

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 11TH JULY, 2023 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

SUMMONS AND AGENDA



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

Agenda and Timetable
Tuesday 11th July, 2023

Item	Subject	Timing	Page Nos
1.	Official announcements		
2.	Apologies for absence		
3.	Elect a Member to preside if the Mayor is absent		
4.	Prayer/Words from Young People in Barnet		
5.	Declarations of Interest		
6.	Minutes of the last meeting		7 - 10
7.	Any business remaining from last meeting		
8.	Public Questions		
9.	Deputations		
10.	Petitions		To Follow
11.	Announcements from the Leader, Portfolio Holders & Committee Chairs		
12.	Member questions to the Leader, Portfolio Holders and Committee Chairs		
13.	Member questions about Joint Arrangements and External Organisations		
14.	Motions		
14.1	Administration motion in the name of Cllr Naqvi - Cost of Living		11 - 12
14.2	Opposition Motion in the name of Cllr Thomas - Potholes & Pavements		13 - 14

14.3	Administration Motion in the name of Cllr Innocenti - Barnet's Citizens Assembly and Young People's Assembly on Climate Change & Biodiversity		15 - 16
14.4	Opposition Motion in the name of Cllr Grover - 'Putting sustainability at the heart of everything we do' means protecting our trees.		17 - 18
14.5	Administration Motion in the name of Cllr Rose - Barnet LGBT+ & Pride		19 - 20
14.6	Opposition Motion in the name of Cllr Grover - EV charge points - consultation and transparency		21 - 22
14.7	Administration Motion in the name of Cllr Woodcock-Velleman - Alma Primary School		23 - 24
14.8	Opposition Motion in the name of Cllr Thomas - Road Closures in Barnet		25 - 26
14.9	Administration Motion in the name of Cllr Edwards - Totteridge Academy School of the Year		27 - 28
14.10	Opposition Motion in the name of Cllr Thomas - Council Events		29 - 30
15.	Reports from Executive & Council Committees		
15.1	Report of the Chair of the Governance, Audit and Risk-Management and Standards Committee - Referral from Governance, Audit and Risk-Management & Standards Committee - Annual Report of the Audit Committee		31 - 44
16.	Reports of Officers		
16.1	Report of the Deputy Chief Executive - Unauthorised Skips - Civil Enforcement Powers		45 - 50
16.2	Report of the Monitoring Officer - Exception to the Call-In (Requisition) Procedure & amendments to the constitution.		51 - 84

16.3	Report of the Head of Governance - Work Programmes for Overview and Scrutiny 2023/24		85 - 100
16.4	Report of the Head of Governance - Administrative Matters		101 - 110
17.	Motion to Exclude the Press & Public		
18.	Report of Executive Director of Strategy and Resources - Severance Payment Over £100,000 (exempt)		111 - 118

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

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Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BQ, on 2 May 2023

AGENDA ITEM 6

PRESENT:-

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

Councillors:

Ernest Ambe	Eva Greenspan	Barry Rawlings
Richard Barnes	Jennifer Grocock	Danny Rich
Zahra Beg	Rohit Grover	Tim Roberts
Andrea Bilbow OBE	Kamal Gurung	Ella Rose
Rishikesh Chakraborty	Lachhya Gurung	Gill Sargeant
Anne Clarke	Ross Houston	Alan Schneiderman
Pauline Coakley Webb	Anne Hutton	Mark Shooter
Dean Cohen	Andreas Ioannidis	Elliot Simberg
Philip Cohen	Laithe Jajeh	Caroline Stock
Joshua Conway	Humayune Khalick	Daniel Thomas
Sara Conway	Paul Lemon	Liron Woodcock-
Geof Cooke	David Longstaff	Velleman
Alison Cornelius	Kath McGuirk	Tony Vourou
Richard Cornelius	Nick Mearing-Smith	Lucy Wakeley
Edith David	Michael Mire	Sarah Wardle
Val Duschinsky	Arjun Mittra	Emma Whysall
Paul Edwards	Giulia Monasterio	Nigel Young
Claire Farrier	Ammar Naqvi	Peter Zinkin
Shuey Gordon	Alex Prager	

Apologies for Absence

Councillor Marianne Haylett	Councillor Matthew Perlberg
Councillor Giulia Innocenti	Councillor Simon Radford
Councillor Linda Lusingu	Councillor Zakia Zubairi

1. THE WORSHIPFUL THE MAYOR TO READ THE NOTICE OF THE MEETING

The Worshipful the Mayor thanked all Members for attending the meeting. She advised Council that she had called the Extraordinary Council meeting on 19 December 2022 in accordance with Council Procedure Rule 3.1 to allow the final Constitution sections to be approved prior to the new system going live after Annual Council on 23 May 2023.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Matthew Perlberg, Marianne Haylett, Zakia Zubairi, Giulia Innocenti, Simon Radford and Linda Lusingu.

3. DECLARATIONS OF INTEREST

None.

4. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor informed members of the sad passing of former Councillor Geoffrey Johnson who was a councillor representing the Colindale Ward from 2010 – 2014. The Worshipful the Mayor invited tributes from Councillors Gill Sargeant, Rishikesh Chakraborty, Andrea Bilbow and Richard Cornelius.

The Worshipful the Mayor informed members of the Civic Awards that were held at the Town Hall on Tuesday 25th April where many members of the public attended. Details of those who won awards can be found on the Council website.

The Worshipful the Mayor congratulated the Public Health Team who have been shortlisted for an LGC award for their suicide prevention programme work.

The Worshipful the Mayor also informed members that the BarNET zero campaign continues to thrive and has also been shortlisted for environmental charity Global Action Plan Sustainable City Awards in the public sector of the year category.

5. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

6. REPORT OF THE MONITORING OFFICER - CONSTITUTION REVIEW

The Monitoring Officer introduced the report, outlining the changes to various sections of the Constitution.

Councillor Rawlings moved reception and adoption of the recommendations in the report.

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

For: 35
Against: 22
Abstain: 0
Absent: 6
Total: 63

RESOLVED that:

1. 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 at Annual Council on 23 May 2023.
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.
7. Council note the further changes as highlighted in the supplement published.

7. REPORT OF THE HEAD OF GOVERNANCE - MEMBERS' ALLOWANCES SCHEME 2023/24

The Head of Governance introduced the report, outlining the changes to Members Allowances to be effective after Annual Council.

Councillor Rawlings moved reception and adoption of the recommendations in the report.

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

For: 35
Against: 0
Abstain: 22
Absent: 6
Total: 63

Resolved that:

1. That Council have regard to the recommendations of the Independent Panel on the Remuneration of Councillors in London as attached as Appendix A.
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.

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).

8. REPORT OF THE HEAD OF GOVERNANCE - POLITICAL PROPORTIONALITY

The Head of Governance introduced the report, outlining the political balance of the Council to be re-calculated based on the new seats allocated to politically proportionate committees.

The Mayor moved reception and adoption of the recommendations in the report.

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

For: 35
Against: 0
Abstain: 22
Absent: 6
Total: 63

RESOLVED that:

- 1. Council note the political balance of the Council is:**
 - > 40 Members of the Labour Group**
 - > 22 Members of the Conservative Group and**
 - > 1 Independent Member**
- 2. Council agree that the Standards Sub-Committee and Licensing Sub-Committee are bodies to which the political balance rules do not apply as set out in section 1 of the report.**
- 3. Council agree the allocation of seats as set out in the tables in Appendix A in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups on Council.**
- 4. Council agree that the seat allocations come into effect at Annual Council on 23 May 2023.**

The meeting finished at 7.44 pm

Proposer: Councillor Ammar Naqvi

This council notes:

1. That approximately 9,000 Barnet families will have to pay more than £2,300 per year in mortgage payments when they remortgage this year according to independent research.
2. That this is due to interest rates soaring, after the Conservatives crashed the economy with their disastrous 2022 mini-budget.
3. That the increased mortgage payments - typically of almost £200 per month, amounts to a mortgage penalty caused by the Conservative Government.
4. That Finchley and Golders Green is one of the ten most adversely affected areas in the country, with households facing an average increase in annual mortgage payments of more than £7,800 per year.
5. That, with Government nationally causing so much economic chaos, local government has to help residents with the cost-of-living crisis.
6. That Barnet's Labour administration has put £9million into initiatives to help those affected by the cost-of-living crisis, including the Barnet Resident Support Fund, Council Tax Relief and Housing Payments.
7. That this is a national problem, which ultimately requires a national solution.
8. That the Labour Party has proposed a comprehensive five-point plan to help residents through this Tory-caused mortgage crisis.

This council resolves:

1. To continue to administer the additional £2m Resident Support Fund, and the total £9m cost of living support package to help those Barnet residents most in need.
2. To write to the borough's three MPs to urge them to support Labour's 5-point plan to tackle the mortgage crisis and help those affected by the Conservative-caused rocketing interest rates.

Under Council Procedure Rule 15.5 this motion is to stand referred to the Executive as an executive side function

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**Opposition motion in the name of Cllr Dan Thomas
Potholes and Pavements**

AGENDA ITEM 14.2

Council resolves:

- To increase funding for road and pavement repair.
- To speed up pothole repairs.
- To include ward councillors when deciding which pavements to resurface.

Under Council Procedure Rule 15.5 this motion is to stand referred to the Executive as an executive side function

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Barnet's Citizens Assembly and Young People's Assembly on Climate Change & Biodiversity

Proposer: Councillor Giulia Innocenti

This council notes:

1. That minimising climate change - and therefore the carbon emissions which contribute to it, is one of the greatest challenges of our time.
2. That the effects of continued pollution from carbon emissions, the general increase in temperature and extreme weather is affecting Barnet and the whole of the UK as well as:
 - The submerging of entire countries from rising sea levels
 - Increased deaths from natural disasters
 - Disruption of food supplies leading to food price inflation
 - Poor health and poverty
 - The risk that the planet, in the long term, becomes increasingly un-inhabitable
3. That in view of those risks Barnet has set itself a target of becoming, in overall terms, a council that does not emit more carbon into the atmosphere than it removes, i.e. a Net Zero council, by 2030 and a Net Zero borough by 2042.
4. That pollution-creating activities are so deeply entrenched in our society and economy that any attempt to cease them may cause disruption to the lives of our residents.
5. That the potential disruption to the lives of our citizens places a moral obligation on decision-makers to involve residents in developing our plan to tackle the issue.
6. That it is therefore necessary to build a consensus with the people of Barnet on how we achieve our Net Zero goals and are candid about the challenges it poses.
7. That the recently completed Citizens' Assemblies are a critical step to laying Barnet's pathway to Net Zero
8. That more than 60 residents - aged 12 to 90 - including 20 young people gave up much of their time to these efforts.
9. That the Citizens' Assemblies has generated 20 recommendations which the Council administration will now consider.
10. That these recommendations call on both the council and citizens to take responsibility for tackling climate change.

Council Resolves:

1. To thank all those residents who participated in the Citizens' Assemblies and confirm that their work was necessary and vital.
2. To support Cabinet in its work of seriously examining the Citizen's Assemblies' recommendations and looking at the best way to achieve their objectives.
3. To continue to work, as a council as a whole, with the participants of both Assemblies, the wider community, businesses and environmental groups in our plan to get to Net Zero.

Under Council Procedure Rule 15.5 this motion is to stand referred to the Executive as an executive side function

Opposition motion in the name of Cllr Rohit Grover: ‘Putting sustainability at the heart of everything we do’ means exploring all avenues for protecting our trees.

AGENDA ITEM 14.4

Council notes that:

1. Earlier this year Planning Committee A approved an application to fell an oak tree of special amenity value in Garden Suburb ward that had previously been protected by a Tree Preservation Order.
2. Government guidance advises that in considering such applications the local planning authority should:
 - assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
 - consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
 - consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
 - consider whether any requirements apply in regard to protected species;
 - consider other material considerations, including development plan policies where relevant; and
 - ensure that appropriate expertise informs its decision.
3. Barnet’s Corporate Plan 2023-2026, ‘Caring for our people, our places and the planet’, commits the Council to: ‘put sustainability at the heart of everything we do’ and ‘enhance our green and open spaces so they are attractive places with excellent biodiversity and tree cover’.

This Council resolves to:

1. Instruct officers to review all applicable laws, policies and procedures to ensure that the Council is doing everything it can to maintain the protection of trees - and particularly trees subject to TPOs, in line with the commitments made in its Corporate Plan.
2. Present the outcome of this review to the appropriate Committee or Cabinet for consideration and action as necessary.

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Council Notes:

- 1) That LGBT+ people are part of our community, our family and our friends and that we celebrate them.
- 2) That there has been hard won progress on equality for LGBT+ people in the UK such as the repealing of Section 28 and same-sex partnerships under the last Labour government and equal marriage less than a decade ago during the Coalition government. However, there is still far more that needs to be done.
- 3) LGBT+ people still face discrimination in the UK: two thirds have experienced hate crime and/or abuse; one half feel they cannot be open about their identity to their family; one third feel they cannot be open about their identity at work. Barnet's LGBT+ residents face similar challenges.
- 4) That Trans people in particular face a hostile environment at this time, often at the centre of a vitriolic national debate which is about them but often does not include them.
- 5) That this environment risks further marginalising this group of our fellow citizens, who too often suffer from ostracisation, workplace discrimination and hate crime.
- 6) That for the first time this year, there was a specific Pride programme for Barnet, run in collaboration between the council and community groups such as Inkluder CiC and Masorti Judaism's LGBT+ Network, which ran throughout June.
- 7) The programme included a rollerskating event, a tea party at the Flower Bank, and *The Identity Project – Barnet Edition*, a collection of stories and portraits of the LGBTQ+ community of Barnet hosted by Middlesex University among other activities, and engaged 100s of Barnet residents.
- 8) That the inaugural LGBT+ celebration Pride in the Park will be held on 20th August 2023 in Victoria Park, Finchley

Council Resolves:

- 1) To thank Inkluder CiC and Masorti Judaism's LGBT+ Network, community volunteers and council officers for all their hard work in organising Pride events.
- 2) To encourage members to attend the Pride Event in Victoria Park, Finchley, on 20th August 2023
- 3) To call upon all political parties at a national and local level to work for the equality and protection of all LGBT+ people, and in particular trans people.
- 4) To restate the Council's determination to ensure Barnet is a borough where LGBT+ people are valued, celebrated and safe.

Under Council Procedure Rule 15.5 this motion is to stand referred to the Executive as an executive side function

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Opposition motion in the name of Cllr Rohit Grover: EV charge points - consultation and transparency

AGENDA ITEM 14.6

Council notes that:

On 26 June 2023 Cabinet approved the award of the contract for the supply, installation and future maintenance and operation of 793 non-lamp column electric vehicle charge points to Trojan Energy Ltd.

This Council resolves:

To ensure that prior to the installation of all lamp and non-lamp column electric vehicle charge points on residential streets:

1. residents of those streets are consulted.
2. the results of each consultation exercise are presented to the relevant ward councillors; and
3. the results of each consultation exercise are made public.
4. That residents will not face any extra costs to use EV points, such as buying a specific charging cable not already provided with their vehicle.

Under Council Procedure Rule 15.5 this motion is to stand referred to the Executive as an executive side function

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Proposer: Councillor Woodcock-Velleman

This council notes:

1. That Barnet's Alma Primary won the English School's Football Association Under-11's Small Schools Cup.
2. That to reach the finals day, the school's team had to overcome rivals at borough, regional and national level.
3. That on finals day itself, the team competed against five other schools for the trophy at Leicester City's King Power Stadium.
4. That Alma Primary is ten years old this year, has had a permanent home for seven years and does not have its own pitch, making the achievement all the greater.

Council Resolves:

1. To congratulate the pupils of the Alma Primary Under-11s Small Schools Cup on their fantastic win.
2. That the players - Nadav Okrent, Gilad Sasson, Levi Kay, Charlie Gelb, Ethan Lazarus, Ari Kaye, Yoni Shamash, Josh Norman and Oli Cohen - are heroes of the borough, a credit to their school and their parents.
3. To congratulate Alma Primary's Sports leader, Yasmin Ahmed, Headteacher, Marc Shoffren, the team's coach Alex Norman, team manager Caroline Norman, the school's wider teaching body, governors and parents on this wonderful success.

**Opposition motion in the name of Cllr Dan Thomas
Road Closures in Barnet**

AGENDA ITEM 14.8

Council notes:

- The road closure at Golders Green Crescent occurred before the respective consultation results were published.

Council resolves:

- Not to impose road closures on communities (except for repairs to roads, pavements and utility works).
- To consult residents by letter, including those of surrounding roads, regarding proposals to alter local traffic flow and access to town centres.
- To refrain from issuing traffic orders before consultation results have been published and fully discussed with the relevant ward councillors.

Under Council Procedure Rule 15.5 this motion is to stand referred to the Executive as an executive side function

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Proposer: Cllr Paul Edwards

This council notes:

1. That Totteridge Academy has been declared “Secondary School of the Year” in the Times Educational Supplement annual awards.
2. That this outstanding achievement is something of which the whole borough can be proud.

Council also notes:

1.The huge progress the school has made since 2016, when today’s school leavers would have been at the beginning of their secondary school career and Totteridge Academy had the lowest progress scores in Barnet.

2.That this national recognition reflects a school with a remarkable record of achievement and ethos which includes:

- Being one of the top 50 schools in the country for its GCSE progress score
- In 2022, being named one of the world’s best schools for Supporting Healthy Lives
- An onsite farm that support’s well-being, the development of healthy life-skills and unique learning opportunities
- The availability of individual mental health support for children
- 100 per cent of staff reporting that they are proud to work at the school

Council Resolves:

1. To congratulate The Totteridge Academy on being named Secondary School of the year.
2. To pay tribute to the Principal, Chris Fairbairn, his senior staff team, all the staff, the Governors, pupils and parents for all their efforts into making the school such a success.
3. To thank the inspirational students of The Totteridge Academy, who collectively are a model to which schools across the country aspire, and to express how proud the borough is of their conduct and achievement.

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Opposition motion in the name of Cllr Dan Thomas- Invitations to Council Events

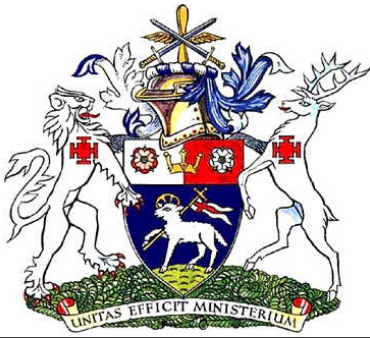
AGENDA ITEM 14.10

Council resolves:

- To invite all members from relevant committees and wards to community events organised by the council.
- To give all relevant members timely notice for events.

Under Council Procedure Rule 15.5 this motion is to stand referred to the Executive as an executive side function

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Council

Title	Referral from Governance, Audit and Risk-Management and Standards Committee - Annual Report of the Audit Committee
Date of meeting	11th July 2023
Report of	Chair of the Governance, Audit and Risk-Management and Standards Committee
Wards	N/A
Status	Public
Urgent	No
Appendices	Appendix A- Annual Report of the Audit Committee 2022/23
Officer Contact Details	Clair Green, Executive Director of Assurance clair.green@barnet.gov.uk

Summary

In accordance with the Council Constitution, Part 2B - Terms of Reference and Delegation of Duties to Committees and Sub-Committees, the Governance, Audit and Risk-Management and Standards Committee states that the Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness.

Recommendations

- 1. That Council to note and approve the Annual Report of the Audit Committee for 2022/23 as an accurate record of the outcomes and work programme for the year.**

1. Reasons for the Recommendations

- 1.1 The Council's role in receiving this report is to note the outcomes from the Audit Committee's work programme for the year.
- 1.2 Prior to Annual Council on 23rd May 2023, the Council had a Committee system in place, one of which was the Audit Committee. Following the move to the Executive arrangements, the Audit Committee has ceased to exist and has been replaced by the Governance, Audit and Risk-Management and Standards Committee

- 1.3 For the Council to receive the Annual Audit report in a timely manner, this report has been submitted to Council for noting and to approve the Annual Report of the Audit Committee as an accurate record of the outcomes and work programme for the year 2022/23 as appended to this report.
- 1.4 Due to the scheduling of meetings, this report should ordinarily be approved by the Governance, Audit and Risk Management and Standards Committee (GARMS), prior to approval at Council. However, the GARMS Committee is not due to meet until the 24th July 2023.
- 1.5 Should there be any substantial amendments made to the Annual Report by the GARMS Committee on the 24th July 2023, all Members will be notified on this via email by the Head of Internal Audit for information.

2. Alternative Options Considered and Not Recommended

- 2.1 No alternative options can be considered.

3. Post Decision Implementation

- 3.1 The Annual Report of the Audit Committee will be presented to the first meeting of the new Governance, Audit, Risk Management and Standards Committee on 24th July 2023.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 Our Plan for Barnet (the corporate plan 2023 -2026) was adopted in March 2023.
- 4.2 The activity of the Audit Committee is aligned with the Council’s objectives set out in the Corporate Plan 2023-2026, and thus supports the delivery of those objectives by giving independent oversight on the effectiveness of the management of the risks associated with delivery of the Council’s services.

Corporate Performance / Outcome Measures

- 4.3 None in the context of this decision.

Sustainability

- 4.4 None in the context of this decision.

Corporate Parenting

- 4.5 None in the context of this decision.

Risk Management

- 4.6 All Internal Audit activity presented to the Audit Committee is directed toward giving assurance about risk management within the areas examined. By so doing the aim is to help maximise the achievement of the Council’s objectives. Internal Audit does this by identifying areas for improvement and agreeing actions to address the weaknesses.

4.7	Internal and External Audit work contributes to increasing awareness and understanding of risk and controls amongst managers and thus leads to improving management processes for securing more effective risk management.
	Insight
	None in the context of this decision
	Social Value
	None in the context of this decision
5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)	
5.1	None in the context of this decision
6. Legal Implications and Constitution References	
6.1	The Council Constitution, Part 2B - Terms of Reference and Delegation of Duties to Committees and Sub-Committees, the Governance, Audit and Risk-Management and Standards Committee states that the Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness.
7. Consultation	
7.1	Not applicable
8. Equalities and Diversity	
8.1	Effective systems of audit, internal control and corporate governance provide assurance on the effective allocation of resources and quality of service provision for the benefit of the entire community. Individual audits assess, as appropriate, the differential aspects on different groups of individuals to ensure compliance with the Council's duties under the 2010 Equality Act.
9. Background Papers	
9.1	None

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Appendix 1

Audit Committee Annual Report 1st April 2022 – 31st March 2023

Cllr Arjun K Mitra
Chair of the Audit Committee
June 2023

Contents

1. Introduction and overview

2. Summary of Audit Committee outcomes during 2022-23

3. Conclusions

Annex 1 – Schedule of actual work 2022-23

1. Introduction and Overview

1.1 Good corporate governance requires independent, effective assurance about both the adequacy of financial management and reporting, and the management of other processes required to achieve the organisation's corporate and service objectives. Good practice from the wider public sector indicates that these functions are best delivered by an independent audit committee. In this context, "independence" means that an audit committee should be independent from any other executive function. Further, the National Audit Office regards "well-functioning Audit Committees as key to helping organisations achieve good corporate governance".

1.2 It is important that local authorities have independent assurance about the mechanisms underpinning these aspects of governance.

Specifically:

1.2.1 **independent assurance** of the adequacy of the control environment within the authority;

1.2.2 **independent review** of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and

1.2.3 **assurance** that any issues arising from the process of drawing up, auditing and certifying the authority's annual accounts are properly dealt with and that appropriate accounting policies have been applied.

1.3 Effective audit committees can bring many benefits to local authorities and these benefits are described in CIPFA's *Audit Committees - Practical Guidance for Local Authorities* as:

1.3.1 raising greater awareness of the need for internal control and the implementation of audit recommendations;

1.3.2 increasing public confidence in the objectivity and fairness of financial and other reporting;

1.3.3 reinforcing the importance and independence of internal and external audit and any other similar review process (for example, providing a view on the Annual Governance Statement); and

1.3.4 providing additional assurance through a process of independent and objective review.

1.3.5 Effective internal control and the establishment of an audit committee can never eliminate the risks of serious fraud, misconduct or misrepresentation of the financial position. However, an audit committee:

➤ **can give additional assurance through a process of independent and objective review**

➤ **can raise awareness of the need for sound control and the implementation of recommendations by internal and external audit**

1.4 **Audit Committee at Barnet Council**

The Council's Constitution, prior to May 2023, included the terms of reference for the Audit Committee, defining its core functions. The terms of reference describe the purpose of the Audit Committee as being:

“to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority’s financial and non-financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment, and to oversee the financial reporting process.”

- 1.4.1 To bring additional expertise from the sector and financial capability the Audit Committee also has two independent members.
- 1.4.2 The Audit Committee has a work programme that has been drawn up to effectively discharge its responsibilities as defined by the terms of reference.
- 1.4.3 The Committee relies upon independent, qualified professionals to provide assurance. Directors and Assistant Directors (or equivalent grade) have attended Committee to support the process and to aid in the Committee’s effectiveness/understanding.
- 1.4.4 During the year 2022-23 the Committee undertook all its meetings in the public domain. There were no exempt reports this year.
- 1.4.5 Throughout 2022-23, the Audit Committee was chaired by Councillor Arjun Mittra.
- 1.4.6 As part of the 2022/23 Member Development Programme the following session was delivered for Members of the Council and the two appointed Audit Committee independent Members. The session provided participants with an overview on the following themes:
16 June 2022
 - Role of the Member of the Audit Committee – including approval of the Statement of Accounts
 - Financial Controls
 - Audit and CAFT Plan
 - External Audit Plan
 - Receipt of Internal and External Audit Reports
- 1.4.7 The Chair during 2022-23 continued to require senior officer attendance where there were high priority Audit recommendations and has continued to encourage public participation at the Audit Committee.

2. Summary of Audit Committee Outcomes during 2022-23

2.1 During the financial year (April 2022 – March 2023) the Audit Committee has demonstrated many outcomes with a focus on delivering improvement to the organisation. The way in which these were implemented were as follows: -

2.1.1 **Key controls and assurance mechanisms.** The Committee relies upon information presented from qualified, independent and objective officers and external assurance providers. The key controls and assurance mechanisms are as described within the Annual Governance Statement. The Audit Committee is not a working group, it does not

carry out the work itself, but relies on the assurance framework to bring significant issues to the Committee for discussion and make recommendations for the Executive and officers to take forward. The Committee recognises that management are responsible for a sound control environment¹.

2.1.2 Cross-Council Assurance Service (CCAS). The Internal Audit service is delivered through a mixed economy model, which includes an in-house team and external provider, currently PwC. In April 2020, a new Framework contract was signed by London Borough of Barnet with PwC for Internal Audit, Advisory and Anti-Fraud and Mazars for Risk Management. As the contract manager, Barnet receives a 1% contract management fee for all invoiced work going through the Framework, which has a maximum OJEU limit of £50m over the four-year contract term.

2.2. External Audit financial resilience and value for money. For 2022/23, BDO will be the Council's appointed external auditors with Grant Thornton UK LLP taking over for a period of for five years from 2023/24 to 2027/28 .

2.2.1 In April 2023, the council's external auditors (BDO) provided an update on the 2020/21 Closure of accounts. The report summarised the results of their work to date for the year ended 31 March 2021, specific audit findings and areas requiring further discussion and/or the attention of the Audit Committee.

2.2.2 Their audit work was substantially complete, and they anticipated issuing their opinion on the Group's financial statements and the Council's use of resources for the year ended 31 March 2021, at Governance, Audit, Risk and Standards (GARMS) Committee in July 2023. An outstanding issue relating to the accounting treatment applied to infrastructure assets (which is a sector-wide issue that could materially impact the Council's financial statements) is currently being reviewed by BDO and we are expecting an update from them at GARMS in July 2023.

2.2.3 BDO have mapped out indicative timelines for the council's future audits after the completion of the 2020/21 audit and have advised that (assuming there is no change in the audit requirement / scope of work and no notable change in capacity within their audit team), they expect to commence planning work for the 2021/22 audit in March/April 2024 with the final audit being completed in November 2024.

2.2.4 For 2022/23 audit, planning is expected to commence in January/February 2025 with final audit completion by July 2025.

2.3 Improvement agenda – the Audit Committee is committed to improving shortcomings in the control environment, rather than apportioning blame.

2.3.1 The Audit Committee has been provided with assurances on all internal audit critical and high priority recommendations, and a sample of medium priority recommendations, and the progress against these quarter by quarter. The Audit Committee and its Chair has asked that leading officers (Directors or Assistant Directors / Strategic Leads) to attend the Audit Committee to explain any deficiencies identified by Internal Audit and how they intend to address and action them. The important aspect that the Audit Committee has been assessing each quarter is whether the

¹The control environment comprises the systems of governance, risk management and internal control

direction of travel from one quarter to the next has been improving via recommendations having been implemented. This focus on improving the control environment through follow-up and discussion has made officers accountable for improvement.

- 2.3.2 Internal Audit followed up a total of 119 recommendations that had been raised and were due to have been implemented by the end of 2022/23. Of those, 96 had been fully implemented by the year end, with 23 ongoing (8 high and 15 medium). The outturn for implementing audit recommendations by year end was 81%, below the target of 90%. This is a deterioration on 2021/22 when 97% were confirmed as having been implemented within revised agreed timescales. The decline is largely attributable to delayed implementation for the Commercial Rents and Lease renewals audit (12 actions not progressed in time). Continual progress monitoring by Internal Audit will ensure that outstanding actions are implemented, the aim always being to ensure that actions are completed by the 31st March each year. Generally, many Services in the Council have focussed and will continue to focus on arrangements for transitioning from Capita back to the Council which may delay prioritising the implementation of audit actions in the medium term.
- 2.3.3 The Audit Committee has continued to pay particular attention to agree audit actions that have repeatedly not been implemented within agreed or revised timeframes. This is reported in a 'slippage' column within the Internal Audit update reports to Committee. The number of critical and high priority audit actions that had not been implemented within agreed timeframes on 3+ occasions was 17, a deterioration on the prior year when the number reported was zero in every quarter apart from Q1, when there were 2 of these actions reported. The 17 actions relate to two audits, Danegrove School (which was No Assurance and had a high number of actions to implement) and Land Charges - Review of Planning Data Controls and Policies, the actions for which were paused due to delays to the His Majesty's Land Registry (HMLR) project and the transition from Re over to LBB.
- 2.3.4 The Public Sector Internal Audit Standards require the Head of Internal Audit to provide an annual opinion, based upon and limited to the work performed, on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control (i.e. the organisation's system of internal control). The opinion does not imply that Internal Audit has reviewed all risks relating to the organisation and is based on the work performed in 2022-23. The conclusion should be considered in the context of the financial pressures facing the Council in a period where savings are required to be made but there is a greater demand for local services due to the borough's growing population. For 2022-23 a 'Reasonable' Annual Internal Audit Opinion was given. This is consistent with 2021-22, 2020-21 and 2019/20 and an improvement on the previous two years, 2018/19 and 2017/18, when Limited Assurance was given.
- 2.3.5 In line with the Scheme of Financing Schools, the Chief Finance Officer is required to deploy internal audit to examine the control frameworks operating within schools under the control of the Local Education Authority ("LEA"). In 2022-23, Internal Audit performed 20 schools' visits and undertook 5 follow-up reviews. The number of schools reviewed was higher than in the previous year (18 schools visited), as the service returned to normal post-COVID.

2.3.5 The **Internal Audit and the Corporate Anti-Fraud Team (CAFT)** functions, which are organisationally independent from the rest of the Council, have a combined Annual Plan approved annually by Audit Committee which demonstrates their commitment to joint working, making the best use of resources and avoidance of duplication of effort. This also enables them to ensure that any control weaknesses identified through fraudulent activity are followed up with recommendations to strengthen the control environment and noted on the service risk registers.

2.4 Internal Audit – issues identified – during the year the Audit Committee has been presented with quarterly reports regarding control weaknesses. Areas that received an Internal Audit ‘No / Limited’ assurance rating, or where an audit report or management letter identified areas of weaknesses and high priority recommendations, are listed below. The Committee has also continued to receive updates on all High priority recommendations within Reasonable Assurance reports where those recommendations are not implemented within the agreed timeframes. Finally, Internal Audit also follow-up a sample of Medium priority recommendations and report the outcome to the Audit Committee.

Review Title	Assurance rating	Number of Critical Priority recs	Number of High Priority recs	Number of Medium Priority recs
Premises, Licensing and Gambling	Limited	0	2	3
Recruitment - Pre-employment Checks	Limited	0	2	3
Cyber Security - Third Party Security and Awareness	Limited	0	1	5
Staff Conduct Standards	Limited	0	1	4
Finance Global Design Principles (FGDP) - Accounts Receivable	Limited	0	1	3
Private Residential Blocks – Fire Safety	Limited	0	1	3
Estates - Commercial Property Rents and Leases	Limited	0	0	8
Land Charges - Review of Outputs	Reasonable	0	1	1
Menorah Foundation School	Limited	0	2	5
Coppetts Wood School	Limited	0	2	5
St James Catholic High School	Limited	0	1	5
Bell Lane School	Limited	0	1	4
Brunswick Park School	Reasonable	0	1	0

2.5 Anti-Fraud – The Corporate Anti-Fraud Team (CAFT) were back to fully operational status after all Covid-19 restrictions had been lifted during the year (as detailed in the previous year reports). CAFT operated as three teams targeting specific areas of fraud, they also utilised their specialist financial investigation skills, accredited by the National Crime Agency, to recovery proceeds of crime.

- 2.5.1 **The Concessionary Travel Fraud Team** has investigated **247** cases of alleged Blue Badge misuse as well as Blue Badge and parking permits fraud and fraudulent appeals relating to penalty charge notices (PCNs). Of these, **13** cases were successfully prosecuted at Magistrates court and **50** cautions were administered. A further **41** cases also concluded in Warning letters being sent to the Badge Holders as well as the offenders. **15** Blue Badges were seized from offenders. In addition to these, there are several cases that are currently being progressed to formal interviews and legal actions.
- 2.5.2 **The Tenancy Fraud team** has investigated **525** cases, and which includes the verification of all housing Applications received by Barnet Homes. These investigations led to **1** formal Prosecution for a false succession application resulting in CAFT recovering **£1,595** in compensation. **5** Homeless persons applications for housing, and **2** mutual exchange applications were denied. In addition to this, Tenancy Fraud officers recovered **34** properties this year bringing those properties back into the Council's Housing Stock and saving on the costs of Temporary accommodation. Other cases continue to progress.
- 2.5.3 **The Corporate Fraud Team** investigated 102 cases of alleged fraud, These investigations resulted in **5** cases being referred for disciplinary action, and **19** cases resulting in civil recovery action (**9** of these cases related to the Council Tax Support scheme with **£30,672.69** being identified for recovery and **10** cases relating to Council Tax Single Person Discounts with **£17,902.98** being identified for recovery). **2** Administrative Penalties were issued totalling **£1,436.09** relating to Council Tax Support Offences. There were **4** cases where Council applications were denied resulting in Council savings of **£46,674.04**, which related to **3** Covid Omicron Grants and **1** Insurance claim, and **1** case was concluded where a Council service was refused due to the CAFT investigation which related to Direct Payments.
- 2.5.4 There have been **16 Financial (Proceeds of Crime)** Investigations carried out this year. **9** of these are on-going and recovery of confiscation orders continues. **4** cases were concluded as the full Proceeds were recovered. This year **£422,178.26** has been received via the POCA incentivisation Scheme.
- 2.5.5 **Whistleblowing** matters are also reported to the Audit Committee. **1** whistleblowing allegation was received this year.

2.6 **Planned and unplanned work** – The Committee has completed its work plan in accordance with its planned level of activity as detailed at annex 1.

3. Conclusions

3.1 In conclusion the Audit Committee feels that it has demonstrated that it has added value to the Council's overall Governance Framework.

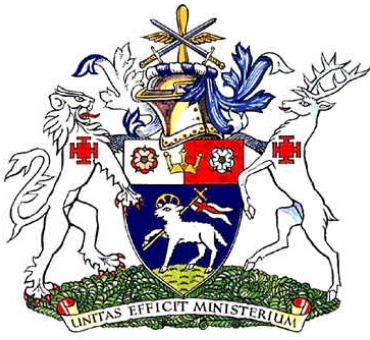
3.2 The Audit Committee's focus will continue to be ensuring action is taken on internal control deficiencies and reviewing progress on a regular basis as well as a commitment to improving shortcomings in the control environment, rather than apportioning blame.

Annex 1 – Schedule of actual work 2022-23

Detail of Reports considered:

Audit Committee Meeting Date	Agenda Items
16 June 2022	<ul style="list-style-type: none"> • External Audit Plan 2021/22 • Grants Certification Work Report 2020/21 • Update on the Closure of the 2020/21 Statement of Accounts • Annual Governance Statement 2021/22 and Code of Corporate Governance 2022/23 • Internal Audit Exception Recommendations Report and Q4 Progress Report 1st January to 31st March 2022 • Annual Internal Audit Opinion 2021-22 • Internal Audit & Anti-Fraud Strategy and Annual Plan 2022-23 • Corporate Anti-Fraud Team (CAFT) Annual Report 2021-2022 • Committee Forward Work Programme
15 September 2022	<ul style="list-style-type: none"> • Internal Audit Exception Recommendations Report and Q1 Progress Report 1st April to 30th June 2022 • Update on the Audit of the 2020/21 Statement of Accounts • External Audit plan 2021/22 • Grants Certification Work Report 2020/21 • Annual Report of the Audit Committee 2021-22

Audit Committee Meeting Date	Agenda Items
	<ul style="list-style-type: none"> • Corporate Anti-Fraud Team (CAFT) Q1 Progress Report 2022-23 • Committee Forward Work Programme
2 November 2022	<ul style="list-style-type: none"> • Update on the Audit of the 2020/21 Statement of Accounts • Internal Audit Exception Recommendations Report and Q2 Progress Report • Grants Certification Work Report 2020/21 • Corporate Anti-Fraud Team (CAFT) Q2 Progress Report • Work Programme
16 January 2023	<ul style="list-style-type: none"> • Update on the 2020/21 Closure of Accounts and the 2021/22 External Audit Plan • Internal Audit Exception Recommendations Q3 • Corporate Anti-Fraud Team (CAFT) Q3 Progress Report



Council
11 July 2023

Title	Unauthorised Skips – Civil Enforcement Powers
Date of meeting	11 July 2023
Report of	Deputy Chief Executive
Wards	All
Status	Public
Urgent	No
Appendices	None
Officer Contact Details	Ian Edser, Director of Highways and Transportation ian.edser@barnet.gov.uk

Summary

This report seeks to adopt powers available to the Council under Part 3 of the London Local Authorities and Transport for London Act 2013 (“the Act”), in order to decriminalise offences in relation to illegally operated skips on the highway and to enable the Council to use civil enforcement powers in relation to relevant offences.

In order to adopt the said powers, the Act requires a resolution of Full Council for an appointed day of adoption.

Recommendations

That Council:

1. Resolve to adopt Part 3 of the London Local Authorities and Transport for London Act 2013.
2. Fix a day on which Part 3 of the London Local Authorities and Transport for London Act 2013 will come into operation (‘the appointed day’), namely Monday 6 November 2023.

3. Authorise the Deputy Chief Executive to arrange for the necessary notices be published in accordance with the requirements of the Act.

1. Reasons for the Recommendations

- 1.1 The London Local Authorities and Transport for London Act 2013 – contains provisions for boroughs to decriminalise the following offences relating to skips placed on the public highways):
- operating without a permit;
 - operating without proper lighting during the hours of darkness;
 - operating without clear and indelible markings of the owner’s name and telephone number or address;
 - not removing a full skip as soon as it is practicable to do so;
 - not moving or repositioning a skip where required as soon as it is practicable to do so;
 - not fulfilling other conditions under which the permit was granted;
- 1.2 Under the Act, where a Council has resolved to use its provisions, an authorised officer of the Council will be able to issue a fixed penalty notice against skip owners for the above offences, instead of having to pursue a criminal prosecution through the courts. This will be a speedy and convenient option which, if complied with, will avoid the bureaucracy of prosecution action.
- 1.3 As with all UK highway authorities the Council currently has responsibility for issuing Skip Licences for the placement of skips on the public highway. In most areas in the UK, including the borough of Barnet, it is the responsibility of the skip hire company to obtain the permit.
- 1.4 By adopting the powers contained in the Act, to the Council will be better able to regulate and control the placement of skips on the highway.
- 1.5 For this part of the legislation to be used by the Council it is necessary for a resolution to be passed by Full Council and for a date to be published for implementation. The date of implementation cannot be less than 1 month from the date of publication of the passing of such a resolution.

2. Alternative Options Considered and Not Recommended

- 2.1 As currently available, pursue prosecution action for offences relating to skips deposited on the highway, and do not adopt Part 3 of the London Local Authorities and Transport for London Act 2013.
- 2.2 This action is not recommended as the power to issue fines for skip offences will provide a quicker and more cost-effective option.
- 2.3 Prosecutions for offences in relation to unauthorised skips are not routinely undertaken due to the resource implications and cost of pursuing criminal prosecution cases.

3. Post Decision Implementation

- 3.1 If Full Council resolves to adopt Part 3 of the Act, notice will have to be published in the London Gazette and in a local newspaper with a gap of at least 1 month between publication in the London Gazette and the date fixed for adoption of Monday 6 November 2023.

4. Corporate Priorities, Performance and Other Considerations

4.1 Corporate Plan

The implementation of this will contribute to the Council's sustainability strategy through the promotion of better practices exercised by skip companies and developers in relation to the protection of the Highways network.

4.2 Corporate Performance / Outcome Measures

This is an important means of protecting the condition of the highway network and ensuring that the network is safe and accessible for all users.

4.3 Sustainability

The aim is to actively maintain the footway /roadway network for all users and to encouraging skip owners and developers to treat the public highway with respect, to avoid the Council bearing the cost of prosecution for illegal skips placed on the Highway.

4.4 Corporate Parenting

No direct or indirect impacts on looked after children or care leavers identified beyond those applicable to the population as a whole.

4.5 Risk Management

The Council, as Highway Authority, has various responsibilities and duties. To address these responsibilities and duties the council has established policies, systems and processes that are regularly audited, reviewed, and amended where necessary to reflect current policy and guidance and provide the council with a robust defence against insurance claims on the public highway.

This initiative is a means of ensuring that safety and integrity of the footway and carriageway is maintained for all users.

4.6 Insight

Not applicable to this report, however the work is informed Highways Officers and inspections.

4.7 Social Value

The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social economic and environmental benefits.

The purpose of this report is to adopt civil enforcement powers made available to London local authorities in order to maintain the integrity, condition, safety of the public highway without recourse to the criminal courts.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 There are no financial, procurement, staffing IT or property implications for the Council in adopting the legislation itself. There may be resource implications once an approach is developed. This approach will be subject to appropriate governance and any necessary financial approvals will be sought.
- 5.2 By seeking to deal with unauthorised skips via PCNs rather than via the criminal courts is a cost-effective method of enforcement.

5.3 This approach will be subject to appropriate governance.

6. Legal Implications and Constitution References

6.1 In order to use Part 3 of the London Local Authorities and Transport for London Act 2013, the legislation requires a resolution of the Council to be passed.

6.2 Part 2A of the Council's Constitution sets out the terms of reference of Full Council including "all other matters which by law must be reserved to Council".

6.3 Once Part 3 has been adopted by a Council, the option to prosecute for an offence under the Highway Act 1980 is no longer available. The power to prosecute for the offence of not providing information to identify the owner of a skip is however available.

6.4 The legislation also provides for someone served with a penalty charge notice to make representations/appeals against the notice on certain grounds specified in the Act. The London Local Authorities Act 2007 sets out a regime for the administration of Penalty Charges and the London Councils' Transport and Environment Committee (TEC) have set penalty fine levels for these offences.

7. Consultation

7.1 A consultation was not required for the recommendations in this report and has not been carried out.

8. Equalities and Diversity

8.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to:

- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advancement of equality of opportunity between people who share a protected characteristic and people who do not.
- Fostering of good relations between people who share a protected characteristic and people who do not.

8.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy, and maternity; race; religion or belief; sex and sexual orientation.

8.3 To assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

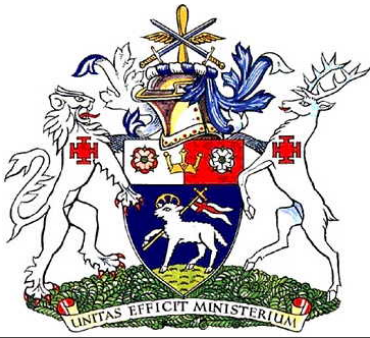
8.4 The broad purpose of this duty is to integrate considerations of equality into day-to-day business and keep them under review in decision making, the design of policies and delivery of services.

- 8.5 Good roads and pavements benefit all sectors of the community by removing impediments and assisting quick, efficient, and safe movement to access school, work and leisure facilities. This is particularly important for the elderly, people caring for children and those with mobility difficulties and sight impairments. The condition of roads and pavements is regularly at the top of concerns expressed by residents and ensuring safe use for all.
- 8.6 The physical appearance and the condition of the roads and pavements also have a significant impact on the quality of life of and accessibility for residents and visitors to the borough. A poor-quality street environment will give a negative impression of an area, impact on people's perceptions and attitudes as well as increasing feelings of insecurity.

9. Background Papers

- 9.1 [London Local Authorities and Transport for London Act 2013 \(legislation.gov.uk\)](http://legislation.gov.uk)

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Council
11 July 2023

Title	Overview And Scrutiny Rules – Exception to the Call-In (Requisition) Procedure and amendments to the constitution.
Date of meeting	11 th July 2023
Report of	Monitoring Officer
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A – Notice Urgency Provisions Appendix B - Proposed amendment to Part 3A - Council Procedure Rules Appendix C – Proposed amendment to Part 3B – Executive Procedure Rules
Officer Contact Details	Andrew Charlwood, Head of Governance Andrew.charlwood@barnet.gov.uk 020 8359 2014

Summary

In accordance with the Council Constitution, Part 3C section 51, decisions taken as a matter of urgency will be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.

Council are being asked to note that an exemption from Call -in was granted for 'Matters associated with the acquisition of properties at Colindale Gardens' report considered at Cabinet on the 26th June 2023.

The Monitoring Officer is also proposing some amendments to the constitution regarding questions from members at cabinet.

Recommendations

1. That the exemption from call-in be noted
2. That the amendments to the Executive Procedure Rules be agreed.
3. That the amendments to the Council Procedure Rules be agreed.

1. Reasons for the Recommendations

- 1.1 At a meeting of Cabinet on the 26th June 2023, a key decision was considered on 'Matters associated with the acquisition of properties at Colindale Gardens'
- 1.2 The report seeks approval of the business case for the acquisition of 249 residential properties within the Colindale Gardens scheme through the Housing Revenue Account (HRA). The acquisition will enable more of the homes to be rented at lower rents than would otherwise come forward under the Section 106 agreement which directly supports the Quality, Affordable Homes priority within Our Plan for Barnet.
- 1.3 The call-in procedure set out in the Constitution 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 The reasons this decision was considered urgent was that there was a unique opportunity to acquire 249 homes in the latest phase of the Colindale Gardens development from the developer, Redrow. The acquisition will enable more of the homes to be rented at lower rents than would otherwise come forward under the Section 106 agreement which directly supports the Quality, Affordable Homes priority within Our Plan for Barnet. To secure the offer, contracts need to be exchanged by the end of June.
- 1.8 After holding a cabinet meeting it is recommended that the executive procedure rules at rule 13.6 is clarified as set out below regarding questions from elected members.
 - 13.6.1 Questions:
 - 13.6.1.1 *A Councillor may ask a Portfolio Holder (Member of the Executive) a question (which depending on its nature may be dealt with in either public or private session) on any matter which is on the cabinet meeting agenda . For the avoidance of doubt, a Member is not limited to asking a single substantive question at any one Executive meeting. No prior notice is required for these questions.*
 - 13.6.1.2 *The first 4 questions will be given to the opposition group, then they will be rotated between the groups in accordance with the order in which they are made to the Chair. Questions may be asked of one Portfolio Holder at a time and one Portfolio Holder may respond only. If the question crosses more than one portfolio then the Leader may respond, but each question may only have a response from one member of the executive.*
- 1.9 That the Council procedure rules be amended as follows:

12.1.2 A limit of 30 minutes shall be given to the asking of written questions by Members. The equivalent of no more than one question per Member *from each political group (excluding Portfolio Holders and Scrutiny Chairs)* will be allowed. *Non-aligned members will be permitted one question per member.*

2. Alternative Options Considered and Not Recommended

- 2.1 No alternative options can be considered the rules in the constitution need to be followed and the matter reported to Council.
- 2.2 Regarding the executive and council procedure rules they could remain the same but this would lead to uncertainty in how they should be applied.

3. Post Decision Implementation

- 3.1 That the Monitoring Officer amends the constitution

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 Not applicable

Corporate Performance / Outcome Measures

- 4.2 Not applicable

Sustainability

- 4.3 Not applicable

Corporate Parenting

- 4.4 None

Risk Management

- 4.5 Not applicable

Insight

- 4.6 Not applicable

Social Value

- 4.7 Not applicable

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 N/A

6. Legal Implications and Constitution References

- 6.1 In accordance with the Council Constitution, Part 3C section 51, decisions taken as a matter of urgency will be reported by the Monitoring Officer.

6.2 Amendments to the constitution are a matter for Full Council.

7. Consultation

7.1 The group Leaders have been consulted on the amendments to the constitution.

8. Equalities and Diversity

8.1 Not applicable

9. Background Papers

9.1 Cabinet Agenda – 26th June 2023

<https://barnet.moderngov.co.uk/documents/g11429/Public%20reports%20pack%2026th-Jun-2023%2019.30%20Cabinet.pdf?T=10>



London Borough of Barnet

Notice - Urgency Provisions

Local Government Act 2000

Notice is given in accordance with the Council Constitution Part 3C Committee Procedure Rules section 51 (Call-in and Urgency) which states that the call-in procedure 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. The following matter listed below is considered one of urgency for the reasons set out and thus not subject to call-in.

Agreement has been obtained from the Chair of the Overview and Scrutiny in accordance with the Council Constitution, that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.

In line with the Council Constitution, Part 3C section 51, decisions taken as a matter of urgency will be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.

<u>Details of intended Key Decision</u>	
Title:	Matters associated with the acquisition of properties at Colindale Gardens
Date:	Cabinet 26 June 2023
Summary:	The report seeks approval of the business case for the acquisition of 249 residential properties within the Colindale Gardens scheme through the Housing Revenue Account (HRA). The acquisition will enable more of the homes to be rented at lower rents than would otherwise come forward under the Section 106 agreement which directly supports the Quality, Affordable Homes priority within Our Plan for Barnet.
Reasons for urgency:	There is a unique opportunity to acquire 249 homes in the latest phase of the Colindale Gardens development from the developer, Redrow. The acquisition will enable more of the homes to be rented at lower rents than would otherwise come forward under the Section 106 agreement which directly supports the Quality, Affordable Homes priority within Our Plan for Barnet. To secure the offer, contracts need to be exchanged by the end of June.
https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=1010&MId=11429&Ver=4	

Part 3A

Council Procedure Rules

1. Annual Meeting of the Council

1.1 Date and Business for Annual Meeting of the Council

1.1.1 In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May.

1.2 Appointment of Leader after Whole Council Elections

1.2.1 In a year when there is an ordinary election of Councillors, the Council shall appoint a Leader at its Annual Meeting, which shall be the first meeting of the Council after its whole Council elections.

1.2.2 The Leader shall:

1.2.2.1 Appoint at least two but no more than nine Members as members of the Executive and allocate portfolio holder responsibilities to them.

1.2.2.2 Appoint one of the members of the Executive as Deputy Leader.

1.2.3 The Leader shall hold office as Leader until one of the following circumstances applies:

1.2.3.1 The Council holds its first meeting after the next whole Council elections following his or her election as Leader; or

1.2.3.2 They resign from office; or

1.2.3.3 They are disqualified from being a councillor; or

1.2.3.4 They are removed from office by resolution of the Council

1.2.3.5 They are no longer a councillor.

1.2.4 If the circumstances in 1.2.3.1 apply, the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, at the first meeting of the Council held after the circumstances arise.

1.2.5 Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:

1.2.5.1 In the case of the Deputy Leader, the end of the term of office of the Leader;

1.2.5.2 The Leader makes changes to the roles of members of the Executive;

1.2.5.3 They are removed from office by the Leader;

1.2.5.4 They resign from office;

1.2.5.5 They are disqualified from being councillors;

1.2.5.6 They are no longer councillors.

1.2.6 Following a Borough Election and until the day of the Annual Meeting; if the Leader has not been re-elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the council, then the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all Group Leaders.

1.3 Other Business at the Annual Meeting of the Council

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- 1.3.1 In addition to the appointment of Leader which shall take place at the Annual Meeting in a year in which there is an ordinary election of Councillors, the Annual Meeting will:
- 1.3.1.1 elect a person to preside at the Annual Meeting if the Mayor is not present;
 - 1.3.1.2 elect the Mayor for the Borough of Barnet Council;
 - 1.3.1.3 note the Mayor's appointment of the Deputy Mayor of the Borough;
 - 1.3.1.4 receive the results of the Borough Elections (in an election year);
 - 1.3.1.5 receive notification from the Leader of the Council of the name of the Member appointed as their Deputy Leader (in an election year)
 - 1.3.1.6 receive notification from the Leader of the Council of the number of Members they are appointing to the Executive, their names and their portfolios
 - 1.3.1.7 approve the minutes of the last meeting;
 - 1.3.1.8 receive any announcement from the Mayor;
 - 1.3.1.9 receive any declarations of interests from Members;
 - 1.3.1.10 receive any apologies for absence
 - 1.3.1.11 establish at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 2 of this Constitution);
 - 1.3.1.12 receive annually the Allocation of Responsibilities (Scheme of Delegation) as set out in Part 2 of this Constitution;
 - 1.3.1.13 appointing the Chair, Vice chair, members of committee making other appointments to committees and boards and approving or report their respective Terms of Reference.
 - 1.3.1.14 appointing and nominating representatives of outside bodies unless the appointment has been delegated by Council
 - 1.3.1.15 reports from other committees and officers as required.
 - 1.3.1.16 approve a programme of ordinary meetings of the Council for the year; and
 - 1.3.1.17 consider any other business set out in the notice convening the meeting.
- 1.4 **Selection of Councillors on Committees**
- 1.4.1 At the Annual Meeting, the Council will:
- 1.4.1.1 decide which Committees to establish for the Municipal Year;
 - 1.4.1.2 decide the size and terms of reference of those Committees and sub-committees;
 - 1.4.1.3 decide the allocation of seats (and substitutes) to political groups in accordance with the wishes of the group leaders
 - 1.4.1.4 receive nominations and appoint Councillors to serve on each Committee and sub-committee;
 - 1.4.1.5 appoint a Chair and Vice Chair for each Committee as may be appropriate for the Municipal Year;

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1.4.1.6 appoint independent members and co-optees to Committees as appropriate

1.4.1.7 make appointments to any joint Committees with other authorities and to outside bodies.

1.5 Replacement of Councillors on Committees and Sub-Committees

1.5.1 This Rule shall apply only to those committees or sub-committees or other internal bodies constituted in accordance with the political balance rules

1.5.2 Before a replacement of a Councillor appointed to a body may take effect, a minimum of five clear working days written notice shall be given to the Monitoring Officer by a Group Leader (or their nominated representative) of the replacement of one Councillor from their Group for another Councillor from their Group to serve on any committee, sub-committee, advisory panel etc.

1.5.3 A replacement shall continue in force until further notice as a permanent change unless a further written notice is received in accordance with 1.5.2 above.

1.5.4 At the beginning of the relevant meeting to which the replacement applies, the Chair shall advise of the details of any replacements. Details of replacements will be minuted. The new appointment will be reported to the next meeting of Council.

2. Ordinary Meetings

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council and listed in the Calendar of Meetings.

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings

3.1.1 Those listed below may request the Monitoring Officer or Head of Governance to call Council meetings in addition to ordinary meetings:

3.1.1.1 the Council by resolution;

3.1.1.2 the Mayor; or

3.1.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor and they have refused to call a meeting or have failed to call a meeting within 5 clear working days of the presentation of the requisition.

3.1.2 If the Chief Finance Officer makes a report under section 114 of the Local Government Finance Act 1988 or the Monitoring Officer makes a report under section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall call a meeting of the Council for the purpose of considering that report within the period specified by the relevant statute.

3.2 Business

3.2.1 Business at Extraordinary meetings of the Council shall be restricted to:

3.2.1.1 the election of a person to preside if the Mayor is absent;

3.2.1.2 any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;

3.2.1.3 any petitions relating to items of business on the agenda which the Mayor agrees to hear.

4. Order of Business at Ordinary Meetings

4.1 Arrangement of Items in the Summons

Items to be included in the Summons shall be in any order that is considered appropriate by the Monitoring Officer for the efficient dispatch of the business of that meeting.

4.2 Order of business

4.2.1 Except as qualified by 4.1 and varied by Rule 4.4 the order of business at Ordinary Council meetings shall be to:

4.2.1.1 choose a person to preside if the Mayor is absent;

4.2.1.2 receive any apologies for absence.

4.2.1.3 prayer and other observances

4.2.1.4 receive declarations of interest from Members and any dispensations granted by the Monitoring Officer.

4.2.1.5 confirm the minutes of the last meeting;

4.2.1.6 receive petitions from Members and the public in accordance with the arrangements for the making of petitions (see Part 3F of this Constitution);

4.2.1.7 receive any announcements from the Leader and/or Portfolio Holders;

4.2.1.8 receive reports from the Executive and the Council's Committees;

4.2.1.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees or Scrutiny Sub-Committee, and reports of the Head of Paid Service as appropriate;

4.2.1.10 receive questions and deputations from, and provide answers to, Members of Council and citizens in accordance with the Rules below.

4.2.1.11 consider motions;

4.2.1.12 receive reports and questions about joint arrangements and external organisations;

4.2.1.13 agree the council calendar meetings include the ordinary meetings of the Council

4.3 Leader and Portfolio Holders' Announcements

4.3.1 Announcements by the Leader and Portfolio Holders submitted in accordance with Rule 4.2 will be dealt with at ordinary meetings of the Council in the following way:

4.3.1.1 A Leader and Portfolio Holders' Announcements item will appear on the Council's order of business paper as a separate item and the Leader and / or Portfolio Holders may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council;

4.3.1.2 The Leader and Portfolio Holders' Announcements will last not more than 10 minutes.

4.4 Variation to the Order of Business

4.4.1 With the exception of items referred to in 4.2.1.1 and 4.2.1.2 of Rule 4.2, the order of business may be varied on motion without debate so as to give

precedence to any question of special importance. If the Mayor proposes the motion it may be put to the vote without being seconded.

5. Arrangements for Meetings

5.1 Time and Place of Meetings

5.1.1 Meetings of the Council shall take place at the time and place stated on the summons. Following consultation with the Leaders of each of the political groups and subject to compliance with the Access to Information Rules (Part 3E of the Constitution), the Mayor 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 Council.

5.2 Cancellation of Meetings

5.2.1 In exceptional circumstances after consulting the Mayor, the Head of Governance and or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

6. Notice of and Summons to Meetings

6.1 The Monitoring Officer/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 Part 3E of the Constitution. At least five clear working days before a meeting, the summons signed by the Monitoring Officer/Head of Governance will be sent to every Member of the Council. The summons will give the date, time and place of the meeting and specify the business to be transacted. It will be accompanied by all relevant reports.

6.2 If there is a request to add an item to the Summons after the statutory deadline for publication, that item may only be considered if the Mayor (as Chair of the Council) agrees, by virtue of the special circumstances set out either in the report or on the supplemental Summons, that the item should be considered as a matter of urgency and then specified in the minutes of the meeting.

7. Person to Preside

7.1 The person presiding at the meeting may exercise any power or duty of the Mayor.

8. Quorum

8.1 The quorum of a meeting of the Council will be one quarter of the whole number of Members.

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

8.3 During any meeting if the Mayor 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 Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Duration of Meetings

9.1 Commencement and Closure

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- 9.1.1 Meetings of the Council will commence at the time set on the agenda and continue for 3 hours, except as determined under Rule 9.2 or where the Council is:
- 9.1.1.1 considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or
 - 9.1.1.2 considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.
- 9.2 **Varying the Closure Time**
- 9.2.1 A meeting of the Council shall terminate in the manner set out in Rule 9.1.1 unless:
- 9.2.1.1 the business of the meeting has been completed before 3 hours have expired; or
 - 9.2.1.2 by resolution passed before the closure time, the Council resolves to extend the meeting for a further 30 minutes.
- 9.2.2 For the avoidance of doubt, a meeting may use the provisions within 9.2.1.2 above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.
- 9.2.3 In considering whether 9.2.1.1 and 9.2.1.2 above are expedient, the Council will have regard to not prejudicing third party rights or interests affected by the remaining business on the summons.
- 10. Validity of motions, amendments and questions**
- 10.1 Every motion, amendment and question shall be relevant to matters within the Council's powers or duties or which affect the borough. The Mayor shall, if need be, give a ruling as to whether the Motion is relevant. If the Monitoring Officer has any doubts about any motion, amendment or question for the agenda for reasons of propriety, he or she may refer it to the Mayor. If the Mayor considers the motion, amendment or question to be vexatious, irrelevant, or otherwise improper, the Monitoring Officer will return it to the Member who submitted it. The Monitoring Officer will explain to the Member in writing why it will not be included on the agenda circulated for the meeting.
- 11. Public Questions**
- 11.1 **General**
- 11.1.1 Members of the public may ask questions of Members of the Executive (Portfolio Holders) and Chairs of Council Committees at ordinary meetings of the Council. Questioners will not be allowed to address the Council generally on a matter, they may only ask questions.
- 11.2 **Time Limit for Questions**
- 11.2.1 There will be a time limit of 20 minutes for the asking and answering of public questions. Once this time limit has been reached no further questions can be asked but a questioner can complete a question or a supplemental question, and the Member can complete a reply.
- 11.3 **Order and Notice of Questions**
- 11.3.1 Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions.

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- 11.3.2 A question may only be asked if notice has been given in writing or by electronic mail to the Head of Governance (governanceservice@barnet.gov.uk) no later than 10.00am two clear working days before the day of the meeting. Each question must be emailed submitted by the questioner, identifying their name, address, and where appropriate e-mail address, and give the name of the Member to whom it is to be put.
- 11.3.3 Without prejudicing 11.3.2 above, where a report is circulated after the normal Council agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing or by electronic mail to the Head of Governance (governanceservice@barnet.gov.uk) no later than **3pm ONE** clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member to whom it is to be put.
- 11.3.4 The Member to whom any question is put may arrange for another Member to answer on their behalf.
- 11.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address or postal address.
- 11.4 **Number of Questions**
- 11.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Mayor may reject a supplemental question if it falls within any of the categories in paragraph 11.5 below.
- 11.5 **Scope of Questions**
- 11.5.1 The Mayor on the advice of the Monitoring Officer may, on giving reasons, reject a written question if it:
- 11.5.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper
 - 11.5.1.2 does not relate to a matter for which the Council has powers or duties; or
 - 11.5.1.3 does not relate to a matter which affects the London Borough of Barnet; or
 - 11.5.1.4 would require the disclosure of confidential or exempt information; or
 - 11.5.1.5 is substantially the same as a question which has been put at any meeting of the Council in the last six months.
- 11.5.2 No invalid questions will be circulated.
- 11.6 **Record of Public Questions**
- 11.6.1 The Head of Governance will make the public questions available for the public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.
- 11.6.2 Copies of all valid questions will be circulated to all Members and will be made available to the public at the meeting.
- 11.7 **Asking Questions at the Meeting**
- 11.7.1 The Mayor will invite the questioner to put the question to the Member named in the notice or other Member nominated to answer.

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- 11.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Mayor to put the question on their behalf unless they have a substitute. The Mayor may either:
- 11.7.2.1 ask the question on the questioner's behalf; or
 - 11.7.2.2 indicate that a written reply will be given; or
 - 11.7.2.3 decide that, in the absence of the questioner, that the question will not be dealt with.
- 11.8 **Written Answers**
- 11.8.1 Any question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council.
12. **Member Questions**
- 12.1 **Member Questions**
- 12.1.1 Subject to Rule 11.5, a Member (excluding members of the Executive) of the Council may ask a Member of the Executive or the Chair of any Committee a question (which depending on its nature may be dealt with in either public or private session) on any matter in relation to which the Council has powers or duties or which affects the London Borough of Barnet.
- 12.1.2 A limit of 30 minutes shall be given to the asking of written questions by Members. The equivalent of no more than one question per Member [from each political group \(excluding Portfolio Holders and Scrutiny Chairs\)](#) will be allowed. [Non-aligned Members will be permitted one question per Member.](#)
- 12.1.3 Questions will be answered giving the first 4 questions to the opposition party and then rotating the questions between groups in accordance with the order in which they are received by the Head of Governance.
- 12.2 **Notice of Questions**
- 12.2.1 Member may only ask a question if they have submitted such question by 10am, 14 clear working days before the day of the meeting in writing, of the question to the Head of Governance.
- 12.3 **Response**
- 12.3.1 An answer may be given by the Member to whom the question was asked or by such other member as is considered appropriate in writing in advance of the meeting.
- 12.4 **Supplementary Question**
- 12.4.1 A Member asking a question under Rule 12.1 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.
- 12.5 **Invalid Questions**
- 12.5.1 The Mayor may, in consultation with the Monitoring Officer rule out of order questions which in his or her opinion:
- 12.5.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper; or

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12.5.1.2 do not relate to a matter for which the Council has powers or duties or do not affect the London Borough of Barnet; or

12.5.1.3 would require the disclosure of confidential or exempt information; or

12.5.1.4 are substantially the same as a question which has been put at any meeting of the Council in the last six months.

12.5.2 No invalid questions will be circulated.

13. Deputations

13.1 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.

13.2 The request must be given to the Monitoring Officer/Head of Governance at least two clear working days before the day of the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.

13.3 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.

13.4 The time allowed for questioning of the deputation by Members will be 10 minutes.

13.5 The deputation shall be heard at the beginning of the meeting. The Mayor has complete discretion to move any items that are subject to a deputation on the agenda.

13.6 The total time for deputations at the meeting will be no more than 20 minutes.

13.7 Deputations are not permitted:

13.7.1 If they are defamatory, abusive, offensive or otherwise improper.

13.7.2 If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the Licencing and General Purposes Committee.

13.7.3 If they would result in the release of confidential information, or which may prejudice enforcement.

13.7.4 If they relate to a matter where there is a right of appeal against any decision of the Council.

13.7.5 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;

13.7.6 If they are received from people who are not Barnet citizens;

13.7.6.1 Members of the Council, co-optees and advisers (in that capacity) shall not be signatories to, lead or form part of any deputation.

13.7.6.2 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 of reference or work area) with the Council.

13.8 Responses to Deputations

13.8.1 Council may respond to deputations in the following ways:

13.8.1.1 To note the deputation and take no action.

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

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

13.9 6 Month Rule

13.9.1 No deputation or public question shall be accepted by the Council within 6 months after a deputation or public question has appeared before it on the same or a similar subject.

14. Recommendations from the Executive, Committees and Statutory Officers

14.1 Receipt of Recommendations from the Executive

14.1.1 The Executive shall make recommendations to the Council on any matter that is within the Council's functions falling to the Council to determine or on which the Executive is required to consult with or obtain the approval of the Council. Such recommendations shall be moved by the Leader. A seconder to such a motion is not required.

14.2 Receipt of Recommendations from Committees

14.2.1 The Council shall consider recommendations made to it by Committees on matters falling within the Council's terms of reference. The recommendation shall be moved by the Chair of that Committee. A seconder to such a motion is not required.

14.3 Order of Recommendations

14.3.1 Recommendations to the Council from the Executive or a Committee shall be placed on the summons by the Monitoring Officer in such order as seems most convenient for the conduct of the business of the Council. They shall be considered in the order on the summons unless the Mayor proposes to vary the order of business under Rule 4.4.

14.4 Receipt of Recommendations from Statutory Officers

14.4.1 The Head of Paid Service may make reports to Council as necessary. The Head of Paid Service, Monitoring Officer, Section 151 Officer, Director of Children's Services and Director of Adult Social Services may report to Council as required by statute in the exercise of their statutory responsibilities.

14.5 Items affecting the employment of officers

14.5.1 This rule applies during consideration of an appeal from an officer arising out of a decision made by the Employment Sub-Committee or a recommendation to dismiss made by the Independent Panel.

14.5.2 The officer who is the subject of the item and a person accompanying them under the statutory right to be accompanied has the right to speak in relation to the item.

14.5.3 Rule 12.1 shall apply with a modification that questions may also be asked of the officer who is the subject of the item.

15. Motions

15.1 Notice

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- 15.1.1 Except for motions that can be moved without notice under Rule 16 written notice of every motion, must be delivered to the Head of Governance not later than 10am 8 clear working days before the date of the meeting. All motions will be entered in a document open to public inspection.
- 15.2 **Motions Set Out in Summons**
- 15.2.1 Motions for which notice has been given will be listed on the summons in the order in which notice was received.
- 15.2.2 Notices of motion on the summons shall state the name of the Member proposing the motion.
- 15.3 **Invalid Motions**
- 15.3.1 The Mayor may, in consultation with the Monitoring Officer rule out of order motions which in his or her opinion:
- 15.3.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper
- 15.3.1.2 do not relate to a matter for which the Council (as local authority) has powers or do not affect the London Borough of Barnet; or
- 15.3.1.3 would require the disclosure of confidential or exempt information; or
- 15.3.1.4 are substantially the same as a motion which has been put at any meeting of the Council in the last six months.
- 15.3.2 No invalid motions will appear on the Council agenda or be otherwise circulated.
- 15.4 **Motions Relating to Reports and Recommendations on the agenda**
- 15.4.1 Where the Mayor considers it appropriate, any motion for which notice has been duly given and which relates to any recommendation of the Executive or a Committee or a statutory officer to be considered at the same meeting, may be treated as an amendment to such recommendation and shall be considered at the same time as the recommendation is considered.
- 15.5 **Motions Relating to a Matter Delegated to the Executive or a Committee**
- 15.5.1 If the Mayor, in consultation with the Monitoring Officer, considers that any motion made under this Rule refers to matters within the powers of the Executive or a Committee of the Council, then it shall be indicated on the Council summons, supported by reasons, that the motion shall stand referred to the next meeting of the Executive or to a Committee. Any Member may move that any such referral should not apply to a motion but shall be dealt with as if paragraph 15.6.1 below applied, such motion having been identified to the Monitoring Officer at the time of the deadline for submissions of motions.
- 15.6 **Motions Stand referred to the Executive under Rule 15.5**
- 15.6.1 If a motion is marked on the Summons as to stand referred to the Executive under Rule 15.5, then where Council decides to disapply the referral and allow the matter to be debated, the Council can make no decision on the matter but may make a recommendation or pass comments to the Executive.
- 15.6.2 The Executive shall not be bound to accept any such recommendation or act on any such comments.

15.7 Motions calling for a Report

15.7.1 A motion which calls for a report on a given matter and which has been signed by six Members of the Council shall be referred without discussion to the next meeting of the Executive or appropriate Committee, or to a Portfolio Holder. A report from the Executive, Portfolio Holder or Committee shall be submitted to the Council within a maximum of four months unless the Council agree a longer period.

16. Motions Without Notice

16.1 Motions that may be moved by any Member without notice

16.1.1 The following motions may be moved without notice by any Member:

16.1.1.1 in the absence of the Mayor of the Council, to appoint the Deputy Mayor or another Member to preside at the meeting at which the motion is moved;

16.1.1.2 in relation to the accuracy of the minutes;

16.1.1.3 to change the order of business on the agenda;

16.1.1.4 to refer a matter to an appropriate body or individual;

16.1.1.5 to receive recommendations or reports from the Executive, a Portfolio Holder, Committee or an officer and any resolutions following from them;

16.1.1.6 to withdraw a motion;

16.1.1.7 that the meeting continue beyond three hours in duration;

16.1.1.8 to exclude the press and public in accordance with Part E (Rule 12) of the Access to Information Procedure Rules;

16.1.1.9 to not hear further a Member named under Rule 22.1 or to exclude them from the meeting under Rule 23.1; and

16.2 Motions relating to Closure of Debate, Adjournment and Next Business

16.2.1 The following motions may be moved without notice by any Member who has not spoken on the matter under debate at the close of any speech:

16.2.1.1 that the Council meeting be adjourned with immediate effect;

16.2.1.2 that the debate be adjourned to the next meeting of the Council;

16.2.1.3 that the Council proceed to the next item of business on the agenda;

16.2.1.4 that the question be now put without further debate.

16.3 Limits to the Right to Move Motions Under 16.2

16.3.1 The Mayor shall have the power to refuse to accept a motion under 16.2 if, in their opinion, they consider it to be premature.

16.4 Further Provisions Relating to Motions Under 16.2

16.4.1 When a motion to adjourn is carried, the Mayor shall determine which Member shall have the right to open the debate when resumed.

16.4.2 When a motion that the question be now put is carried the mover of the motion previously under discussion shall have the right to reply before the vote is taken on that motion or on an amendment to that motion if they have not already spoken to the amendment.

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16.4.3 The Mayor may allow speeches to continue for a longer period where they consider that it is the wish of the Council that they should do so.

16.4.4 Rule 16.2 does not apply where the Council is:

16.4.4.1 considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

16.4.4.2 considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

16.5 Amendments to Motions

16.5.1 An amendment to a motion must be relevant to the motion and will either be:

16.5.1.1 to leave out words;

16.5.1.2 to leave out words and insert or add others;

16.5.1.3 to insert or add words;

as long as the effect of 16.5.1.1 to 16.5.1.3 is not to negate the motion or to introduce a new proposal.

16.5.2 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion.

16.6 Point of Order

16.6.1 A Member may raise a point of order at any time and shall indicate their wish to do so by addressing the Mayor. The Mayor will hear it immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or of the law. The Member must start by identifying the Rule or law and the way in which they consider it to have been broken. The ruling of the Mayor on the matter will be final.

16.7 Personal Explanation

16.7.1 A Member who has been named by another Member may seek to make a personal explanation if the named Member believes that an earlier speech by the named Member during the meeting has been misunderstood. A Member shall indicate their wish to make a personal explanation by addressing the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

17. Previous Decisions and Motions

17.1 Motion to Rescind a Previous Decision

17.1.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved.

17.2 Motion Similar to one Previously Considered

17.2.1 A motion or amendment in similar terms to one that has been considered at a meeting of Council in the past six months cannot be moved.

18. Voting

18.1 Majority

18.2 Mayor's Casting Vote

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

18.3 Individual Recorded Vote and Explanation for Vote

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

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

18.4 Recorded Vote at Annual Council Tax Meeting

18.4.1 At any meeting of the Council where a decision is taken on the setting of council tax or budget, then the vote of each member present for or against or not voting shall be so recorded in the minutes.

18.5 Recorded Vote by Division

18.5.1 If immediately before an ordinary vote is taken 10 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.

19. Minutes

19.1 Signing the Minutes

19.1.1 The Mayor will sign the minutes of the proceedings at the next available meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

19.2 Minutes of Decisions of the Council

19.2.1 Minutes of the Council shall be published on the Council's intranet and website. Minutes shall be published within 5 clear working days of the date of the meeting.

20. Exclusion of the Press & Public

20.1 Members of the public and press may only be excluded either in accordance with Rule 12 of the Access to Information Procedure Rules in Part 3E of this Constitution or under Rule 24 (General Disturbance).

21. Mayor Standing

21.1 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

22. Member not to be Heard Further

22.1 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further for the remainder of the item of business being considered. If seconded, the motion will be voted on without discussion.

23. Member to Leave the Meeting

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23.1 If the Member continues to behave improperly after such a motion under 22.1 is carried, the Mayor may move that either the Member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

24. General Disturbance

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

25. Confidential Business

25.1 All reports, other documents, information, discussions and proceedings of the Council 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 Council. 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.

25.2 Confidential and/or exempt items will be discussed in 'Part II' of the Council meeting following a resolution to exclude the press and public.

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 Mayor will warn the person concerned. If they continue to interrupt, the Mayor 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 Mayor may call for that part to be cleared.

26.3 Adjournment

26.3.1 Following an order by the Mayor 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 Mayor may adjourn the meeting for as long as they think necessary.

26.3.2 If it is considered expedient so to do, the Mayor with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

26.4 Ruling of the Mayor on Interpretation of these Rules

26.4.1 The Mayor's ruling on the interpretation or application of any of the Council Procedure Rules is final.

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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 2.1.3 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 2 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;

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- 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 (Part 4).
- 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

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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.

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

12. Procedure for Decision Making by the Executive

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

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

13. Conduct of Executive Meetings

13.1 Chair of the Executive

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

13.2 Petitions

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

13.3 Public Questions

General

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

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

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

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

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

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

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

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

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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:

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

13.6.1.2 The first 4 questions will be given to the opposition group, then they will be rotated between the groups in accordance with the order in which they are requests are made to the Chair. Questions may be asked of one Portfolio Holder at a time and one Portfolio Holder may respond only. If the question crosses more than one portfolio then the Leader may respond, but each question may only have a response from one member of the executive.

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

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

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- 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 Part 3 of 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

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- 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

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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 individual members of the Executive

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 2.1.3 of the Appendix to the Executive Procedure Rules.

13.17.2 All Key Decisions to be taken by individual members of the Executive will follow the Access to Information Procedure Rules in Part 3 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 (Part 3C of this Constitution);

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 (Part 3C of this Constitution).

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

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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 (Part 3) 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 Part 3 of this Constitution or under Rule 13.28 (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.

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

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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 do not 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 2.1.3 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:

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

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

- 2.1.1.2 This power is subject to:

- 2.1.1.2.1 The same conditions as stated above; and

- 2.1.1.2.2 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.

2.1.2 Urgent matters (non-key decisions)

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

- 2.1.2.2 It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 17 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.

2.1.3 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.)

- 2.1.3.1 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 2.1 and 2.2 above then:

- 2.1.3.2 The Leader, (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Portfolio Holder, take the decision.

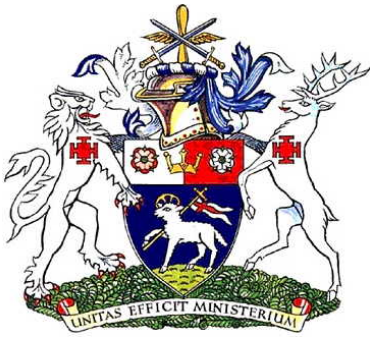
- 2.1.3.3 Before taking a Key Decision, the Leader (or Deputy Leader) must first consider whether the importance of the matter warrants the calling of a special meeting of the Executive.

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- 2.1.3.4 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”.
- 2.1.3.5 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.
- 2.1.3.6 It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 17 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.

3. Temporary Arrangements

- 3.1 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.
 - 3.2 In the absence of a Portfolio Holder the Leader may undertake the responsibilities and exercise the delegated powers of that Portfolio Holder.
 - 3.3 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.
4. **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.**



Council
11 July 2023

Title	Work Programmes for Overview and Scrutiny 2023/24
Date of meeting	11 July 2023
Report of	Head of Governance
Wards	All
Status	Public
Urgent	No
Appendices	<p>Appendix A – Overview and Scrutiny Committee 2023/24 Work Programme</p> <p>Appendix B – Adults and Health Overview and Scrutiny Sub-Committee 2023/24 Work Programme</p> <p>Appendix C – Children and Education Overview and Scrutiny Sub-Committee 2023/24 Work Programme</p>
Officer Contact Details	<p>Andrew Charlwood, Head of Governance, andrew.charlwood@barnet.gov.uk</p> <p>Faith Mwende, Overview and Scrutiny Manger, faith.mwende@barnet.gov.uk</p>

Summary

The report sets out the Work Programmes for the Overview and Scrutiny Committee and Sub-Committees for 2023/24 which have been considered at their first meetings in June 2023.

Work programmes will be considered at every meeting of the Committee and Sub-Committees. Committee and Sub-Committees can make any amendments necessary, to enable it to respond to issues of concern or to request new pre-decision items ahead of their consideration by Cabinet/Council.

Under the Committee Procedure Rules, the Overview & Scrutiny Work Programme should be reported to Full Council.

Recommendations

1. That Council receives the agreed 2023/24 Work Programmes for:
 - a) Overview and Scrutiny Committee
 - b) Adults and Health Overview and Scrutiny Sub-Committee
 - c) Children and Education Overview and Scrutiny Sub-Committee
2. To note that the Overview and Scrutiny Committees and Sub-Committee have commissioned Task and Finish Group Reviews to take place during 2023/24 on
 - a) Youth Homelessness
 - b) Elective Home education
 - c) Primary Care (GP) Access
 - d) The Discharge to Assess Model
 - e) Barnet Homes
 - f) Barnet Roads
 - g) Safe Parks
 - h) Culture Strategy
3. To note that the Overview and Scrutiny Committees and Sub-Committee will make amendments to the work programme in response to issues of concern or to request new pre-decision items ahead of their consideration by Cabinet/Council.

1. Reasons for the Recommendations

- 1.1 This report sets out the process that was followed for developing the Overview and Scrutiny Work Programme for 2023/24.
- 1.2 The Council's Constitution (Committee Procedure Rules, Section 36) states:

“36.1 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.

36.2 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.

36.3 The Overview and Scrutiny Committee will report the agreed outline work programme to the first available ordinary meeting of the Council.”
- 1.3 The work programme includes suggestion and input from Councillors, officers, members of the public, community groups and the voluntary sector.

A strong and effective work programme underpins the work and approach of Scrutiny. But work to develop and refine the work programme requires support. The input of executive members, senior officers, and external partners will all assist scrutiny Members to effectively fulfil their role as critical friends constructively challenging decision makers. [CfGS 2022]

- 1.4 The work programme should reflect the Council’s priorities and should be targeted on issues where scrutiny can add real value. Good practice guidelines for setting overview and scrutiny work programmes state that if scrutiny is to be effective in driving service improvement and making a real difference to outcomes for local people, its work programme must be:
- Informed by the priorities and concerns of local people.
 - Led by scrutiny members.
 - Manageable and realistic
 - Integrated effectively with corporate budget-making and strategic planning and policy setting processes and add value in contributing to the achievement of the Council’s corporate objectives.
 - Reflect a proactive approach to driving service improvement, rather than being simply reactive in response to decisions of the Executive.

1.5 The attached work programmes reflect this approach.

2. Alternative Options Considered and Not Recommended

2.1 None.

3. Post Decision Implementation

3.1 The agreed work programmes and scrutiny reviews will be undertaken throughout 2023/24.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

4.1 This report is aligned with the key priorities in the new corporate plan. Built on the pillars of “caring for people, our places and the planet” and underpinned by a foundation of being Engaged and Effective. The work of Overview and Scrutiny will support the Council in becoming a ‘listening council’ collaborating and building a continuous dialogue with residents and communities. In doing so, residents are involved in decision-making and Scrutiny acts to amplify the voice of the public, on issue of concern.

Corporate Performance / Outcome Measures

4.2 This item will support delivery of the measure how of “We act on concerns of local residents and involve them in decision making.”

Sustainability

4.3 None in the context of this report.

Corporate Parenting



4.4 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. This duty will be considered when including items to the work programme. This is especially relevant for the work programme for the children and education sub-committee.

Risk Management

4.5 None in the context of this report.

<p>Insight</p> <p>4.6 Insight data and evidence will be used to support scrutiny reviews on the work programme.</p> <p>Social Value</p> <p>4.7 None in the context of this report.</p>
<p>5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)</p>
<p>5.1 As part of the Governance review a dedicated team has been created to support the Overview and Scrutiny function and this will be delivered within the existing Governance Service budget.</p>
<p>6. Legal Implications and Constitution References</p>
<p>6.1 Council Constitution, Article 2A, Terms of Reference of Council, Section 1.23 states that Full Council has responsibility for “to receive reports and consider recommendations from ... Scrutiny...as appropriate.”</p> <p>6.2 The Council’s Constitution Part 2B – Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council, Section 10 (Overview & Scrutiny) – section 10.1 states that the Overview and Scrutiny has the following powers and duties: “10.1.1 states that the Committee will 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.”</p> <p>6.3 Council’s Constitution (Committee Procedure Rules, Section 36) states as detailed in section 1.2.</p> <p>6.4 This report complies with the requirements of the constitution.</p>
<p>7. Consultation</p>
<p>7.1 Consultation and engagement of Councillors, officers, citizens, community groups and the voluntary sector was undertaken to provide input into the work programme and will be ongoing as the work programme is implemented.</p> <p>7.2 Th Scrutiny team has engaged with Councillors through the Political Assistants and officers. The team also undertook a public consultation exercise on engage Barnet and in the Barnet First eNews letter. The results of the consultation can be found here - Appendix B.I Proposed Scrutiny Review Topics for 2023-2024.final.pdf (moderngov.co.uk)</p>
<p>8. Equalities and Diversity</p>
<p>8.1 Pursuant to the Equality Act 2010, the Council and all other organisations exercising public functions on its behalf must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination. The work of overview and scrutiny will be transparent and accessible to all sectors of the community.</p>

9. Background Papers

- 9.1 Council Constitution: [Agenda for Constitution on Tuesday 23rd May, 2023 \(moderngov.co.uk\)](#)
- 9.2 Children and Education Overview and Scrutiny Sub-Committee 8 June 2023 – agreed Task and Finish Reviews
- [Appendix Ci – Proposed Task and Finish - Scoped items for Committee approval , item 11.](#)  PDF 91
KB – Youth Homelessness
- [Appendix Cii – Proposed Task and Finish - Scoped items for Committee approval , item 11.](#)  PDF 86
KB – Elective Home Education
- 9.3 Adults and Health Overview and Scrutiny Sub-Committee 28 June 2023 – agreed Task and Finish Reviews
- [Appx A Primary Care GP Access.pdf \(moderngov.co.uk\)](#)
- [Appx B Discharge to Assess - Scrutiny Scoping Topic v2.pdf \(moderngov.co.uk\)](#)

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Forward Plan for Overview and Scrutiny – May 2023 – June 2024

Title of Report	Overview of decision	Report Of (officer)
19 June		
Overview and Scrutiny Arrangements	To receive an overview of the Overview and Scrutiny Arrangements in Barnet.	Head Of Governance
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Overview & Scrutiny Committee and Sub-Committees Work Programmes 2023/24	To receive the work programme for the Overview and Scrutiny Committee, Children & Education Sub-Committee, Adults & Health Sub-Committee and proposed Task & Finish Group Reviews for 2023/24	Overview and Scrutiny Manager
4 Sept		
Crime and Disorder Scrutiny	To review and scrutinise, and make reports or recommendations, regarding the functioning of the responsible authorities which make up the Barnet Safer Communities Partnership Board as the committee considers appropriate but no less than once in every twelve-month period.	Executive Director of Assurance
Sustainability Strategy	To receive an update on action plan progress report on strategy since it was last reported.	Deputy Chief Executive Assistant Director for Sustainability
Statement of Gambling Licensing Policy	To receive the Gambling Statement of Principles (a policy framework document) for scrutiny prior to any Council approval.	Executive Director of Assurance
Q1 2023-24 Corporate Performance and Risk	To scrutinise the Corporate Performance and Risk	Head of Programmes, Performance & Risk
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To agree the work programme for O&S	Overview and Scrutiny Manager
Adults' sub-committees' business	The Chair of the sub-committees can report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
Children's sub-committees' business	The Chair of the sub-committees can report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
7 Nov		

Forward Plan for Overview and Scrutiny – May 2023 – June 2024

Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To agree the work programme for O&S	Overview and Scrutiny Manager
Adults' sub-committees' business	The Chair of the sub-committees can report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
Children's sub-committees' business	The Chair of the sub-committees can report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
Q2 2023- Corporate Performance and Risk	To scrutinise the Corporate Performance and Risk	Head of Programmes, Performance & Risk
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	The Committee considered a report which detailed progress made in implementing recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals.	Head Of Governance and Overview and Scrutiny Manager
23 January		
Budget Scrutiny -	The Overview and Scrutiny Committee will review the Council's budget proposals for 2024/25 and put forward recommendations for consideration by Council on 27 February 2024.	S151
5 March		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To agree the work programme for O&S and the sub committees	Overview and Scrutiny Manager
Adults' sub-committees' business	The Chair of the sub-committees have the opportunity to report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
Children's sub-committees' business	The Chair of the sub-committees have the opportunity to report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
Q3 2023-24 Corporate Risk and Performance	To scrutinise the Corporate Performance and Risk	Head of Programmes, Performance & Risk
Overview and Scrutiny Annual Report	Agree the annual report to Full Council	Head Of Governance

Forward Plan for Overview and Scrutiny – May 2023 – June 2024

4 June 2024		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To agree the work programme for O&S and the sub committees	Overview and Scrutiny Manager
Adults' sub-committees' business	The Chair of the sub-committees have the opportunity to report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
Children's sub-committees' business	The Chair of the sub-committees have the opportunity to report back on their progress against the achievement of their respective work programmes and make any recommendations to the Overview and Scrutiny Committee	The Chair
Q4 2023-24 Corporate Risk Register	To note the Corporate Performance and Risk	Head of Programmes, Performance & Risk
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	The Committee considered a report which detailed progress made in implementing recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals.	Head Of Governance and Overview and Scrutiny Manager

Scrutiny of Partners – The Overview and Scrutiny Committee will review the work of partners and joint ventures.

To be allocated
Items that are Called-in
Councillor Call for Action Items
Safer Communities Strategy
Sustainable Community Strategy
Development Plan Documents Adoption of Neighbourhood
Development Plans comprising the Local Plan
Neighbourhood Development Orders
Community Right to Build Orders
Statement of Licensing Policy
Local Implementation Plan
Budget
Housing Land Transfer

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**Forward Plan for Adults and Health
Overview and Scrutiny Sub-Committee – May 2023 – June 2024**

Title of Report	Overview of decision	Report Of (<i>officer</i>)
28 June		
Overview and Scrutiny Arrangements	To receive an overview of the Overview and Scrutiny Arrangements in Barnet.	Head Of Governance
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To receive the work programme for the sub committees	Overview and Scrutiny Manager
Involvement and co-production in the work of the Adults & Health Overview and Scrutiny Committee	To agree approaches to the involvement of residents and people who draw on health and care services in the work of the committee	Director of Integrated Commissioning
Adult social care end of year report, 2022-23	To receive regular performance report.	Head of Business Intelligence, Performance & Systems
20 Sept		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To agree the work programme for O&S	Overview and Scrutiny Manager
Barnet Multi-Agency Safeguarding Adults Board Annual Report	To note the Barnet Multi-Agency Safeguarding Adults Board Annual Report	
Adult Social Care Annual Complaints Report	To note the statutory Adult Social Care Annual Complaints Report	
Presentation on emerging model for integrated health and care at the neighbourhood level	To receive information on the model and plans to develop neighbourhood models of care at an early stage. To consider at what stage committee would like to receive more information	Neighbourhoods Programme Lead, Barnet Borough Partnership
Quarter 1 (Q1) 2023/24 Adult Social Care Report	To receive regular performance report.	Head of Business Intelligence, Performance & Systems
Task and Finish Groups Update	Progress report from Primary Care (GP) Access and Discharge to Assess Task and Finish Groups	Scrutiny Manager Scrutiny Officer
24 Jan		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To agree the work programme for O&S	Overview and Scrutiny Manager

**Forward Plan for Adults and Health
Overview and Scrutiny Sub-Committee – May 2023 – June 2024**

Mid-year Quality Accounts	RFL NHS Foundation Trust, North London Hospice and Central London Community Healthcare to present progress at mid-year point (Nov/Dec) (verbal or written).	Royal Free, CLCH North London Hospice
Quarter 2 (Q2) 2023/24 Adult Social Care Report	To receive regular performance report.	Head of Business Intelligence, Performance & Systems
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	The Committee considered a report which detailed progress made in implementing recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals.	Head Of Governance and Overview and Scrutiny Manager
6 March		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
NHS Estates	Report on overall plan for Barnet's Estates including disposable assets	NCL Integrated Care Board
NHS Sustainability Plan		NCL Integrated Care Board
Post Covid Services	Update from Royal Free London NHS Foundation Trust	
Adult Social Care Engagement and co-production annual report	To note the Engagement and co-production annual report	
Quarter 3 (Q3) 2023/24 Adult Social Care Report	To receive regular performance report.	Head of Business Intelligence, Performance & Systems
15 May		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Scrutiny Work Programme	To agree the work programme for O&S and the sub committees	Overview and Scrutiny Manager
NHS Quality Accounts 2022-23	<ul style="list-style-type: none"> • Royal Free London NHS Foundation Trust • Central London Community Healthcare NHS Trust • North London Hospice 	Royal Free London NHS Foundation Trust, Central London Community Healthcare and North London Hospice
Overview and Scrutiny Annual Report	Agree the annual report to Full Council	Head Of Governance

**Forward Plan for Adults and Health
Overview and Scrutiny Sub-Committee – May 2023 – June 2024**

5 June 2024		
Key Decision List	To review the Cabinet's Key Decisions enabling the committee to identify appropriate matters for the overview and scrutiny work programme and the overview of specific decisions proposed in the Forward Plan.	Head Of Governance and Overview and Scrutiny Manager
Scrutiny Work Programme	To agree the work programme for O&S and the sub committees	Overview and Scrutiny Manager
Quarter 4 (Q4) 2023/24 Performance Report	To note the Corporate Performance and Risk	Head of Business Intelligence, Performance & Systems
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	The Committee considered a report which detailed progress made in implementing recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals.	Head Of Governance and Overview and Scrutiny Manager

To be allocated

Barnet Healthwatch Annual Report		Barnet Healthwatch
Solutions4Health update		Solutions4Health
Children and Maternity Services – NCL ICB Startwell programme	To receive a progress update To be carried out with Children's Scrutiny committee To include residents who draw on these services	NCL Integrated Care Board
Mental Health Services update	To receive a performance update from mental health service providers on key developments, performance, including the community transformation programme and the mental health services review – implementation of core offer. (With people who draw on mental health services)	North London Mental Health Partnership (BEH and C&I mental health trusts) & NHS North Central London Integrated Care Board
Winter pressures 2023/24	Looking at plans in place for next winter, and lessons learned from previous winter.	NCL ICB

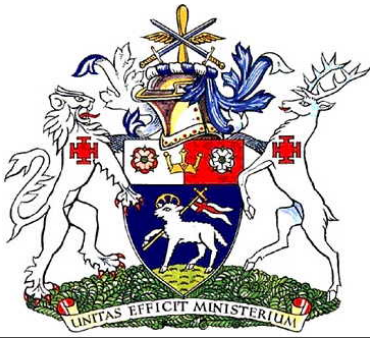
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**Forward Plan for Children and Education
Overview and Scrutiny Sub-Committee – May 2023 – June 2024**

Title of Report	Overview of decision	Report Of (<i>officer</i>)
8 June 2023		
Overview and Scrutiny Arrangements	To receive an overview of the Overview and Scrutiny Arrangements in Barnet.	Head Of Governance
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan and any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Family Services Quarterly Update	To receive the Family Services Quarterly Update performance update, including the ChAT analysis	Executive Director for Children’s Services
My Say Matters Update	To receive the My Say Matters Update report and introduce the newly elected Youth Parliament and Youth Ambassadors	Executive Director for Children’s Services
Children and Young People Overview	To receive an overview of the children and young people population, key outcome information and an overview of the services that are provided to support them in Barnet.	Executive Director for Children’s Services
Scrutiny Work Programme	To receive the work programme for the sub-committee	Overview and Scrutiny Manager
21 Sept 2023		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan and any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Family Services Quarterly Update	To receive the Family Services Quarterly Update performance update, including the ChAT analysis	Executive Director for Children’s Services
Focus on SEND	To consider update on SEND services in Barnet in relation to Government and local changes	Executive Director for Children’s Services
Scrutiny Work Programme	To agree the work programme for the sub committee	Overview and Scrutiny Manager
15 January 2024		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan and any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Family Services Quarterly Update	To receive the Family Services Quarterly Update performance update, including the ChAT analysis	Executive Director for Children’s Services
Focus on Safeguarding	To consider the Annual Reports on Safeguarding incorporating Annual Report of Barnet Children’s Safeguarding Partnership, Complaints report, Private Fostering report and update on Child and Family Early Help Strategy.	Executive Director for Children’s Services

**Forward Plan for Children and Education
Overview and Scrutiny Sub-Committee – May 2023 – June 2024**

Scrutiny Work Programme	To agree the work programme for the sub committee	Overview and Scrutiny Manager
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	The Committee considered a report which detailed progress made in implementing recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals.	Head Of Governance and Overview and Scrutiny Manager
7 March 2024		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan and any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Family Services Quarterly Update	To receive the Family Services Quarterly Update performance update, including the ChAT analysis	Executive Director for Children's Services
Educational Standards in Barnet 2022-23	To receive the Educational Standards in Barnet 2022-23 report	Director of Education and Learning
Education Strategies Update	To receive the for-Education Strategies Update (including updates on School and Settings Improvement Strategy 2021-24, SEND and Inclusion Strategy 2021-24 and Special Educational Places Plan)	Director of Education and Learning
Child Care Sufficiency – Annual Report	Report for Child Care Sufficiency to follow	Director of Help and Protection
Scrutiny Work Programme	To agree the work programme for the sub committee	Overview and Scrutiny Manager
6 June 2024		
Cabinet Forward Plan (Key Decision Schedule)	To consider the Cabinet Forward Plan and any items the Committee to may wish to request for pre-decision scrutiny during 2023/24.	Head Of Governance
Family Services Quarterly Update	To receive the Family Services Quarterly Update performance update, including the ChAT analysis	Executive Director for Children's Services
Focus on Corporate Parenting	To receive Annual Corporate Parenting report and other reports relating to the Councils responsibilities to children in care and care leavers	Director of Social Care
Scrutiny Work Programme	To agree the work programme for the sub committee	Overview and Scrutiny Manager
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	The Committee considered a report which detailed progress made in implementing recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals.	Head Of Governance and Overview and Scrutiny Manager



Council AGENDA ITEM 16.4
11 July 2023

Title	Report of the Head of Governance – Administrative Matters
Date of meeting	11 July 2023
Report of	Head of Governance
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A – Appointments to Outside Bodies Appendix B – Non-Councillor appointments to Committees.
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Summary

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

The Council have undertaken a recruitment process for Independent Members of the Governance, Audit, Risk Management and Standards (GARMS) Committees following the expiration of the terms of appointment of the existing Members. The recruitment process has now concluded and recommended appointments are included within Appendix B for Member approval. This will allow appointments to be made before the first meeting of the GARMS Committee on 17 July 2023.

When the appointments are reported to Council, it will be recommended Council appoint the members to the Committee for a four-year term (with the option to extend for a further two years).

Recommendations

1. That Council note and approve the appointments to Outside Bodies in Appendix A.
2. That Council note and approve the non-councillor appointments to Committees in Appendix B.

1. Reasons for the Recommendations	
1.1	As set out in the attached appendices.
2. Alternative Options Considered and Not Recommended	
2.1	None in the context of the report.
3. Post Decision Implementation	
3.1	Council decisions will be minuted and implemented through the Head of Governance.
4. Corporate Priorities, Performance and Other Considerations	
	Corporate Plan
4.1	None specifically arising from the report
	Corporate Performance / Outcome Measures
4.2	None specifically arising from the report.
	Sustainability
4.3	None specifically arising from the report.
	Corporate Parenting
4.4	None specifically arising from the report.
	Risk Management
4.5	None specifically arising from the report.
	Insight
4.6	None specifically arising from the report
	Social Value
4.7	N/A
5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)	
5.1	There are no specific financial implications from the changes in the appendices. All changes will be funded from the Council's budget.
6. Legal Implications and Constitution References	
6.1	Council Constitution, Article 2A, Terms of Reference of Council, Council has responsibility for "agreeing and amending the terms of reference of committees, deciding their composition and making appointments to them."

6.2 As outlined in Article 2A, Terms of Reference of Council, Council has responsibility for “making appointments and nominations of Members including council companies to outside bodies”

7. Consultation

7.1 None specifically arising from the report.

8. Equalities and Diversity

8.1 None specifically arising from the report.

9. Background Papers

9.1 None.

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List of Vacancies on Outside Bodies – July 2023

Council is asked to make appointments to fill the vacancy shown shaded grey

Outside Body	Current Representative	Status	Nominations		
			Labour	Conservative	
Standing Advisory Committee for Religious Education (SACRE)	Councillor Joshua Conway	Current until 24/05/2026			
	Councillor Nagus Narenthira	Current until 24/05/2026			
	Councillor Ella Rose	Current until 24/05/2027			
	Councillor Linda Lusingu	Current until 24/05/2026			
	Councillor Danny Rich	Current until 24/05/2026			
	Councillor Lachhya Gurung	Expired on 21/05/23		Councillor Lachhya Gurung	
	Mrs Agnes Slocombe	Current until 24/05/2027			
	Chief Education Officer	Permanent			
Special Conditions	a) Seven representatives should be councillors plus one officer who should be the Chief Education Officer or his/her representative. b) The term of office is until the next council election. Four years duration appointment.				

Outside Body	Current Representative	Status	Nominations		
			Labour	Conservative	
Nicholl & Daniel Holmes Charity	Golnar Bokaei	Current until 05/03/2027			
	Councillor Humayune Khalick	Current until 26/07/2026			
	John Hart	Current until 21/05/2024			
	Denise Loughlin	Current until 25/01/2026			
	William Nicholson	Current until 30/07/2023	-	-	
Special Conditions	<p>a) Four year appointment.</p> <p>b) Representatives may, but need not, be members of the council, but they shall be persons who through residence, occupation or employment or otherwise have a special knowledge of the area of benefit, i.e. of the Wards of Childs Hill, Colindale, Golders Green, Hale, Hendon, Mill Hill and West Hendon.</p> <p>c) Meet normally 4 times per year with occasional extra meetings when new appointments are to be made. The meetings are on Fridays at 18.15 hours. Fridays were chosen to allow councillors to attend as meetings on other nights clash with council committee meetings.</p>				

Outside Body	Current Representative	Status	Nominations		
			Labour	Conservative	
Stonegrove Community Trust	Councillor Lucy Wakeley	Expired on 21/05/23		Councillor Lucy Wakeley	
	<p>• New organisation following from the disbanded Stonegrove and Spur Road Partnership Board on 30 September 2015</p> <p>Terms of office 3 years duration</p>				

Outside Body	Current Representative	Status	Nominations		
			Labour	Conservative	
Eleanor Palmers Trust	Councillor Simon Raford	Standing down from 11/07/23	Councillor Zahra Beg	-----	
Special Conditions	<p>a) The person appointed may, but need not, be a member of the council and the fact that a trustee ceases to be a member of the council during a term of office as trustee does not affect the trusteeship.</p> <p>b) The person appointed shall through residence, occupation or employment or otherwise have special knowledge of the area of benefit, ie the former urban districts of Barnet and East Barnet and particular knowledge of social housing.</p> <p>c) Appointments are for four years, or for the remainder of the four year term if an appointee is replaced mid-term.</p> <p>Appointees will be referred to as directors of the corporate trustee. The corporate trustee is appointed by the trust directly.</p>				

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Appendix B – Non-Councillor Appointments to Committees.

Current Independent, Co-opted, Partner and Officer Members of Committees and Boards are listed below. It is recommended Council confirm approval of the expiring memberships highlighted below, for the next year.

Governance, Audit, Risk Management and Standards Committee

The Council have undertaken a recruitment process for Independent Members of the Governance, Audit, Risk Management and Standards (GARMS) Committees following the expiration of the terms of appointment of the existing Members. The recruitment process has now concluded and recommended appointments are in the below table for Member approval. This will allow appointments to be made before the first meeting of the GARMS Committee on 17 July 2023. It is recommended Council appoint the members to the Committee for a four-year term (with the option to extend for a further two years).

Independent Member	Appointed	Term	Status
Vacant	Richard Harbord	4 years	Recommended for appointment
Vacant	Jack Chan	4 years	Recommended for appointment

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of the Local Government Act 1972.

AGENDA ITEM 18

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