~~ To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:

~~6.1.7~~ 6.1.4

~~6.1.7.1~~ 6.1.4.1 All activities under the Licensing/Gambling Acts

~~6.1.7.2~~6.1.4.2 Food safety and control.

~~6.1.7.3~~6.1.4.3 Animal health, welfare, safety and control.

~~6.1.7.4~~6.1.4.4 Gambling, betting, lotteries and related amusements

~~6.1.7.5~~6.1.4.5 Crime and disorder issues related to the above duties.

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

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

## **6.2 Membership**

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

## **7 Licensing Sub-Committee**

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

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

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

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

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

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

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

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

7.1.3.1 Applications for personal licences where:

7.1.3.1.1 Representations have been made, but remain unresolved.

7.1.3.1.2 Applicants have relevant unspent convictions.

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

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

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

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

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

## **7.2 Membership**

### **7.2.1 3 Members**

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

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

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

8.1.16

~~8.1.17 approval of staffing restructures involving 20 or more employees;~~

~~8.1.18~~ 8.1.17 approving any changes to the chief officer structure;

~~8.1.19~~ 8.1.18 pay and reward strategy;

~~8.1.20~~ 8.1.19 HR policies which go over and above statutory requirements;

~~8.1.21~~ 8.1.20 develop the annual pay policy statement for Full Council approval

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

8.3 Membership

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

## **9 Overview and Scrutiny Committee and Scrutiny Sub-Committees**

### **9.1 General Role**

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

9.2.1 To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with this Article

9.2.2 Policy Development and Review – by supporting the Council and Executive in developing the policy framework and budget for the Council, working with partner organisations on issues that may be outside the remit of the Council and reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions;

9.2.3 Service Reviews – by making reports and/or recommendations to the full Council, Executive, Portfolio Holders and any Joint or Area Committees on any of their functions;

9.2.4 Review of Issues of Concern to Local People – by considering any matter affecting the area or its inhabitants and monitoring and scrutinising the activities of others;

9.2.5 Pre-Decision Scrutiny – following consideration of the Key Decision Schedule (Forward Plan) and with the agreement of the Executive, to scrutinise key decisions prior to them being made;

9.2.6 Performance Review - to receive selected monitoring reports (including KPI, financial performance and risk information) in relation to internally and externally delivered services.

9.2.7 Scrutiny of Partners – to review or scrutinise the performance of anybody carrying out any function on behalf of or in partnership with the Council.

9.2.8 The Call-In Sub-Committees may call in Executive decisions made but not yet implemented.

### **9.3 Specific Functions**

9.3.1 Policy development and review

9.3.2 The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

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

**9.4 Scrutiny**

9.4.1 The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

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

**9.5 Annual Report**

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

**10 Overview and Scrutiny Committee**



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

## **10.2 Membership**

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

## **11 Call-In Sub-Committee**

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

## **11.2 Membership**

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

### **13.12 Adults and Health Overview and Scrutiny Sub-Committee**

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

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

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

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

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

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

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

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

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

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

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

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

~~13.3.3.3~~12.3.3.3 Public Health

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

~~13.3.3.5~~12.3.3.5 Collaborative working with health agencies

~~13.3.3.6~~12.3.3.6 Commissioning and contracting health services

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

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

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

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

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

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

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

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

## 12.7 **Membership**

12.7.1 5 Members. Council will appoint 1 substitute Member from each group.

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

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

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

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

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

## 1514 **Local Pension Board**

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

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

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

~~15.2.2~~14.2.2 such other matters that the LGPS regulations may specify Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund. The Local Pension Board maintain separate detailed terms of reference which are approved annually

### ~~15.3~~14.3 **Membership**

~~15.3.1~~14.3.1 7 Members comprising: 3 employers side representatives (1 councillor\* and 2 employer representatives from an admitted body 3 employee side representatives (1 active member and 2 deferred member) 1 independent member/advisor \*Councillors appointed to the Board cannot also sit on the Pension Fund Committee.

#### ~~15.4~~14.4 **Terms of Reference for the London Borough of Barnet Pension Board**

~~15.4.1~~14.4.1 The purposed of this document is to set out the detailed Terms of Reference for the Local Pension Board of the London Borough of Barnet Pension Fund.

#### ~~15.5~~14.5 **Role of the Local Pension Board**

~~15.5.1~~14.5.1 The role of the local Pension Board, as defined by sections 5(1) and (2) of the Public Services Pension Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013 is to assist with:

~~15.5.1.1~~14.5.1.1 securing compliance with LGPS Government regulations and any other legislation relating to the governance and administration of the LGPS

~~15.5.1.2~~14.5.1.2 securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator.

~~15.5.1.3~~14.5.1.3 such other matters as the LGPS regulations may specify

~~15.5.1.4~~14.5.1.4 Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund.

~~15.5.1.5~~14.5.1.5 ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are: the communications policy statement; funding strategy statement; governance compliance statement; statement of investment principles; and the Pension Fund annual report and accounts.

~~15.5.1.6~~14.5.1.6 ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually.

~~15.5.1.7~~14.5.1.7 review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS.

~~15.5.1.8~~14.5.1.8 review the Pension Fund's performance in complying with the requirements of the Pension Regulator.

~~15.5.1.9~~14.5.1.9 annually submit a proposed work plan for the forthcoming financial year to the Pension Fund Committee

~~15.5.1.10~~14.5.1.10 carry out any other activities relating to the efficient governance and administration of the Pension Fund.

~~15.5.1.11~~14.5.1.11 submit an annual budget to the Barnet Pension Fund Committee for approval.

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

~~15.5.3~~14.5.3 The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering

Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.

#### **15.6.14.6 Appointment of members of the Pension Board**

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

**15.6.14.6.1.1** the legislation and associated guidance of the Local Government Pension Scheme

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

**15.6.14.6.1.3** has knowledge and understanding of;

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

#### **15.7.14.7 Rules governing Membership the Local Pension Board**

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

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

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

#### **15.8.14.8 Composition of the Board**

**15.8.14.8.1** The Board shall consist of 7 members constituted as follows:

**15.8.14.8.1.1** 3 employer representatives comprising:

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

**15.8.14.8.1.2** 3 scheme member representatives (employee side) comprising:

- 1 active members
- retired/deferred members

**15.8.14.8.1.3** 1 independent member/advisor

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

**15.8.14.8.2** Independent and Scheme Members shall be appointed following a public recruitment, selection and interview process.

#### **15.9.14.9 Chairman and Vice-Chairman of the Board**

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

**15.9.14.9.2** Should the elected Chairman be an Employer representative the Vice-Chairman must be a Scheme Member representative and vice versa.

#### **15.10.14.10 Substitute Members**

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

**NB:** The independent member shall not have a substitute.

#### **15.11.14.11 Quorum**

**15.11.14.11.1** The Pension Board will be quorate when three voting Pension Board Members are in attendance.

#### **15.12.14.12 Period of Office**

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

#### **15.13.14.13 Termination of office**

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

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

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

**15.13.3.14.13.3.1** A poor attendance record;

**15.13.3.14.13.3.2** If a member does not undertake training as requested;

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

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

**15.13.4.14.13.4** Should the Council representative members, or the active scheme member(s) cease to be Council representatives or active scheme members, he/she will automatically cease to be a member of the Board and the Administering Authority will conduct a replacement process.

**15.13.5.14.13.5** Any Board member choosing not to continue her/his role must provide a written notice of resignation from their post to the Governance Service. The notice period shall be two months. Once the written notice is received the Board shall be notified

accordingly and arrangements shall be made for a replacement in line with the procedures for the original appointment.

#### **15.1414.14 Voting Rights (this is dependent on makeup of the Board)**

**15.14.114.14.1** All Board Members will have equal voting rights.

**15.14.214.14.2** In the event of an equality of voted the Chairman will have the casting vote.

#### **15.1514.15 Frequency of meeting**

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

#### **15.1614.16 Notice of meeting and circulation of papers**

**15.16.114.16.1** In accordance with the Access to Information Procedure Rules as set out in the Council's Constitution.

#### **15.1714.17 Minutes**

**15.17.114.17.1** In accordance with the Access to Information Procedure Rules as set out in the Council's Constitution.

#### **15.1814.18 Accountability and reporting**

**15.18.114.18.1** The Board is accountable solely to the Council for the effective operation of its functions.

**15.18.214.18.2** The Board shall report to the Pensions Committee as often as the Board deems necessary and at least annually:

**15.18.2.114.18.2.1** a summary of the work undertaken;

**15.18.2.214.18.2.2** the work plan for the next 12 months;

**15.18.2.314.18.2.3** details of training received and planned; and

**15.18.2.414.18.2.4** details of any conflicts of interest and how they were dealt with.

**15.18.2.514.18.2.5** On certain matters the board will report directly to Council;

**15.18.314.18.3** The Board shall report annually to Full Council on its work.

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

**15.18.4.114.18.4.1** any areas of persistent non-compliance

**15.18.4.214.18.4.2** any area of non-compliance within the LGPS Regulations that have been reported to the Pension Fund Committee

**15.18.4.314.18.4.3** areas raised to the Board to be investigated and how they were dealt with;

**15.18.4.414.18.4.4** any risks or other areas of potential concern it wishes to raise;

#### **15.1914.19 Code of Conduct**

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



## **15.2014.20 Conflicts of interest**

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

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

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

## **15.2114.21 Knowledge and understanding including training**

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

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

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

## **15.2214.22 Definitions**

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

<i>Administering Authority</i>	London Borough of Barnet
<i>Board or Pension Board</i>	The local Pension Board for the London Borough of Barnet, Administering Authority for the London Borough of Barnet Pension Fund as required under the Public Service Pensions Act 2013
<i>Board Member</i>	A member of the Board including Employer representatives, Scheme Member representatives and an independent member
<i>Code of Practice</i>	The Pensions Regulator's [draft] Code of Practice no 14 entitled "Governance and administration of public service pension schemes."
<i>Conflicts of Interest</i>	As defined in the Public Service Pensions Act 2013
<i>Employer Representative</i>	A person appointed to the Board for the purpose of representing employers for the Scheme



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

## **16.15 Pension Fund Committee**

~~16.1.1~~15.1 To have responsibility for all aspects of the governance, investment and administration of the LB Barnet Pension fund, including, but not limited to the following:

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

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

~~16.1.2.1~~15.1.2.1 Investment Strategy Statement

~~16.1.2.2~~15.1.2.2 Funding Strategy Statement

~~16.1.2.3~~15.1.2.3 Governance Policy Statement

~~16.1.2.4~~15.1.2.4 Pension Administration Strategy

~~16.1.2.5~~15.1.2.5 Communication Policy Statement.

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

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

~~16.1.4.1~~15.1.4.1 Investment advisors

~~16.1.4.2~~15.1.4.2 Pension Fund investment managers

~~16.1.4.3~~15.1.4.3 Pension Fund actuaries

~~16.1.4.4~~15.1.4.4 Performance management company

~~16.1.4.5~~15.1.4.5 Custodians

~~16.1.4.6~~15.1.4.6 Pension Administrator

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

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

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

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

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

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

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

## **16.2 15.2 Membership**

~~16.3~~ 6 Members. Council will appoint 2 substitute Members from each group ~~9 Chair, Vice Chair, Members and substitutes appointed by Council.~~

15.3

~~16.4~~15.4 ~~The Committee will~~ **To** invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled / admitted body) to committee meetings. These representatives are appointed to advise the committee on behalf of the interests they represent, but are not to have any voting rights.

~~16.4.1~~15.4.1 Further invites to scheduled/admitted bodies to be decided by the chair of the committee. ~~6 substitutes — 3 from each political group.~~

~~16.5~~ **Quorum**

~~16.5.1~~ **3.**

## **~~17~~16 Strategic Planning Committee**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### ~~17.13~~16.13 **Membership**

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

#### ~~17.14~~ **Quorum**

~~17.14.1~~ **3.**

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

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

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

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

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

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

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

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

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

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

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

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

#### ~~18.2~~17.2 **Membership**

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

~~18.3~~ **Quorum**

~~18.3.1~~ **3**

**19.18 Area Committees**

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

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

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

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

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

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

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

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

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

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

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

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

~~19.7~~ **Quorum**

~~19.7.1~~ **3**

## 2E Joint Arrangements

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

#### **20.1.19.1 Functions and Procedure Rules**

##### **20.1.1.19.1.1 Purpose of the Joint Committee**

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

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

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

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

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

##### **20.1.6.19.1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.**

#### **20.2.19.2 Definitions**

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

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

#### **20.3.19.3 Functions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~20.4.4~~19.4.4 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.

~~20.4.5~~19.4.5 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.

~~20.4.6~~19.4.6 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

~~20.4.7~~19.4.7 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.

~~20.4.8~~19.4.8 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six month notice period must be provided.

~~20.4.9~~19.4.9 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.

~~20.4.10~~19.4.10 The quorum for the Joint Committee is three members. If the Joint Committee is not quorate it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed until a quorum is achieved. If no quorum is achieved after 30 minutes has elapsed, the clerk will advise those present that no business can be transacted and the meeting will be cancelled.

## ~~20.5~~19.5 **Chair and Vice-Chair**

~~20.5.1~~19.5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.

~~20.5.2~~19.5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as chair.

~~20.5.3~~19.5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chair. This appointment will also rotate in a similar manner to the Chair.

~~20.5.4~~19.5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.

~~20.5.5~~19.5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.

~~20.5.6~~19.5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.



## **20.619.6 Sub-Committees**

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

## **20.719.7 Delegation to officers**

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

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

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

## **20.819.8 Administration**

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

## **20.919.9 Financial matters**

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

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

## **20.1019.10 Agenda management**

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

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

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

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

## **20.1119.11 Meetings**

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

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

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

#### ~~20.12~~19.12 Notice of meetings

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

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

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

#### ~~20.13~~19.13 Public participation

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

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

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

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

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

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

#### ~~20.14~~19.14 Member participation

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

## **20.1519.15 Business to be transacted**

**20.15.119.15.1** Standing items for each meeting of the Joint Committee will include the following:

**20.15.1.119.15.1.1** Minutes of the Last Meeting

**20.15.1.219.15.1.2** Apologies for absence

**20.15.1.319.15.1.3** Declarations of Interest

**20.15.1.419.15.1.4** Provision for public participation

**20.15.1.519.15.1.5** Substantive items for consideration

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

**20.15.319.15.3** An item of business may not be considered at a meeting unless:

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

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

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

## **20.1619.16 Extraordinary meetings**

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

**20.16.219.16.2** The business of an extraordinary meeting shall be only that specified on the agenda.

## **20.1719.17 Cancellation of meetings**

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

## **20.1819.18 Rules of debate**

**20.18.119.18.1** The rules of debate in operation in the Chair’s authority shall apply.

## **20.1919.19 Request for determination of business**

**20.19.119.19.1** Any member of the Joint Committee may request at any time that:

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

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

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

~~20.19.1.4~~ 19.19.1.4 The meeting be adjourned.

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

## ~~20.20~~ 19.20 Urgency procedure

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

## ~~20.21~~ 19.21 Voting

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

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

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

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

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

## ~~20.22~~ 19.22 Minutes

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

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

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

## ~~20.23~~ 19.23 Exclusion of Public and Press

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

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

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

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

## ~~20.24~~19.24 **Overview and Scrutiny**

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

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

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

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

## ~~20.25~~19.25 **Access to minutes and papers after the meeting**

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

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

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

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

## ~~20.26~~19.26 **Amendment of these Rules**

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

## **20.2719.27 Background Papers**

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

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

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

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

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

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

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

## **21.20 North Central London Joint Health Overview and Scrutiny Committee**

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

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

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

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

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

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

## 2F Terms of Reference of Boards

### **2221 Local Strategic Partnership (Barnet Partnership Board)**

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

#### **22.221.2 Membership**

**22.2.121.2.1** Leader of the Council, Council representatives to be appointed by Annual Council Senior representatives from:

- 22.2.1.121.2.1.1** Related Argent
- 22.2.1.221.2.1.2** Barnet & Southgate College
- 22.2.1.321.2.1.3** Barnet Council
- 22.2.1.421.2.1.4** Brent Cross Shopping Centre
- 22.2.1.521.2.1.5** Barnet Together Alliance
- 22.2.1.621.2.1.6** Barnet Clinical Commissioning Group
- 22.2.1.721.2.1.7** Department for Work and Pensions
- 22.2.1.821.2.1.8** Federation of Small Business
- 22.2.1.921.2.1.9** London Fire Service
- 22.2.1.1021.2.1.10** Middlesex University
- 22.2.1.1121.2.1.11** Metropolitan Police
- 22.2.1.1221.2.1.12** Saracens West London Alliance

### **2322 Children's Partnership Board**

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

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

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

**23.422.4** General Responsibilities and Functions the Children's Partnership Board is accountable for the following:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

## ~~23.8.2~~22.8 **Membership**

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

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

### ~~23.8.3~~22.8.3 Barnet Council

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

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

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

### ~~23.8.5~~22.8.5 Metropolitan Police – Inspector;

### ~~23.8.6~~22.8.6 Schools –

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

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

### ~~23.8.8~~22.8.8 Voluntary Sector –

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

### ~~23.8.9~~22.8.9 Young Persons Representatives –

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

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

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

## 23.922.9 **Quorum**

23.9.122.9.1 5 – must include the following:

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

## 2423 **Safer Communities Partnership Board**

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

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

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

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

24.523.5 Other current partners are:

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

## **London Borough of Barnet - Constitution**

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

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## Part 2D

### Terms of Reference and Delegation of Duties to the Cabinet

#### Executive (Cabinet)

1. The Executive will exercise all of the local authority functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.
2. The Executive will have responsibility for approving plans which are not the responsibility of Council and any other non-statutory plans that, from time to time, may be considered their responsibility.
3. The Cabinet is responsible for the following functions:
  - 3.1 Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
  - 3.2 Monitoring the implementation of the budget and financial strategy;
  - 3.3 Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council;
  - 3.4 Approving policies that are not part of the policy framework;
  - 3.5 Management of the Council's Capital Programme;
4. All key decisions – namely:
  - 4.1 an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
  - 4.2 an executive decision which 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;
  - 4.3 a decision is significant for the purposes of 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;
  - 4.4 award of contracts over £500,000 and all matters reserved to the Executive under the Contract Procedure Rules this may be done via the Procurement Forward Plan;
  - 4.5 variations between budgets as required by the Financial Regulations;
  - 4.6 making all non-key decisions which are referred to the Executive by the relevant Portfolio Holder or Director;
  - 4.7 Determination of recommendations and references from the Council or any of its Committees or sub-committees and which the Cabinet considers are appropriate for collective decision;
  - 4.8 Approval of HRA Rents.

## **Cabinet Members' (Portfolio Holders) appointment and term of office**

5. Other Executive Members shall be appointed to the Executive by the Leader and shall continue in their roles on the Executive until one of the following circumstances applies:
  - 5.1 in the case of the Deputy Leader; the end of the term of office of the Leader
  - 5.2 they resign from office; or
  - 5.3 they are no longer Councillors; or
  - 5.4 the Leader makes changes to the roles of Members of the Executive, or
  - 5.5 they are removed from office by the Leader.
6. **Vacancies in the Executive**
  - 6.1 If at any time a Member ceases to be a Member of the Executive, the responsibilities of that Member shall be carried out by the Executive collectively until such time as the Leader has appointed a replacement, or where appropriate, re-appointed the Member concerned.
  - 6.2 In the event that all Members of the Executive are removed or have been disqualified from office, the Head of Paid Service shall, in the interim, carry out the Executive functions.
7. **Temporary Absence of Leader or other Portfolio Holder**
  - 7.1 In the temporary absence of the Leader or other Portfolio Holder, decisions may be taken in accordance with the Scheme of delegation relating to Portfolio Holders set out in this Constitution.
8. **Special Provision to take urgent action in an election year**
  - 8.1 That following a Borough Election and until the day of the Annual Council Meeting the Leader or a Portfolio Holder will, if the political group to which they belong do not have a majority of members on the Council, consult and ensure consensus with the Leaders of one or more other groups that together form a majority of members on the Council;
  - 8.2 That following a Borough Election and until the day of the Annual Council Meeting, if the Leader is not re-elected as a Councillor, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all group Leaders.
9. **Proceedings of the Executive**
  - 9.1 Proceedings of the Executive will take place in accordance with the Executive Procedure Rules.

## **Leader of the Council and Portfolio Holder Resources and Effective Council**

### **10. The Leader of the Council shall have the following responsibilities:**

- When present, to chair meetings of the Cabinet.
- Appoint and dismiss Portfolio Holders and the Deputy Leader.
- Appoint to and dismiss from any committees of the Cabinet.
- Determine from time to time the roles and areas of responsibility of Portfolio Holders.
- In the absence of a Portfolio Holder, or on written notice to that Portfolio Holder, to exercise any of that Portfolio Holder's functions themselves or arrange the discharge of those functions by another Portfolio Holder or a Chief Officer.
- Champion the Borough locally, nationally, and internationally and act as an advocate for its residents.
- Work with the Government to maximise opportunities for devolution, fairer funding and growth.
- Lead the development and implementation of the Council's Corporate Plan, Budget, Resident Experience and Procurement Strategy.
- Liaise with Government Departments, the Greater London Authority, London Councils, West London Alliance and other local, sub-regional and public bodies.
- Champion the Council's media relations and promote its brand and reputation.
- Ensure that the decisions and activities of the Council comply with the highest possible ethical standards and that all Members of the Council adhere to the Code of Conduct.
- Ensuring the effective management of the Council's property and community assets, with specific authority to acquire or dispose of land up to the key decision threshold (other than at less than best consideration).
- To be responsible for the financial strategy of the Council, including:
  - Developing and promoting its annual and long-term budgets and policy frameworks.
  - Ensuring financial controls and processes are effective, including procurement.
- Championing effective Risk Management and Business Continuity activity including Counter Fraud, Organisational Resilience Emergency Planning, Counter Terrorism Strategy (CONTEST).
- Leading on Council Transformation.
- Ensuring the Council has effective processes to monitor and manage the performance of its services.
- Leading on the Council's Digital Strategy.
- Leading on the Armed Forces Covenant.

## **11. Deputy Leader of the Council**

The Deputy Leader of the Council shall have overall responsibility for:

- Undertaking the responsibilities and delegated powers of the Leader of the Council, to the extent permitted by the Constitution, in the absence of the Leader.
- The chairing of meetings of the Executive in the absence of the Leader of the Council.

## **12. Portfolio holders generally**

- Portfolio holders may not make key decisions except for the leader when the leader is taking urgent decisions. Portfolio holders are expected to work together and where they work collaboratively in specific areas may draft internal protocols for doing so.

## **13. Portfolio Holder - Adult Social Care**

To be responsible for the development and strategic direction of the Council's Adult Social Care functions, for people who draw on care and support and carers, including:

- Championing the safeguarding of adults at risk older and disabled people and supporting them to have a good as quality of life as possible.
- Oversight and strategic direction on the integration of health and social care and partnerships between the NHS and the council.
- Oversight of commissioning of adult social care services and joint commissioning between the NHS and the council.
- Oversight and strategic direction to ensure that people who draw on care and support, and carers are involved and engaged; and that there are comprehensive involvement and co-production mechanisms in place.
- Overseeing compliance with both relevant statutory duties and performance targets.
- Working in partnership with people, carers, health bodies, other councils, the voluntary and community sector, and national, regional, and sub-regional bodies
- Supporting partnership development in relation to social care and integrated care and joint commissioning of services.

## **14. Portfolio Holder - Culture, Leisure, Arts and Sports**

To be responsible for the development and strategic direction of the following:

- Promoting Barnet as a destination, a Borough of Culture and leading on the 'Borough of Fun'.
- Cultural and Heritage activities in the Borough.
- Library Services, arts, museums, and tourism.
- Promotion of participation in physical activity and sports.
- Events and activities in, and use of parks and open spaces.
- Strategic direction of leisure services.



## **15. Portfolio Holder – Community Wealth Building**

To be responsible for the strategic direction and the promotion of employment, skills, higher education, local business engagement and resilience of town centres including:

- Liaising with local and national government bodies and the business community and leading on inward investment.
- Leading on small business and social enterprise support and business engagement and relationships.
- Leading on the Council's approach to community wealth building, economic regeneration, an inclusive economy, and poverty reduction.
- Leading on the promotion of social value through procurement and the council's supply chain including working with all Portfolio Holders to drive value for Council priorities.
- Leading on the night-time economy.
- Ensuring residents have appropriate training and development opportunities and benefit from employment opportunities in the Borough
- Promotion of credit unions and projects to promote employment, benefit advice, skills, and wellbeing.
- Town Teams and engagement with them.

## **16. Portfolio Holder – Community Safety and Residents Participation**

To be responsible for the strategic direction and promotion of community cohesion, tackling crime and enforcement in the borough including:

- Working with community groups, and statutory agencies to both maintain and improve community cohesion and community safety, reduce crime, mitigate its effect, and reduce fear of crime including hate crime.
- Oversight and strategic direction of Community Safety work and Environmental Crime enforcement activities, including the development of Community Safety Hubs and Community Safety Ward Walks.
- Support the delivery of high-quality CCTV services.
- Oversight and strategic direction on the work to end Violence Against Women and Girls (VAWG), Domestic Abuse and supporting survivors, Integrated Offender Management (IOM) and Serious Youth Violence.

To be responsible for the strategic direction of resident and community participation including:

- Development and implementation of the Community Participation Strategy.
- Ensuring residents and stakeholders are being appropriately involved and consulted on the Council's decisions, plans and activities.
- Leading on the delivery of the community events programme.

## **17. Portfolio Holder - Family Friendly Barnet**

To fulfil the requirements in the Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services and Section 19(2) (Lead Member for Children's Services) of the Children Act 2004.

To be responsible for the development and implementation of strategy for the delivery of high standards of service in Education and Social Care for children and young people including safeguarding and looked after children in the Borough including:

- To be responsible for the strategic oversight of education and social services for children and young people including education, schools, nurseries, safeguarding and child protection.
- To be responsible for the strategic oversight of thoughtful commissioning of services and oversight of contractual arrangements; promoting close partnership working within the community, with Barnet schools, governing bodies, the voluntary sector and the Health Service.
- To promote equality of access to education and to social services for all children and young people in Barnet.
- To represent Barnet in pan London policy discussions with Portfolio Holders for Children's services on promoting improvements to services for children and young people across London.
- To promote the children's voice and encourage consideration of children's views in development of wider council policies.
- Sufficiency in provision of early years and school places.
- Responsibility for the Councils Corporate Parenting duties to Children in Care and those who are Care Experienced.
- Quality and standards in early years and schools provision.
- Lead on the Councils responsibilities under the UN Convention on the Rights of the Child.
- Working with all other Portfolio Holders to promote good outcomes for Children and Young People.

## **18. Portfolio Holder - Health and Wellbeing**

To be responsible for the development and strategic direction of the Council's Public Health functions and related environmental factors which impact on health outcomes including:

- Overseeing compliance with both relevant statutory duties and performance targets within Public Health.
- Developing policies to tackle health inequalities.
- Lead on the Council's response to major public health incidents, including future pandemics and Covid 19 recovery.
- Leading on the promotion of good mental health and wellbeing across the Borough.
- Leading on the Combatting Drugs Partnership.

## **19. Portfolio Holder - Environment and Climate Change**

To be responsible for the development and strategic direction of the Council's environment services, addressing climate change and the journey to Net Zero, including:

- Leading on the Council's ambition to be a Net Zero Council by 2030, and a Net Zero Borough by 2042, including working with all Portfolio Holders to deliver this.
- Strategies to reduce, re-use and re-cycle waste.
- Street scene services including street cleaning and the council's waste collection services.
- Leading on the Sustainability Strategy, biodiversity, energy, fuel poverty, water efficiency and improvements to waterways.
- Road safety, major traffic infrastructure, transportation and active travel.
- Protecting and enhancing Barnet's green spaces, including protection of the greenbelt.
- Environment Health services.

## **20. Portfolio Holder - Homes and Regeneration**

To be responsible for the development and strategic direction of the Council's housing services and regeneration programmes including:

- To provide new Council homes and develop partnerships with other housing providers for affordable homes.
- To adequately fund the repair and improvement of Council homes ensuring the viability and cost-effectiveness of the Housing Revenue Account.
- To engage and listen to council tenants and leaseholders to enhance and improve housing services.
- To develop policies to prevent homelessness and meet the needs of those at risk of or suffering homelessness.
- To lead on the strategic relationship with Barnet Homes and The Barnet Group.
- To lead on the adoption of the Local Plan and other planning policy documents
- To support the delivery of high-quality new housing of other tenures to meet local need in accordance with the Local Plan and promote development of specialist housing to meet particular needs.
- To promote quality in private sector housing, including through ensuring appropriate regulation of the private rented housing sector, and promoting private tenants' rights.
- To oversee implementation of the councils regeneration programmes in compliance with the Local Plan, including promoting the development of a Regional Park, working with other relevant Portfolio holders.

**21. Portfolio Holder – Equalities and the Voluntary and Community Sector**

To be responsible for the development and strategic direction of the Council's approach to Equalities, Diversity and Inclusion (EDI), and to be responsible for the strategic relationship with the Voluntary, Community, and Faith Sector, including:

- Leading the Council's Strategy to address all forms of inequality and compliance with the Equality Act 2010.
- Championing the Council's commitment to social inclusion and fairness, including representation on appropriate partnerships, boards and groups.
- Supporting the development of the Council's equalities framework and monitor progress to drive improvement and ensuring the Council promotes equality of opportunity in all its work.
- Leading on the Borough of Sanctuary.
- Ensuring an effective working relationship with voluntary, community, and faith sector organisations.

## Introduction and Summary to the Constitution

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

The Constitution is divided into the following sections:

### Part 1 - The Articles

- Article 1 - The Constitution
- Article 2 - Members and The Council
- Article 3 - The Full Council
- Article 4 - The Mayor
- Article 5 - Decision Making
- Article 6 - The Executive
- Article 7 - Officers

### Part 2 - Allocation of Responsibilities

- Part 2A - Terms of reference of Council
- Part 2B - Terms of reference of Committees
- Part 2C - Joint arrangements
- Part 2D - Terms of reference of Cabinet
- Part 2E - Terms of reference of Portfolio Holders
- Part 2F - Delegation to Officers
- Part 2G- Addendum Terms of Reference Functions not to be the Responsibility of the Executive

### Part 3 - Rules of Procedure

- Part 3A - Council Procedure Rules
- Part 3B – Executive Procedure Rules
- Part 3B1 - The exercise of Delegated Powers to Portfolio Holders
- Part 3C - Committee Procedure Rules
- Part 3C1 - Overview and Scrutiny Sub-Committee Call-in Procedure Guidance
- Part 3D - Budget and Policy Procedure Rules
- Part 3E- Access to Information Procedure Rules
- Part 3F - Petition Scheme

### Part 4 - Regulations, Rules and Codes

- Part 4A - Financial Regulations
- Part 4B - Contract Procedure Rules
- Part 4C - HR Regulations
- Part 4D - Member Code of Conduct
- Part 4D1 - Procedure for Dealing with Member Complaints
- Part 4E - Member Licensing Code
- Part 4F - Member Planning Code
- Part 4G - Code of Conduct for Officer Member Relations
- Part 4H - Code of Corporate Governance

- Part 4I - Members' Allowance Scheme
- Part 4J – Protocol for Recording Decisions made by Officers
- Part 4K – Members' Access to Information
- Part 4L – Code of Recommended Practice on Local Authority Publicity

## 1 How the Council operates

- 1.1 The Council is composed of 63 Councillors (Members) elected every four years. Councillors are democratically accountable to all residents in the Borough and in particular to those living in the Ward to which they have been elected. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 1.2 Councillors have agreed to follow a local Code of Conduct for Members to ensure high standards in the way they undertake their duties.
- 1.3 All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.
- 1.4 The Council appoints the Overview and Scrutiny Committee, which has the role of checking the actions of the Executive in delivering services and helping the Executive to develop plans and policies.
- 1.5 Members of the public can present petitions and ask questions at meetings of the Council.

## 2 How decisions are made

- 2.1 The Executive is the part of the Council, which is responsible for most day to day decisions. The Executive is made up of the Leader and between two and nine other Councillors appointed by the Council, this group is also known as the Cabinet.
- 2.2 When major decisions are to be discussed or made, they must be published in the Council's Forward Plan in so far as they can be anticipated. This Forward Plan will be regularly updated and is available to the public so they can monitor all the important decisions made by the Executive. When these major decisions are to be discussed at a meeting of the Executive (or Cabinet), these meetings will be open to the public to attend, except where personal or confidential matters are to be discussed.
- 2.3 The Executive has to make decisions, which are in line with the Council's overall policies and budget. If it wishes to make a decision, which is outside the budget or policy framework, this must be referred to the Council as a whole to decide (unless the matter is so urgent that special arrangements have to apply).

## 3 Overview and Scrutiny

- 3.1 The Council has an Overview and Scrutiny Committee, which in turn appoints Scrutiny sub-committees, which support the work of the Executive and the Council as a whole.
- 3.2 The Overview and Scrutiny Committee and Scrutiny sub-committees play a role in the formulation of the policies and strategies of the Council and in the setting of the budget. They can be consulted by the Executive or the Council on forthcoming decisions and the development of policy. They can scrutinise areas of the Council's work before or after decisions are made.
- 3.3 They can monitor the decisions of the Executive and have a power to "call-in" certain

decisions of the Executive where they have yet to be implemented. When an Executive decision is “called-in” the Executive can be asked to reconsider its decision. However, the Overview and Scrutiny Committee cannot overrule the Executive.

#### **4 Other Committees**

- 4.1 Further information on other committees can be found in Part 2 of this Constitution.

#### **5 The Council’s Staff**

- 5.1 The Council has people working for it (called “officers”) to give advice, implement decisions and manage the day to day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol included in Part 4 of the Constitution governs the relationship between officers and Members of the Council (Councillors).

#### **6 Citizens’ Rights**

- 6.1 Citizens<sup>1</sup> have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council’s own processes.
- 6.2 Where members of the public use specific council services, for example, as a parent of a school pupil or as a council tenant, they have additional rights. These rights are not covered specifically in the Constitution.
- 6.3 The Council welcomes participation by citizens in its work.
- 6.4 Further information on how to attend and participate at meetings can be found on the Authority’s website at: <https://www.barnet.gov.uk/your-council/democracy-barnet>

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<sup>1</sup> For the purposes of this Constitution, the term Citizens includes (where appropriate) those people who study, work or have businesses in Barnet.

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## HR Regulations

Except for the powers reserved to The Employment Sub Committee Constitution & General Purposes Committee, or Full Council or the Chief Officer Appointment Panel, the offer, appointment, varying and ending of contracts of employment is a matter for the Head of Paid Service. The Head of Paid Service will discharge their responsibilities at an operational level through the Assistant Director Human Resources & Organisational Development, save as to where such functions may not be discharged by Third Parties. Where a matter sits outside these Regulations then it must be referred to the Head of Paid Service for decision in consultation with the Council's Monitoring Officer.

~~Where the following issues arise from an organisational restructure, the restructure will be considered to have major implications and a report must be submitted to Employment Sub Committee Constitution & General Purposes Committee for approval:~~

- ~~• The anticipated outcome of statutory consultation will mean that 20 or more employees are put at risk of redundancy/TUPE transferred~~
- ~~• Terms and conditions of employment are to be introduced (this excludes compliance with statutory requirements) or replaced (this means a new term or significant condition).~~

### 1. The Council Establishment

Directors, Assistant Directors and Heads of Service are responsible for the provision of timely and accurate information about Establishment changes so that accurate lists are maintained and to ensure that establishment costs are within budget. Any changes to establishment must be recorded through a delegated powers report.

### 2. Offer, Appointment, Varying and Ending Contracts of Employment

#### 2.1 Officer Employment Procedure Rules.

The Local Government Act 2000, the Local Authorities (Standing Orders) Regulations 1993, the Local Authorities (Standing Orders) Regulations 2001 and the Local Authorities (Standing Orders) (Amendment) Regulations 2015 require the Council to have rules relating to the recruitment, appointment and dismissal of officers. These are set out below in Section 2.1.

Sections 2.1.3 to 2.1.5 are subject to the following restriction:

\*No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision (Employment Sub-Committee) (Constitution & General Purposes Committee, Policy and Resources Committee or Urgency Committee) and not by delegated powers.

### 2.1.1 **Recruitment and appointment**

#### (a) Declarations

<b>Rule</b>	<b>Action</b>
(i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of the partner of such persons.	All candidates must complete a code of conduct declaration of interests statement as part of the appointment process.
(ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.	The application will be passed to the Assistant Director – Human Resources & Organisational Development for the relevant Chief Officer decision.

#### (b) Seeking support for appointment

(i) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.	This forms part of the application process.
(ii) No councillor will seek support for any person for any appointment with the council.	Forms part of the application process.

### 2.1.2 **\*Recruitment of Head of Paid Service and Chief Officers**

Where the council proposes to appoint a chief officer (~~excluding~~ ~~including~~ any appointment that may be made exclusively from among their existing officers), the council will:

(a) draw up a statement specifying: <ul style="list-style-type: none"> <li>(i) the duties of the officer concerned; and</li> <li>(ii) any qualifications or qualities to be sought in the person to be appointed;</li> </ul> (b) make arrangements for the post to be advertised in such a way as is likely to	Appointment of Chief Officers is a function reserved to the <u>Employment Sub-Committee Chief Officer Appointment Panel</u> and may include an external appointment process
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bring it to the attention of persons who are qualified to apply for it; (c) make arrangements for a copy of the statement mentioned in paragraphs (1) and 2(a) to be sent to any person on request; and (d) Agree the minimum criteria by which objective selection may be made.	
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### 2.1.3. **\*Appointment of Head of Paid Service**

(a) The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee of the council. Full Council must also approve the dismissal of the Head of Paid Service	The <u>Employment Sub-Committee Chief Officer Appointments Panel</u> will make a recommendation on the appointment of the Head of Paid Service for approval by Full Council.
(b) The full Council may only make or approve the appointment of the Head of Paid Service.	

### 2.1.4. **\*Appointment of Chief Officers**

(a) A Committee of the council will appoint Chief Officers (as listed in Article <u>79</u> ). Chief Officer appointments made by the <u>Employment Sub-Committee Chief Officer Appointments Panel</u> will be reported to Full Council for information.	Appointment of Chief Officers (as listed in Article 9) is a function reserved to the <u>Employment Sub-Committee Chief Officer Appointments Panel</u> .
(b) The Chief Executive has authority to make interim Chief Officer appointments for a period of up to a year following consultation with the Leader and the <u>Employment Sub-Committee Chief Officer Appointments Panel</u> .	

### 2.1.5. **\*Other appointments**

#### (a) Officers below Chief Officer.

Appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.	The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions.
The Head of Paid Service will consult the Chair of the <u>Employment Sub-Committee</u>	The Head of Paid Service will consult the <u>Chairman</u> of the <u>Employment</u>

<del>Chief Officers Appointments Panel</del> before making an appointment of deputy Chief Officers.	<del>Sub-Committee Chief Officer Appointments Panel</del> . Appointment of Deputy Chief Officers will be reported to <del>the Employment Sub-Committee for information</del> <del>Constitution &amp; General Purposes Committee for information.</del>
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(b) Appointment of political assistants

<p>(i) The council may appoint up to three posts to provide assistance to the members of any political group to which members of the council belong to discharge any of their functions as members of the council.</p> <p>(ii) Each post shall first be allocated to a political group in accordance with Section 9 of the Local Government and Housing Act 1989, and will then fall to be filled from time to time in accordance with the wishes of that group. No post shall be allocated to a political group that does not qualify for one.</p> <p>(iii) No appointment shall be made to any such post until the council has allocated a post to each political group that qualifies for one. No more than one post shall be allocated to any one political group.</p>	<p>The Monitoring Officer will be responsible for the allocation of posts.</p> <p>The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions.</p>
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### 2.1.6. *Disciplinary action*

<p>(a) <b>Suspension:</b> The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay <del>and last no longer than two months.</del></p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</p> <p><del>The Head of Paid Service has the power to appoint a Designated Independent Person. Where the process involves the Head of Paid Service the Monitoring Officer shall have this power</del></p>
<p><del>(b) <b>Independent person:</b> No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.</del></p>	<p><del>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</del></p>

(c) Councillors will not be involved in the disciplinary action against any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.	The Head of Paid Service will be responsible to ensure that the correct processes within the Council's contractual Terms and Conditions are followed.
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#### 2.1.7. **Dismissal**

(a) Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.	The Head of Paid Service will be responsible to ensure that the correct processes as allowed for within the Council's contractual Terms and Conditions are followed.
(b) Any decision to dismiss the Head of Paid Service, Chief Finance Officer and Monitoring Officer must be taken by full Council	<p>Prior to Full Council considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, the council must set up a panel to give views, advise and make recommendations to Full Council.</p> <p>The council must invite at least two independent persons to sit on this panel.</p> <p>The panel must be appointed at least 20 working days before the relevant meeting of Full Council.</p> <p>Before the taking of a vote at the relevant meeting of Full Council, the authority must take into account: a) any advice, views or recommendations of the Panel; b) the conclusions of the investigation into the proposed dismissal; and c) any representations from the relevant officer.</p>
(c) Decisions to dismiss a Chief Officer <u>other than set out in (b) above</u> shall be taken by the <del>Constitution &amp; General</del>	

## 2.2 Varying Terms and Conditions of employment

With the exception of Chief Officers, terms and conditions for employees will be determined by the Head of Paid Service within the agreed negotiating mechanisms.

Directors, Assistant Directors, Heads of Service are responsible for the provision of timely and accurate information about changes to individual's Terms and Conditions of employment e.g. work place adjustments and flexible working request.

The Assistant Director – Human Resources & Organisational Development will ensure that contractual variations are properly authorised and allowed for within the Council's contractual Terms and Conditions and are made on an accurate and timely basis.

## 2.3 Leavers

The Head of Paid Service through the Assistant Director – Human Resources & Organisational Development will ensure that Leavers are managed in accordance with the Council's contractual Terms and Conditions and changes are made on an accurate and timely basis.

## 3 Employee Records

Directors, Assistant Directors and Heads of Service are responsible for the provision of timely and accurate information about changes to employee Records e.g. absence information and input of Performance Reviews.

## 4. Salaries & allowances payable to Council employees and Pensioners

The Assistant Director – Human Resources & Organisational Development will ensure that properly authorised payments for Salaries and Allowances shall be made in accordance with the Council's contractual terms and conditions and these will be made on an accurate and timely basis.

## 5. Members Allowances

5.1 The Chief Finance Officer shall make payments of allowances to Members of the Council, co-opted members and members of the public who attend other Council bodies who are entitled to make such claims on submission of the approved form.

5.2 The Assistant Director – Human Resources & Organisational Development will ensure that these payments are made on an accurate and timely basis.

5.3 The Monitoring Officer will be responsible for notifying the Assistant Director – Human Resources & Organisational Development of any changes to Members' Allowances.

## Part 4J

### Protocol for Recording Decisions made by Officers

#### 1. Introduction

- 1.1 The Council is required by law to record certain decisions made by officers. In addition officers are required to record when they exercise their delegated powers on all occasions in accordance with the requirements below. This protocol sets out which decisions should be recorded and requirements regarding publication. Report templates can be requested from the Governance Service.
- 1.2 The Governance Service can advise on the recording of decisions and/or what sort of decisions should be recorded. The requirement to record decisions comes from the Openness of Local Government bodies Regulations 2014.

#### 2. Decisions which must be recorded

##### 2.1 Decisions made under a specific express delegation from Cabinet, a committee, sub-committee or Council should be recorded in a Delegated Powers Report (DPR).

- 2.1.1 These decisions are ones where a particular decision has been delegated to an officer by Council, a committee, sub-committee or Cabinet.

##### 2.2 Decisions made under the Chief Officer's scheme of delegation

- 2.2.1 The Chief Officer's scheme of delegation will indicate whether a DPR or Officer Decision (OD) is required.

##### 2.3 Recording required by legislation

- 2.3.1 The legislation requires that permissions or licences and decisions that affect the rights of individuals should be recorded or awarding a contract or incurring expenditure which, in either case, materially affects that relevant local government body's financial position. The method of recording can be found in the Chief Officer's scheme of delegation. a-g below are examples of such decisions.
  - a) Highways - Permits to undertake works on the highway, Temporary Traffic Orders, Permission for temporary suspension of Controlled Parking Spaces, Street works licences
  - b) Building Regulations approvals
  - c) Licences granted in relation to, Alcohol and entertainment, Gambling, Houses in Multiple Occupation, Special Treatment Licensing, Skip, Scaffolding and Cranes
  - d) Deprivation of liberty under Schedule A1 of the Mental Capacity Act 2005
  - e) 'Best interests' decisions made under section 4 of the Mental Capacity Act 2005 which significantly affect the welfare of the individual about whom the decision is made.
  - f) Decisions made under the Mental Health Act 1983 in relation to detention in hospital for assessment and/or treatment, guardianship and community treatment orders
  - g) Awarding a contract or incurring expenditure which, in either case, materially affects that relevant local government body's financial position and the Chief Officer will maintain a list of all decisions over £50,000.



### **3. Delegated Authority to Chief Executive and Chief Officers (DPR or OD)**

- 3.1 Chief Officers have the following delegated powers in respect of all matters which are not key decisions and not reserved for decision by the Council, Cabinet or by a Committee of the Council
- a) to make decisions and approve expenditure relating to their functions and the functions of their Department, where necessary. They should also comply with (b) and (c) below. The sum expended must be within the approved budget for the Department and/or relevant portfolio, and the amount in relation to any single matter must not exceed £213,478.
  - b) to determine employment matters relating to staff including all changes to staffing structures. This power will not include changes to terms and conditions of employment or additional payments to any individual member of staff above £100K.
  - c) to approve tender strategies and award contracts in accordance with the Council's Contract Procedure Rules within Part 2 of the Constitution.
- 3.2 Where appropriate the Head of Paid Service may exercise any function delegated to any other officer, e.g., in case of absence.
- 3.3 Where a Chief Officer believes that a matter that is within their delegated authority is significant or sensitive they have the discretion to refer it to Members for decision.

### **4. How to record decisions**

- 4.1 The Regulations require that the decision-making officer must produce a written record of the decision as soon as reasonably practicable after making the decision and should contain the following information:
- a) The date the decision was taken;
  - b) A record of the decision taken along with reasons for the decision;
  - c) Details of alternative options, if any, considered and rejected; and
  - d) A record of any conflict of interest and dispensation granted for the member consulted.

### **5. Record-keeping**

- 5.1 Each record must be kept for 6 years. Any background papers must be kept for 4 years. These are statutory requirements.
- 5.2 Background papers are documents which:
- a) relate to the subject matter of the decision, or part of the decision;
  - b) disclose relevant facts or matters on which the decision or an important part of the decision is based; and
  - c) Were relied on to a material extent in making the decision.
- 5.3 DPR's must be published on the Council's website once the decision is taken.
- 5.4 A list of OD's is published on the Council's website every 6 months and citizens can request access to details of the decisions to the Governance Service.
- 5.5 In relation to the above, the following exceptions apply:



## **London Borough of Barnet - Constitution**

- a) Confidential information (provided by a government department on terms which forbid the disclosure of the information to the public or where disclosure is prohibited by an enactment or court order);
- b) Exempt information (as defined under Schedule 12A of the Local Government Act 1972); and/or
- c) In the case of executive decisions, the advice of a political assistant or a council officer.

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## Part 4G

### Code of Conduct for Officer Member Relations

#### 1. Context

- 1.1 This Code is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government. [This Code also covers officers who work for other organisations such as Barnet Homes.](#)
- 1.2 The Council has endorsed this Code as setting the standard for the conduct between Officers and Members.
- 1.3 Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of residents in their wards.
- 1.4 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and residents. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.
- 1.5 The organisational role of Officers has two important dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.
- 1.6 Professional Officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' what appears to be a performance failure or inconsistency.
- 1.7 In addition, Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no Member involvement in implementation issues, [however Members set the direction of travel and Officers are responsible for the implementation of policy. but rather a set of understandings which both parties can agree to.](#)
- 1.8 Officers serve the whole Council. They work to the instructions of their line manager through to the Chief Executive - not individual Members of the Council, whatever office the Member might hold.
- 1.9 In relation to staffing matters Members and officers will comply with Human Resource procedures and regulations.

#### 2. Performance of officers

- 2.1 Members have a right to [criticise – constructively challenge and comment on](#) reports or the actions taken by Officers, but [they](#) they should always:
  - avoid personal attacks on Officers
  - ensure that [constructive challenge criticism](#) is presented in a reasonable manner.
- 2.2 Complaints about officers or council services should be made to [the relevant line manager](#)

~~or to~~ the relevant Director, Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.

- 2.3 Members should avoid undermining ~~respect for~~ Officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to 'answer back' or defend themselves against criticism in a public forum.

### 3. **Political Neutrality of Officers**

- 3.1 There is statutory recognition for party political groups and sometimes consultation is required with committee Chairsmen and Portfolio Holders. ~~It is common practice for meetings to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body or officers under delegated powers.~~
- 3.2 The extent to which it is appropriate for officers to attend meetings with Members depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent access to officers time is facilities are available to all political groups represented on the Council if they so request.
- 3.3 Information received by officers at these meetings may be shared with other officers as is necessary but should not be shared with Members of another Political Party unless this is agreed and necessary.

### 4. **Political Group Meetings:**

- 4.1 Officers, apart from political assistants, should not attend political party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive/Chief Officer. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.
- 4.2 Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive/Chief Officer who would be responsible for advising the other groups who could then ask for the same briefing.
- 4.3 Officers may attend briefing meetings with the Leader of the Council, Portfolio Holders, Chairsmen and Vice-Chairsmen, either on a specific topic or prior to a formal meeting or the like.

### 5. **Other meetings:**

- 5.1 Officers may attend for briefing with the Leader, Portfolio Holders and /or Lead Members of all political parties on the Council in their offices.
- 5.2 The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend.
- 5.3 Officers may meet Portfolio Holders and/or Chairsmen prior to consulting them formally as a precondition to exercising delegated powers.
- 5.4 For other meeting approval should be sought by officers from their Chief Officer.
- 5.5 Any particular case of difficulty or uncertainty in this area of officer advice to party groups

should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

- 5.6 Officers must never allow their own personal or political opinions to interfere with their work.
- 5.7 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.

**6. Personal relationships**

- 6.1 Good working relationships between Officers and Members are at the heart of good local government.
- 6.2 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

“Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other Councillors and Officers”.

- 6.3 The Nolan report\* provides the following quote to illustrate its view of the correct spirit of Member-Officer relations:

“I do not think it is part of the proper relationship between Officers and Councillors if Officers are somehow seen in public as people who can be appropriately harangued or criticised or told that they do not know what they are doing. I think that the best relationship between Officers and councillors is much more a partnership relationship”

Gerry Stoker, Professor of Government, University of Strathclyde.

- 6.4 Members should declare to their Group Leader and to the Chief Executive / Monitoring Officer any external relationship with an Officer which might be seen as influencing their work as a Member. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.
- 6.5 Members must not sit on or participate in decisions by any Council committee or other Council body which directly affects an employee to whom they are:

- the partner
- otherwise closely related such as sisters, brothers, parents and grandparents
- in any other relationship which would jeopardise the work of the Council or make their attendance improper ~~under the National Code of Local Government Conduct.~~

~~This is a simplification of the requirements under the law and National Code of local Government conduct and members should refer to other more detailed guidance.~~

- 6.6 Members should remember that Officers cannot respond to personal criticism in the same way that politicians can and should make their comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff.

- 6.7 Councillors are expected to deal in the first instance with the Executive Directors, Directors, Assistant Directors and Heads of Service. This is because:

- Chief and senior officers are in a better position to provide authoritative information or advice;
- They need to be aware of any questions or complaints raised by Councillors;
- They are able to respond to Councillors requests, for example by making a judgement as to whether action may be taken under officers' delegated authority; and
- They are able to investigate and deal with any shortcomings there might be at the point of service delivery

6.8 In addition, this avoids the possibility of junior staff being 'intimidated' or even 'bullied' by over-enthusiastic Members.

6.6 It is especially important that there should be a close working relationship between Portfolio Holders, Chairmen, Vice Chairmen and senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups. **WHISTLEBLOWING**

~~6.7 The Council has adopted a Whistleblowing Policy and Procedure. This sets out the process under which Officers can raise concerns with the Whistleblowing Officer or the Monitoring Officer. It sets out how this works, and the responsibilities of the people concerned.~~

~~6.8 The Council neither tolerates improper conduct by its employees or Members, nor the taking of reprisals against those who come forward to disclose such conduct. Members should promptly raise with the council's Whistleblowing Officer, Monitoring Officer or Chief Executive any irregularities and matters which they feel have been dealt with improperly, particularly issues they have~~

~~6.9 reason to think might involve fraud, corruption, bribery, money laundering activity or safeguarding issues.~~

~~6.10 In accordance with the Whistleblowing Policy, any person who makes a report in good faith will be protected from victimisation or reprisal even if the report is not confirmed by the investigation providing the report was made in good faith.~~

~~6.11 Conversely, any person should not make a report, which they do not reasonably believe to be true, or which is malicious. Disciplinary proceedings may be taken against any workers who makes false allegations maliciously or with a view to personal gain.~~

~~6.9 The provisions of this code are in addition to the right of any Member or employee to raise an issue of concern with an appropriate body outside the Council.~~

## **7. Working with Overview and Scrutiny**

7.1 Overview and Scrutiny Committees have the power to require members of the Executive Councillors and officers to appear before them and answer questions. Barnet's Constitution states that officer attendance should be by the Head of Paid Service, Executive Director or Director, but that they may, if appropriate arrange for other staff to attend meetings to assist.

7.2 The Head of Paid Service has overall responsibility for ensuring that staffing support is adequate. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Head of Paid Service.

[Further information about Councillor and officer involvement in Overview and Scrutiny can be found in the Committee Procedure Rules.](#)

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## Article 6

### The Executive

- 6.1 The Council will appoint the Leader of the Council.
- 6.2 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.
- 6.3 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.
- 6.4 The Executive will consist of the Executive Leader together with at least two but not more than nine other Councillors.
- 6.5 The Terms of Reference set out the Executive's functions.
- 6.6 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.
- 6.7 There may be no co-optees, deputies nor substitution of Executive Members.
- 6.8 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.
- 6.9 The Chair of any planning committee may not be an executive member. [No member of the Strategic Planning Committee may be an executive member.](#)
- 6.10 Members of the Executive may not be Members of the Overview or Scrutiny Committee or one of its sub-committees.
- 6.11 Part 3A of the Constitution includes a full description of the responsibilities of Portfolio Holders.

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### **Decisions relating to Property**

(See Table A below)

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

### **Decisions relating to Procurement**

(See Table B below)

**TABLE A – Land and Property Transactions Authorisation Delegated Powers<sup>1</sup>**

	<b>Authorisation Level<sup>2</sup></b>	<b>Acquisitions</b>	<b>Lease in</b>	<b>Lease out for Rent or Consideration</b>	<b>Licences, Easements and Consents</b>	<b>Compensations, Settlements and Covenants</b>	<b>Disposals</b>	<b>Compulsory transaction</b>
<b>A</b>	Less than £213,477	Approved Officer	Approved Officer	Approved Officer	Approved Officer	Approved Officer	<del>Portfolio holder</del> <del>Full DPR – Deputy Chief Executive</del> (unless a Less Than Best transaction, which must be reported to <u>Cabinet Housing and Growth Committee</u> )	<del>Approved Officer</del>
<b>B</b>	<del>£213,477 to £500,000 for revenue or £213,477 to £1,000,000 for capital</del> £213,477 to £500,000	<del>Full DPR – Deputy Chief Executive in consultation with Theme Committee</del> <u>Chair/Portfolio holder</u>	<del>Full DPR – Deputy Chief Executive in consultation with Theme Committee</del> <u>Chair/Portfolio holder</u>	<del>Full DPR – Deputy Chief Executive in consultation with Theme Committee</del> <u>Chair/Portfolio holder</u>	<del>Full DPR – Deputy Chief Executive in consultation with Theme Committee</del> <u>Chair/Portfolio holder</u>	<del>Full DPR – Deputy Chief Executive in consultation with Theme Committee</del> <u>Chair/Portfolio holder</u>		As-B
<b>C</b>	More than £500,000 <del>for revenue or £1,000,000 for capital</del> (Key Decision)	Report to <u>Cabinet Housing and Growth Committee</u>	Report to <u>Cabinet Housing and Growth Committee</u>	Report to <u>Cabinet Housing and Growth Committee</u>	Report to <u>Cabinet Housing and Growth Committee</u>	Report to <u>Cabinet Housing and Growth Committee</u>	Report to <u>Cabinet Housing and Growth Committee</u>	As-C

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

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

<sup>3</sup> Leases out for less than best consideration must be reported to Cabinet

<sup>4</sup> Easements granted for less than best must be reported to Cabinet

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

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

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

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## Part 3B

### Executive Procedure Rules

#### 1. Application of these Rules

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

#### 2. Executive Decisions

- 2.1 Executive functions may be exercised by:

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

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

#### 2.3 Definition of Executive Meeting

An Executive meeting shall include:

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

#### 3. Delegation by the Executive

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

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

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

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

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

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

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

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

#### **5. Conflicts of Interest**

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

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

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

#### **6. Urgent Business**

6.1 Urgent business may only be considered where:

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

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

#### **7. Executive Meetings**

##### **7.1 Time, place and changes to meetings**

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

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

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

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

## **8. Special Meetings**

8.1 Those listed below may request the Head of Governance to call Executive meetings in addition to ordinary scheduled meetings:

8.1.1 the Executive by resolution;

8.1.2 the Leader of the Council;

8.1.3 the Monitoring Officer (where the proper officer is not also the Monitoring Officer); or Chief Financial Officer;

8.1.4 at least one-third of the Members of the Executive, if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

8.2 The date, time and place of special meetings will be set by the Head of Governance.

8.3 The Head of Governance must give public notice of the time and place of a public meeting by displaying it at the offices of the relevant local authority and publishing it on that authority's website, if it has one at least 5 clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened.

8.4 Where a meeting is convened at short notice, no item of business shall be considered unless a copy of the agenda including the item of business has been available for inspection by the public from the time that the agenda for the meeting was sent to members.

## **9. Business**

9.1 Business at special meetings of the Executive shall be restricted to any item of business specified by the Executive, Leader, Monitoring Officer or Chief Financial Officer when calling the meeting or specified in the requisition presented by at least one-third of the Members of the Executive.

9.2 Business at the same special meeting may be added to the agenda subject to the agreement of the Monitoring Officer following consultation with the Leader of the Council and the leader(s) of the Opposition Group(s), stating reasons for urgency.

## **10. Meetings of the Executive to be held in Public**

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

## **11. Quorum**

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

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

**12. Procedure for Decision Making by the Executive**

- 12.1 Executive decisions taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in this Constitution.
- 12.2 Where Executive Key Decisions are delegated to individual Executive Members, those decisions shall be taken in accordance with the Access to Information Procedure Rules in this Constitution.

**13. Conduct of Executive Meetings**

**13.1 Chair of the Executive**

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

**13.2 Petitions**

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

**13.3 Public Questions**

**General**

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

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

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

[13.3.4](#) Questions will be published prior to the meeting. Any additional questions received will be not be accepted.

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

~~[13.3.4](#)~~[13.3.6](#) Any questions that are not answered at the meeting will be given a written response at the discretion of the Leader.

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

~~[13.3.2](#)~~[13.3.8](#) Each written comment is limited to 100 words. Written comments should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any written comments received after this time will not be

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

#### 13.4 Time limit for questions and comments

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

#### 13.5 Scope of questions

13.5.1 The Monitoring Officer may reject a question if it:

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

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

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

13.5.1.4 requires the disclosure of confidential or exempt information.

#### 13.6 Questions by Members

13.6.1 Questions ~~with Notice:~~

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

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

#### 13.7 Response

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

13.7.2 A response may take the form of:

13.7.2.1 a direct oral answer;

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

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

#### 13.8 Invalid Questions

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

- 13.8.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper; or
- 13.8.1.2 do not relate to a matter for which the Executive has powers or duties or which does not affect the London Borough of Barnet; or
- 13.8.1.3 would require the disclosure of confidential or exempt information; or is substantially the same as a question which has been put at any meeting of the Executive in the last six months.

**13.8.2 6 Month Rule**

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

**13.9 The Business of Meetings**

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

**13.10 Apologies**

- 13.10.1 Approving the minutes of the last meeting;
- 13.10.2 Declarations of interest and any dispensations granted by the Monitoring Officer
- 13.10.3 Petitions and questions, comments and deputations (if any);
- 13.10.4 Matters referred to the Executive (whether by the Overview and Scrutiny Call-in sub-committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution.
- 13.10.5 Consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
- 13.10.6 Consideration of proposals for the budget and policy framework, prior to making decisions on them;
- 13.10.7 Consideration of the Key Decision Schedule (KDS);
- 13.10.8 Other matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions in accordance with the Access to Information Procedure Rules set out in this Constitution.
- 13.10.9 Reports of statutory officers
- 13.10.10 Matters referred to the Cabinet.

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

- 13.11.1 The Executive, or an individual Executive decision-taker, may only take a decision upon consideration of a written report from the relevant officer of the Council.
- 13.11.2 Reports from officers will follow a standard format including the following statutory requirements:
  - 13.11.2.1 Resource implications (observations of the Chief Financial Officer)

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

13.11.2.3 Details of background papers

13.11.2.4 Reasons for Recommendation

13.11.2.5 Options Considered and Rejected

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

### **13.12 Consultation**

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

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

### **13.13 Executive Agenda**

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

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

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

### **13.14 Voting Procedure**

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

### **13.15 Individual recorded vote and explanation for vote**

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

13.15.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of



ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

**13.16 Guillotine**

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

**13.17 Key Decisions taken by Portfolio Holders**

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

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

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

13.17.3.1 declarations of any dispensations granted by the Monitoring Officer;

13.17.3.2 petitions and public questions, if any;

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

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

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

**13.18 Who may speak**

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

**13.19 Implementation of Executive Decisions**

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

**13.20 Confidential Business**

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

13.20.2 Executive Meetings and Key Decisions taken by the Leader (Portfolio Holder Decision Meeting) shall be subject to regulation 5 (Part 2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England)



Regulations 2012. The Access to Information Procedure Rules set out the requirements for advance notice of any private meeting.

**13.21 Minutes of the Executive**

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

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

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

**13.23 Exclusion of the Public**

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

**13.24 Members' Conduct**

**13.25 Precedence of Chair**

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

**13.26 Member not to be heard further**

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

**13.27 General disturbance**

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

**13.28 Disturbance by Public**

**13.28.1 Removal of Member of the Public**

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

**13.29 Deputations**

13.29.1 Cabinet may receive a deputation on any matter appearing on the relevant agenda.

13.29.2 Requests to receive a deputation must be in writing and signed by at least five and no more than 24 citizens or representatives of local organisations or businesses in Barnet (documents with more than 24 signatures will be treated under the Petition Scheme). The signatories must clearly state their names and postcode qualifying education/business address. The request must explain why a deputation is required.

- 13.29.3 The request must be given to the Monitoring Officer/Head of Governance at least two clear working days before the day of the meeting.
- 13.29.4 The people nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputations must not exceed three minutes.
- 13.29.5 The total time allowed for deputations will be 30 minutes.
- 13.29.6 The deputation shall be heard at the beginning of the meeting. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 13.29.7 Members of the Council, co-optees and advisers shall not be signatories to, lead or form part of any deputation.
- 13.29.8 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment (either terms and conditions or the work that they are undertaking) with the Council.
- 13.29.9 Deputations are not permitted:
  - 13.29.9.1 If they don't relate to a substantive item on the agenda
  - 13.29.9.2 If they are defamatory, abusive, offensive or otherwise improper.
  - 13.29.9.3 If submitted from Council employees or trade unions on employment matters; there are other avenues available for these to be addressed.
  - 13.29.9.4 If they would result in the release of confidential information, or which may prejudice enforcement.
  - 13.29.9.5 If they relate to a matter where there is a right of appeal against any decision of the Council.
  - 13.29.9.6 If they have been submitted by someone who has been deemed to be subject to the Management of Unreasonable Complainant Behaviour Policy and they relate to the particular subject matter for which the policy was imposed;
  - 13.29.9.7 If they are received from people who are not Barnet citizens.

### 13.30 Responses to Deputations

- 13.30.1 The Cabinet may respond to deputations in the following ways:
  - 13.30.1.1 To note the deputation and take no action.
  - 13.30.1.2 Note the deputation in consideration of the report.
  - 13.30.1.3 Ask officers to prepare a report for the next meeting (of either this committee or another relevant committee) on the deputation.
  - 13.30.1.4 Ask officers to provide a written response to the deputation.

## Part 3B1

### **Appendix to Executive Procedure Rules Delegated Powers of Portfolio Holders**

#### **1. Key Decisions**

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

#### **2. Decision taking by individual Portfolio Holders**

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

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

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

- 3.2 This power is subject to:

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

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

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

#### **4 Urgent matters (non-key decisions)**

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

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

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

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

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

## **6 Temporary Arrangements**

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

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

# **Committee Procedure Rules**

## **1. Application of these Rules**

1.1 These Rules are made up of the following sections:

1.1.1 The Committees of the Council are:

- 1.1.1.1 Governance, Audit, Risk Management and Standards Committee, Standards Sub-Committee
- 1.1.1.2 Licensing and General Purposes Committee: Licensing Sub-Committees, Employment Sub-Committee, Independent Panel and Appeals Committee
- 1.1.1.3 Strategic Planning Committee and Planning Committees A and B
- 1.1.1.4 Overview and Scrutiny Committee, Children's & Education Sub-Committee, Adults and Health Sub-Committee and Call-In Sub-Committee
- 1.1.1.5 Pension Fund Committee
- 1.1.1.6 Health and Wellbeing Board
- 1.1.1.7 Area Committees (East, North and West)

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

## **2. Establishment of Committees**

2.1 The Council at its Annual Meeting will:

- 2.1.1 decide which Committees and Sub-Committees to establish for the Municipal Year;
- 2.1.2 decide the size and terms of reference of these Committees and Sub-Committees;

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

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

### **3. Appointment of Substitutes to Committees and Sub-Committees**

#### **3.1 Allocation**

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

#### **3.2 Number**

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

#### **3.3 Powers and Duties**

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

#### **3.4 Substitution**

3.4.1 Where the committee have a substitute member sitting a meeting adjourned to another day shall be treated as a new meeting.

3.4.2 If a Substitute Member is in attendance at a meeting the ordinary member for whom they are substituting shall not be entitled to attend that meeting and take part as an ordinary member of that body.

### **4. Attendance of Members at Committees and Sub-Committees**

#### **4.1 Right to Speak**

4.1.1 Members Requests to Speak at Planning Committees

4.1.1.1 Members may address a planning committee on any application, unless they have a pecuniary interest in which case they are precluded. Members should give notice to the Chair of the meeting of their intention to speak before the start of the meeting. Any Member wishing to address the Committee shall have up to 3 minutes. Members' rights to address planning committees are in addition to the rights of public speakers.

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

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

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

4.1.2.2 Apart from planning committees (see 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. ( for Licensing Committee the rights to speak are outlined in the Licensing Code) Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.

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

[4.1.2.4 A Member \(including Members appointed as substitutes by Council\) will be permitted to have one matter only \(with no sub-items\) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee. If the Head of Governance has any doubts about any Members Item for reasons of propriety, he or she may refer it to the Monitoring Officer. If the Monitoring Officer](#)

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

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

4.1.2.6 4 Members may remain for the private part of any committee meeting.

## **5. Nominated Members**

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

## **6. Chairing Committees and Sub-Committees**

### **6.1 Election of a Chair of a Committee**

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

### **6.2 Election of Chair of Sub-Committee**



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

### **6.3 Absence of Chair at Meetings of Committees and Sub-Committees**

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

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

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

## **7. Business not on the Agenda**

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

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

7.1.2 a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency and the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

## **8. Late and Urgent Reports marked “to follow on the Agenda”**

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

## **9. Time and Place of Meetings**

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

## **10. Cancellation or Postponement of Meetings**

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

## **11. Calling of Special Meetings**

### **11.1 Calling Special Meetings**

- 11.1.1 Those listed below may request the Monitoring Officer or Head of Governance to call Committee or sub-committee meetings in addition to ordinary scheduled meetings:

- 11.1.1.1 the Committee or sub-committee by resolution;
- 11.1.1.2 the Chair of the Committee or sub-committee. In relation to the Overview and Scrutiny Committee or relevant Overview and Scrutiny sub-committee, the Chair must, before requesting the Monitoring Officer or Head of Governance to call a special meeting, consult with the nominated members of each of the political groups represented on the Overview and Scrutiny Committee or Overview and Scrutiny sub-committee;
- 11.1.1.3 at least one-third of the members of the Committee or sub-committee, if they have signed a requisition presented to the Chair of the Committee or sub-

committee and they have refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

## **11.2 Business**

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

## **12. Notice of and Summons to Meetings**

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

## **13. Quorum**

- 13.1 The quorum of a meeting will be at least one quarter or three Members, whichever is the greater, of the whole number of members of the Committee or sub-committee, with the exception of the Overview and Scrutiny Committee.
- 13.2 The quorum for the Overview and Scrutiny Committee, and sub committees will be one quarter or three members, whichever is the greater of the whole number of Members (including co-opted voting members) AND where there are appointed co-opted voting members, the quorum shall be calculated on the total number inclusive of such co-optees.
- 13.3 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.
- 13.4 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee or sub-committee.

## **14. Closure of Meetings**

### **14.1 Time of Closure**

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

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

## **15. Deputations**

- 15.1 This Rule does not apply to Planning Committees, when considering planning applications, nor to Licensing applications, nor to the Overview and Scrutiny Committee, nor Standards Sub-Committee.
- 15.2 Any committee or sub-committee of the Council other than those excluded from the application of this Rule may receive a deputation on any matter appearing on the relevant agenda.
- 15.3 Requests for deputations must be in writing and supported by the signatures of at least five and no more than 24 citizens (deputations with more than 24 signatures will be treated under the Petition Scheme) or representatives of local organisations or businesses in Barnet. The signatories must clearly state their names and post code/qualifying education/business address. The request must explain why a deputation is required.
- 15.4 The request must be given to Head of Governance by 10am on the third working day prior to the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.
- 15.5 Those persons nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed three minutes.

- 15.6 The deputation shall be heard at the beginning of the meeting. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
16. The total time for deputations at the meeting will be no more than 20 minutes.

#### **16.1 Responses to Deputations**

- 16.1.1 The Committee may respond to deputations in the following ways:

- 16.1.1.1 To note the deputation and take no action.
- 16.1.1.2 To vote on the substantive report taking into account the deputation.
- 16.1.1.3 Ask officers to prepare a report for the next meeting (of either this committee or another relevant committee) on the deputation.
- 16.1.1.4 Ask officers to provide a written response to the deputation.

#### **17. Public Questions and Comments**

##### **17.1 Comments**

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

##### **17.2 Public Questions**

- 17.2.1 Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council's website five clear working days prior to the meeting.

Citizens should state their road and postcode when submitting questions. Each question is limited to 100 words. Questions should be submitted in writing to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered. Questions will be answered by the Chair in the meeting in order of receipt, alternating between citizens. Citizens will be able to ask one supplementary question per question answered. Questions will be published prior to the meeting. Any additional questions received will be not be accepted. Citizens submitting questions are able to send a substitute to ask their question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing. Any questions that are not answered at the meeting will be given a written response at the discretion of the Chair.

## **18. Procedure for Questions at Committees**

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

## **19. Restrictions for Deputations and Public Questions**

- 19.1 Public questions or comments are not permitted:
  - 19.1.1 If they don't relate to a substantive item on the agenda
  - 19.1.2 If they are defamatory, abusive or offensive.
  - 19.1.3 If submitted from Council employees or trade unions on employment matters; Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.
  - 19.1.4 If they would result in the release of confidential information, or which may prejudice enforcement.
  - 19.1.5 If they relate to a matter where there is a right of appeal against any decision of the Council.

19.1.6 If they have been submitted by someone who has been deemed to be subject to the Management of Unreasonable Complainant Behaviour Policy and they relate to the particular subject matter for which the policy was imposed;

19.1.7 If they are received from people who are not Barnet citizens;

19.2 At the Strategic Planning Committee and Planning Committees on Town and Country Planning applications (a separate procedure is detailed in section 31.5). Public questions are permitted at the Strategic Planning Committee on planning policy matters;

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

## **20. Confidential Business**

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

## **21. Voting**

### **21.1 Majority**

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

### **21.2 Chair's Casting Vote**

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

### **21.3 Individual Recorded Vote and Explanation for Vote**

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

### **21.4 Recorded Vote by Roll Call**

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

## **22. Minutes**

### **22.1 Signing the Minutes of Committees or Sub-Committees**

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

### **22.2 Minutes of Decisions of Committees or Sub-Committees**

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

### **22.3 Production of Minutes**

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



**23. Record of Attendance**

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

**24. Exclusion of the Public**

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

**25. Members' Conduct**

**25.1 Precedence of Chair**

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

**25.2 Member not to be heard further**

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

**25.3 Member to leave the Meeting**

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

**25.4 General Disturbance**

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

## **26. Disturbance by the Public**

### **26.1 Removal of Member of the Public**

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

### **26.2 Clearance of Part of a Meeting Room**

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

## **27. Adjournment**

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

## **28. Ruling of the Chair on Interpretation of these Rules**

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

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

- 29.1 The requirements set out in this Procedural Rule shall apply to Members and substitute or replacement Members serving on the Planning and/or Licensing & General Purposes Committee.
- 29.2 In nominating Members to serve on the Planning and/or Licensing & General Purposes Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Members who have completed training shall be kept by the Head of Governance and updated periodically by them as future Members are trained.

- 29.3 Members who are not trained may not serve on the Planning and/or Licensing & General Purposes Committee.
- 29.4 Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee or Strategic Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee or Strategic Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application and the applicant to attend the subsequent meeting and make representations and for a rehearing of the application to take place.
- 29.5 Requests to speak about an application on the Planning Committees agenda should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.
- 29.6 In addition to any Councillor and the Applicant (or their representative) two citizens may speak. Such speakers shall be one for and one against the application unless there is no citizen wishing to speak for the application in which case two citizens may speak against the application, or no citizen in objection in which case two citizens may speak in support of the application.
- 29.7 At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.
- 29.8 Citizens who have requested to speak are able to send a substitute to make their representation if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.
- 29.9 Where an application being considered by a Planning Committee is referred to the Strategic Planning Committee for determination, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the Strategic Planning Committee.
- 29.10 Speaking rights will also automatically transfer where an application has been deferred or adjourned to a future meeting of Planning Committees, but only if the speakers have not already addressed the committee on the deferred or adjourned item. In cases where the membership of the committee which considers the deferred or adjourned application is different

from the committee which originally heard the application, then the application should be fully re-heard including speakers.

- 29.11 Public speaking arrangements do not apply to an item relating to the making / confirmation of a Tree Preservation Order as this would be contrary to the legislative procedure for making objections and/or representations

### **30. Additional Rules for Overview and Scrutiny**

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

### **31. Membership of the Overview and Scrutiny Committee**

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

### **32. Scrutiny Sub-Committees**

- 32.1 The Overview and Scrutiny Committee may appoint Sub-Committees. as set out below. Subject to Council approval, the Overview and Scrutiny Committee may discontinue any of these sub-committees and/or appoint alternative sub-committees. The Overview and Scrutiny Committee may also amend the terms of reference of the sub-committees as appropriate, such changes to be reported to Council.

- 32.2 Where the Overview and Scrutiny Committee seeks to discontinue or appoint sub-committees, it should consult interested parties as appropriate.
- 32.3 The Sub-Committees will comprise such Councillors as appointed by Council.
- 32.4 The terms of reference of the sub-committees are set out in the Allocation of Responsibilities in Part 3 of the Constitution.
- 32.5 Membership of the sub-committees will be subject to the political proportionality rules.
- 32.6 The appointment of parent governor representatives to the Children and Education Overview and Scrutiny Sub-Committee will be carried out in accordance with the requirements of the Parent Governor Representatives (England) Regulations 2001.
- 32.7 The appointment of “church” representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of Local Government Act 2000.
- 32.8 The sub-committees may appoint advisers to the sub-committees. Such advisers will not be members of the sub-committees and cannot vote.

### **33. The Call-In Sub-Committees**

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

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

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

## **35. Work Programme**

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

## **36. Setting the agenda for meetings**

- 36.1 The Chair of the Overview and Scrutiny Committee or the relevant Overview and Scrutiny sub-committees will be responsible for approving the agenda for each meeting.
- 36.2 The Chair of the meeting will decide on all matters of order, relevance and interpretation of these procedures.
- 36.3 The Chair will have the power to vary the order of business to give precedence to any item of business.
- 36.4 Any voting member of the Overview and Scrutiny Committee or the Overview and Scrutiny sub-committees is entitled by giving at least seven clear working days notice before the meeting to the Monitoring Officer or Head of Governance, that they wish an item relevant to the functions of the Committee or sub-committees to be included on the agenda. The Monitoring Officer or Head of Governance will ensure that the matter is included on the agenda.
- 36.5 The Overview and Scrutiny Committee shall consider whether it is appropriate to respond to requests from the Council and the Executive, to review particular areas of Council activity.

**37. Overview and Scrutiny Committee and Sub-Committees Responsibilities**

- 37.1 The role of the Overview and Scrutiny Committee and Overview and Scrutiny sub-committees in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in this Constitution.
- 37.2 Overview and Scrutiny Committee and Sub-Committees have the following powers and responsibilities:
- 37.2.1 Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive.
  - 37.2.2 Make reports or recommendations to Full Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the executive.
  - 37.2.3 Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive.
  - 37.2.4 Make reports or recommendations to Full Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the executive.
  - 37.2.5 Make reports or recommendations to Full Council or the Cabinet on matters which affect the borough or its inhabitants.
  - 37.2.6 Review or scrutinise the performance of any body carrying out any function on behalf of or in partnership with the Council.
  - 37.2.7 Commission in depth evidence-based reviews via informal Task and Finish Groups.
  - 37.2.8 Produce and publish an annual report for consideration by Full Council.
  - 37.2.9 To review the policy framework, and budget of the council as set out in the Budget and Policy Framework.

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

**38. Reports from Overview and Scrutiny Committee**

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

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

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

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

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

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

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

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



#### **40. Rights of Overview and Scrutiny Committee Members to Documents**

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

#### **41. Holding Members and Chief Officers to Account**

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

41.1.1 **any particular decisions or series of decisions;**

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

41.1.3 **their performance.**

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

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

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

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

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

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

#### **43. Call-in**

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

#### **43.2 The process for call-in**

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

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

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

#### **44. Requirement to Give Reasons**

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

- 44.1.1 inadequate consultation with stakeholders prior to the decision;
- 44.1.2 the absence of adequate evidence on which to base a decision;
- 44.1.3 the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- 44.1.4 the action is not proportionate to the desired outcome;

- 44.1.5 a potential human rights challenge, failure to consider the public sector equality duty or not in accordance with or which undermines the Council's corporate parenting responsibilities;
- 44.1.6 insufficient consideration of legal and financial advice.
- 44.1.7 The decision was a key decision and not labelled as such.

#### **45. Referral to the Call-In Sub-Committees**

- 45.1 Once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision. The Monitoring Officer or Head of Governance shall in consultation with the Chair arrange a meeting of the Call-In Sub-Committee to be held within seven clear working days of the receipt of the request for call-in.
  - 45.1.1 Where the Call-In Sub-Committee fails to meet within seven clear working days of the call-in request being received by the Monitoring Officer, the decision may be implemented on the day following twelve clear working days from the date the decision was published.
  - 45.1.2 Where the Call-In Sub-Committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive or Joint Committee, the decision may be implemented on the day following the Call-In Sub-Committee meeting.
  - 45.1.3 No Member who has signed a call-in notice may sit as a member of the Call-In Sub-Committee which considers that call-in notice.

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

- 46.1 The Call-In Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the relevant Cabinet Member and a representative of those calling in the decision to provide information at the meeting.
- 46.2 The Sub-Committee may come to one of the following conclusions:

- 46.2.1 that the challenge to the decision should be taken no further and the decision may be implemented;
- 46.2.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-In Sub-Committee must set out the nature of its concerns for Council; or
- 46.2.3 that the matter should be referred back to the decision taker (i.e. the Executive or Joint Committee) for reconsideration. In such a case the Call-In Sub-Committee must set out the nature of its concerns for the decision taker/Executive.

#### **47. Referral - Back under Rule**

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

#### **48. Referral to Council**

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

but approve an amendment to the particular policy or budget to allow the decision to be implemented.

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

- 49.1 The Executive must reconsider the decision at its next meeting (consideration should be given to the holding of a special meeting if the issue is considered to now be sufficiently urgent) .The Executive can either:
  - 49.1.1 confirm the original decision and report back to the next meeting of the Overview and Scrutiny Committee;
  - 49.1.2 amend or alter the decision in the light of the comments of the Call-In Sub-Committee and report back to the next meeting of the Overview and Scrutiny Committee or sub-committee.
- 49.2 The decision may be implemented as soon as the original Executive decision is confirmed or amended by the decision taker.

**50. Call-in and Urgency**

- 50.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent decision. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 50.2 The record of the decision, and notice by which it is made public, shall state that the matter is considered one of urgency, and will thus not be subject to call-in.
- 50.3 The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 50.4 In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Vice-Chair of the Overview and Scrutiny Committee is required.
- 50.5 Decisions taken, as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.

## **51. Task and Finish Group Reviews**

- 51.1 Overview and Scrutiny Committee may conduct reviews via informal Task and Finish Groups but the findings must be reported back to the relevant Committee or Sub-Committee.
- 51.2 In conducting Task and Finish Groups they may also ask people to attend to give evidence at their meetings.
- 51.3 Task and Finish Groups will be carried out in accordance with the principles set out in the Protocol for Member/Officer Relations in Part 5 of the Constitution.
- 51.4 Following any Task and Finish Group review, a report will be submitted to the relevant Committee or sub-committees for onward submission to the Executive.

## Appendix 1

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

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

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

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

#### (1) **Call in by Members of Council**

The Guidance will be relied upon by the Chair and Vice Chair of the Overview and Scrutiny Committee. These Members will be the designated Members for the purpose of this Guidance<sup>1</sup> when considering a request for call in by Members of the Council. If either of the designated Members has signed a call-in notice they will not take part in the consideration of the request for call-in and it will be considered by the other Member alone. If both designated Members have signed a call-in notice the request for a Call-in shall automatically pass to the Call-In Sub-Committee for consideration.

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

## Reasons for refusal

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

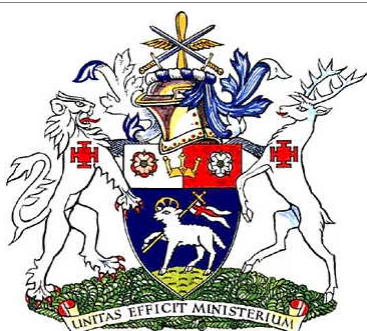
1. **Time limit** - A decision may only be called-in during the period of 5 clear working days from the date of publication of the executive decision.
2. **Financial and Political implications** - Only Key decisions may be called in.
3. **Duplication** - The Call-In Sub Committee should not be used when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

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



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

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## Extraordinary Council

2 May 2023

<b>Title</b>	<b>Members' Allowances Scheme 2023/24</b>
<b>Report of</b>	Head of Governance
<b>Wards</b>	N/A
<b>Status</b>	Public
<b>Enclosures</b>	Appendix A: The Remuneration of Councillors in London – Report of the Independent Panel, January 2022 Appendix B: Proposed Members Allowances Scheme 2023/24
<b>Officer Contact Details</b>	Andrew Charlwood, Head of Governance <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a> 020 8359 2014

### Summary

The Council is required, if it wishes to pay such allowances, to adopt a Members' Allowances Scheme on an annual basis with effect from 1 April each year. A scheme was adopted at Council on 28 February 2023 for 2023/24.

The Council is expected to change its governance arrangements from a Committee System to an Executive system effective from Annual Council on 23 May 2023. This change means that the existing scheme needs to be revoked and a new Members' Allowances Scheme for 2023/24 needs to be adopted at this Extraordinary meeting where the final sections of the new Constitution are expected to be agreed to come into effect on 23 May 2023.

### Recommendations

1. That Council have regard to the recommendations of the Independent Panel on the Remuneration of Councillors in London as attached as Appendix A.

- |  |
|--|
| <p><b>2. That Council revoke the existing Scheme and approve the new Members' Allowances Scheme 2023/24 attached as Appendix B with effect from 23 May 2023.</b></p>   |
| <p><b>3. That Council note that following approval the Scheme, a notice will be advertised pursuant to Regulation 16 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).</b></p> |

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Council is required under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) to agree on an annual basis a schedule of allowances payable to Members' for the following financial year. Under the regulations, when making or amending a scheme, the Council is required to have regard to the recommendations of an Independent Remuneration Panel (Regulation 19). The Regulations state that before the beginning of each year the authority shall make a scheme for the allowances for that year.
- 1.2 The Members Allowance Scheme is comprehensive and includes Basic Allowances, Special Responsibility Allowances (for posts which carry specific responsibilities) and other allowances and expenses that may be claimed.
- 1.3 Council at its meeting on 28 February 2023 approved a schedule of allowances which were implemented on 1 April 2023. The adopted scheme forms part of the formal Members Allowance Scheme which is incorporated within the Council's [Constitution](#).
- 1.4 In January 2022, the London-wide Independent Remuneration Panel (IRP) convened by London Councils published revised recommendations (Appendix A). Prior to this, the London Councils IRP made recommendations in 2014 and 2018 – Barnet have had regard to these recommendations each time a Members Allowances Scheme was adopted by Council. It should be noted that the London Councils recommendations do not explicitly consider the Committee System which Barnet now operates and, as such, some of the bands are not comparable (e.g., Leader and Deputy Leader). In the 2018 report and 2022 reports, the IRP recommend an annual update for inflation (in line with the local government pay settlement) – this has been applied in some years, but not all.
- 1.5 The London-wide IRP have stated that they will undertake a more detailed review of allowances in the summer of 2022 and conclude the review during the latter half of 2023. These will be reported to Council in due course.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Members Allowance Scheme for 2023/24 requires the approval of full Council. Council is required to ensure the Scheme meets all the requirements of statute including the period the scheme covers and consideration of the findings of the Independent Panel Report.
- 2.2 The Scheme chosen reflects the special responsibilities of Members under an Executive system which is due to be implemented from 23 May 2023.
- 2.3 The Scheme has been drafted on the basis that Council still wishes to pay the Basic and Special Responsibility allowances proposed and adopted by Council.
- 2.4 Full Council is also required to revoke the existing scheme.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Council could refuse to adopt the proposed Members' Allowances Scheme for 2023/24. This is not recommended as the implementation of the Scheme is required to regulate the remuneration of Members in respect of Council business undertaken and the Regulations require a Scheme to be adopted annually.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Following approval by the Council of a Scheme, a notice will be advertised pursuant to Regulation 16 of the Regulations.
- 4.2 The approved Scheme will become operational with effect from 23 May 2023.
- 4.3 The Monitoring Officer will arrange for an updated version of the Members Allowances section of the Constitution to be published from 23 May 2023.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 None in the context of this report.

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

- 5.2.1 For the main element of the Members Allowances budget (which comprises Basic and Special Responsibility Allowances) the budget will remain at £1,008,910 for 2023/24.

### **5.3 Legal and Constitutional References**

- 5.3.1 Under Regulations 10(3) and Regulation 12, schemes can only be revoked at

the beginning of the year except when changing governance arrangements. Under Regulation 10(8), where a scheme is revoked, an authority has to make a further scheme for the period beginning with the date on which the revocation takes effect and ending at the end of the year. .

- 5.3.2 Responsibility for adopting a Members' Allowances Scheme is attributable to Council in accordance with section 4.1 of Article 4 of the Council's Constitution.

## **5.4 Risk Management**

- 5.4.1 Failure to agree a scheme may render the council in breach of its statutory duty.

## **5.5 Equalities and Diversity**

- 5.5.1 These proposals do not adversely compromise the Council's public sector equalities duty under the Equality Act 2010.

## **5.6 Consultation and Engagement**

- 5.6.1 An advertisement setting out details of the Scheme itself will be published as soon as practicable after Council has made its decision.

## **6. BACKGROUND PAPERS**

- 6.1 Council, 28 February 2023, Item 12.3 – Members Allowances Scheme: [Agenda for Council on Tuesday 28th February, 2023, 7.00 pm \(moderngov.co.uk\)](#)
- 6.2 London Borough of Barnet website, Currently Elected Councillors Allowances and Expenses: [Barnet councillors' allowances and expenses | Barnet Council](#)
- 6.3 London Councils, Remuneration of Councillors in London Reports: [Remuneration of Councillors in London Boroughs | London Councils](#)

# The Remuneration of Councillors in London 2022

Report of the Independent Panel



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## Summary

At the time of writing this report the country is still responding to the shock of the tragic death of Sir David Amess MP. It is a sad reminder of the vital role that all elected representatives play in the life of our country and how your roles are at the heart of our democratic and civic society. It is also a reminder of the risks that are linked to your roles. It is vital that we have a system of support in place that recognises the full scale of the responsibilities of councillors and one that supports residents in both wanting to come forward to undertake these roles and then when they are elected enables them to be effective. Our work as an independent remuneration panel can play a part in that endeavour.

The report below details our position as the output for the 2021 review. In short, we are very conscious about the huge changes that have taken place as a society during the last few years. Our residents, businesses and communities have been dealing with, and continue to deal with, major challenges. The feedback we have received supports our view that this has had a major impact on the demands placed on all councillors and of those councillors charged with special responsibilities. There is now greater than ever demands for time spent on wider partnership working, the situations faced by many residents are ever more challenging and complex, the ease of access afforded by technology has increased expectations for almost constant access and rapid responses. The burden of responsibility for effective government at a local level is extremely significant.

At the same time, many aspects of the current situation are still relatively recent. It remains rather unclear how these recent patterns of demands and increased expectations will play out and settle over time. With this level of uncertainty, we do not believe that at the current time we have the evidence available to recommend any significant changes in the remuneration of councillors.

However, given the wider background, we have concluded that, instead of waiting four years to undertake the next review, it would be preferable to undertake a review commencing in the summer of 2022 with the aim of concluding it in the latter half of 2023. As well as enabling us to re-assess the situation, this timescale would enable us to undertake more detailed consultations and seek wider views as part of the evidence gathering that will be needed.

As well as the substantive recommendations in the report, we therefore recommend that we undertake a further review of the remuneration of councillors during 2022-23.

## Background

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the Panel') was established and reported in 2001, 2003, 2006, 2010, 2014 and 2018. It now comprises Mike Cooke (Chair), Sir Rodney Brooke CBE DL and Anne Watts CBE.

The Regulations require a review of the scheme every four years as a minimum. The current Panel has therefore completed a review of remuneration for councillors in London. We present our findings and recommendations in this report.

As a preparation for our work, we invited all London boroughs to give their views on the operation of the existing scheme. We are grateful for the feedback, which confirms that the existing London scheme of members' allowances is still fit for purpose. We make recommendations accordingly. However, where issues have arisen from the comments we received, we have addressed them in this report.

## The role of elected members

In our previous reports we reflected on the importance of the role of elected members. We repeat at Appendix B the 'job profile' for councillors which we originally included in our 2010 report.

Our last report reflected on research that identified that councillors oversee million-pound budgets, balancing complex financial pressures at a time of severe cutbacks in local authority spending, making decisions which will affect their areas for decades to come. These challenges continue and have been exacerbated by the impact of the Covid-19

## **Pandemic and the continuing recovery effort from it.**

In London, each borough is responsible for services crucial to its residents. Each has a revenue budget of up to £1.4bn as well as a substantial capital programme. The scale of their turnover and other financial activities are in many instances comparable with those of large publicly quoted companies.

Councillors are faced with difficult choices. Demand for local authority services continues to grow. In particular there is rapid growth in the number of old people with a corresponding increase in demand for social care. London itself faces acute housing problems coupled with higher levels of homelessness than other parts of the country. Councillors have an increased responsibility for local and place-based health outcomes. Thus, the strain on and competition for resources increase the demands made on elected members.

The feedback we received is that the workload and responsibilities of councillors continues to increase and that their role has become more complex, and not only in the areas of social care and housing. There has been a growth in other public sector activities including community safety with increasing engagement with the Police, increasing expectations for closer working with health services, and in some boroughs more involvement with joint venture partnerships and local authority trading companies. Since the start of the Pandemic, there has been an important and significant role for councillors in local welfare support and greater liaison with the voluntary sector. This all requires the commitment and time of leaders, cabinet members and front-line councillors. The Pandemic has also heightened the significant role of councillors as a point contact for information, advice and reassurance for communities.

While valuable to democracy, the growth in digital connectivity and the availability and use of social media and other forms of messaging applications adds to the pressure on councillors by increasing demands from their constituents in several different ways. Communication with councillors is not only easier but immediate. The public expects a speedy response, so that it is now more difficult for councillors to deal with concerns as quickly as voters expect. Not only does social media make it easier for their constituents to access councillors, but they also enable an isolated concern to become an organised campaign. The expectations of the public continue to rise.

## **Recruitment of councillors**

We received feedback that it continues to be challenging to recruit candidates generally but also from a diverse background and of a high enough calibre who are prepared to stand for office as councillors. Though financial deterrents were cited amongst a number of reasons for this, a major disincentive is the time commitment required of a councillor. Time pressures (as well as finance) can make it difficult to combine the role with a job and caring responsibilities. As was pointed out in the responses we received, the problem is exacerbated in London, where councillors are on the whole younger than in other parts of the country and often in employment. They also face substantially higher costs of living which are continuing to rise.

Though the time commitment may be the main disincentive to service as a councillor, it is important that, as far as reasonably possible, financial loss does not prevent people from becoming councillors. Allowances are not shown by polls to be something which influences councillors to take on the role, though they are instrumental in making it possible for some people to do so. Allowances should be set at a level that enables people to undertake the role of councillor, while not acting as an incentive to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive. It is clearly desirable that service as a councillor is not confined to those who have retired or with independent means.

In 2014 the Government removed the possibility of councillors joining the local government pension scheme. Almost half of the responses we received cited the lack of pension provision as a factor that influences people whether to run for council office. Access to the pension scheme can be an important factor in making service as a councillor financially possible for a wider range of people. It is particularly significant for those who, like elected mayors, leaders and portfolio holders, give most or all of their time to service in local government and lose the opportunity for advancement in their particular profession and to contribute to a pension scheme elsewhere. In view of the importance this could have for recruiting a diverse range of councillors in future and to wider issues for local democracy, the Panel intends to look at lobbying opportunities on this issue as part of its further review in 2022-23.

## The current financial climate

Because of the financial climate over the last decade, the local government pay settlement over much of this period has been either frozen or severely limited. Since our last report there have been modest increases from 2% in 2018-19 to 2.75% last year.

Acutely sensitive to the ongoing financial austerity, our recent reports have made no recommendations for increasing the levels of members' allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement.

Our recommendations have led to some convergence of members' allowances across London. There is now considerable congruity in the basic allowance made by London boroughs.

However, most London boroughs have not adopted our recommendations in their entirety and there remain substantial differences in the amount of special responsibility allowances.

In reaching our views this year, we have been acutely conscious of the continuing financial challenges to council budgets including the impact from the Covid-19 Pandemic. This adds to the view that now is not the time to contemplate a general increase in councillors' allowances.

## Level of Basic Allowance

In our last report we recommended that there should be a Basic Allowance paid to every councillor of £11,045. Updated for the local government staff pay awards since then (and including an indicative 1.75% award for 2021-22 which is still the subject of negotiation), the figure is now £12,014. Given all the circumstances including growth in the volume and complexity of the work of councillors and the limited increase in the Basic Allowance since our last report, we believe that there is a strong case for looking again at the level of the allowance. The basic allowance is now less than the allowances paid by many similar authorities outside London. In our last report we highlighted that in Wales, for example, the government-appointed commission set the basic allowance at £13,400 for members of local authorities with populations which are generally substantially lower than those of London boroughs. In its most recent report, published in February 2021, this had increased to £14,368.

However, the wider context is one of considerable uncertainty including whether trends in demands will be sustained. If they are so, as seems likely, the consequences of the changing patterns of work remains unclear added to which is the current financial climate. All this suggests to us that now is not the right moment to recommend major changes to the current allowances (beyond the annual updating). Linking the allowances to an annual increase to staff pay awards will ensure that councillors can receive annual increases which are in line with those received by staff. We therefore recommend that the Basic Allowance be set at £12,014 pending the outcome of the 2021-22 award. We believe that it remains sensible to frame recommendations which are common across London.

## Special Responsibility Allowances

Given the extent of the responsibilities of leaders of London boroughs, the Panel's first report in 2001 recommended that their remuneration should equate to that of a Member of Parliament. [Our recommendations for other special responsibility allowances are related to that recommended for leaders.]

Since then, the increase in the remuneration of Members of Parliament has substantially exceeded the annual local government pay increase to which we tied the special responsibility allowance for the leader of a London borough. At the time of our last report an MP received a salary of £76,011 while our recommendation for a borough leader (increases having been restricted to the local government staff pay increases) was for a total remuneration of £68,130, a difference of £7,881. Updated for the local government pay awards (and indicative 2021-22 award), our recommendation for the current total remuneration of a London borough leader would be £74,106. Meanwhile the salary of MPs has increased to £81,932, a difference of £7,826. Moreover, MPs continue to be entitled to a pension as well as to other benefits (such as termination payments) which are not available to leaders.

In our current consultation we enquired whether the remuneration of an MP remains a sound comparator to fix the remuneration of a borough leader. In general, the responses suggested that the comparator was appropriate with some feedback noting that the Leaders of London boroughs warranted a higher remuneration than an MP, because they had greater financial responsibility and legal burdens, and especially given the differential pension arrangements. Indeed, a couple of respondent authorities suggested that the direct responsibilities of a Leader should command the salary of a junior minister.

We sympathise with the responses. Certainly, the way in which MPs' remuneration has progressed compared to that of leaders could be argued to warrant a review of the Leaders' allowances.

We are also aware of the very significant expectations on leaders and leading members to participate in wider cross borough, pan-London and partnership working, the demands of which (both in terms of time commitments but importantly in terms of responsibility and significance) appear to have increased dramatically over the last 18 months. Our report makes no recommendations in respect of remuneration for these roles at this stage but we propose to return to this issue as part of the further review that is proposed.

However, for the same reasons which prompt us to maintain the current Basic Allowance, (namely a significant uncertainty over the long term implications of the changes we have been witnessing in the last 18 months, combined with the financial challenges faced at this time) we recommend that the special responsibility allowance for a Leader should be in accordance with our former recommendation, plus the subsequent local government staff pay awards (including an indicative uplift of 1.75% for 2021-22 which is still the subject of negotiation), ie £62,092. We recommend the maintenance of its relation to other special responsibility allowances, as set out in the Appendix to this report.

However, we believe that it is important to undertake a more detailed review, along with the Basic Allowances, of the special responsibility allowances having allowed further time for the new patterns of demands and expectations to become even clearer. We envisage beginning this review in the summer of 2022 and concluding the review during the latter half of 2023.

## Training and support

The responsibilities of councillors are substantial, extensive and complex. We have mentioned the increased role that councillors have delivered particularly during the Pandemic. The Pandemic has also resulted in an acceleration of more flexible ways of working including greater use of digital technology. While this has provided a range of benefits including less travelling for work it has required councillors to have the necessary digital skills. Additionally, the move to audio-visual conferencing has resulted in a growth in meetings for many contributing to an overall increase in 'screen time'. Training and development is beyond the direct remit of our Panel but is an important part of ensuring that residents can step forward and become successful and effective elected local representatives. Addressing the financial aspects but not the support aspects would be counter-productive. For this reason, we believe that every borough should have an ongoing programme of member training and development and that members should be provided with the logistical and clerical support and the appropriate IT equipment to help them deal with their workload.

## Barriers to being a councillor

It is important that obstacles to becoming a councillor should be removed wherever possible. Care costs can be a significant deterrent to service as a councillor. Our strong view is that in appropriate cases when they undertake their council duties, councillors should be entitled to claim an allowance for care of dependents. The dependents' carers' allowance should be set at the London living wage but (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required.

One respondent authority stressed that member allowances schemes present an opportunity to better support councillors by providing not just remuneration but wider support packages. Our view is that members' allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies).

## Travel and Subsistence allowances

The Basic Allowance should cover basic out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses. The members' allowances scheme should, however, provide for special circumstances, such as travel after late meetings or travel by councillors with disabilities. The scheme should enable councillors to claim travel expenses when their duties take them out of their home borough, including a bicycle allowance.

## Allowances for Mayor or Civic Head

Many councils include the allowances for the mayor (or civic head) and deputy in their members' allowance scheme. However, these allowances do serve a rather different purpose from the 'ordinary' members' allowances, since they are intended to enable the civic heads to perform a ceremonial role. There are separate statutory provisions (ss 3 and 5 of the Local Government Act 1972) for such allowances and councils may find it convenient to use those provisions rather than to include the allowances in the members' allowance scheme.

## Update for inflation

We continue to recommend that all allowances should be updated annually in accordance with the headline figure in the annual local government pay settlement.

We have been asked whether it is necessary for the annual updating to be formally authorised by the council each year. The Regulations do seem to make this obligatory.

**Mike Cooke**

**Sir Rodney Brooke CBE DL**

**Anne Watts CBE**

London, 6 January 2022

## Appendix A

### Basic allowance £12,014

Special responsibilities – beyond the basic allowance

#### The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

#### Calculation of special allowances

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below. We believe that the SRA, which the previous panel recommended for the leader of a London council (updated), continues to be appropriate.

#### Categories of special allowances

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

#### Local discretion

It is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

### BAND ONE

The posts we envisage falling within band one, include:

- Vice chair of a service, regulatory or scrutiny committee
- Chair of sub-committee
- Leader of second or smaller opposition group

- Service spokesperson for first opposition group
- Group secretary (or equivalent) of majority group
- First opposition group whip (in respect of council business)
- Vice chair of council business
- Chairs, vice chairs, area committees and forums or community leaders
- Cabinet assistant
- Leadership of a strategic major topic
- Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods
- Leadership of a specific major project.

## Remuneration

We propose that band one special responsibility allowances should be on a sliding scale of between 20 – 30 per cent of the remuneration package for a council leader.

This would be made up as follows:

**Basic allowance: £12,014**

**Band One allowance: £2,807 to £10,218**

**Total: £14,821 to £22,232**

## BAND TWO

The types of office we contemplate being within band two are:

- Lead member in scrutiny arrangements, such as chair of a scrutiny panel
- Representative on key outside body
- Chair of major regulatory committee e.g planning
- Chair of council business (civic mayor)
- Leader of principal opposition group
- Majority party chief whip (in respect of council business).

## Remuneration

We propose that band two allowances should be on a sliding scale between 40 – 60 per cent, pro rata of the remuneration package for a council leader.

**This is made up as follows:**

**Basic allowance £12,014**

**Band two allowances: £17,628 to £32,450**

**Total: £29,642 to £44,464**

## BAND THREE

We see this band as appropriate to the following posts:

- Cabinet member
- Chair of the Health and Wellbeing Board
- Chair of the main overview or scrutiny committee
- Deputy leader of the council

### Remuneration:

We propose that band three allowances should be between 70 – 80 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

**Basic allowance: £12,014**

**Band three allowance: £39,860 to £47,271**

**Total: £51,874, to £59,285**

## BAND FOUR

Leader of cabinet

This is a full-time job, involving a high level of responsibility and includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service.

### Remuneration:

We propose that the remuneration package for a council leader under band four of our scheme should be £74,106.

This is made up as follows:

**Basic allowance: £12,014**

**Band four allowance: £62,092.**

**Total: £74,106**

## BAND FIVE

Directly elected mayor

A directly elected mayor has a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. However, we believe this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount and this should be reflected in the salary level.

### Remuneration:

**We propose that a directly elected mayor should receive a remuneration package of 25 per cent higher than that recommended for a council leader and that it should be a salary set at £92,633.**



## Appendix B

### On behalf of the community – a job profile for councillors

#### Purposes:

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

#### Key Tasks:

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (for example, setting budgets, overall priorities, strategy).
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various forums available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations including, where required, acting as a liaison between the constituent and the local authority and where appropriate other public service providers.
10. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
11. To participate in the activities of any political group of which the councillor is a member.
12. To undertake necessary training and development programmes as agreed by the authority.
13. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

## Appendix C

### The independent panel members

#### **Mike Cooke**

Mike Cooke was the Chief Executive of the London Borough of Camden for seven years, where he had also been Director of Housing and Adult Social Care and HR Director. He has extensive experience of partnership working across London including as the CELC lead on children and chairing the London Safeguarding Children Board. Mike also has worked for seven years in financial services where he developed an expertise in remuneration.

Until November 2020 Mike had been a Non-Executive Director of the Central and North West London NHS Foundation Trust where he was chair of the HR Committee. Mike's current role is the independent Chair of the North Central London Integrated Health and Care System.

#### **Sir Rodney Brooke CBE, DL**

Sir Rodney Brooke has a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities.

He was knighted in 2007 for his contribution to public service.

#### **Dr Anne Watts CBE**

Anne Watts has an extensive career in governance, diversity and inclusion spanning commercial, public and voluntary sectors. She has held executive roles for HSBC and Business in the Community and was chair of the Appointments Commission. She has carried out reviews of Government departments and the Army. In addition she has been a member of Government Pay review bodies and Deputy Chair, University of Surrey where she chaired Remuneration Committee and the new Vet School.

She is a non-exec of Newable (previously Greater London Enterprise) where she chairs ESG Committee and is a non-exec of Newflex subsidiary. In addition she continues to sit on the Race and Gender Equality Leadership teams for Business in the Community.



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# London Borough Of Barnet

## Members' Allowances Scheme

### 2023/24

#### 1. **The Scheme**

- 1.1. This scheme is made by Barnet London Borough Council under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).
- 1.2. The scheme may be cited as the Barnet London Borough Council Members' Allowances Scheme and replaces all former Schemes.
- 1.3. It has effect for the period 23 May 2023 to 31 March 2024.
- 1.4. In this scheme:
  - 1.4.1 "Councillor" means an elected member of the Council of the London Borough of Barnet.
  - 1.4.2 This scheme will cover a period from 23 May 2023 to 31 March 2024
  - 1.4.3 "Co-optee" and "co-opted member" means a person not a councillor who is appointed by the Council to a committee discharging a statutory local authority function.

#### 2. **Basic Allowance**

- 2.1. A basic allowance of £10,809 shall be paid to each councillor.
- 2.2. Payment of the basic allowance is subject to the conditions set out in sections below.

#### 3. **Special Responsibility Allowance**

- 3.1. Allowances are payable to recognise the special responsibilities attached to certain positions to which councillors may be appointed. The allowances are graded in 5 bands.
- 3.2. The bands, the positions concerned and the sums payable are set out in Schedule 1.
- 3.3. No Member may receive more than one Special Responsibility Allowance in respect of the same period of time, but the Member will receive whichever is the highest of the Special Responsibility Allowances for which they qualify.
- 3.4. Other conditions attached to the payment of Special Responsibility Allowance are set out in sections below.

#### 4. **Childcare and Dependent Carers' Allowance**

- 4.1. An allowance of £10 per hour for a maximum of 8 hours (subject to extension in special circumstances) shall be payable to any councillor or co-opted member or member of an appeals committee established under the Education Act 1996 who incurs expenditure for the care of dependent relatives or children whilst undertaking the approved duties listed in section 4.3 below.
- 4.2. Dependent relatives and children are defined as:
  - children aged 15 years or less
  - elderly relatives requiring full-time care

- relatives with disabilities who receive full-time care

4.3. The approved duties referred to in section 4.1 above are:

- a) The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that:
  - (ii) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
  - (iii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited.
- c) The attendance at a meeting of any association of authorities of which the authority is a member;
- d) The attendance at a meeting of any of the Council's committees;
- e) The performance of any duty in pursuance of a standing order requiring a member or members to be present while tender documents are opened;
- f) The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- g) The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools; and
- h) The carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purposes of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

4.4. The allowance or reimbursement shall be paid on the basis of that permitted under the Income Tax Regulations.

## **5. Travel and Subsistence Allowance**

- 5.1. Members do not receive a travel allowance for the cost of travel within the borough.
- 5.2. The duties which qualify for the payment of travel outside the Borough are set out in Schedule 2 with the amounts payable set out in Schedule 3.
- 5.3. The duties which qualify for the payment of travel allowance to a co-opted member or member of an appeals committee established under the Education Act 1996 are set out in Schedule 2 with the amounts payable set out in Schedule 3.
- 5.4. The duties which qualify for the payment of subsistence allowances to a councillor, co-opted member or member of an appeals committee established under the Education Act 1996 are set out in Schedule 2 with the amounts payable set out in Schedule 3.

**6. Independent Members/ Persons and Co-optees' Allowance**

- 6.1. An allowance of £127 shall be paid to the Independent and Co-opted Members and Independent Persons of Council Committees for each meeting or training that they attend.

**7. Pensions**

- 7.1. The Local Government Pension Scheme Regulations 2013, laid before Parliament 19 September 2013 came into force 1 April 2014 ceased councillors' membership of the Local Government Pension Scheme (at the end of the term of office for existing councillors up to the election on 22 May 2014). From 1 April 2014 no Councillors have been admitted to the Scheme.

**8. Financial Limits**

- 8.1. Any payment under this scheme is subject to the budget provision for Members' Allowances during the year not being exceeded.

**9. Renunciation**

- 9.1. A councillor or co-opted member may decline to receive any part of his or her entitlement to an allowance under this scheme by notifying the Head of Governance in writing.

**10. Part-year Entitlements**

- 10.1. This section regulates councillors' entitlement to allowances if during the year:
- the scheme is amended
  - the councillor is newly elected
  - the councillor ceases to be a councillor
  - the councillor accepts or gives up a position eligible for a special responsibility allowance.
- 10.2. If the scheme is amended so as to change the basic allowance or the special responsibility allowance then the annual amount to be paid to each councillor shall be re-calculated. The councillor will be paid a proportion of the old allowance and a proportion of the new allowance. The proportions will reflect the number of days in the year before and after (starting with the day on which the change takes effect) the change. Further amendments will be treated in the same way.
- 10.3. If during the year:
- a councillor is newly elected or ceases to be a councillor,
  - a councillor accepts or gives up a position eligible for a special responsibility allowance, or
  - a councillor becomes or ceases to be eligible to a special responsibility allowance because of an amendment to the scheme

then the annual amount to be paid to the councillor will be altered. The alteration will discount a proportion of the relevant allowance, to reflect the number of days in the year that the councillor was not a councillor, or was not eligible for the special responsibility allowance, as the case may be. If the scheme is amended during the year as set out in 10.2 above, then the alteration will be calculated separately for the periods before and after each amendment, in accordance with the Regulations.

**11. Claims, Payments, Repayments, Restriction to Entitlement**

- 11.1. Payments of basic allowance and Special Responsibility Allowance will be made in twelve equal monthly instalments at the end of each month.
- 11.2. If making a payment of one twelfth of the annual entitlement of basic allowance and special responsibility allowance for any member would result in a breach of the restrictions set by Section 10 of the scheme, then actual payments must be reduced to comply with those restrictions.
- 11.3. Where an allowance has already been paid for any period during which the councillor concerned:
  - a) ceases to be a councillor; or
  - b) is otherwise not entitled to receive the allowance for that period,such part of the allowance as relates to any such period shall be repaid to the Council.
- 11.4. Where a member of the authority is also a member of another authority that member may not receive allowances from more than one authority in respect of the same duties.



## Schedule 1

### Special Responsibility Allowances 23 May 2023 to 31 March 2024

BAND	SRA (£)	POSTS COVERED
5	33,466	Leader of the Council
4	26,510	Deputy Leader of the Council
3	15,093	<p><b><u>Portfolio Holders:</u></b></p> <p>Resources &amp; Effective Council  Adults &amp; Social Care  Culture, Leisure, Arts &amp; Sports  Community Wealth Building  Community Safety &amp; Participation  Family Friendly Barnet  Health &amp; Wellbeing  Environment &amp; Climate Change  Homes &amp; Regeneration  Equalities, Voluntary and Community Sector</p> <p><b><u>Leader of:</u></b></p> <p>Major Opposition Group</p>
2	8,713	<p><b><u>Chairs of:</u></b></p> <p>Overview &amp; Scrutiny Committee  Strategic Planning Committee  Planning Committee A  Planning Committee B  East Area Committee  North Area Committee  West Area Committee  Governance, Audit, Risk Management &amp; Standards Committee</p>
1	5,808	<p><b><u>Chairs of:</u></b></p> <p>Adults &amp; Health Overview &amp; Scrutiny Sub-Committee  Children &amp; Education Overview &amp; Scrutiny Sub-Committee  Pension Fund Committee  Licensing &amp; General Purposes Committee</p>

## Schedule 2

### Approved Duties

The following are approved duties for the payment of travel and subsistence allowances.

***(For Councillors the meeting must take place outside the borough of Barnet):***

1.
  - a) The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
  - b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that -
    - (ii) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
    - (iii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited.
  - c) The attendance at a meeting of any association of authorities of which the authority is a member;
  - d) The attendance at a meeting of the executive or a meeting of any of its committees;
  - e) The performance of any duty in pursuance of a standing order requiring a member or members to be present while tender documents are opened;
  - f) The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
  - g) The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools; and
  - h) Attendance at training courses arranged by the Council.
  - i) The carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purposes of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

(The following bodies or their committees or sub-committees are specifically included in the above definition:

- Welsh Harp Joint Consultative Committee
- Hampstead Heath Management Committee
- London government statutory bodies, joint committees, forums,
- consortiums, employers' associations, etc
- Standing Advisory Council for Religious Education (SACRE)
- Local Government Association
- London Councils
- Joint Negotiating Councils for Council employees

2. Subject to the Base Budget not being exceeded, duties undertaken by Members, provided that they are undertaken outside the borough of Barnet and that the Chief Executive is satisfied that the duties are for the purposes of, or connected with, the discharge of the functions of the Council.
3. Attendance as the council's duly authorised representative at meetings of the following bodies.
  - a) School admission, exclusion and reinstatement appeals panels
  - b) Statutory complaints boards or panels relating to the council's education or social services functions
4. Conferences and meetings convened by a person or body whose objects are neither wholly nor partly political, and otherwise than in the course of a trade or business, for the purpose of discussing matters which in the council's opinion will relate to the interests of Barnet or its inhabitants or of part of Barnet or the inhabitants of part of it are approved for the purposes of payment of travel and subsistence allowance. They are those conferences and meetings convened by outside bodies being conferences where it is considered that there is a direct connection with a function of this council.

## Schedule 3

### Travel and Subsistence Allowances

#### **Travel**

1. Members do not receive a travel allowance for the cost of travel within the borough.
2. Other travel allowance shall be paid at the same rates as those applying at the time to council staff for motorcar, motorcycle and bicycle use. For public transport actual expenditure shall be reimbursed.

#### **Subsistence**

3. For a councillor attending an approved duty that takes place inside the borough of Barnet the rate of subsistence and travel allowance shall be nil.

Other subsistence allowance for meals taken on duty shall be paid at the same rates as those applying at the time to council staff.

For overnight costs reasonable approved expenses shall be paid.

Other Reimbursements allowed:

1. Not more than the amount of any expenditure incurred on tolls, ferries or parking fees.
2. Where day subsistence is payable, the reasonable cost of meals taken on trains, subject to a reduction of subsistence allowance of four hours for each meal taken, and a maximum of one main meal during an absence of more than four hours, two for more than eight hours' absence and three for more than twelve hours' absence.
3. The actual cost of overnight garaging of a car or other vehicle.

#### **Payment**

4. Evidence of expenditure incurred shall be required when claims are made and any unreasonable claim shall be referred to the Chief Executive.