Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 5 NOVEMBER, 2013 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

AGENDA

ASSURANCE GROUP

To view agenda papers go to: http://barnet.moderngov.co.uk/ieListMeetings.aspx?Committeeld=162
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Agenda and Timetable
Tuesday 5 November, 2013
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Andrew Nathan, Head of Governance  
Building 2, North London Business Park, Oakleigh Road South, N11 1NP

**FACILITIES FOR PEOPLE WITH DISABILITIES**

Hendon Town Hall has access for wheelchair users including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. **If you wish to let us know in advance that you will be attending the meeting, please telephone Maria Lugangira on 020 8359 2761 (direct line).**

People with hearing difficulties who have a text phone, may telephone our Minicom number on 020 8203 8942.
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<td>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.</td>
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<td>You should proceed calmly; do not run and do not use the lifts.</td>
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<td>Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.</td>
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<td>Do not re-enter the building until told to do so.</td>
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Minutes
OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, NW4 4BG, on 10 September 2013

PRESENT:-

AGENDA ITEM 1.3

Councillors:

Anita Campbell
Pauline Coakley Webb
Dean Cohen
Jack Cohen
Brian Coleman
Geof Cooke
Alison Cornelius
Richard Cornelius
Tom Davey
Barry Evangeli
Claire Farrier
Anthony Finn
Brian Gordon
Andrew Harper
Helena Hart
John Hart
Ross Houston
Anne Hutton

Andreas Ioannidis
Geoffrey Johnson
Julie Johnson
Sury Khatri
David Longstaff
John Marshall
Kath McGuirk
Alison Moore
Graham Old
Charlie O'Macauley
Lord Palmer
Susette Palmer
Wendy Prentice
Sachin Rajput
Robert Rams
Barry Rawlings
Hugh Rayner
Lisa Rutter

Brian Salinger
Kate Salinger
Gill Sargeant
Joan Scannell
Alan Schneiderman
Mark Shooter
Agnes Slocombe
Stephen Sowerby
Andrew Strongolou
Andreas Tambourides
Joanna Tambourides
Daniel Thomas
Reuben Thompstone
Jim Tierney
Rowan Quigley Turner
Darrel Yawitch
Zakia Zubairi

Councillor Maureen Braun
Councillor Alex Brodkin
Councillor Eva Greenspan
Councillor Arjun Mittra

Councillor Colin Rogers
Councillor Brian Schama
Councillor Daniel Seal
Councillor Ansuya Sodha

Apologies for Absence

1. PRAYER - THE MAYOR'S CHAPLAIN

The Mayor's Chaplain offered prayer.

2. MINUTES OF THE MEETING HELD ON 16 JULY 2013

RESOLVED – That the minutes of the meeting of the Council held on 16 July 2013 be approved.
3. DECLARATIONS OF INTEREST

<table>
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<tr>
<td>Councillor Alison</td>
<td>Non pecuniary interest. As Chaplain’s Assistant, Councillor Alison Cornelius is part of the Chaplaincy team at Barnet &amp; Chase Farm Hospitals NHS Trust. The position is voluntary and she does not receive any remuneration.</td>
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4. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor informed Council that (on behalf of the Citizens of the Borough) he had written to their Royal Highness’ the Duke and Duchess of Cambridge congratulating them on the birth of their son His Royal Highness Prince George Alexander Louis of Cambridge. The Worshipful the Mayor confirmed he had received an acknowledgement in response to his letter.

5. ANY BUSINESS REMAINING FROM THE LAST MEETING

There was none.

6. QUESTIONS TO THE LEADER AND CABINET

These questions, together with the answers provided and the text of any supplementary questions and answers, are set out in Appendix 1 to these minutes.

7. THE ROYAL BIRTH - COUNCILLOR RICHARD CORNELIUS

Councillor Richard Cornelius moved the Administration Business Item in his name. Councillor Brian Coleman moved his amendment. Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Brian Coleman was declared lost. Upon being put to the vote the Administration Business Item in the name of Councillor Richard Cornelius was declared carried.


Council recognises that this is also a joyous occasion for the people of Barnet, the United Kingdom and, indeed, the Commonwealth, with the line of succession now confirmed for the next three generations. Council looks forward to Prince George one day becoming our monarch and hopes that he will be able to replicate the great success Her Majesty The Queen has achieved through over sixty years of inspirational and unwavering service.

Council welcomes the fact that the Royal Family continues to hold such a vital position in the cultural and constitutional life and spirit of the nation, and further believes that the royal birth strengthens the future prospects of both the monarchy and the lives of its citizens.
Council therefore asks the Mayor to write to The Queen to express the congratulations and warm wishes of the Council and the people of Barnet at this happy time.

8. PARKING - COUNCILLOR ALAN SCHNEIDERMAN

Councillor Alan Schneiderman moved the Opposition Business Item in his name. Councillors Brian Coleman, Pauline Coakley Webb and Dean Cohen moved their amendments. Debate ensued. Upon being put to the vote the amendment in the name of Councillor Brian Coleman was declared lost. Upon being put to the vote the amendment in the name of Councillor Pauline Coakley Webb was declared lost. Upon being put to the vote the amendment in the name of Councillor Dean Cohen was declared carried. Upon being put to the vote the substantive Opposition Business Item as amended by Councillor Dean Cohen was declared carried.

RESOLVED - Council notes the recent ruling of the High Court that parking permit charge increases set by Council in 2011 were “unlawful” following the Appeal brought by the Barnet CPZ Action Group.

Council notes that LB Barnet has accepted the ruling and is reimbursing all affected residents who claim a refund.

It is further noted that the council is now actively working to notify all remaining affected residents through a variety of methods.

Council notes that the Cabinet Member for Environment has been amending parking policy on an ongoing basis, for example through the changes being implemented in town centres. Council believes these changes have shown positive signs thus far and therefore asks the Cabinet Member to continue with this process.

9. VARIATION TO THE ORDER OF BUSINESS

Councillor Joan Scannell, duly seconded, moved under Council Procedure Rule 6.3, that the order of business relating to Agenda Item 3 be varied so that Non-Executive Business Item 3.5 be heard first. Upon being put to the vote, the Motion was declared carried.

RESOLVED – That the order of business be varied to allow Non-Executive Business Item 3.5 to be debated and voted upon in advance of votes being taken on the other Non-Executive Business Items on the Agenda.

10. BOROUGH'S EXAM RESULTS - COUNCILLOR BRIAN GORDON

Councillor Brian Gordon moved the Non-Executive Business Item in his name. Councillors Brian Coleman and Anne Hutton moved their amendments. Debate ensued. Upon being put to the vote the amendment in the name of Councillor Brian Coleman was declared lost. Upon being put to the vote the amendment in the name of Councillor Anne Hutton was declared lost. Upon being put to the vote the Non-Executive Business Item in the name of Councillor Brian Gordon was declared carried.
RESOLVED - Council notes this year’s GCSE and A-Level results and congratulates the Borough’s students and teachers for their remarkable achievements.

Council welcomes the fact that the Government has restored rigour to the public examinations system and notes that exams have become tougher as a result. Council notes that Barnet has bucked the trend of slightly falling results nationally, believing that the new system provides a truer reflection of ability.

Council notes that the percentage of pupils achieving at least five A* - C grades at GCSE, including English and Maths, has risen to 73% from 68% last year and that the percentage gaining five or more A* - C grades is up to 90% from 86%. These figures ensure Barnet remains firmly in the top few authorities nationwide for performance.

Council further welcomes the fact that high achievement is striven for, valued and celebrated in the Borough and is proud that three of our schools made the top ten nationally for A-Level results, including both the first and second ranked. Council further notes that many of the Borough’s schools achieved their best ever results, for which much credit is due.

Council asks the Cabinet Member to email all school Head Teachers to congratulate them for contributing to the best school system in the country.

11. GREAT TORY TRAIN ROBBERY - COUNCILLOR GEOF COOKE

Councillor Geof Cooke moved the Non-Executive Business Item in his name. In accordance with Council Procedure Rule 23.5, the item was voted on without discussion. Councillors Brian Coleman and Dean Cohen moved their amendments. Upon being put to the vote the amendment in the name of Councillor Brian Coleman was declared lost. Upon being put to the vote the amendment in the name of Councillor Dean Cohen was declared carried. Upon being put to the vote the substantive Non-Executive Business Item as amended by Councillor Dean Cohen was declared carried.

RESOLVED - Council notes that under Conservative Mayor Boris Johnson commuter fares have continued to increase, that the cost of a single bus journey has increased by 20% and that the annual cost of a zone 1-6 travel card is £440 more expensive. Council recognises though that the percentage increases in fares was even greater under Ken Livingstone.

Council notes that many residents across Barnet are struggling with the cost of rent and other bills and that rising travel costs do contribute to this. That is why Council believes that the four-year Council Tax freeze delivered by this administration has been very important to all the Borough’s residents.

Council further notes the Mayor’s early proposal to close manned ticket offices at stations across London, but also notes modern ticket purchasing habits and recognises that services may need to change to keep up with the times.

Council believes the Mayor is delivering substantial and noticeable improvements to services and recognises that fare increases are an unfortunate necessity in order to fund this.
Council calls on the Leader of the Council and the Cabinet Member to write to Boris Johnson calling for him to minimise ticket increases in the context of continuing with his much needed programme of improvements and efficiencies.

12. A&E EMERGENCY FUND - COUNCILLOR BARRY RAWLINGS

Councillor Barry Rawlings moved the Non-Executive Business Item in his name. In accordance with Council Procedure Rule 23.5, the item was voted on without discussion. Councillors Brian Coleman, Alison Moore, Kate Salinger and Helena Hart moved their amendments. Upon being put to the vote the amendment in the name of Councillor Brian Coleman was declared carried. Upon being put to the vote the amendment in the name of Councillor Alison Moore was declared lost. Upon being put to the vote the amendment in the name of Councillor Kate Salinger was declared carried. Upon being put to the vote the amendment in the name of Councillor Helena Hart was declared carried. Upon being put to the vote the substantive Non-Executive Business Item as amended by Councillors Brian Coleman, Kate Salinger and Helena Hart was declared carried.

RESOLVED - Council notes the Prime Minister’s announcement over the summer of a £500 million emergency fund to help A&E’s in crisis to cope with the increase in demand during winter.

Council notes that the Department for Health is deciding how to allocate the funds based on plans from the Urgent Care Boards around the country.

Council asks Cabinet to write to the Secretary of State in support of Barnet’s local hospitals receiving some of these funds - Barnet Hospital A&E, Chase Farm A&E, Royal Free A&E and Whittington Hospital A & E -which have all had serious issues dealing with A&E wait times and have ongoing financial challenges.

Council recognises that some residents are turning up at A and E when they should really be visiting their GP or indeed a pharmacist, and calls on the Health Scrutiny Committee to investigate how an effective advertising campaign can be undertaken across the Borough to avoid unnecessary A and E visits.

Council also finds it totally unacceptable that the Breast Screening Service has been re-located from Finchley Memorial Hospital to St. Michael’s Hospital in Enfield. Equally unacceptable is the fact that neither the Health & Wellbeing Board nor the Health Overview & Scrutiny Committee had been made aware of this proposal and that no consultation whatsoever had been carried out before this move was effected. Council notes the actions already taken by the Chairman of the HWB in seeking the early re-instatement of the service at Finchley Memorial Hospital which she has already taken up at the highest levels of NHS England as the Commissioners of the Service. Council notes the urgent debate of this item at the next Meeting of the Health & Wellbeing Board on 19th September.

13. PLATFORMS PROGRAMME - COUNCILLOR ANDREW HARPER

Councillor Andrew Harper moved the Non-Executive Business Item in his name. In accordance with Council Procedure Rule 23.5, the item was voted on without discussion. Councillor Brian Coleman moved his amendment. Upon being put to the vote the amendment was declared lost. Upon being put to the vote the Non-Executive Business Item in the name of Councillor Andrew Harper was declared carried.
RESOLVED - Council notes that the Platforms Programme launched in June 2012 has come to the end of its First Phase. Council welcomes the positive outcomes it has achieved for many of Barnet’s 16-24 year olds formerly not in education, employment or training (NEET).

Over the course of the last fourteen months, more than 350 young people have been engaged with 220 actively participating in a range of schemes, which have provided among other things: apprenticeships; internships; voluntary sector jobs; Princes Trust placements; employment and enterprise support; and support for young people with learning difficulties.

In addition, the programme has helped 70 local businesses add capacity to their staff by incentivising the creation of work placements.

Council welcomes the fact that over this period the percentage of 18-24 year olds claiming Job Seekers Allowance has fallen from 4.3% to 3.2%, contributing significantly to the reduction in overall number of JSA claimants. Council further welcomes that the proportion of young people classed as NEET is down at 3.2%, well below the London average (4.5%) and national average (5.6%).

Council is pleased that many young people have reported positive experiences of the programme and that some participants have moved on to longer-term placements or permanent employment. However, as the job market remains challenging for young people – despite the economic uplift – Council recognises that there is more work to do.

Council therefore calls on the Cabinet to continue to work with the Council’s partners to identify the most successful strands of the Platforms Programme and utilise any under-spend from the First Phase to maximise outcomes in the Second Phase.

14. CONGRATULATIONS TO DARREN BARKER - COUNCILLOR ROWAN QUIGLEY TURNER

Councillor Rowan Quigley Turner moved the Non-Executive Business Item in his name. In accordance with Council Procedure Rule 23.5, the item was voted on without discussion. Councillors Brian Coleman and Brian Salinger moved their amendments. Upon being put to the vote the amendment in the name of Councillor Brian Coleman was declared lost. Upon being put to the vote the amendment in the name of Councillor Brian Salinger was declared carried. Upon being put to the vote the substantive Non-Executive Business Item as amended by Councillor Brian Salinger was declared carried.

RESOLVED - Council notes that, in winning the IBF World Middleweight Title in Atlantic City last month, Darren Barker has become the Borough’s latest world professional boxing champion. Council wishes to congratulate him and his team on this great achievement. Council believes Mr Barker’s determination and hard-work to overcome adversity and fulfil his ambition to be a great example to us all.

Council therefore calls on the Mayor to write to Mr Barker to congratulate him on his victory.
15. REPORT FROM CABINET
There was none.

16. REPORT FROM OVERVIEW AND SCRUTINY COMMITTEES
There was none.

17. REPORT FROM THE GENERAL FUNCTIONS COMMITTEE
Councillor Joan Scannell introduced the report which dealt with Chief Officer Job Titles.

RESOLVED - That Council note the resolution set out in the report of the General Functions Committee dated 22 July 2013.

18. REPORT FROM THE REMUNERATION COMMITTEE
Councillor Richard Cornelius introduced the report which dealt with the appointment of the Service Director for Education and Skills

RESOLVED - That Council note the resolution set out in the report of the Remuneration Committee dated 1 August 2013.

19. REPORT FROM THE AUDIT COMMITTEE
Councillor Lord Palmer moved adoption and reception of the report. Upon being put to the vote the recommendations were declared carried.

RESOLVED- That Council approve the Audit Committee Annual Report 2012/13.

20. REPORT OF THE HEAD OF GOVERNANCE

   1. Changes to the Calendar of Meetings

      RESOLVED – That Council note the changes to the calendar of meetings contained in the report of the Head of Governance.

   2. Vacancies on School Governing Bodies

      RESOLVED - That

         (a) Ms Emma Howard be appointed a Governor to Brookland Infant and Junior School’s Governing Body.

         (b) Mr Colin Page be appointed a Governor to Northway School’s Governing Body.

   3. Executive Decisions Exempted from the 28 day Notice

      RESOLVED - That Council note the decisions exempted from the Advanced Notification of Executive Decisions.
4. **Director Induction and Awareness**

RESOLVED - That Council note the report on Director Induction and Awareness was considered by the General Functions Committee on 9 September 2013.

5. **Changes to Committee Membership**

RESOLVED - That Councillor Alison Cornelius be appointed as a Member of the Corporate Parenting Advisory Panel.

6. **Appointment to Outside Bodies**

RESOLVED - That Councillor Wendy Prentice be reappointed as trustee to the Eleanor Palmer Trust.

21. **TIME EXTENSION**

The Worshipful the Mayor in accordance with the Constitution moved that the period for the transaction of business be extended to 10.30pm.

22. **REPORT OF THE MONITORING OFFICER**

The Worshipful the Mayor introduced the report of the Monitoring Officer relating to two complaints under the Code of Conduct for Councillors. The Group Leaders Panel on the 23 July 2013 recommended that Councillor Brian Coleman be censured in relation to the two complaints.

Councillor Brian Coleman exercised his right of appeal. The Chairman of the Panel Councillor Daniel Thomas responded.

Councillor Jack Cohen stated he would not be voting on the matter as he believed that members of the Group Leaders' Panel who made the initial decision should not vote on this again.

Upon being put to the vote Councillor Brian Coleman’s appeal was declared lost.

Council then considered the recommendations from the Group Leaders Panel. Upon being put to the vote the recommendations in relation to Mr Paul Merchant’s complaint were declared carried. Upon being put to the vote the recommendations in relation to Dr Julia Hines’ complaint were declared carried.

RESOLVED -

**Mr Paul Merchant Complaint:**

1. That Councillor Coleman breached paragraph 3 (1) of the Members Code of Conduct – You must treat others with respect (the Code applicable as at April 2012 when the breach occurred).

2. That in view of (1) above, the Panel recommends censure of Councillor Coleman for his failure to treat others with respect, a breach of the Members Code of Conduct applicable at the time of the breach.
Dr Julia Hines Complaint

1. That in respect of the complaint about email correspondence, Councillor Coleman breached paragraph 3 (1) of the Members Code of Conduct – You must treat others with respect (the Code applicable as at April 2012 when the email correspondence occurred), when he sent the two emails of 10 April 2012 (sent at 3.46pm and 4.07pm) to Dr Hines. The third email of 10 April 2012 (sent at 4.51pm) was not viewed by the Panel as an attempt to defame Dr Hines and that this was tempered by the word "seems".

2. That in view of (1) above, the Panel recommends censure of Councillor Coleman for his failure to treat others with respect, a breach of the Members Code of Conduct applicable at the time of the breach.

RESOLVED - That Council hereby censure Councillor Brian Coleman.

23. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

From Councillor Brian Coleman
Does Councillor Cornelius consider the criticism of the Governors of Frith Manor in the recent Ofsted report to be justified?

Response from Councillor Richard Cornelius
There was adverse comment in the report about Frith Manor’s Governing Body and despite the down grade it remains an excellent school. The Governing Body is reinvigorated and is moving very fast to meet the short comings indentified in the report.

The meeting finished at 10.07 pm
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Appendix 1

Council Questions to Cabinet Members
10 September 2013
Questions and Responses

Question 1  Councillor Jack Cohen
Can you confirm that contracts have been exchanged for the sale of land at Hendon Football Club? If so, have all the conditions set out in the exempt report of Cabinet Resources Committee 24th June 2013 been complied with. For the sake of transparency, will you provide the amount of monies paid over on exchange and the amount of monies yet to be paid at a future date? Will you confirm that the purchaser has withdrawn the extant planning application?

Answer by Councillor Daniel Thomas
A contract was exchanged for the sale of the land at Hendon Football Club in early July. The sale price and commercial terms remain confidential at this stage but it can be confirmed that these are in accordance with the exempt report presented to Cabinet Resources Committee in June and that a substantial deposit was paid to the Council by the purchaser on exchange of contracts. With regard to the planning permission previously granted in 2004, it is not envisaged that this will be implemented but rather that a further planning application will be submitted by the purchaser in due course for consideration by planning committee.

Supplementary Question
There are two issues for which specific assurance is required. 1) The deposit paid is actually the amount that was set down in the report to the Cabinet Resources Committee and 2) in relation to the planning permission, it is understood that as part of the agreement, that planning application would be withdrawn this is not clear from the reply. Could both points be confirmed?

Answer by Councillor Richard Cornelius
In Councillor Thomas’s absence neither point can be confirmed but Councillor Thomas will be asked to write to Councillor Cohen to confirm. It seems highly unlikely that contractual commitments can be got out of.

Question 2  Councillor Brian Salinger
Will the Cabinet Member for Housing please advise the Council:-
A) How many Barnet properties have been let to people from other Boroughs under the Pan London Mobility Scheme?
B) Which Boroughs have those people or families come from?
C) How many Barnet residents have been housed elsewhere in London under the same scheme?
D) Which Boroughs have each of them gone to? Would the Cabinet Member give his assessment of the scheme and its impact on Barnet?

Answer by Councillor Tom Davey
A) There have been four Barnet properties let via Housing Moves.
B) The successful applicants have come to us from Croydon, Tower Hamlets and two from Westminster.
C) One Barnet resident has been re-housed through the scheme.
D) They moved to Tower Hamlets.
Supplementary Question
The question asked for an assessment of the scheme and its impact on Barnet which has not been answered. So could that be done, possibly in writing? In Councillor Davey’s absence, can the Leader advise how the scheme has been publicised for people looking for accommodation both in Barnet looking elsewhere and across London into Barnet?

Answer by Councillor Richard Cornelius
The impact of this scheme appears to be small but Councillor Davey will be asked to write and confirm that. The other points cannot be addressed in Councillor Davey’s absence and written confirmation on these matters will also be asked for.

Question 3  Councillor Alison Moore
Will the Cabinet Member actually commit to writing to all residents who are entitled to a refund of parking charges and for whom they have contact details but no banking details to effect an automatic refund to advise them that they can reclaim the money that they were unlawfully charged?

Answer by Councillor Dean Cohen
The Council has been setting up a process to ensure that all those that are contactable do receive notification of the amount refundable. Residents have also been asked to apply for refunds with continued local press and web based advertising with the aim of trying to capture all concerned. For residents who have not contacted the Council, I have committed to try and contact all those that have had resident permits and/or vouchers, whether that is by email, letter or phone.

Supplementary Question
How many people have been emailed or written to, to date, and if the answer is none – why? And in addition, for those people who have picked up from other media and applied for the refund, could he confirm that they are being told that it is taking up to eight weeks to process that refund?

Answer by Councillor Dean Cohen
A figure is not available, it can be emailed, however confirmation was given that people are being advised that it can take up to eight weeks to process the refund.

Question 4  Councillor Jack Cohen
You will be aware of the widespread local concerns about the demolition of the Castle Public House in Childs Hill. Why doesn’t the Council have a policy to include the protection of established local public houses?

Answer by Councillor Joanna Tambourides
Planning permission is not required for demolition of public houses which are neither protected by listed status or being located within a conservation area. The Castle public house is neither a listed building nor located within a conservation area. Whilst the Council’s Local Plan policies (adopted September 2012) do not specifically seek to protect public house uses, they do safeguard community facilities and the National Planning Policy Framework document (NPPF) does seek some protection where there is a lack of community facilities locally, in particular public houses located in villages and other isolated communities. When assessing the planning merits of losing a public house use, the impact on the local community is a planning material consideration. In this particular case, officers are of the opinion the loss of the Castle public house would not lead to the local community being socially isolated and as such they have no planning objection to its loss in principle.
Supplementary Question
This relates particularly to the closure of the Castle in Childs Hill. The Ward is considered to be like a village. There is no public house between Golders Green and Swiss Cottage. The public house was a local amenity with rock bands, music evenings and even a kosher pub (possibly the first in the country) It is felt that the answer given does not take the issue seriously enough and a member of the GLA is pursuing this matter. Reconsideration is requested and plans for better protection for the borough’s public houses.

Answer by Councillor Joanna Tambourides
The written answer contains everything. The borough is bound by national guidelines. Public houses which are community facilities can be protected. In London, very few places can be considered ‘community facility’ in the understanding of the National Planning Policy Framework. They are talking there about pubs which are in isolated villages and maybe the only meeting place for 20 – 30 miles. It is believed that nowhere in London fulfils that criterion. Unfortunately we cannot have our own independent protection for public houses unless they are listed buildings or heritage assets. Our hands are tied on this one.

Question 5
Councillor Brian Salinger
How many of the Head Teachers in the Borough’s Primary and Secondary Schools a) resigned or b) retired at the end of this summer term?
How many of those schools have made permanent appointments for new Head Teachers for the start of this term?

Answer by Councillor Reuben Thompstone
Eight Head Teachers from Barnet’s schools including academies retired at the end of the summer term and eight resigned their posts.

However in total at the end of August 2013, seven substantive appointments have been made for the start of term. However for all schools, there are satisfactory interim arrangements in place pending the completion of permanent recruitment processes.

Supplementary Question
Has the member been briefed on how the figures quoted compare to previous years?

Answer by Councillor Reuben Thompstone
A reply will be provided in writing in terms of information for last year. But the opportunity was taken to wish those retiring head teachers within the Authority every success in their retirement and those going onto new appointments much the same.

Question 6
Councillor Alan Schneiderman
Why won't the Cabinet Member simply agree to give an automatic refund of parking charges to residents that have been unlawfully overcharged and for whom they have bank credit / debit card details?

Answer by Councillor Dean Cohen
As stated, the Council is in the process of ensuring that all those entitled to a refund receive a refund. As card and contact details expire, those residents will need to provide updated information and the process for ensuring that data is being captured properly is being agreed.

Supplementary Question
Why does it take two months to provide a refund?
Councillor Dean Cohen
It doesn’t take two months. It is ‘up to’ two months.

**Question 7**

Councillor Jack Cohen
Did the Council engage consultants to assist in the consideration of the application to redevelop West Hendon estate? How much have they been paid and has the contract now ended? Did they attend the Planning and Environment Committee which considered the application on 23rd July 2013, if so what was the point of their attendance and how much did they charge for attendance?

Councillor Richard Cornelius
The Council has engaged ‘Aecom’ as consultants to assist in consideration of the application to redevelop the West Hendon Estate. This has been done through a Planning Development Agreement with the developers Barratt Metropolitan LLP (BMLLP). This requires BMLLP to meet their costs up to a ceiling of £135,425.

Two Aecom consultants were in attendance at the Planning and Environment Committee meeting - the Planning Lead Tom Venables and the Environmental Statement Officer Jane McEwen. Consultants were in attendance in order to support council officers in their responses to any technical queries raised at the committee meeting.

Their attendance at the meeting was billed for 1.5 hours, charged at their standard hourly rates and included in the Planning Development Agreement:-

- Tom Venables - 1.5 x £66.25 = £99.38
- Jane McEwen – 1.5 x £62.50 = £93.75

Aecom are still providing the Council with assistance in the determination of the planning application.

**Supplementary Question**

This relates to the consultants who attended the planning committee that considered the plans for the regeneration of West Hendon Estate. The developer was actually meeting the costs of the consultants (ie, they were paying the consultants) but the consultants were sat at the top table with our officers. Does this give the wrong impression?

Councillor Richard Cornelius
I was not at the meeting, therefore unable to comment on the seating arrangements but agrees it would have been more usual for them to have been seated in the gallery and be called forward when required. The matter will be raised and ensure all protocols will be observed in the future.

Councillor Brian Salinger
How many times has the Mayor’s car broken down in the last 6 months?

Councillor Richard Cornelius
Since March 2013, the Mayor’s car has broken down on two occasions.

**Supplementary Question**

How often did the car break down when the vehicle was merely leased and can confirmation be given that these break downs have only happened since the car was purchased?

Councillor Richard Cornelius
Confirmation was given that the decision to purchase the vehicle was made on the basis that the car
had performed well for its comparatively short period of leasing. It is unfortunate that it did break down and it is further unfortunate that it required a part that was difficult to get and the delivery of which was said to have been delayed by the earthquake in Japan, causing a power reduction in Japan and a delay in the production of the unit. But the Mayor’s car is now up and running and is a vehicle of prestige that does nothing but enhance the value of the Mayoralty in the borough.

**Question 9**

**Councillor Andreas Ioannidis**

I’m sure we’re all very glad that Theresa Villiers has finally taken time out from Northern Ireland to come and help her constituents with the ongoing issue of Brunswick Park Health Centre, so can the Cabinet Member confirm that Brunswick Park Health Centre will be re-opened in December 2013?

**Answer by Councillor Helena Hart**

As I am sure the Councillor knows, the Rt. Hon. Mrs. Teresa Villiers MP has been involved in trying to bring about a resolution to this long running saga for some time and together with members of this Administration continues to press for a speedy resolution to a situation which has gone on for far too long.

As he also knows, as the re-opening of the Brunswick Park Health Centre is in no way within the Council’s control, I am not personally in a position to be able to confirm one way or another a definite re-opening date. I will, of course, continue - as always - to press all the parties who are responsible to facilitate this at the earliest possible opportunity.

**Question 10**

**Councillor Jack Cohen**

What progress has been made since my Question number 20 to you at the last Council meeting regarding the Application for a modification Order in respect of the footpath running between West Heath Road NW3 and Finchley Road NW11?

**Answer by Councillor Dean Cohen**

Legal advice and assistance has been obtained to progress this matter. A schedule of the necessary actions to complete the process of determining the application has been drawn up commencing with issuing initial consultation letters week commencing 2 September 2013 and proceeding through completion of investigations, production of the investigation report and further required consultation prior to determination at the Planning and Environment committee meeting in February or March 2014. The Planning Inspectorate has also contacted the authority regarding an application to the Secretary of State for a direction requiring the authority to determine the application by a given date and a response to them regarding current progress is also being sent.

**Question 11**

**Councillor Brian Salinger**

Will the Leader give Members of the Council his assessment of the state of each of the Borough’s Town Twinning arrangements?

**Answer by Councillor Richard Cornelius**

Each town twinning arrangement/relationship is reliant on the independent “Friends of” committees and how active each of these committees are.

Chaville – The last exchange visit was in June 2009 to mark the 50th Anniversary of the twinning arrangement. A tree was planted in Friary Park marking this anniversary. A Barnet delegation went to Chaville in November 2009. Each November a wreath is sent for Remembrance and is laid at their War Memorial by a member of Chaville Council or “Friends of Barnet”.

Le Raincy – The last visit took place in October 2009.
Ramat Gan – The last visit to Barnet took place in 2010. A Council delegation visited in May 2012. There may be a visit to Ramat Gan later this year at Members own expense.

Morphou – Visits continue to and from Barnet each year. Most costs are borne by Morphou Municipality. The only costs to Barnet are for a civic dinner, token gifts and a tour of the borough showcasing areas of current interest.

Jinja – We plan to host an event later this year celebrating our link with the city.

KreisSiegen Wittgenstein – An annual link accepting visitors arranged by the Friends of Barnet Committee and with visiting students on an exchange programme.

Templehof – Earlier this year we hosted two officers from the Council of TemplehofSchonenberg on a work placement for 3 weeks at the Council.

Montclair – This is an active partnership with regular exchanges.

**Supplementary Question**
Whose assesses the town twinning arrangement? Is it the personal assessment of the Leader? Or does guidance come from representatives of the friends’ organisations or from council officers?

**Answer by Councillor Richard Cornelius**
Slightly composite answer in that it is officer-briefed but as the question is addressed to the me, it is effectively the my answer, heavily edited by me and whilst Montclair is a very active partnership, knowing who was asking the question and the other councillor here who will know far more about the situation, it is a very brief answer to avoid contradiction.

**Question 12**
Smoking remains the biggest individual cause of premature death in many areas. It is therefore surely inappropriate in the extreme that Barnet Council chooses to invest pension fund money in tobacco. Investing in a product that may ultimately kill half its users is wrong for any organisation but particularly a Council which is there to serve the community and now has increased responsibility for health matters. There is also the £14 billion cost nationwide of treating smoking-related illnesses. Can the Cabinet Member therefore instruct our two pension fund managers to discontinue all future investments in tobacco?

**Answer by Councillor Daniel Thomas**
As of 31 July 2013, the Council’s investment in tobacco is as follows:

**Schroders**
- Maturities Corporate Bond fund: 0.93% of total portfolio
- Life Diversified Growth Fund: 0.3% of total portfolio

**Newton Investment Management Ltd**
- Bond portfolio: 1.07% of total portfolio
- Real Return portfolio: 4.77% of the market value

The Pension Fund Committee is responsible for overseeing the Fund and the Councillor can approach the Pension Fund Committee to discuss this matter further.
Supplementary Question
The recommendation is that this matter should be taken up with the Pension Fund Committee. However having been a member of that Committee for a year, during which the ethics of investing in tobacco was questioned, no satisfactory response or reassurance was given. Now that we have taken on the Public Health role to include a smoking cessation service, at a time when we have national campaigns like 'Stoptober' Smoke-free resource centre, tobacco-free futures and others, at a time when the Health Minister has given her backing to plain cigarette packaging and to the local government declaration on tobacco control which the Health Minister recommends and other councils have signed up to – that is an executive decision not one for the Pension Committee.

Answer by Councillor Richard Cornelius
That matter will be taken under advice but it is believed that it was a matter for the Pension Fund Committee to maximise the investment return for the pensioners and anything that mitigates against that is difficult. If the council in general were to interfere, this could be a dangerous president when there are already suggestions that council pension funds should be invested in loss-making infrastructure projects. We don’t want to mess around with it; it is something that would be kept within the pension fund committee.

Question 13  Councillor Jack Cohen
How many residents have made a claim for a refund of their residents parking permit excess charges as of 30th August and ditto for visitors’ vouchers and how much money does this amount to?

Answer by Councillor Dean Cohen
As at 17.00 on the 28th August, 3329 electronic and 147 written claims have been made in conjunction with all types of resident applications. It is not yet known what the value of these claims is however an in-depth analysis of each account will be undertaken as refunds are processed. The expected total amount to be repaid is currently calculated at £2.2 million.

Supplementary Question
We now know that by the end of August 3500 applications have been made for refunds of the parking charges. When this was proposed did you vote in favour? If so, why?

Answer by Councillor Dean Cohen
Yes I supported the rise. That figure is now approximately 4500.

Question 14  Councillor Stephen Sowerby
We know the Council is to build the first council houses for over twenty years, to add new capacity to the stock, but how is the borough performing in terms of the speed at which vacant properties are re-let?

Answer by Councillor Tom Davey
Barnet Homes has seen significant improvement over the last two years in terms of the average number of days until vacant properties are re-let. Between April 2011 and March 2013, the average number days reduced from 28 to 19.1.

Progress this financial year has also been good, with quarter 1 performance at 16.7 days, compared with the 19.2 days recorded for the same quarter in the previous year.

Question 15  Councillor Geoff Johnson
When is the Council going to negotiate with Transport for London (TfL) to have Cross Now pauses installed at Kingsbury Road Junction Edgware Road NW9 and West Hendon Broadway Junction with Cool Oak Lane as we have already had a fatality at Kingsbury Road and several near misses at West
Hendon Broadway, This was asked for at the Hendon Environment Sub-Committee when it discussed road safety, the committee Members were told it would be looked into but have not received any update on this crucial issue?

Answer by Councillor Dean Cohen

A5/Kingsbury Rd
Officers continue to work with TfL on this difficult location and are evaluating possible improvements that could be introduced to enable pedestrians to cross the road(s) with more confidence. Officers are hopeful of being able to update ward members on progress within the next few months.

A5/Cool Oak Lane
This signalised junction has been reviewed previously with a view to establishing whether a pedestrian aspect could be incorporated which has proved problematic due to a pressure on moving traffic on this road which is part of TfL's strategic road network. However, it is envisaged that improvements will be made in due course as part of the overall area improvements as part of the West Hendon Regeneration project although at this time it is unfortunately not possible to be able to give definitive timescales for this element of the project.

Supplementary Question
It seems that West Hendon will have to wait about 15 years for regeneration. All they are going to do is remove the bus lanes so why don’t they remove the bus lanes now and then a crossing can be situated at the lights because the traffic will move.

Answer by Councillor Dean Cohen
Traders were met approximately a month ago and officers are now working on certain projects that will hopefully improve the situation in West Hendon way before the completion of the regeneration.

Question 16 Councillor Jack Cohen
Does the contract with NSL provide for a 24hour service, if not what are the contracted operational hours?

Answer by Councillor Dean Cohen
The current contracted hours are from 7am – 11pm. The contract does of course allow for 24 hour service albeit that this aspect of service is not currently activated.

Supplementary Question
Residents in Railway Cottages, Cricklewood have agreed for an extension of their CPZ to 3am. Can it be confirmed that once this is implemented, NSL will be asked to patrol the area and issue penalty charge notices if appropriate?

Answer by Councillor Dean Cohen
This issue was supported at the Area Environment sub-Committee and assurance was given that enforcement will be available for the proposed new timings.

Question 17 Councillor Stephen Sowerby
What is the satisfaction rate among council tenants for repairs and maintenance work carried out in 2013 and how does this compare to the rate calculated in 2010?

Answer by Councillor Tom Davey
1,125 tenants returned a completed repairs and maintenance satisfaction survey in May 2013. The
The purpose of the survey was to obtain an accurate customer opinion of the two main repairs contracts (Mears & Mitie) over the first year of new contracts. The survey uses a nationally recognised methodology across the industry.

The main result pertaining to overall satisfaction with the repairs service shows a 7.6% increase in satisfaction from the same survey undertaken in 2010, from 67.5% to 75.1%.

It was particularly positive to see vast improvements in satisfaction in two wards that recorded lower than average results in 2010 - Hale and Burnt Oak. Barnet Homes has focussed heavily on improving satisfaction in these wards. Satisfaction in Hale increased by 18% (with a result above the average at 77.6%) and satisfaction in Burnt Oak increased by 21% (with a result above the average at 76.3%).

Barnet Homes is undertaking further analyses of the data to fully understand all that has contributed to the substantial increase in satisfaction. However, it is clear that the implementation of the service improvements residents asked for, such as: 2 hour appointment slots, text reminders when the workers are en-route, targeted environmental improvement schemes and an effective and efficient working relationship between the Barnet Homes Contact Centre and contractors have all contributed to increased satisfaction.

**Question 18**

_Councillor Alison Moore_

For how many parking permit holders does the Council hold email addresses and what percentage is that of the total number of parking permit holders?

**Answer by Councillor Dean Cohen**

The Council has 7,964 accounts with email addresses out of the 10,539 permits issued from 23.07.12 to 23.07.13, which is 75.5% of the total residents’ permits.

**Supplementary Question**

As it costs nothing to email people, why haven’t all those nearly-8000 individuals been emailed yet?

**Answer by Councillor Dean Cohen**

There’s no point in emailing people that have emailed us. The system has been set up so there is no doubling up of the work.

**Question 19**

_Councillor Jack Cohen_

Are you satisfied with NSL performance in enforcing double yellow lines restrictions on Cricklewood Broadway at the junction with Cricklewood Lane and if so can you provide evidence by way of the number of penalty charge notices issued since NSL took over the contract.

**Answer by Councillor Dean Cohen**

NSL have and continue to enforce the junction and adjacent points. 1 penalty charge notice (PCN) has been issued between the 01/05/2012 and the 27/08/2013 at the exact junction. But during the same dates there have been 204 penalties issued for 01 (waiting restriction, single and double yellow line) contraventions and 353 penalties for 02 (loading/unloading restriction) contraventions, on the whole Cricklewood Broadway NW2 length of road. It should be noted that enforcement should not always result in PCN’s being issued.

**Question 20**

_Councillor Kate Salinger_

Is it the intention of this Council that Community Focus remains at the Artsdepot? If so, what is the Council doing to ensure it happens?
**Answer by Councillor Robert Rams**
The Council believes that there is enough room in the Arts Depot building for Community Focus to remain, alongside the London Studio Centre dance college. The Council is continuing to broker discussions between the Arts Depot Trust and Community Focus in an attempt to resolve this dispute. As the holder of the sub-lease, the council is bound by the terms of the Landlord and Tenant Act and wants to avoid this entering the courts and becoming a lengthy legal dispute which would do no good at all for those concerned.

I said at the time of the original eviction notice in March that I would support Community Focus in this matter and I stand by that. Through the Council’s intervention, the eviction notice has been extended by 8 months to allow more time to reach a satisfactory resolution. As part of this process, the Council has been working to identify alternative premises for Community Focus - it is right that we do this as a contingency measure. The Council also provides significant grant support to Community Focus and agreed a 3 year funding arrangement in 2011 worth over £225,000.

**Supplementary Question**
When it is considered that the Arts Depot are in the same position as Community Focus in that they both hold periodic tenancies perhaps the council would consider serving notice on the Arts Depot just like the Arts Depot did to Community Focus. The Arts Depot could then be used as council offices, rent-free, not paid to anyone and Community Focus and its users would be absolutely delighted.

**Answer by Councillor Robert Rams**
This is not the best way to resolve this issue. An amicable resolution to this matter will be found by working with both sides.

**Question 21**
*Councillor Barry Rawlings*
Does the Council's pension fund invest in payday loan companies, and, if so, how much?

**Answer by Councillor Daniel Thomas**
The Pension fund has no investments in payday loan companies.

**Question 22**
*Councillor Jack Cohen*
Who do you blame for the Controlled Parking Zone (CPZ) permit and visitor voucher fiasco?

**Answer by Councillor Richard Cornelius**
The way this decision was handled caused the legal action and subsequent court decision. It would not be productive to apportion blame.

**Supplementary Question**
I asked who was thought to be to blame for the parking charge fiasco. Is it Councillor Coleman to blame or the whole group?

**Answer by Councillor Richard Cornelius**
An enjoyable trapping question which is quite impossible to answer.

**Question 23**
*Councillor Barry Evangelis*
How has Barnet’s Integrated Offender Management Scheme been performing since its inception?

**Answer by Councillor David Longstaff**
Barnet Integrated Offender Management (IOM) has been performing extremely well. There are currently 98 clients on the Barnet IOM Cohort.


- 64 out of the 98 are Statutory Offenders
- 34 are Non-Statutory offenders (those who have served less than twelve months in custody)
- 23 out of the 98 are Priority and Prolific Offenders (PPOs).

A recent comparison of offending levels based on pre and post membership of the IOM has provided a strong indication of a correlation between IOM membership and a reduction in offending.

The table below shows the stats for convictions based on a 12 month period before IOM membership (12 months from 6th June 2011) and for the first 6 months of the offender's membership of the IOM programme (6 months from 6th June 2012). There is a considerable reduction in the monthly rate of offending for both the Stat and Non-Stat offenders.

The decrease in offending is particularly marked amongst the Non-Stats - perhaps indicative that the Non-Stats who engage with the program, on a voluntary basis, are particularly likely to benefit from the support and diversionary interventions the IOM provides.

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<td>Non Stat offender</td>
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Question 24  
Councillor Arjun Mittra  
How does the Council aim to tackle the level of dog fouling on pavements in the borough?

Answer by Councillor Dean Cohen  
We aim to send a team to remove any reported fouling within 24 hrs. We are currently posting advice / warning notices regarding dog fouling in all affected areas of the borough. Officers and operational staff constantly monitor and tackle dog fouling when it is witnessed to endeavour to change behaviour and require dog owners to be responsible. The Street Scene service will be looking to bring an effective and appropriate enforcement process to Members for approval, as part of the changes to the Street Cleansing and Greenspaces service.

Question 25  
Councillor Jack Cohen  
What step are you taking to check, monitor and deal with concerns about the proliferation of "beds in sheds" especially in the southern part of the Borough?

Answer by Councillor Joanna Tambourides  
Where the construction of a building or change of use of a building are carried out without planning permission and the matter is brought to the attention of officers, then planning enforcement action would be taken, where expedient, in order to ensure the cessation of the unauthorised residential use.

Where officers are made aware of dwellings which potentially do not meet basic standards, Environmental Health ensure that the conditions and facilities within them are suitable and they can
take action to improve the facilities or where this cannot be achieved prohibit their use.

Council actions are co-ordinated with the Police and Immigration Service where the occupation is known or suspected to be illegal or where it is suspected that the occupiers may not be lawfully in the country.

The Department for Communities and Local Government recently announced additional funding to help tackle rogue landlords and Environmental Health are currently preparing a bid to assist the Council in identifying and tackling the poorest properties in the borough including beds in sheds.

**Supplementary Question**
As every member of the Planning Committee knows, at almost every site visit we make we spot a large shed that we are told in all innocence by the developer, is just used for storage; no matter that it has got six windows, a front door, bathroom, shower and kitchen facilities. When Capita take over, will all the good work promised in tackling this problem be taken on by Capita or will they say it is nothing to do with them?

**Answer by Councillor Joanna Tambourides**
Planning Enforcement Officers will continue to do their planning work which includes enforcement. There is no question that they will not continue to do enforcement and it is up to every resident and every Council Member to report these cases and if you are worried that they are not being pursued vigorously enough, please pass on that information so that it may be monitored. We do our best to enforce ‘Beds in Sheds’ as much as we can, however if somebody says they are using an outbuilding for storage and we have no evidence to the contrary, we are forced to believe the resident.

**Question 26**
Councillor Barry Evangeli
What are the combined guaranteed savings to the Council and therefore the Barnet taxpayer of the New Support and Customer Services Organisation (NSCSO) and Development and Regulatory Services (DRS) contracts, finally signed last month?

**Answer by Councillor Richard Cornelius**
The total savings for the NSCSO contract are £125m, and the total savings for the DRS contract are £39m.

**Question 27**
Councillor Alison Moore
The last Council meeting agreed unanimously to bring forward proposals to pay all directly employed council staff at least London’s Living Wage if the One Barnet programme went ahead. Now that both One Barnet contracts have been signed, will the Leader bring forward a report to the next General Functions Committee or Cabinet meeting implementing London’s Living Wage for all directly employed staff that currently fall below £8.55 per hour?

**Answer by Councillor Richard Cornelius**
That will be too soon, but we will bring forward early proposals.

**Supplementary Question**
When?

**Answer by Councillor Richard Cornelius**
Very soon.
Question 28  
Councillor Graham Old  
Would the Cabinet Member please share with this meeting the percentage of children becoming subject to a child protection plan for a second or subsequent time in 2012/13?

Answer by Councillor Reuben Thompstone  
In Barnet, of children who became subject to a Child Protection (CP) plan in 2012/13, 9.6% were subject for a second or subsequent time, down from 13.8% in 2011/12. The England average for 2011/12 was 13.8%.

Background information  
The data for the number of children subject to a CP plan for a second or subsequent time shows the number of children subject to child protection plans who come back onto plans at any time in their life. A high percentage could suggest that the decision to initially remove children from a CPP was premature and that measures to sustain improvement have not worked. The national average for England is fairly constant at 13-14%.

Question 29  
Councillor Julie Johnson  
What is the Council’s current target for bringing empty homes back in use, how many empty homes are there currently in the Borough and how is the Council doing against their target?

Answer by Councillor Tom Davey  
The most recent data indicated there were 3016 empty properties in Barnet. The target for 2013/14 is to bring back 100 properties into use and we have already over-achieved by bringing 198 back into use to date.

Question 30  
Councillor Graham Old  
Is the Council prepared for the launch of the new waste service on October 14th?

Answer by Councillor Dean Cohen  
Yes. Fleet vehicles have been procured and will commence a phased delivery from 9th September 2013. Recycling bins have been procured and will commence roll-out throughout the Borough from 9th September 2013 for 4 weeks. May Gurney staff will become Barnet staff from 6th October 2013 and all Barnet crews will receive intensive training from 7th October 2013. Lots of communication is already underway and further leaflets explaining the full details of the new service are due to be distributed in Barnet First September issue. This is a significant and major step forward for Barnet to ensure that residents are given all the mechanisms to make it easier to recycle more. It is also a huge logistical exercise and plans are being put in place to deal with large numbers of questions raised so that the service fine-tuning can be properly managed throughout January and February 2014.

Question 31  
Councillor Barry Rawlings  
Could the Cabinet Member enlighten the Council as to the level of success that she, alongside Mike Freer had in getting TfL to provide a bus service to Finchley Memorial Hospital?

Answer by Councillor Helena Hart  
Mike Freer MP, the Leader and I had a high level meeting with Isabel Dedring, the Deputy Mayor For Transport, at City Hall to thoroughly explore the matter. It was finally concluded that to route a conventional bus to the Hospital was not a viable option but that other community transport options would be pursued. A further meeting is scheduled between Transport for London (TfL) and Members for 24 September and a further update will be provided after that meeting.
Question 32
Councillor Maureen Braun
How many children have been placed in Barnet Schools in preparation for the 2013/14 academic year?

Answer by Councillor Reuben Thompstone
4675 reception aged children have been offered places. 100% of on time Barnet applicants have been offered places with 92% of these offered one of their top 3 preferences. This has been a fantastic achievement for the Borough given the growing demand for primary school places and has required an additional 15.5 forms of entry coming on line for this September. I am grateful to the co-operation of local Head Teachers and Governing Bodies in helping us achieve this.

The total number of secondary transfer places offered for year 7 children is 4647 with 100% of Barnet pupils being offered places and 90% of all applicants being offered one of their top three preferences.

Question 33
Councillor Alison Moore
How many people subject to the new Council Tax Support Scheme have been issued with a court summons for non-payment, how many have been evicted and in each case (summons / eviction) how many are classified as disabled?

Answer by Councillor Daniel Thomas
It is Council policy only to issue a summons where the account is two months in arrears or the customer has had more than one reminder. Since the introduction of the Council Tax Support Scheme, of the accounts now brought in to contributing towards their Council Tax, 2903 have been summoned for non-payment.

The Revenues service has endeavoured to be pro-active in making contact with these customers, for example, with outbound calling, to provide advice and support on payment options. If contact is made with the customer in this way or if they call us in response to our correspondence they will be offered the opportunity to pay their instalments over 12 months instead of the usual 10 months. Providing a customer adheres to an agreed arrangement plan, the summons and liability costs are removed at the end of the arrangement.

None of our Council Tax Support customers have been referred to the bailiffs (in recognition of the additional costs they would incur as a result). Instead we have opted to request an Attachment of Benefits from the Department of Works and Pensions as this is recognised as a cheaper alternative for the customer. Of the 2903 accounts we are able to identify 161 accounts as belonging to a customer with a degree of disability in the household. These accounts either have disabled relief applied to them or their benefits claim has a disability premium registered on it.

Unfortunately we do not have an indicator on the Revenues and Benefits systems to flag when a Council Tax Support Scheme customer has been evicted and so cannot report on this.

Question 34
Councillor Maureen Braun
How many new homes and how many new jobs will be delivered by the Council’s regeneration schemes?

Answer by Councillor Richard Cornelius
In total it is expected that over the lifetime of the regeneration schemes over 20,000 new homes and over 30,000 new jobs will be delivered. Within the next 5 years we anticipate that over 3,000 new homes and 450 new jobs will be delivered.
**Question 35**  
Councillor Geof Cooke  
Does the Cabinet Member support closure of tube and over ground rail ticket offices?

**Answer by Councillor Dean Cohen**  
The Council has not received any proposals for closing down tube or rail ticket offices but should it do so we will consider the implications very carefully to ensure that our residents would not be adversely affected.

**Supplementary Question**  
Residents want to know is whether or not you are in favour of complete withdrawal of staffing from any Barnet tube station.

**Answer by Councillor Dean Cohen**  
Answer previously given.

**Question 36**  
Councillor John Marshall  
How does Barnet compare to our statistical and geographic neighbours in London in terms of the number and percentage of young people not in employment, education or training (NEET)?

**Answer by Councillor Reuben Thompstone**  
The latest figures available are for June 2013, and show that Barnet has a lower proportion of 16-18 year olds not in employment, education or training than England, London and our statistical neighbours. While Barnet has a current rate of 3.2%, our statistical neighbours have NEET rates as at June 2013 ranging between 3.3% and 8.0% - Barnet is the highest performing local authority out of all our statistical neighbours.

<table>
<thead>
<tr>
<th>Area</th>
<th>% of 16-18 year olds NEET, June 2013</th>
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<tbody>
<tr>
<td>England</td>
<td>5.9%</td>
</tr>
<tr>
<td>London</td>
<td>4.8%</td>
</tr>
<tr>
<td>Barnet</td>
<td>3.2%</td>
</tr>
<tr>
<td>Mean of statistical neighbours</td>
<td>5.0%</td>
</tr>
</tbody>
</table>

Our strong performance against this crucial measure has of course been supported by the Platforms programme funded from the Leaders £1m Service Priorities Fund for 2012/13. During this period £700,000 has been invested in a range of innovative programmes for 16-24 NEET young people as part of our Platforms programme which saw 225 young people actively taking part in projects and over 70 local employers offering an opportunity to a young person.

**Supplementary Question**  
This answer shows that the prospects for Barnet children are much better than those of our neighbours and the rest of the country. The council is to be commended upon these figures.

**Answer by Councillor Reuben Thompstone**  
This has been due to a lot of hard work from officers in building the partnerships with our local businesses in supporting and promoting enterprises and also the new Platforms Programme so it is quite an accolade for Barnet.
Councillor Andreas Ioannidis
Could the Cabinet Member inform us who has the responsibility in maintaining the car park behind the Brunswick Park Health Centre, and to whom does the land belong?

Answer by Councillor Helena Hart
The freehold of the car park is owned by the Council and falls within the Libraries portfolio. The maintenance of the car park will be undertaken by Property Services.

Councillor John Marshall
The Barnet Alliance twitter feed recently stated that a fire station was soon to be axed. Will the Cabinet Member clear up any confusion?

Answer by Councillor David Longstaff
There are no plans to close any of Barnet’s Fire Stations. Hendon Fire Station has acquired an extra fire engine, which will improve response times.

Supplementary Question
Would the Cabinet Member like to condemn the individuals who made these allegations which caused a lot of heartache to people in this borough?

Answer by Councillor David Longstaff
I agree that people spreading lies on Twitter are not helpful to this borough.

Councillor Alan Schneiderman
Is it not a waste of money to force all residents to have a large recycling bin when the new service starts and then review this next year when there are residents who already know that they can manage with or only have room for a smaller bin?

Answer by Councillor Dean Cohen
The Council is working to provide residents with the same level of capacity for recycling as they currently have for refuse. The provision of the same sized containers for recycling will assist by making it easier for residents to recycle bulkier items such as cardboard and additional materials not currently collected such as mixed household plastic packaging. The large recycling bins will also provide the capacity to achieve higher recycling targets in the medium term, in line with the national target of 50% by 2020. It is intended that the Council will review locations where space is a particular issue during January 2014 and consider providing alternatives, including smaller refuse containers only where the standard container cannot physically be accommodated.

Supplementary Question
Why provide people with a bin that they have got no room for or no need for? Why not provide them with a smaller bin upfront rather than pay to give them a large one and then have to go round and change it three months later?

Answer by Councillor Dean Cohen
The reason why the bins have been rolled out logistically, it is much easier to roll it out in one go. It is also to encourage people to recycle who are not fully recycling now.

Councillor Bridget Perry
Would the Cabinet Member join me in congratulating the Staff and Governors of Foulds Primary School in High Barnet on “Outstanding” status in their recent Ofsted inspection?
Answer by Councillor Reuben Thompstone
I am very happy to join Councillor Perry in congratulating the head teachers, staff, governors, pupils and parents on this truly outstanding result. The new Ofsted inspection framework, which has applied since September 2012, has ‘raised the bar’ considerably, and this is especially the case for schools being considered by inspectors to be ‘outstanding’. It has been more usual since last September for schools to move from ‘outstanding’ to ‘good’, and I know how delighted the head teacher and governors were that their self-assessment was validated by Ofsted inspectors.

Question 41
Councillor Julie Johnson
How many homeless families have been placed outside the Borough since 2009? And for how long?

Answer by Councillor Tom Davey
The table below shows the number of households placed in out of the borough temporary accommodation in each of the financial quarters since April 2009.

<table>
<thead>
<tr>
<th></th>
<th>2009/10</th>
<th>2010/11</th>
<th>2011/12</th>
<th>2012/13</th>
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<td>52</td>
<td>64</td>
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<td>Q3</td>
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<td>68</td>
<td>151</td>
<td>359</td>
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<tr>
<td>Q4</td>
<td>47</td>
<td>102</td>
<td>188</td>
<td>476</td>
<td></td>
</tr>
</tbody>
</table>

Source: P1E

Of the 477 households out of the borough at the end of Q1 13/14, they have been there for an average of 223 days.

Of these 477 households, 367 are in our neighbouring boroughs of Brent, Enfield, Hackney and Haringey. The vast majority of the other households are within London, whilst we have a small number of households outside of London, 5 in Broxbourne and 3 in Luton.

Question 42
Councillor John Hart
Will the Cabinet Member join me in congratulating the organisers of The Princess of Wales’s Royal Regiment’s parade through High Barnet in July, which proved such a successful occasion?

Answer by Councillor David Longstaff
I certainly will. It was an excellent parade and great to see so many residents lining the streets to enjoy the occasion and show their appreciation of the work and bravery of the most decorated of all British Army Regiments.

Supplementary Question
Does the Cabinet Member share my dismay that at an historic event like this, which we shall not see again in our lifetime, there was not one single Labour Councillor?

Answer by Councillor David Longstaff
It was a disappointment that no Labour Councillors turned up for the parade.

Question 43
Councillor Barry Rawlings
How many staff transferred to the Council under TUPE from May Gurney are paid less than the London Living Wage?
Staff are not planned to transfer from May Gurney until the beginning of October. Consequently the final numbers and pay rates on transfer are not yet known. However our due diligence to date indicates that approximately 40 transferring staff are likely to be paid at levels below the London Living Wage.

**Supplementary Question**
In addition to his answer to Q27 to Councillor Moore, that when something goes about the living wage it includes how we deal with people TUPEd in at below the living wage.

**Answer by Councillor Richard Cornelius**
That is something that will have to be resolved at the same time.

**Question 44**
Councillor Rowan Quigley Turner
Can the Cabinet Member update the Council on the introduction of 24/7 traffic lights at Stirling Corner?

**Answer by Councillor Dean Cohen**
As a result of the intervention by local ward councillors from Underhill and High Barnet, and the MP Theresa Villiers, there was a roundtable meeting of interested parties with the Deputy Mayor for Transport. Consequently, the traffic lights have been brought back into 24/7 operation and the number of complaints to councillors have dropped. There do though remain some concerns as to the smooth operation of the junction.

**Question 45**
Councillor Agnes Slocombe
When did the Council agree to allow dumping on the green on Mount Road NW4, why were local councillors not told, and why isn’t the site being cleared regularly?

**Answer by Councillor Dean Cohen**
We certainly do not allow dumping on this green space. We have noted that there have been several recent incidents of dumping which we have removed within 24hrs. We would encourage people to report any dumping they see occurring, in particular taking note of any vehicle registration numbers as this assists enforcement and appropriate legal action.

**Supplementary Question**
Why is that overnight fly-tipping in residential areas with green spaces, it cannot be collected on Saturdays and has to wait until the following week. Is there a special reason?

**Answer by Councillor Dean Cohen**
A written response will be provided.

**Question 46**
Councillor Rowan Quigley Turner
What have been the total costs of Ms Maria Nash’s legal action to the public purse?

**Answer by Councillor Richard Cornelius**
The total cost to the public purse is £5.8m.

**Question 47**
Councillor Alan Schneiderman
Will the Council do what it can to support residents campaigning to reopen The Bohemia, a great community pub in North Finchley which closed suddenly last month, by restricting a change of use which could see it become a betting shop, supermarket or payday lender?
Answer by Councillor Joanna Tambourides
It is very unfortunate that this business has closed and the Council through its efforts as part of the North Finchley Outer London Fund project will do what it can to support the community and the Town Team.

The Council is unable to prevent a potential change of use to a retail outlet (Class A1) or office based uses including betting shops (Class A2) as planning legislation permits such conversions without the need to consent.

Supplementary Question
It is a great regret that The Bohemia pub has closed which was adding a lot to the regeneration of that town centre. Contrary to what was said earlier the council has got more powers than she realises. An Article 4 direction could be issued which would mean that the change of use would have to come to the council rather than just be able to happen automatically and it also could be listed as an asset of community value. Will she actually start standing up for some of our community pubs?

Answer by Councillor Joanna Tambourides
We do have certain powers but we are unable to list pubs in London as community assets. We are unable to change or restrict the classes for planning because they are part of national government legislation. Talking about ‘community assets’ we would have to refer to one of my colleague who deals with that portfolio and then provide a written response.

Also Article 4 directions need the confirmation by the Secretary of State.

Question 48  Councillor Rowan Quigley Turner
A recent Guardian article stated, “The One Barnet campaign shows local democracy is alive and well. Barnet's two-contract agreement will be the first of many such arrangements in the UK that will transform local government.” Would the Leader agree with me that Barnet is leading the way in administrative efficiency to maximise service provision?

Answer by Councillor Richard Cornelius
Barnet is indeed leading the way in developing a model whereby cuts in administrative costs help preserve and enhance service levels, whilst saving the council tax payer from an increased burden.

Question 49  Councillor Julie Johnson
How many people in Barnet subject to the new Bedroom Tax are in arrears and either face eviction or have been evicted for non-payment since the policy was introduced?

Answer by Councillor Tom Davey
There are currently 705 Barnet Council tenant households affected by the under-occupation charge. Of these, 66% are in arrears and 34% are not. Just less than 70% of the increased rent charged as a result of the under-occupation charge has been paid and 30% has not been paid. All those who were identified as being affected by this proposal have been visited by Barnet Homes.

There is a constant movement in households who are under-occupying as their circumstances change. In the last month 100 households either became under-occupiers or are no longer under-occupying their property.
There are currently no affected households subject to either court or eviction proceedings based solely on the under occupation charges.

Officers continue to work with households affected, exploring options such as: mutual exchange, trading down into smaller property, taking in a lodger, taking up employment, paying the charge or applying for a discretionary housing payment where appropriate.

**Question 50**  
Councillor John Marshall  
Would the Cabinet Member comment upon the GCSE and A-Level exam results achieved by the Borough’s students this year?

**Answer by Councillor Reuben Thompstone**  
I am pleased to inform Councillor Marshall that the excellent attainment levels at GCSE that Barnet parents value so much has been consolidated in 2013. In the context of a national fall (the details of which are not available presently) in 5 ‘good’ GCSEs with English and Mathematics, I am pleased to say that overall, almost three – quarters (73%) of Barnet pupils achieved the ‘benchmark’ level, an almost four point and 5.8% increase over the 69.2% achieving this level in 2012. As I said on the week of the results, ‘I would like to congratulate young people across the borough on their GCSE results and also wish them luck in whatever career paths they choose. The GCSE exams are now tougher than ever before, the national picture reflects this – so credit should also go to teachers and school officials around the borough who have made sure that schools in Barnet are of a very high standard’.

With regard to A level results, while there have been several outstanding results reported by individual schools, presently we are awaiting complete information from 10 schools and colleges in order to build an accurate initial picture. I will ensure that this is forwarded onto the Councillor when this is completed which I expect to be able to do by mid September at the latest.

**Supplementary Question**  
These results demonstrate that Barnet have a first class education service which means that the children of the borough can look forward to very good life prospects unlike those in many other local authorities.

**Answer by Councillor Reuben Thompstone**  
Agree.

**Question 51**  
Councillor Arjun Mittra  
Will the Cabinet Member guarantee that no Barnet Libraries will be closed in the next 2 years?

**Answer by Councillor Robert Rams**  
Consistent with Barnet Library Strategy, there are no plans to close any libraries in Barnet in the next 2 years. Officers continue to investigate a number of options for future savings including improved efficiencies and increased income.

**Question 52**  
Councillor Brian Gordon  
It has been reported that there has been a ten percent increase nationally in the number of children adopted. What are the adoption figures within Barnet for the past three years up to date?

**Answer by Councillor Reuben Thompstone**  
The Adoption figures for the last 3 years in Barnet are;  
- 2010/2011 = 9  
- 2011/2012 = 16
The percentage increase from years 2010-13 is therefore 56% in Barnet, well above the 10% increase seen nationally.

In addition, the numbers of Special Guardianship Orders are also increasing. These orders are most commonly used when children are placed within their extended family members and provide a legally secure foundation for building a permanent relationship between the child and their special guardian, while preserving the legal link between the child and their birth family.

**Supplementary Question**
Is it correct to suggest that the figures are quite low in absolute terms; the adoption figures do not seem to be very high for a borough of this size? Are they any particular criteria which vary from one borough to the next in terms of assessing people for eligibility to adopt or is a uniform process across the board?

**Answer by Councillor Reuben Thompstone**
It is worth clarifying in these particular items of data and the initial question is the indicator; the very small numbers that we do have are very much because each local authority, the way they interpret it, each decision is taken on a case-by-case basis and they are as specific as individual cases so the data then can be called into question and the way the different local authorities deal with it would be very much by the way they interpret it.

**Question 53**
Are any Barnet staff on zero hours contracts, and, if so, how many and what are their jobs?

**Answer by Councillor Richard Cornelius**
The Council does not currently have any employees on "zero hour" contracts. The London Borough of Barnet describes a “zero hours contract” holder as an “an individual who is obliged to work all hours/days required by the employer, subject to any restrictions on days/times specified in the employment contract, up to a specified maximum (usually 36) per week.” A casual worker which is also known at the Council as an “as and when” worker is an individual engaged to provide their personal service via a contract for services on an ad hoc basis and is paid by the Council through payroll. The key characteristic that distinguishes the two definitions of worker at the council is the “mutuality of obligation”. In both types there is no obligation on the council to offer any work, however a zero hours contract holder would be obliged to provide work (subject to the terms of the contract) when required by the council whereas a casual worker may refuse work that is offered by the Council. Individuals are not engaged at the London Borough of Barnet on zero hours contracts although individuals are engaged as casual workers. I can confirm that the Council has not used zero hours contracts since 1 April 2010. The Council does not hold information on zero hours contracts prior to 1 April 2010.

**Question 54**
Will the Cabinet Member join me in expressing relief that the proposal to establish a very large free school in the Broadfields section of Edgware and temporarily in The Fairway section of Hale has been discontinued? Will you also join me in emphasising that objections were purely a matter of highways concerns and logistics and absolutely nothing to do with the quality and profile of the school itself?
Answer by Councillor Reuben Thompstone
As a temporary site for the Avanti House school has now been secured, the proposal to utilize the Northway/Fairway site is no longer being pursued by the Department for Education. The Council’s understanding is that a permanent location for the school has not yet been announced. I can confirm that the concerns raised by residents and others in both of the potential locations in Barnet were related to logistics, particularly in accommodating the size of school proposed. The Council continues to welcome Free Schools into the borough and looks forward to the opening of three new free schools at the start of this academic year.

Supplementary Question
We know that it was only a logistical thing in relation to this school which caused the objection to it but as we know a permanent location for this school has still not been found and there are rumblings of concern in my Ward and Edgware Ward that there could be another made for this school to come within that part of the borough and I wonder whether we are prepared to use whatever methods we can, tactfully, to try to stop that happening for logistical reasons?

Answer by Councillor Reuben Thompstone
Free schools as a principal are supported but it is the burden of the individual school to be able to find an adequate location and to be able to get the required planning permission.

Question 55
Councillor Arjun Mittra
Does the Council encourage "guerrilla" gardening in parks and small green spaces?

Answer by Councillor Dean Cohen
Guerrilla gardening is done on land that is usually abandoned or neglected by its legal owner. This land is used by guerrilla gardeners to either raise plants or plant flowering plants and shrubs to beautify an area, such as a triangle in the middle of busy roads. Many of these areas are planted at night.

Our parks and open spaces are managed and maintained by the Greenspaces Team, so we would not encourage “guerrilla gardening”. If residents want to get involved in enhancing their local parks and open spaces then they can join an existing or start up a friends of the park or open space group. Barnet encourages residents to become part of an ‘adopt-a-place’ scheme either in parks or streets, where residents would take over the care of shrub / rose beds and work in partnership with the Greenspaces team to improve and maintain these adopted areas.

Question 56
Councillor Brian Gordon
Local Police have been warning the public about bogus police telephone callers asking people for their bank or credit card details and also using mechanical abuses of the telephone system to deceive people into believing they have genuinely telephoned the police. Has the Council taken a role in publicising these dangers?

Answer by Councillor David Longstaff
The Council does publicise scams and frauds via our website at:
http://www.barnet.gov.uk/info/930210/scams/1111/scams

Our website also includes a link to Action Fraud, who are the UK’s national fraud reporting centre.

Supplementary Question
What extent do we feel that problems of scams and threats to the public are our responsibility as opposed to that of the police? Whist it is a balancing act, but would we be more upfront in being seen to be advising the public with regard to the kind of problems previously identified?
Answer by Councillor David Longstaff
These scams come along for two or three months and then the next one moves along and it is agreed that the borough should do more to publicise them. Currently they go out through the MPS through neighbourhood watch and various other bodies and we try to warn those most vulnerable through Care for the Elderly, etc. Point taken and propose to make those dreadful scams that ruin people’s lives more widely known.

Question 57 Councillor Andreas Ioannidis
How many people have presented to the Council as homeless in the past three months?

Answer by Councillor Tom Davey
In Q1 2013/14 there were 271 homeless presentations, which is very much in line with the same quarter of the previous year (279 presentations).

Question 58 Councillor Julie Johnson
There are a number of non-secure tenants living on the regeneration estates who have lived there for over 10 years and have put down roots in the local community. How will they be treated under the recent changes to the housing allocations policy when it comes to re-house them?

Answer by Councillor Tom Davey
Non-secure tenants will be provided with assistance from Barnet Homes to find alternative accommodation elsewhere in the borough. The area which non-secure tenants will be moved to will depend on which properties are available at the time they need to move. We will try to provide, but cannot guarantee, alternative accommodation in the tenant’s chosen area and also to minimise any disruption to the tenant’s work or school.

Question 59 Councillor Barry Rawlings
Does the Council's pension fund invest in drinks companies and, if so, how much?

Answer by Councillor Daniel Thomas
The Council’s investment in alcoholic drinks companies is as follows:

Schroders
Maturities Corporate Bond fund: 0.04% of total portfolio
Life Diversified Growth Fund: 0.7% of total portfolio

Question 60 Councillor Alan Schneiderman
Is the Cabinet Member concerned about the prospect of fracking taking place in Barnet?

Answer by Councillor Dean Cohen
Officers are not aware of any proposals for “fracking” in Barnet and do not anticipate any in the future. In the case that a proposal for “fracking” did come forward, the necessary approvals / consents / licenses would need to be granted.

Supplementary Question
From the answer, is Councillor Cohen not concerned about ‘fracking’ taking place in Barnet?

Answer by Councillor Dean Cohen
At present I am not concerned.
Question 61  
Councillor Geoff Johnson
How many food banks are currently operating in the Borough and where are they operating?

Answer by Councillor Richard Cornelius
There are two Barnet food banks organised under the Trestle Trust:

The Salvation Army
Barnet Corps
Albert Road
East Barnet
Barnet
EN4 9SH

Novo Centre
The Concourse
Graham Park
Colindale
London
NW9 5XB

Others are organised in neighbouring boroughs, whilst some religious organisations also offer food.

Question 62  
Councillor Andreas Ioannidis
Could the Cabinet Member tell us when the dust levels from the Oakleigh Road South Railway Yard were last tested, what were the weather conditions at the time of testing, and what were the results of those tests?

Answer by Councillor Joanna Tambourides
Environmental Health respond to complaints of dust where these might constitute a nuisance under the Environmental Protection Act 1990. In order for dust to be a statutory nuisance, significant quantities must be entering a resident’s property, and affecting their enjoyment of it. On receiving a complaint we do not do testing, but visit to witness the effect and quantity of any dust, and take action as required, based upon professional judgement of whether there is a statutory nuisance.

In the specific case of the railway sidings at Oakleigh Road South, there are two waste transfer sites where dust may arise. These are regulated by the Environment Agency. The Waste Management Licences for the sites have conditions of operation. These are likely to include provisions to damp down waste sorting operations to reduce dust. Should a resident have concerns relating to the waste transfer sites then they must contact the Environment Agency in the first instance on 0800 807060 as they are the enforcing Authority, not the Council. As soon as vehicles leave the site and go on to the service road and then the public highway, then the Environment Agency cannot take action. Vehicle movements are not covered by the Waste Management Licence. Environmental Health has no enforcing powers to restrict dust arising from vehicles on roads. However The Council can take action if there are bonfires on site as this is an offence under the Clean Air Act 1993.

One of the companies, Winters, have a vehicle that wets down the private service road only. It is not roadworthy for the highway.

In May of this year, the Council’s Street Cleansing Team was asked to consider the need for more frequent cleaning of road and pavement regarding the grit in Oakleigh Road South. The road and pavement are presently manually swept every six weeks as part of our residential cleansing programme and the road is mechanically swept once a week as well. We are at present liaising with all the parties in the service road and asking them to sweep the road daily.
Question 63
Councillor Alison Moore
Will the Council lobby Transport for London (TfL) to re-instate the bus stop that was removed on Cricklewood Lane to a position close to Virgin Active and the nearby pedestrian facilities?

Answer by Councillor Dean Cohen
The zebra crossing on Cricklewood Lane was introduced in 2010 in response to a history of pedestrian related accidents along this stretch of Cricklewood Lane. Due to residents’ concerns raised at the time, Officers looked at relocating the bus stop in consultation with the Police and London Buses. Unfortunately, due to a number of safety concerns raised within a Road Safety Audit, support by the Police and London Buses, it was not deemed possible to relocate the stop. Safety concerns related to the limited feasible locations available, their proximity to junctions and sight lines for motorists and pedestrians. At the time the remaining stops fell within the desired distance of 400m from local properties, which were deemed acceptable.

Officers will contact London Buses and the Police to enquire whether any further consideration will be given to this matter.

Question 64
Councillor Barry Rawlings
How will commissioning and contracts signed under Section 75 in Health and Social Care be scrutinised by Members?

Answer by Councillor Helena Hart
Separate (but similar) overarching Section 75 Agreements cover both Adults’ and Children’s services. Cabinet Resources Committee delegated authority to agree the full scope and finances of both Section 75 Agreements to the relevant Cabinet Members, who have now approved both Agreements. Additional schedules to the over-arching Agreement covering specific service areas are agreed by way of Delegated Powers Reports which will set out the partnership flexibility(ies) being used (Lead Commissioning, Pooled Budget, Integrated Provision); the partners’ financial contributions and the objectives and outcomes to be achieved.

If the Council acts as the Lead Commissioner for a service covered by the Section 75 Agreement, then the Council’s Contract Procedure Rules will apply and any procurement activity will be authorised and reported in line with the Council’s Scheme of Delegation.

The Health and Well-Being Board (HWBB) has identified, within its Terms of Reference, the responsibility for promoting and overseeing the use of Section 75 Agreements between the Council and the NHS and has established a standing sub-group – namely the Health and Well-Being Board Finance Group. The minutes of their Meetings are formally reported to each HWBB Meeting. Business Cases for additional schedules to the overarching Section 75 Agreements will be considered by this group and performance of both S75 Agreements and the contracts covered by them will be scrutinised by Annual Reports to the Finance sub-group of the Health and Wellbeing Board, of which the Director for People is the Chairman and of which the Chief Officer of Barnet CCG is a member.

The Health and Wellbeing Board’s work can be scrutinised by the Health Overview and Scrutiny Committee and of course the provision of social care services covered by the Section 75 Agreements can be scrutinised by the Safeguarding Overview and Scrutiny Committee if there are any concerns regarding quality and safety and similarly the healthcare related aspects through Health OSC.
Question 65
Councillor Andreas Ioannidis
How many evictions of emergency/temporary accommodation tenants has Barnet Homes agreed in the last year, and how many of them received a notification letter less than two weeks prior to the eviction date?

Answer by Councillor Tom Davey
Vacancies for Emergency Temporary Accommodation from lettings agents come in on a daily basis and are purchased on a nightly basis. The tenants are given a license agreement and it is intended that this accommodation should be provided for short periods while their case is being investigated and/or until more suitable accommodation becomes available.

Accommodation placements are cancelled for a variety of reasons, including abandonment of accommodation, rent arrears, anti-social behaviour, negative homeless decisions and where alternative accommodation has been found.

There were approximately 300 cancellations in Quarter 1 2013/14 and the majority of these were for placements where households had moved into alternative accommodation. Where negative homelessness decisions are made, households are given two week’s notice prior to the cancellation of their placement. Barnet Homes do not evict tenants from this type of accommodation itself as the lettings agents perform this function.

Question 66
Councillor Barry Rawlings
In the June 2013 analysis of budgetary decisions 2010-13, the Children's Commissioner and Landman Economics concluded that ‘families with children have lost more as a result of the economic policies modelled than those without children and some of the most vulnerable groups have lost the most.’ Does the Leader join us in condemning this attack by the Coalition Government on the most vulnerable?

Answer by Councillor Richard Cornelius
The Coalition Government is tackling welfare reform as a matter of priority. At a time of financial difficulty in the public sector it is important that we help the vulnerable, but bring fairness to a complicated and potentially corrupt system.

Supplementary Question
Can an explanation be given regarding the Leader’s answer when he says the welfare reforms are about fairness, given that the study showed that with children, it is the most vulnerable children that have suffered the most; can he explain the use of the word ‘fair’?

Answer by Councillor Richard Cornelius
The welfare system in this country is a shambles, a national disgrace. The last Labour government failed to reform it. It is essential that it is reformed for the nation’s economic wellbeing, the dignity of the poor and the economy of the tax-payer.

Question 67
Councillor Barry Rawlings
Will Barnet Council assist in finding new premises in Barnet High Street for Healthy Planet Free book store to continue its fantastic work? [Healthy Planet has been running a book store in the old WH Smith shop at the entrance of The Spires Shopping Centre. People bring them books and take out books and it's all free. You can keep the books, or pass them to friends or take them back and take more. Over 75000 books have gone through this process. It's a brilliant community minded project, it's helping the environment and educating people].
Answer by Councillor Robert Rams
The Council does not own any retail units in High Barnet, but Property Services will be happy to investigate the opportunities available to assist the project in finding alternative accommodation.

Question 68  Councillor Andreas Ioannidis
Can the Cabinet Member confirm that there are no plans at the moment to develop NLBP and the surrounding land for housing?

Answer by Councillor Joanna Tambourides
There are no current proposals to develop NLBP and the surrounding area.

Question 69  Councillor Barry Rawlings
Are any of NSL staff providing a service in Barnet paid less than the London Living Wage and if so how many?

Answer by Councillor Richard Cornelius
26 members of staff within NSL (out of 48 enforcement staff) are paid a basic wage which is less than the London Living Wage. All staff are able to opt into shift patterns or different rotas which does enhance their salary on a regular basis.

Question 70  Councillor Barry Rawlings
Does Barnet Council monitor staff emails and how many requests to do so has it agreed to since May 2010?

Answer by Councillor Richard Cornelius
Staff emails are not generally monitored. However, the IT Acceptable Use Policy states “The Council may, for authorised monitoring purposes, [...] read any email, and attachment drafted, sent or received at work [...] in particular to check policy compliance”. We do not keep a central record of any monitoring that may have taken place.

Question 71  Councillor Brian Coleman
Will the Cabinet Member update the Council on recent developments with the Police Inquiry into Swaylands School? Will he set up an Independent Inquiry into suggestions that Barnet Council "hushed the matter up" in the period leading up to the closure of the School in 1994?

Answer by Councillor Reuben Thompstone
There is a current and on-going police investigation into Swaylands school which was closed by the Council in 1994. There have been a number of victims who have come forward to speak to the Police and subsequently some arrests. Running parallel to the police investigation, the Council has commissioned the Lucy Faithful Foundation, an independent and specialist organisation to review how the Council responded to the allegations of abuse in 1993 which led to the arrest and conviction of two staff members, together with a review of the current systems and frameworks that exist to safeguard children placed by the Council in residential schools or homes. In addition, the Lucy Faithful Foundation will provide support, information and guidance for any ex-pupils of Swaylands School who require it in conjunction with the Police. It is not possible to make comment on a ‘live’ police investigation. However the Lucy Faithful Foundation is due to report on their findings in September and it is planned that the outcomes from this will be reported to Safeguarding Overview and Scrutiny Committee.
Question 72  
Councillor Brian Coleman  
What is the current status of “Belmont petting Zoo”?

**Answer by Councillor Daniel Thomas**  
Planning permission was granted in June 2013 for the relocation of the unauthorised children’s farm to the indoor riding centre at Belmont Farm. This followed an appeal against the enforcement notice served in respect of the original children’s farm, which was dismissed by the Planning Inspector. Officers are in discussion with the owner to agree a timescale for the relocation.

Question 73  
Councillor Brian Coleman  
How many farms does the Council currently own and what plans are there for disposal?

**Answer by Councillor Daniel Thomas**  
The Council currently own 6 holdings which are let on Agricultural Tenancies; there are also 3 vacant holdings. Any applications to buy the freehold of these areas are considered on an individual basis. The land at Burtonhole Lane has recently become vacant and has been marketed for lease or sale. The outcome of the marketing will be reported to Cabinet Resources Committee on 24th September 2013.

**Supplementary Question**  
Bearing in mind that these mainly exist in my Ward and Mill Hill Ward and the land was originally purchased by the council pre-war for housing development, can the Cabinet Member give some idea of what the strategy is a) to dispose of these holding and b) to dispose of them in a way the will prevent them from being used for housing development.

**Answer by Councillor Richard Cornelius**  
It will be of paramount importance that these are preserved as a living lung for north London and it will be completely inappropriate to have urban sprawl on the farms. They are needed for agricultural purposes. That’s what they are for and any marketing of them will need to make sure that it preserves them as farms.

Question 74  
Councillor Brian Coleman  
How many pictures currently form part of the Council Art collection and what is their estimated value?

**Answer by Councillor Richard Cornelius**  
One can not value many of the art works other than with regard to the amount that would be realisable in a sale. I suspect portraits of past council dignitaries would not be easily sold.

**Supplementary Question**  
The Apthorp Fund used to purchase picture with their money from local artists which were donated to council, so these pictures are all sitting in store rooms somewhere and therefore could a proper audit and investigation be undertaken to find out whether they are in the attic, where all this stuff is and whether it can be disposed of.

**Answer by Councillor Richard Cornelius**  
Yes.

Question 75  
Councillor Brian Coleman  
How many times since 2010 has the Council hired private investigators and for what purposes?
Answer by Councillor Richard Cornelius
The Council has not directly hired private investigators however we are aware of our insurance company carrying out investigations in relation to personal injury claims on two occasions.

Question 76
Councillor Brian Coleman
Could Councillor Cohen outline what consultation took place with local residents and Ward Councillors before a closure of the public footpath behind properties in Lime Grove N20 was agreed?

Answer by Councillor Dean Cohen
Planning permission was granted with an expectation that access to the site was going to be via the rear of the community centre at Badgers Croft, however post granting of planning permission, this access route was rescinded by the land owner and as a result it has been necessary to identify an alternate route to the site. Lime Grove was considered but was unsuitable for the type of vehicles that would need access to the site. Therefore the only route into the development was via the footpath adjacent to Lime Grove. An urgent local agreement had to be arranged and the affected properties adjacent to the footpath were contacted by the developer and advised that this path will be used for the extraction of spoil from the site. The duration of the closure will be up to 4 months. An alternative safe route for pedestrians is via Lime Grove which does not involve much inconvenience for pedestrians as it is adjacent to the closed footpath.

Question 77
Councillor Brian Coleman
Has the policy been changed on replacing odd paving stones with ugly patches of black asphalt? If not, why is this occurring in town centres (such as Temple Fortune), where much has been spent laying proper paving stones?

Answer by Councillor Dean Cohen
There has been no policy change in regards to the replacement of paving stones with asphalt. London Borough of Barnet Highways will always attempt to replace on a like for like basis when undertaking works.

The use of a flexible material near trees is proven method that is used widely by Highway Authorities to combat root heave problems and remove the risk of trip hazards caused by paving stones being lifted by surface bound tree roots.

Supplementary Question
There are increasing numbers of patches of black asphalt appearing across the borough, many in the high streets that have been re-paved at great expense with proper paving stones. Can officers be asked to put a stop to this and ensure that where paving stones existed before, paving stones replace them?

Answer by Councillor Dean Cohen
An assurance was given however often the reason why asphalt is laid is to make the pavement safe until it can be repaired correctly with slabs.

Question 78
Councillor Brian Coleman
How much has been spent littering the Borough with unused cycle stands and how do these obstructions fit in with the aim of decluttering the street scene and improving life for the visually impaired and disabled?

Answer by Councillor Dean Cohen
Recently provided cycle parking has included stands provided using £16,057 Local Implementation
Plan (LIP) funding at locations identified from cycle parking requests made via the London Cycling Campaign or direct to the council, and stands delivered in conjunction with specific projects such as recent Outer London Fund schemes. As with all street furniture, potential impact on all road users is taken into account when considering appropriate locations. A lack of secure cycle parking is a barrier to increasing levels of cycling and a pro-active provision may be particularly needed where de-cluttering has removed opportunities to park informally.

Supplementary Question
It is all very well saying that it is not Barnet tax-payers’ money that is paying for these unused cycle stands but it is still tax-payers money.

Answer by Councillor Dean Cohen
It is not a waste of money if people in this borough want to cycle and we should be supporting that.

Question 79
Councillor Brian Coleman
Will the Cabinet Member explain to the Council the circumstances in which Ms Nicola Francis, Barnet's new Family Services Director, left her last employment at Pembrokeshire County Council?

Answer by Councillor Richard Cornelius
This appointment falls under the Head of Paid service. Full references were taken up with the previous employer.

Supplementary Question
Would the Leader agree that this is not a satisfactory answer because it does not address the facts?

Answer by Councillor Richard Cornelius
No, I do not agree with the Councillor.

Question 80
Councillor Brian Coleman
Does Councillor Cohen intend to purchase an electric car? If he does, that would make 352 in the whole of Greater London and would Councillor Cohen then consider that would justify spending Council tax payers money on more than the 6 existing charging points in the Borough?

Answer by Councillor Dean Cohen
Councillor Coleman, I am half way there as I own a hybrid and once they come out with an electric car that is suitable for my growing family I will consider it.

Following a bid for funding through the Local Implementation Plan (LIP) an allocation of £50,000 has been confirmed by Transport for London (TfL) for this financial year under the heading of Electric Vehicle Charging Points “EVCPs to be introduced in Car Parks.

Supplementary Question
There are only 352 electric cars in the whole of London, so why are we spending public money on trying to install charging points when there are probably fewer than 20 vehicles in the London Borough of Barnet.

Answer by Councillor Dean Cohen
Just like with anything, if the infrastructure is not there people are not going to start using electric cars. So this is to encourage people to use electric cars.
Question 81

Councillor Brian Coleman

Can the Leader confirm that the Barnet Officer / Member protocol can only apply to employees of the London Borough of Barnet?

Answer by Councillor Richard Cornelius

The Protocol is contained within the Constitution which guides Members and Officers in their dealings and therefore applies specifically to Officers of the Council. In relation to private partnerships, in particular the New Support and customer Services organisation (NSCSO) and Development and Regulatory Services (DRS) contracts, the constitution is referred to within the main terms and conditions of these contracts as an Authority Policy that the contractor/partner and its sub-contractors must comply with. The principles the protocol sets out on dealings and relationships would be a good starting point for other public service bodies coming into contact with Members.

Supplementary Question

Does this not drive another ‘coach and horses’ through the whole outsourcing arrangement with Capita if officers employed by Capita, many of whom are former council officers, are not subject to the Officer / Member protocol.

Answer by Councillor Richard Cornelius

It is very important that all members of staff, whether they work directly for the council or work for a contractors employed by the council are protected and they are not subject to abuse, etc., and I think it is a very sensible method put forward.

In answer to the direct question: no.
Council: Tuesday, 5 November 2013

Administration Business Item: Councillor Helena Hart

Breast Screening at Finchley Memorial Hospital

Council is appalled by the fact that the Mobile Breast Screening Unit was removed from its customary site at Finchley Memorial Hospital without any prior notice, discussion or consultation with stakeholders.

Council is adamant that such a situation cannot possibly be permitted to be repeated and welcomes the “Lessons Learned Report” requested by the Health and Wellbeing Board and the urgent implementation of any actions recommended as a result.

Council notes that due to the concerted efforts of both Mike Freer MP and the Chairman of the Health & Wellbeing Board, from the moment the situation became known and with the firm support of all members of the Health and Wellbeing Board and the Chairman of the Health Overview & Scrutiny committee, NHS England has been persuaded to underwrite the costs involved in returning the Mobile Unit to the FMH site from 1st November 2013. It has also been agreed that new Letters of Invitation are due to be sent out to all those residents of the Borough who had previously been re-directed to St. Michael's hospital in Enfield.

Council recognises the long standing and on-going negotiations with the NHS led by Mike Freer MP and the Cabinet Member for Public Health - with the full backing of all members of the Health and Wellbeing Board and the Health Overview and Scrutiny Committee - for the provision of a static Breast Screening Unit at FMH.

Council welcomes both the North London Breast Screening Service and NHS England’s commitment to working towards providing this static unit at Finchley Memorial Hospital and requests the Cabinet Member for Public Health, with the backing of the Chairman of the Health Overview and Scrutiny Committee, to do everything in her power to take forward these negotiations.
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Opposition Business Item: Councillor Alan Schneiderman

Re-cycling Bin Fiasco

Council notes that the new re-cycling service has started in utter chaos, with no contract signed in time to handle re-cycled waste, 11,000 new re-cycling bins not delivered in time for the official start of the new re-cycling service by the private contractor, complaints about the number of bins people are left with and rubbish piled high outside homes.

Council notes in particular, that even though the Cabinet Member is reportedly “apoplectic” at the failure of SSI Schaeffer to deliver the new bins on time, the council is said to be only “considering” imposing a financial penalty for non-compliance under the contract – despite the disruption this has caused to local residents.

Council believes that the whole saga has been a complete fiasco, and a lesson in how not to do things – including in not holding private contractors to account.

Council calls on the Cabinet Member to get a grip, and impose the financial sanctions the council is allowed to under the contract, and immediately review the number of bins needed in each property so those who wish to share a bin or wish to have a smaller bin can.
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In light of the cancellation of the procurement project by the North London Waste Authority which has reportedly cost the Council Tax payers of the 7 North London Boroughs £21 million and the resulting chaos and confusion, Council establishes an urgent Scrutiny Committee to examine the following issues:

1) The future of the NLWA and whether it is in Barnet's best interests to remain a member or for Barnet to become a Waste Disposal Authority.

2) The role of the Chairman and Officers of the NLWA in driving forward the failed procurement and the advice given by the NLWA's advisors.

3) The future use and ownership of the Pinkham Way site in the light of the failed procurement and the continuing need for a Barnet Council depot.

4) The future of London Waste Ltd as a Local Authority owned company.

5) The robustness of the finances of the NLWA, in the light of the change of policy.

6) The need for waste facilities in Barnet including the proposed facility in the Brent Cross / Cricklewood development and the future of the Summers Lane site.

Council requests the Worshipful the Mayor, with his extensive experience as a member of NLWA (until removed in 2008) and as a former Director of London Waste Limited to Chair the Committee and to report back to Council by April 8th 2014.
Council: Tuesday, 5 November 2013

Non-Executive Business Item: Councillor John Marshall

Teachers' Strike

Council condemns the NUT and NASUWT led teachers’ strike of 17th October 2013 and regrets its impact upon pupils and parents in the Borough.

Council regrets that as a result of this strike 76 schools in Barnet and 3,500 nationally were either partially or fully closed. This meant a lost day of learning for many of our children and an emergency childcare bill of £1.2 billion for hardworking and often hard-pushed families. Council does note that 31 of our schools remained fully open and welcomes this fact.

Council expresses its concern at the unions’ threat of a national teachers’ strike before the end of the autumn term, believing that this would be damaging to the residents of Barnet. Council therefore calls upon the unions to reconsider this action.

Council further notes that the public does not support the strike action, with 70% of respondents to a recent poll opposing strike action by teachers and with more than six in ten also in favour of performance-linked pay.

Council believes that Barnet has talented and dedicated teachers and that their skill and endeavour should be reflected in their earnings. Council also believes that the Borough’s strong school system can be furthered and highlighted by the Government’s reforms.

Council therefore calls on the Cabinet Member for Education to work closely with the Borough’s schools to support them in implementing the reforms and offer what assistance the council can in keeping as many schools open in the event of a strike as possible.

*Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.*
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Illegal subletting of Council accommodation

Council welcomes the enactment of the Prevention of Social Housing Fraud Act 2013; legislation that makes the unlawful subletting of council owned accommodation a criminal offence.

Council notes that upwards of 100,000 council homes are being unlawfully sublet nationally, costing the taxpayer some £2 billion each year. Council further notes that there are more than 60 active cases under investigation in Barnet with a further 72 properties having been recovered in the last two and a half years.

Council firmly believes unlawful subletting to be utterly wrong, not least at a time when there is a shortage of housing – relegating those families being denied a home by this fraud to temporary accommodation, at an average cost of £18,000 per year.

Council therefore encourages anyone engaged in unlawful subletting to take advantage of the council’s present amnesty, which runs until the 15th November 2013, and return the keys to the council.

Beyond this date, Council asks the Leader and the Cabinet Member for Housing to ensure that Barnet Homes Tenancy Fraud Team and the council’s Corporate Anti-Fraud Team (CAFT) work together to enforce the legislation, returning abused property to the available stock, recovering the taxpayer’s money and pursuing those who have conspired to deny housing to those in greatest need.

Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.
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Council: Tuesday, 5 November 2013

Non-Executive Business Item: Councillor Andreas Tambourides

Morphou

Council notes the recent visit of Members of the Council, including the Mayor and the Leader, to Barnet’s twinned town of Morphou.

Council calls on the Mayor and the Leader to write to the Foreign and Commonwealth office reporting on this visit and expressing Council’s shock at what was witnessed, including its horror at the desecration of graveyards and monuments by the Turkish occupying forces.

Through this correspondence, Council further asks Her Majesty’s Government to put pressure on Turkey to relinquish the occupied territory in the northern part of Cyprus, before the heritage of Greek Cypriot civilisation there is eradicated.

*Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.*
Supporting ‘mixed’ and sustainable high streets through planning

Council notes that on 9th May 2013 the Government laid before Parliament *The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013* which came into force on 30th May 2013 and changed the rules on high street planning without any parliamentary debate.

Council notes that the new rules mean a number of types of business will no longer have to apply for permission to convert a building for a new business use. This will make it easier for payday lenders, betting shops, fast food restaurants and the other businesses to continue their sprawl along the high streets and will make it harder for councils and communities to have a say in the future of their town centres.

Council notes that LB Southwark is now using Article 4 in planning legislation to control the proliferation of betting shops, payday lenders and pawnbrokers in their high streets in order to ensure there is a balanced mix of businesses in their Borough, and to help people avoid ‘debt traps’. Under restrictions LB Southwark have introduced, the type of business - except where the current use class is already an A2 business - operating on a site cannot be changed without submitting a new planning application to the council.

Council notes the growing number of betting shops, payday lenders and pawnshops in particular local areas, including in Hendon Central, and requests that Cabinet investigate ways of using Article 4 to restrict permitted development to ensure our local high streets are mixed, sustainable and are not encouraging local people into the trap of debt.

*Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.*
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Council notes that Small Business Saturday is taking place right across the country for the first time on Saturday 7th December 2013.

Council also notes Small Business Saturday, which was introduced in the UK by Shadow Business Secretary, Chuka Umunna, and is supported by the Prime Minister, is a national grass roots campaign to encourage people to shop locally and support small businesses in their communities on the day and beyond.

Council further notes that the Federation of Small Businesses (FSB) is a supporter of Small Business Saturday and wants to make sure as many small businesses as possible maximise the opportunities Small Business Saturday will create.

Council calls on Cabinet to support Small Business Saturday on the 7 December, by helping promote any local events taking place and by agreeing free parking throughout the day to help encourage local shopping on the day.

*Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.*
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Council: Tuesday, 5 November 2013

Non-Executive Business Item: Councillor Alison Moore

Financial Transactions Tax

Council notes that:
- Local government will see real term cuts in central grant of around 30% over the 2010 Comprehensive Spending Review period, meaning a cut of £6bn in annual grant by 2015;
- Extending the current Financial Transaction Tax on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year; and
- At least 11 European nations including France, Germany, Italy and Spain are moving ahead with Financial Transaction Tax on shares, bonds and derivatives estimated to raise £30bn a year.

Council believes that:
- Revenues from the Financial Transaction Taxes could help repair the damage caused by cuts in public services since 2010;
- Local government deserves to receive a significant proportion of Financial Transaction Tax revenues, making an important contribution to both capital and revenue expenditure and that;
- Whilst an Financial Transaction Tax might have a negligible effect on jobs in the City of London, investing Financial Transaction Tax revenues in a smart and progressive way would see a significant increase in employment levels in other sectors.

Council believes that the UK government should extend the current Financial Transaction Tax on shares to other asset classes, such as bonds and derivatives.

Council asks the Leader to:
- Write to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State for Communities and Local Government stating this council’s support for extending Financial Transaction Tax; and
- Write to all local MPs outlining the Council’s position.

Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.
Council: Tuesday, 5 November 2013

Non-Executive Business Item: Councillor Barry Rawlings

Supermarket Levy

Council notes that the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less that £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.

Council notes that if this power was acquired it would present the opportunity to raise further revenue for the benefit of Barnet’s local communities, should the administration wish to use it.

Council asks Cabinet to submit the proposal to the government under the Sustainable Communities Act and also asks Cabinet to work together with Local Works to gain support for the proposal from other councils in the region and across the country.

_Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting._
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Council: Tuesday, 5 November 2013

Non-Executive Business Item: Councillor Daniel Seal

Basement Development Assessment

Council notes that the number of applications for basements in the Borough is increasing, and is likely to increase given pressures on space and land value; and that such development has significant implications for the Borough, in particular in respect of flooding. Council is aware that national policy in the form of the NPPF requires planning policies and decisions to take account of ground conditions and land instability, following submission by developers of adequate site investigation information. Council is further aware that its Supplementary Planning Document: Residential Design Guidance of April 2013 requires details of soil and drainage to accompany applications for basement development and that ground water conditions at neighbouring properties should not be adversely affected by it.

Council notes that London Borough of Camden has for several years required basement development impact assessments to be submitted in accordance with a methodology set out in geological, hydrogeological and hydrological guidance for subterranean development prepared for the Borough by Arups.

Council therefore asks its Planning Service to:

Advise it on the steps required to be taken to work towards the adoption of a Council policy which more clearly gives effect to the general principle that basement proposals shall where appropriate be accompanied by basement impact assessments and that, if such assessments fail to exclude the risk of unacceptable impacts to neighbouring groundwater once appropriate mitigation measures are taken into account, planning permission should be refused; and

Confirm that pending the adoption of clearer policy on this issue, the Council will give appropriate consideration to the above general principle in relation to applications for planning permission before it.

Under Council Procedure Rule, Section 1, Standing Order 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.
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Report from Cabinet
24 September 2013

Members Present:-

Councillor Richard Cornelius (Chairman)
Councillor Daniel Thomas (Vice-Chairman)

Councillor Tom Davey  Councillor Robert Rams
Councillor Helena Hart  Councillor Joanna Tambourides
Councillor David Longstaff  Councillor Reuben Thompstone
Councillor Sachin Rajput

Also in attendance

Councillor Hugh Rayner
Councillor Julie Johnson
Councillor Brian Salinger
Councillor Brian Coleman

Apologies for Absence

Councillor Dean Cohen

1. SAFEGUARDING IN BARNET

For the reasons set out in the Cabinet Member’s report,

RESOLVED

1. Cabinet requests full Council to note the content of this report which outlines governance arrangements and activity as it relates to the Council and partners’ safeguarding responsibilities.

2. That Cabinet notes the progress made in relation to safeguarding since last year.

3. That Cabinet requires an annual report on safeguarding to continue to be submitted to Cabinet and Council.

4. That Cabinet requires that safeguarding across the Council and partners continues to be strengthened through the full engagement of all providers of health services, including through the Health and Wellbeing Board.
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Meeting
Date
24 September 2013
Subject
Safeguarding in Barnet
Report of
Cabinet Member for Education, Children and Families
Cabinet Member for Adults
Cabinet Member for Safety and Resident Engagement
Cabinet Member for Public Health
Summary
This report provides Members with an overview of governance arrangements and activity as it relates to the Council’s safeguarding responsibilities.

Officer Contributors
Kate Kennally, Director for People
Dawn Wakeling, Adults and Communities Director
Karen Jackson, Assistant Director, Adult Social Care
Ann Graham, Assistant Director Social Care, Family Service
Sue Smith, Safeguarding Adults Manager
Teresa DeVito, Interim Head Safeguarding and Quality Assurance, Family Service

Status (public or exempt) Public
Wards Affected All
Key Decision No
Reason for urgency / exemption from call-in Not applicable
Function of Executive
Enclosures
Appendix 1: The governance of safeguarding in Barnet
Appendix 2: Further information on the key safeguarding governance structures in Barnet

Contact for Further Information: Gail.Jackson@barnet.gov.uk
Tel: 0208 359 7682
1 RECOMMENDATIONS

1.1 Cabinet requests full Council to note the content of this report which outlines governance arrangements and activity as it relates to the Council and partners' safeguarding responsibilities.

1.2 That Cabinet notes and comments on the progress made in relation to safeguarding since last year.

1.3 That Cabinet requires an annual report on safeguarding to continue to be submitted to Cabinet and Council.

1.4 That Cabinet requires that safeguarding across the Council and partners continues to be strengthened through the full engagement of all providers of health services, including through the Health and Wellbeing Board.

2 RELEVANT PREVIOUS DECISIONS

2.1 Cabinet 18\textsuperscript{th} April, 2013, Decision item 8: ‘Children and Young People’s Plan 2013-16’.

2.2 Cabinet 17\textsuperscript{th} July 2012, Decision Item 6: ‘Safeguarding in Barnet’ (Report of Cabinet).

2.3 Council, 12\textsuperscript{th} July 2011, Decision Item 4.1.1: ‘Safeguarding in Barnet’ (Report of Cabinet).

2.4 Cabinet, 15\textsuperscript{th} June 2011, Decision Item 5: ‘Safeguarding in Barnet’ (Report of the Cabinet Members for Education, Children and Families, Cabinet Member for Adults, Cabinet Member for Community Safety and Cohesion and Cabinet Member for Health).

2.5 Council, 3\textsuperscript{rd} November 2009, agreed to note safeguarding activities and governance arrangements set out in the Cabinet Members’ report.

2.6 Cabinet, 21\textsuperscript{st} October 2009, Decision Item 5: ‘Safeguarding in Barnet’ (Report of the Cabinet Members for Children’s Services and Community Services).

3 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 Safeguarding is a key priority for the Council and partners and is reflected in strategic partnership goals including the Corporate Plan 2013 - 14, Health and Well-being Strategy, Sustainable Community Strategy and Commissioning Strategy.
3.2 The Corporate Plan includes the strategic objective ‘to create better life chances for children and young people across the borough’ with an emphasis on early intervention and support and a further objective ‘to promote family and community well-being’ with a commitment to ‘strengthen our approach to safeguarding’.

3.3 Safeguarding children and adults from avoidable harm or abuse underpins everything we do and is the responsibility of everyone who works for or with the London Borough of Barnet. A survey of residents’ concerns for Barnet (2012) identified crime as the top concern of Barnet residents. Our aim is to work with partners such as the police, the NHS and with residents to ensure that Barnet remains a place where people want to live and where people feel safe. These are reflected in both Adults and Communities and Family Service’s business plans.

4. **RISK MANAGEMENT ISSUES**

4.1 A failure to keep children or vulnerable adults safe represents not only a significant risk to residents but also to the reputation of the Council. Failure to keep children safe is identified as a key risk in Children’s Service, whilst failure to keep vulnerable adults safe is a key risk in the Adults and Communities risk register. Although safeguarding must be the concern of all agencies working with children and vulnerable adults, the Local Authority is the lead agency for safeguarding children and vulnerable adults. As such, both members and senior officers carry a level of accountability for safeguarding practice in Barnet. Governance structures are in place to ensure that other lead stakeholders, including health and the police, are represented to ensure that practice across the partnership meets safeguarding requirements.

4.2 There are a number of strategic boards with oversight of safeguarding, as outlined in appendix 1 of this report. Links between these boards have been strengthened in recent years to support joined up working. The Health and Well-Being Board has had a strong focus on quality and safety issues to help ensure that the right leadership arrangements are in place to keep patients safe in the new NHS system. Furthermore, a single Overview and Scrutiny Committee helps provide Councillors with greater oversight of safeguarding issues across the Council. There remain ongoing challenges to ensure that learning related to safeguarding is effectively coordinated and disseminated across service areas and partner agencies.

4.3 There are a number of areas where the Council and its partners are undergoing significant change in terms of governance and practice in relation to economic challenge, and service improvement. This paper outlines the current arrangements to safeguard the outcomes for children and vulnerable adults. Barnet’s Safeguarding Children Board, Adult Safeguarding Board and the Safeguarding Overview and Scrutiny Committee will be kept updated and will be consulted with regard to any changes.

4.4 The Secretary of State for Education has the power to intervene if he considers that a Local Authority is failing in its safeguarding duties toward children. This is considered to be a low risk in Barnet; the 2012 Ofsted and
CQC inspection of safeguarding and looked after children judged safeguarding services and outcomes for looked after children as good overall in Barnet. Nevertheless, a risk remains should insufficient regard be paid to the Council’s statutory responsibilities relating to safeguarding.

4.5. The Council over the last twelve months has implemented a new senior management structure separating out strategic commissioning responsibility from operational service delivery. The risks of fragmenting responsibility for safeguarding in this new structure have been addressed through a clear protocol setting out roles and responsibilities of the key statutory officers and senior managers along with bi-monthly focused ‘assurance’ meetings of the Strategic Commissioning Board, reviewing safeguarding activity, information, developments and trends in detail. The Leader of the Council holds safeguarding review meetings on a quarterly basis, with those cabinet members and senior officers who hold statutory safeguarding responsibilities. These are the Cabinet Member for Education, Children and Families, Cabinet Member for Adult Services, statutory Director for Children’s Services (Director for People) and statutory Director of Adult Social Services (Adults and Communities Director).

4.6. Elected members are involved in overseeing safeguarding arrangements through a dedicated Safeguarding Overview and Scrutiny Committee which meets 6 times per year. The Council will need to ensure that if it chooses to change its governance arrangements from an executive model of decision making to a committee system, that there remains a Lead Member for Children’s Services in line with statutory guidance and that there remain opportunities for elected members to be assured of the robustness of local safeguarding arrangements.

4.7. The current Safeguarding Overview and Scrutiny Committee receive the Annual Reports of both the Adults and Children Safeguarding Boards and the annual complaints reports for adults and children’s social care. Over the last 12 months the committee have examined quality and safety issues within residential care, examined arrangements for young people’s involvement in children’s safeguarding; considered proposals for joining up the work of the Adults and Children Safeguarding Board, as well as the outcomes from ‘enter and view’ visits undertaken by the Barnet LiNK (now Barnet HealthWatch) into social care establishments and the outcomes from elected member visits to Children’s Homes run by the borough. Barnet LiNK formally became Barnet HealthWatch in April 2013, as part of the national changes to patient involvement in health, brought about by the Health and Social Care Act 2012. HealthWatch will continue to carry out ‘enter and view’ visits and will continue to play a vital role in local safeguarding and quality assurance arrangements.

5. EQUALITIES AND DIVERSITY ISSUES

5.1 Equality and diversity issues are a mandatory consideration in decision-making in the Council pursuant to the Equality Act 2010. This means the Council and all other organisations acting on its behalf must have due regard to the equality duties when exercising a public function. The broad purpose of this duty is to integrate considerations of equality and good relations into day
to day business requiring equality considerations to be reflected into the design of policies and the delivery of services and for these to be kept under review.

5.2 Children’s Service - Ethnicity:

5.2.1 Chart 1 shows the distribution of children by ethnicity in the care of Barnet Local Authority as compared with the 0-19 population of Barnet as a whole¹.

This indicates that:

- White children, and South Asian or Chinese children, are under-represented in care compared to the wider population.
- Black African, Black Caribbean, and Black Other children are over-represented in care in comparison with their proportion of the overall population.
- Children categorised as ‘Other’ are also over-represented.

5.3 Children’s Service – Gender

5.3.1 Chart 2 indicates that male children are over-represented in Barnet’s Children in Care population, as compared to female children.

¹ Population group estimates are taken from Barnet’s Children and Young People’s Profile, based on ONS mid-year estimates and Census 2011 data. Mixed race ethnicities have been added into ‘other’ categories as per the GLA standards (e.g. Mixed British and Asian is added to the Asian other category). In order to protect information about our children in care, some ethnicity categories have been combined where numbers within individual categories are small.
5.3.2 Finally, when considering the age profile of Barnet’s Children in Care, it can be seen in chart 3 that the proportion of children aged 10-19 is higher than in the population at large, while the proportion aged 0-9 is lower.

Chart 3 – The distribution of the child population and Children in Care in Barnet by 5-year age bands

5.4 Adults at Risk - Age

67% of the adults referred were over the age of 65, with a third of these aged 85 or over. This largely reflects the age profile of Barnet service users receiving statutory social care packages. However, compared to last year the proportion of people over 85 has increased.
Table 1: Adults at Risk referred - Age

<table>
<thead>
<tr>
<th>Age</th>
<th>18-64</th>
<th>65-74</th>
<th>75-84</th>
<th>85+</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safeguarding cases</td>
<td>246</td>
<td>65</td>
<td>97</td>
<td>126</td>
<td>6</td>
</tr>
<tr>
<td>Care packages</td>
<td>35%</td>
<td>65%</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012/13</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safeguarding cases</td>
<td>204</td>
<td>65</td>
<td>138</td>
<td>199</td>
<td>6</td>
</tr>
<tr>
<td>Care packages</td>
<td>37%</td>
<td>63%</td>
<td>-</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N.B. The number of cases involving older people will differ from the number of adults over the age of 65+, as client categories are based on the adults at risk primary needs.

5.5 Adults at Risk - Gender

As in previous years, there were more referrals concerning women in all client groups, except learning disabilities where 56% of alerts were for men.

Table 2: Adults at risk referred - Gender

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Older People</th>
<th>Learning Disability</th>
<th>Mental Health</th>
<th>Physical Disability</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>120</td>
<td>41</td>
<td>37</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Female</td>
<td>261</td>
<td>32</td>
<td>61</td>
<td>27</td>
<td>3</td>
</tr>
<tr>
<td>Unknown</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

5.6 Adults at Risk - Ethnicity

5.6.1 The proportion to cases involving white residents has seen a 6.5% increase from the previous year. The proportion of cases involving residents in all other ethnic backgrounds fell by an average of 3.6% from the previous year.

5.6.2 Based on general Adult Social Care figures, the number of alerts for Black / Black British and Asian/Asian British adults is lower than might be expected. This may be explained at least in part by an increase in cases where ethnicity was not recorded. However, over the coming year the faith and communities sub-group of the Adult Safeguarding Board will consider what further work should be undertaken to address under-representation in these groups.

Table 3: Ethnicity adults at risk referred

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>282</td>
<td>313</td>
<td>379</td>
<td>385</td>
<td>481</td>
</tr>
<tr>
<td>Asian / Asian British</td>
<td>21</td>
<td>34</td>
<td>46</td>
<td>49</td>
<td>38</td>
</tr>
<tr>
<td>Black / Black British</td>
<td>17</td>
<td>29</td>
<td>32</td>
<td>49</td>
<td>28</td>
</tr>
<tr>
<td>Any Other Ethnic Group</td>
<td>23</td>
<td>24</td>
<td>18</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Ethnicity not known</td>
<td>2</td>
<td>20</td>
<td>21</td>
<td>11</td>
<td>25</td>
</tr>
</tbody>
</table>
6 USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 There are no significant resource implications arising from the recommendations of this report.

6.2 The demographic funding pressure of an ageing population and the likely requirement for additional resources in Adult Social Services has been recognised in the Medium Term Financial Strategy. £800,000 has been allocated to the Adults & Communities budget for each financial year, 2013/14, 2014/15 and 2015/16.

6.3 The increasing demand for Children’s safeguarding and social care services has been recognised as a pressure over the next three years, with £750,000 allocated each year for demand led statutory and targeted services. In 2011/12, the Children’s Service invested £1m in early intervention and prevention services, providing earlier support to reduce the number of children and families experiencing complex problems.

6.4 Safeguarding training is currently provided and is allowed for within Children’s Services and Adults and Communities budgets.

6.5 The current annual budget of the Barnet Safeguarding Children Board (BSCB) is £155,390, which includes the contributions made by partner agencies, of which the local authority contribution is £98,000. Most of the budget covers staffing requirements including the Independent Chairs of the BSCB and the Serious Case Review Panel.

6.6 The current annual budget for the Safeguarding Adults Board is £174,791 most of which covers three specialist safeguarding posts and the post of independent Chair and training for the health and social care workforce. In 2012/13 the board secured a financial contribution from most of the statutory partners towards these costs and is in the process of reviewing this.

7. LEGAL ISSUES

7.1 The Primary functions of Local Safeguarding Children Boards (LSCBs) are set out in S14(1) of the Children Act 2004. These are “to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established and; to ensure the effectiveness of what is done by each such person or body for those purposes”.

7.2 The detailed functions are set out in LSCBs Regulations 2006/90 (The Regulations). Regulation 5 states that the functions of LSCBs in relation to its objective (as defined in section 14(1) of the Act 1) are as follows:

1. Developing policies and procedures for safeguarding and promoting the welfare of children in the area of the authority.
2. Communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done and encouraging them to do so.

3. Monitoring and evaluating the effectiveness of what is done by the authority and their Board partners individually and collectively to safeguard and promote the welfare of children and advising them on ways to improve.

4. Participating in the planning of services for children in the area of the authority.

5. Undertaking reviews of serious cases and advising the authority and their Board partners on lessons to be learned.

A brief summary of the relevant statutory provisions and guidance relating to safeguarding for both children and adults is given below:

7.3 Parts 3, 4 and 5 of the Children Act 1989 (CA 1989) together with statutory guidance place various statutory duties upon local authorities including the general duty to safeguard and promote the welfare of all children within their area who are in need. In cases where children are found to be at risk of significant harm as defined in the CA 1989, the Local Authority has a clear legal duty to take steps to protect them by invoking the powers contained in Part 4 of the CA 1989. Upon being satisfied that the relevant criteria are met and that an Order is necessary for the protection of the child, the Court may grant an interim care or supervision order as an interim measure when care proceedings are commenced. An interim care order (placing the child in the care of the Local Authority) will give the Local Authority parental responsibility whereas an interim supervision order will put the child under the supervision of the Local Authority. At the conclusion of the proceedings the court will determine whether a final care or supervision order should be made.

7.4 The Children Act 2004 (CA 2004) provides the legislative framework for integrated planning, commissioning and delivery of children’s services and for lines of accountability through the appointment of directors of all Children’s Services. It created a statutory framework for local co-operation between local authorities, key partner agencies (health, police, schools, housing, early years, youth justice, probation etc) and other relevant bodies including the voluntary and community sector, in order to improve the wellbeing of children in the area. This provided for the framework for Children’s Trusts within which agencies have been able to integrate commissioning and delivery of children’s services with arrangements for pooled budgets. Barnet has chosen to keep a Children’s Trust Board and to publish a Children and Young People Plan each year. The Act also imposes a duty on the relevant agencies to carry out their functions having regard to the need to safeguard and promote the welfare of children and to guidance provided by the Secretary of State. The duty continues to apply where services are contracted out.

In addition, sections 18 and 19 of the CA 2004 impose a duty on the children’s services authority to appoint a director of children’s services (DCS) and a lead
member for children’s services (LMCS) respectively for the purposes of the functions conferred on or exercisable by the authority as prescribed by statute.

7.5 In April 2012, the Department for Education updated the statutory guidance on the roles and responsibilities of the DCS and the LMCS. Pursuant to s18 (7) of the CA 2004 a children’s services authority must have regard to any guidance given to them and should only depart from it with good reason. One of the key aspects of this guidance is that given the breadth and importance of children’s services functions that the DCS and LMCS cover, local authorities should give due consideration to protecting their discrete roles and responsibilities before allocating to them any additional functions other than children’s services.

7.6 The CA 2004 also requires Local Authorities to establish LSCBs for their area and it has been a requirement for local authorities to have a board since 2006. The LSCB replaced the former non statutory Area Child Protection Committees. The intention of Parliament was for the LSCB to have a wider remit than ACPCs and to be more pro-active. The Apprenticeships, Skills, Children and Learning Act 2009 subsequently introduced a requirement for the LSCB to produce and publish an annual report on the effectiveness of safeguarding in the local area.

7.7 Statutory guidance Working Together to Safeguard Children (2013) was revised following the Munro Review and sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people in accordance with the Children Act 1989 and the Children’s Act 2004.

7.8 The legal framework for the provision of adult social care services dates back to 1948 and has been described by the Law Commission as a complex, incoherent and confusing patchwork of legislation. The duties, powers and responsibilities conferred upon local authorities to ensure that appropriate steps can be taken to protect and safeguard vulnerable adults can be found in a number of statutes, including the National Assistance Act 1948, the Mental Health Acts of 1983 and 2007, the NHS & Community Care Act 1990, the Human Rights Act 1998, the Domestic Violence Crime & Victims Act 2004 and the Mental Capacity Act 2005 including the Deprivation of Liberty Safeguards which confer certain protections to people who lack capacity in care and health settings. A change in terminology by practitioners from “protecting vulnerable adults” to “adult protection work” and now “safeguarding adults” reflects the change in context over the years and the out of date legislation. The phrase “Safeguarding adults” referred to in the 2005 ADSS report means all work which enables an adult “who is or may be eligible for community care services” to retain independence, wellbeing and choice and to access their human right to live a life that is free from abuse and neglect. This definition specifically includes those people who are assessed as being able to purchase all or part of their community care services, as well as those who are eligible for community care services but whose need - in relation to safeguarding - is for access to mainstream services such as the police.

7.9 “No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse” was issued by the
Department of Health and the Home Office in 2000 under section 7 of the Local Authorities Social Services Act. It provides guidance to local authorities on developing and implementing multiagency policies and procedures to protect vulnerable adults from abuse.

7.10 The Law Commission undertook a review of adult social care legislation and reported in May 2011. It provided the foundation for the most significant reform of adult social care law in 60 years through a single, unified adult social care bill that would consolidate, modernise and simplify the law which will bring much needed clarity and accessibility to this key area of the law for service users and practitioners. The Care and Support Bill 2012, which is currently being passed through Parliament aims to reform the law relating to care and support for adults and the law relating to support for carers and to make provision about safeguarding adults from abuse or neglect and to make provision about care standards.

7.11 The Bill is expected to become law in spring 2014. It will put Safeguarding Adults Boards on a statutory footing with the Council, NHS and Police as core members. Councils remain the lead agency for safeguarding.

7.12 The Crime and Disorder Act 1998 places a duty on a Local Authority and other relevant authorities to exercise their functions to do all that is reasonably practical to prevent crime and disorder in its area.

7.13 A range of legislation such as the Licensing Act 2003, Gambling Act 2005, Anti-Social Behaviour Act 2003, confer certain powers and responsibilities upon local authorities to ensure that vulnerable adults and children are safeguarded.

7.14 A range of legislation such as the Equality Act 2010, Racial and Religious Hatred Act 2006, Public Order Act 1986, Criminal Justice Act 2003, confer certain powers and responsibilities on authorities to ensure that Hate Crime is treated with a specific focus.

7.15 Section 9 of the Domestic Violence, Crime and Victims Act 2004 creates an expectation for local areas to undertake a multi-agency review following a domestic violence homicide. This came into force on 13th April 2011.

8. CONSTITUTIONAL POWERS

8.1 As set out in Part 3 of the Council’s Constitution, Responsibility for Functions, the Executive holds responsibility for those functions which comprise safeguarding. Furthermore, several specific safeguarding functions are delegated to individual Cabinet Members as highlighted within this section of the constitution.

8.2 This is not a key decision as it does not involve significant expenditure and does not require a decision that could impact on more than one ward.
9. BACKGROUND INFORMATION

9.1 The Council has a statutory duty to promote the safeguarding of both children and vulnerable adults.

9.1.1 Safeguarding children is defined by the Department for Education as protecting children from maltreatment, preventing impairment of children’s health or development, and ensuring children are growing up in circumstances consistent with the provision of safe and effective care.

9.1.2 A vulnerable adult is defined as anybody over the age of 18 years who is or may be in need of Community Care Services by reason of mental or other disability, age or illness and is or may be unable to take care of himself or herself or is unable to protect themselves against significant harm or serious exploitation.

9.1.3 The Council also has statutory duties to help prevent crime and disorder and anti social behaviour, and to ensure that Hate Crime is treated with a specific focus.

9.1.4 In 2011 it was resolved that an annual report on safeguarding in Barnet would go to Cabinet and Council to support effective scrutiny and oversight. This report provides an update on recommendations approved by Council on 17th July 2012. It also highlights key developments over the past 12 months and sets out some emerging challenges and opportunities.

9.1.5 Further information on the safeguarding activities of the Barnet Safeguarding Children Board and the Safeguarding Adults Board can be found in their respective 2012/13 annual reports, which will be presented to the Safeguarding Overview and Scrutiny Committee.

9.2 Safeguarding Governance

9.2.1 A robust governance framework is in place and is set out in appendix 1. Further detail on the key structures providing oversight of safeguarding is contained in appendix 1. In summary they are:

- Safeguarding Overview and Scrutiny Committee
- Barnet Partnership Board
- Safer Communities Partnership Board
- Children’s Trust Board
- Health and Wellbeing Board
- Barnet Safeguarding Children Board
- Barnet Safeguarding Adults Board

9.2.2 In addition there are some key internal mechanisms which provide assurance to these boards: safeguarding processes are embedded into HR and recruitment; safeguarding services are monitored and trends analysed.
9.2.3 Audit and quality assurance frameworks are also in place in Children’s Service, Adults Services and Health Services to ensure that responsibilities in relation to safeguarding are being effectively undertaken. The recent Social Care Institute of Excellence (SCIE) Review and Ofsted Inspection of Safeguarding and Looked After Children have strengthened Children’s Service audit work over the past year, and the updated Working Together 2013 guidance requires LSCBs to maintain a learning and improvement framework. Barnet’s adult safeguarding function was subject to a Local Government Association Peer Review in March 2013, which has further strengthened audit and quality assurance. Barnet has not been involved in a serious case review for over three years but during 2012/13 we have undertaken three reviews using the SCIE systems methodology using a collaborative approach and reports (with action plans) of the updated review process are being considered at the Standing Serious Case Review Group which has an independent chair and this group functions in line with Working Together 2013 guidance.

9.3 Listening to the Views of Service Users

9.3.1 Listening to the Views of Children and Young People

The work of Youth Shield was recognised as an example of good practice when they won the London Safeguarding Children Board Award 2012. During this year young people were involved in designing a CAMHS leaflet for young people regarding allegations, and Youth Shield have proposed a work plan including roll out of healthy relationship peer to peer training and a mystery shopping exercise of different services.

9.3.2 Listening to the Views of Adults Service Users

The Barnet Safeguarding Adult Service User Forum meets quarterly; and this year they have been involved in questioning, challenging and influencing the board including the proposal of priorities for the coming year. They tested information on abuse on the Barnet website and fed back to Barnet & Chase Farm NHS Trust on keeping patients safe. They also developed interview questions for the Safeguarding Service user experience survey. The Carers Forum has also been re-launched this year. The Barnet Safeguarding Adults User Forum was recognised as an example on good practice by the Local Government Association Peer Review Team.

9.4 Safeguarding in Health Services

9.4.1 Local health services have been continuing to improve the quality and safety of local services:

i. All NHS partners have established an internal Safeguarding Group to ensure that patients in hospital and those receiving health services are treated with dignity and respect, that the most vulnerable patients receive the care they need, and that if things go wrong this is taken seriously, investigated thoroughly, and work done to prevent it happening again. The Safeguarding Adults Board requires each Health partner to report on their plans and the progress they have made on a scheduled basis.
ii. Central London Community Healthcare NHS Trust (CLCH) has appointed two full time Safeguarding Adults Professionals who are supported by a Safeguarding Adults administrator.

iii. Central London Community Healthcare (CLCH) and the London Ambulance Service have reviewed their Safeguarding Adults at Risk policies to make sure they include new guidance on PREVENT, the deprivation of liberty safeguards (DoLS), management of allegations against staff and duty to whistle blow.

iv. Central London Community Healthcare (CLCH) has implemented a programme to enable patients to give feedback on services.

v. Barnet General Hospital and the Royal Free Hospital each have an Acute Liaison Nurse for people with learning disabilities to ensure they can access services within the hospital, and that staff on wards can make reasonable adjustments to make sure their health needs are met. This year the nurse has worked with the day surgery unit to improve access and has given training to staff including student nurses.

vi. Barnet and Chase Farm Hospital Trust ran a “We Care” campaign and have introduced a ‘Quality of Interaction Observational Tool’ to improve the quality of communication between staff and patients. The Trust’s Patients and Relatives Group undertake monthly audits to see how it is working.

vii. Barnet and Chase Farm Hospital Trust is planning some environmental changes as part of its dementia strategy, and extending the use of colour and symbols to help patients identify specific areas. There is an extensive dementia training programme in place for staff and a range of information and advice sheets are now available to patients, staff and their relatives. The Trust has also implemented a ‘green cup’ scheme for patients with dementia to prevent dehydration.

viii. The London Ambulance Service made 583 referrals to Adult Social Care for residents who they thought may require an assessment. They have appointed a Head of Safeguarding Adults and have a local lead for all safeguarding Boards.

ix. Barnet, Enfield and Haringey Mental Health Trust carry out case file audits to ensure their staff are safeguarding people with Mental Health problems.

x. Barnet CCG is responsible for ensuring that all Barnet health organisations have effective arrangements in place to safeguard adults at risk of abuse or neglect and they are responsible for implementing the Francis Report’s recommendation in Barnet. The final report of the Mid Staffordshire NHS Foundation Trust Public Inquiry (also known as the Francis Report) was published in February 2013. The Inquiry investigated how conditions of appalling care were able to flourish in the main hospital, and how a culture of corporate self interest and cost control allowed this to happen. The Report made 290 recommendations designed to make sure patients come first by creating a common patient centred culture across the NHS. The CCG will be asking all the services they commission to carry out a review of what happens in their own organisations and identify any actions they need to take to ensure that what happened in Stafford does not happen here in Barnet.
9.5 Trends and Issues

In 2012/13, several trends and potential issues have been identified in relation to safeguarding, which have required further analysis.

9.5.1 Children’s Service: Numbers of Children on Child Protection Plans Reduces Significantly

While 2012/13 saw a small rise in initial assessments, a significant rise in core assessments and a rise in Section 47 child protection investigations, the number of children on a child protection plan reduced significantly.

This compares well to the previous year 2011-12 where there were concerns about increasing numbers of children being placed on child protection plans compared to similar Boroughs.

- Over the 2012/13 year, the number of children subject to a Child Protection Plan in Barnet has fallen by 20%.
- This is a reduction from 258 children (March 2012) to 206 (March 2013), while the under-18 population has increased.\(^2\)
- This follows a peak of 285 children in September 2011

Chart 5 – Number of Children in London Borough of Barnet subject to a Child Protection Plan, quarterly, 2010-11 to 2012-13

9.5.2 Revolving Door in Child Protection

There has been a continuous downwards trend over the past two years showing a reduction in the number of children who become the subject of a child protection plan for a second or subsequent time.

\(^2\) GLA population projections suggest that the population of 0-17 year olds in Barnet has increased from 84,845 in 2012 to 86,809 in 2013.
Table 4 - Proportion of children subject to CPP for second or subsequent time

| Proportion of children becoming subject to CPP for a second or subsequent time |
|----------------------------------|-------|-------|-------|
| %                                | 2010/11 | 2011/12 | 2012/13 |
| Numbers                          | 37     | 35     | 22     |
| 18%                              | 13.8%  | 9.6%   |

In 2011-2012, the proportion of children becoming the subject of a child protection plan for a second or subsequent time decreased to 13.8% (35 children) from 18% (37 children) in the previous year. This trend continued in 2012-13 with 22 (9.6%) of children made subject of child protection on plans for a second or subsequent time. The following actions have been in place to tackle this ‘revolving door’ and support the reduction of subsequent child protection plans:

- Strengthening support when children cease to be subject of a child protection plan with improvements to our Early Intervention services including the intensive work of Family Focus (Troubled Families).
- Carrying out the style of audits recommended by Professor Eileen Munro (see 9.5.2) to draw out organisational issues and other key themes to improve practice.
- A newly developed Protection Panel now meets on a monthly basis to examine the findings of case audits in detail and make recommendations both in terms of thematic organisational issues that emerged.

9.5.3 Adults Services

The table below shows the breakdown of all our safeguarding alerts by the adult at risk’s primary need. As in previous years, most alerts we receive concern the abuse of older people; however this year has seen a substantial increase for this client group with 121 more cases than in 2011/12. This increase can be attributed to better awareness of partner agencies such as Central London Community Health Care who have increased the number of alerts from 28 to 51 this year. The vast majority of these relate to older people.

Despite this increase in alerts, the percentage of those investigated has slightly reduced in 2012-13. In 136 cases a more proportionate response was made to the alert such as an assessment of need or referral onto another more appropriate agency to help.

Alerts relating to adults with learning disabilities were at their lowest in 5 years with a fall of 51% on last year. This change in pattern was identified by the Safeguarding Adults Board who requested a review of the issue; the findings indicated that whilst safeguarding practice gave no cause for concern, issues were identified in relation to the completion of monitoring data. Measures have been put in place to address this process issue and the new financial year, 2013/14, has seen alerts return to previous levels.

A total of 173 adults referred were recorded as having dementia. This is an increase from 142 last year and 95 the year before.
9.5.4 Drugs and Alcohol

Substance misuse covers both drugs and alcohol. Alcohol use is a growing concern, given the new guidelines for GPs which dictates mandatory alcohol screening and scoring; this could ‘reveal’ a new type of alcohol user, who has not traditionally identified themselves as having a problem, being diagnosed as requiring help.

Substance misuse in Barnet is still below national levels. In 2012/12 a total of 365 people entered treatment; this was due to rigorous performance management and setting of monthly targets. Within the year 140 successfully completed treatment drug free. Research is underway to identify any commonalities for those who drop out of treatment (177 people this year) and those who represent into treatment (a successful completion is defined by someone completing treatment and not returning for a minimum of 6 months).

The rate of Opiate and Crack Users (OCUS) engaging in support provision is currently running at 84%, an increase on the figure last year of 56% and comparing well to the regional figure of 69% and nationally at 68%; this has been as a result of a targeted approach to bring those into treatment who cause the most harm to themselves and the community.

The number of treatment completions across OCUs is quite low (140). Reviews have taken place with the main treatment providers and some research is underway to identify any commonalities for those who drop out of treatment.

16% of the 365 entering treatment in Barnet are parents with children living at home. A whole family approach needs to be adopted to ensure effective treatment and appropriate safeguarding. There is already a seconded drugs/alcohol worker based in Family Focus (troubled families) however anecdotal reports suggest there are many more drug using parents in Barnet who are not entering treatment, and we need to consider how to resource this.

One of the key tools in protecting the public is vaccinations and there has been good uptake of vaccinations with 48% of those in treatment being vaccinated for blood borne viruses.

Table 5 - Safeguarding alerts by primary need

<table>
<thead>
<tr>
<th>Primary Client Group</th>
<th>2009/10</th>
<th>2010/11</th>
<th>2011/12</th>
<th>2012/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Older People</td>
<td>44%</td>
<td>47%</td>
<td>49%</td>
<td>63%</td>
</tr>
<tr>
<td>Learning Disability</td>
<td>23%</td>
<td>29%</td>
<td>28%</td>
<td>12%</td>
</tr>
<tr>
<td>Mental Health</td>
<td>20%</td>
<td>18%</td>
<td>16%</td>
<td>16%</td>
</tr>
<tr>
<td>Physical Disability &amp; Sensory Impair.</td>
<td>13%</td>
<td>5.5%</td>
<td>7%</td>
<td>8%</td>
</tr>
<tr>
<td>Substance Misuse</td>
<td>-</td>
<td>0.5%</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

9.5.5 Integrated Offender Management

We continue to monitor offenders in the borough with a view to:

- Working with key partners and services to risk-assess and track offenders and ex-offenders who live with or have direct contact with children to ensure those children are kept safe and to challenge intergenerational criminality.

- Identifying and working with victims of crime, who have been or may have been targeted as vulnerable, with a view to enhancing their sense of safety and security, minimising the risk of repeat victimisation and supporting them to live independent lives free of the fear of crime.

- Tackling key issues and barriers to reducing reoffending via a co-located, multi-agency team that includes mental health and substance misuse provision.

9.5.6 Early Intervention and Prevention

There is a key commitment to early intervention and prevention across the Council and partners. The key developments in 2011/12 are as follows:

Following the implementation of the new commissioning Council a Safeguarding Data set is prepared monthly and submitted to the Chief Executive in order that we can monitor our early intervention on a regular basis.

The Multi Agency Safeguarding Hub (MASH) was established in July 2013 and fully operational from August this year. The MASH provides a fire-walled secure co-location which allows the sharing of information to be undertaken safely and is seen as a key tool to building strong partnership work to identify vulnerable children earlier and help services intervene at an early stage. It brings together a core membership including Children’s Social Care, Police, Probation, Mental Health, Education, Housing, Youth Offending Service and Health. Information on how referrals to the MASH will link to existing CAF and Social Care referrals are now incorporated into all Safeguarding training for practitioners.

Barnet’s Family Focus work continues to provide early interventions to build families’ resilience; concentrating on supporting families with multiple problems to improve parenting skills and relationships within the family and improve outcomes for vulnerable children and young people. We are currently undertaking a cost analysis project on our Troubled Families work to ensure we fully understand the impact of the work.

9.6 Key Achievements

9.6.1 Working Together to Safeguard Children 2013
The revised Working Together to Safeguard Children 2013 was implemented in April this year and an action plan has been established through the Safeguarding Children Board in order to ensure implementation. All actions are now completed except the work on assessments which is due for completion by March 2014*.

1. The board have published a widely accessible Threshold document to ensure widespread understanding of the processes for early intervention and referral to social care.

2. A report is being prepared for the BSCB on the completed audit of all relevant agencies using S11 guidance.

3. The Barnet Safeguarding Children Board has an independent chair and from October 2013, the independent post will also chair the Safeguarding Adult Board.

4. In order that the BSCB maintains a local learning and improvement framework, cases are referred to the Board where there are areas of poor practice and where good practice is recognised to allow learning to be shared. A comprehensive audit of a child’s journey has been introduced to focus in depth with the involvement of all relevant agencies.

5. Regular reviews are in place using the recommended SCIE model as recommended by Profession Munro, and outcomes reported to the BSCB.

6. The Serious Case Review group follows guidance and reports to the BSCB Chair.

7. Final reports of SCRs findings are published on the council's website and the LSCB's website for a minimum of 12 months.

8. Child Death Review processes are in place and follow national guidance. Reported to BSCB through an Annual report from Paediatrician lead for child deaths.

9. Work to address the revised nature of initial and core assessments is under way and will be completed by March 2014.*

9.6.2 Implementing the Ofsted Inspection Plan Action Plan

1. BSCB were required to ensure that all schools adopted the correct safeguarding procedures. Guidance was refreshed and re-issued to schools and presented at relevant heads and safeguarding leads meetings. Additional training was also arranged with an input from the police Child Abuse Investigation Team and schools were encouraged to take up training including that related to allegations management.

2. Attendance at board meetings was not consistent. The BSCB chair held discussions with relevant agencies and attendance has improved and continues to be monitored.
3 BSCB was asked to strengthen its management oversight. Changes were made to the Executive Group that have provided additional detail scrutiny to areas of focus such as case reviews and the examination of data.

4 The board was asked to be more robust in scrutiny of data and it has developed changes to the presentation of data using an information dash board which highlights areas of significant change or priorities.

9.6.3 BSCB Audit with Partner Agencies

BSCB carried out a focused section 11 audit in 2013 with partner agencies to review compliance with safeguarding duties. The findings from this be will reviewed through the BSCB in quarter 3 of 2013/14, however one of the emerging priorities is in relation to improving information sharing across the agencies. Establishing a MASH will improve information sharing and from the start of a referral to children’s social care. As part of the response to the most recent case review, it has been agreed that the BSCB will undertake work on information sharing.

9.6.4 Munro Demonstrator Pilot

Children’s Services in Barnet were selected as a Munro Demonstrator site the purpose of which is to improve practice and for learning to be shared between local authorities in implementing the Munro recommendations. A significant focus of that work has been around addressing neglect. Barnet social care and partner agencies worked with Action for Children and Sterling University in the development of a Neglect Resource Pack for use by practitioners across agencies.

9.6.5 Sexual Exploitation

A renewed focus on sexual exploitation linking with arrangements to safeguard missing children is a priority for BSCB. Sexual exploitation training is being delivered including gangs training with input from young people who have been affected by gangs. A conference on trafficking and sexual exploitation has been held jointly with Enfield Safeguarding Children’s Board.

9.6.6 Personality Disorder Pilot

Working with families where a parent or care had a personality disorder was a key issue in a recent case review. The BSCB has developed a pilot of support and consultation for staff working with families where personality disorder is a feature, helping practitioners manage cases more effectively without the need to escalate. Early reports are that staff find this support helpful and effective in their work with families.

9.6.7 Violence Against Women and Girls

Barnet has agreed to move the response to Domestic Violence so that it is placed within the wider Violence against Women and Girls (VAWG) agenda with a new strategy and action plan. This is in line with national and London
Policy, and will prioritise a wider range of issues affecting safeguarding of women and girls including forced marriage, trafficking and Female Genital Mutliation.

9.6.8 Learning From Others - Peer Audit of Adult Safeguarding Arrangements

Barnet Safeguarding Adults Service underwent a Local Government Association peer review by a team of professionals from other local authorities and the LGA Lead on Safeguarding. Several aspects of our approach have been shared via the LGA national network as good practice and we are acting on suggestions for improvements by introducing family conferencing for adults at risk who have difficult situations within their families, and leading work with Health and care homes on the management of pressure ulcers.

The review team identified a number of strengths and good practice such as:

- The Safeguarding Adults Board had strong multi-agency ownership and was effectively led.
- That partners felt that the Board held them to account and that it accounts to the population through a strong annual report.
- Barnet safeguarding practice was high quality and focused on what service users and carers wanted and made sure they were involved.
- That safeguarding was quality assured through an ‘innovative practice’ governance framework case audits, practice forums, learning events, and evaluation interviews with users, finding out what people who use services thought of them.
- Our work in gathering feedback from users to improve people’s experience of safeguarding
- Barnet’s adult safeguarding communication materials, which give people information in an accessible way.
- The work of the safeguarding service user forum

9.6.9 Keeping A Focus on Safeguarding in the New NHS

Barnet’s Health and Well-Being Board has agreed to take an approach to forward planning that ensures it considers a number of key responsibilities it has - one of these is ‘Quality and Safety’. To date, Barnet’s Health and Well-Being Board has played a key leadership role in overseeing the safeguarding agenda, and ensuring that the commitments made in the Winterbourne View Concordat are achieved.

The Health and Well-Being Board Chairman signed off the Winterbourne View stock take in June 2013, having been satisfied with the progress being made locally to address safeguarding concerns as set out in the Winterbourne View Concordat. The Barnet Safeguarding Adults Board held a conference to ensure learning was shared on the Winterbourne View failures was also held in March for 84 staff across commissioned services, health and adults social care.
The Board has also played a pivotal role in holding partners to account following the release of the Francis Inquiry report, which required local providers and wider stakeholder such as Healthwatch to consider how to improve their practices to ensure patients are protected from poor care. The Chairman of the Health and Well-Being Board sent letters in early February 2013 to the four major NHS Trusts serving Barnet asking how they were addressing the recommendations arising from the Francis Inquiry report and inviting them to a Health and Well-Being Board meeting.

Specific achievements recognised at this meeting included:

- The CCG had put governance arrangements in place to support the delivery of high quality care, and uses and acts upon hard and soft intelligence including from GPs to ensure quality care is delivered.
- All complaints handled at Barnet and Chase Farm Hospital NHS Trust were being signed by the CEO or someone of a senior level and if the responses are not accurately written then the CEO would request that they are rewritten to address the concerns.
- The Royal Free Hospital set out their ambition for a world class programme which would engage staff and patients and clarify what would be their priorities from the Francis report. Collaborative work with other Trusts would also be developed including through a UCL partners work stream on this issue.
- Central London Community Healthcare (CLCH) reported that quality and patient safety was of paramount importance to them and the recommendations from the Francis report being taken forward included a recently refreshed quality strategy; four listening events across four boroughs with involvement from staff and patients; support from a quality action team; a safety thermometer and feeding this data back to frontline staff.
- Healthwatch is setting up a sign-posting service and explained that the intention was to speak to individual providers and feedback this information, and to initiate more public meetings to support on-going communication with patients and the public.

The Health and Well-Being Board will request further reports throughout 2013/14 on how all relevant players in the system are working together to implement the Francis report, including how feedback from patients, relatives and staff is being brought together.

9.6.10 Establishing ‘Safe Places’ for Vulnerable People

Your Choice Barnet, Barnet Mencap and the Metropolitan Police have worked together to create ‘Safe Places’. This aims to offer trusted safe places in local shops and businesses which can provide reassurance to vulnerable people. Local people will be trained to ensure they can respond to people in need or difficulty. This is initially targeted at people with Learning Disabilities but if successful could be adopted by other vulnerable groups. Local, trusted safe spots will be recognisable by the sticker placed in the window. Five safe
places are now in operation in Golders Green, North Finchley and Edgware, with a further ten safe places to be identified for training to bring them in as part of the scheme.

9.6.11 Improving Fire Safety

The London Fire Brigade carried out 2435 free home fire safety visits to Barnet residents in 2012-13 many of whom are vulnerable people. They were also able to reduce the number of dwelling fires to 236 in a year (which succeeded their target of 240), and have started working with Neighbourhood Watch schemes and the Metropolitan Police Safer Neighbourhood Teams to identify people at risk so they can work with them to reduce the risk of a home fire.

9.6.12 Quality In Care Homes

Care homes are one setting where safeguarding issues are of particular importance. The Social Care Institute for Excellence identified that “most safeguarding activity relating to care homes occurs as a result of poor practice and poor quality of service rather than malicious intent. The impact of poor practice and neglect can be just as significant as intentional abuse and yet it is arguably far easier to prevent” (2012). Barnet has one of the largest number of care homes in Greater London providing 3,068 beds for a range of older people and younger people with disabilities. Adults and Communities has established a Quality in Care Homes Team as part of our drive to improve quality and develop good practice to reduce the number of pressure ulcers and improve standards of care. The Integrated Quality in Care team includes social workers, a CQC inspector, a tissue viability nurse, a mental health social worker and a registered care manager. This provides the team with a multi-disciplinary background to support working in partnership with homes to develop their services. This team will also work with CQC and Health Watch to ensure early intervention with relevant homes.

9.6.13 Excellent Detection Rates For Hate Crimes

Barnet has achieved excellent detection rates for all hate crimes (homophobic, racial and domestic), exceeding all the targets set for this performance year. The hate crime action plan for 2013/14 is complemented by having 21 third party reporting sites in the Borough.

9.7. Future Challenges and Opportunities

9.7.1 New Children’s Service Inspection Framework

Ofsted moved away from its proposed multi agency inspection framework for implementation in 2013 and has returned to a single agency approach. Ofsted is developing a single agency framework for inspecting local authority child protection, children in need, and services for looked after children, including those leaving or who have left care. The consultation on the new frameworks will take place in Autumn 2013.
The single framework proposes an evaluation of help, protection and care for children including the arrangements for local authority fostering and adoption services. As part of service improvement, Barnet is strengthening its provision of services in line with the recommendations of the Munro Review and findings from the 2012 Ofsted inspection of safeguarding and looked after children.

9.7.2 Reducing Resources, But Increased Demand

Barnet’s total population has grown by 16.5% over the past decade, to approximately 375,000\(^3\). Over the next 5 years, Barnet’s population is expected to increase by a further 8.7%, including significant growth in the 0-19 age group (8.4%) and those aged 65-84 (10%) and proportionally high growth in those aged 85 and over (16.6%). This will continue to pose challenges; even if levels of safeguarding and social care activity remain constant there will be an increased need for services due to an overall increase in the population.

1. The Safeguarding Children Board has identified the threat of diminishing resources available to member agencies to safeguard children as a risk which has been logged and will continue to be monitored.

2. There are concerns that the financial impact of changes to grants and funding to voluntary and community sector services may have an impact on safeguarding in this sector.

9.7.3 Strengthening Partnerships across the Children’s and Adults Safeguarding Boards

At the request of the Cabinet Member for Education, Children and Families and Cabinet Member for Adult Services to examine how the work of the two safeguarding Boards can be bought closer together to strengthen safeguarding practice, a single independent Chair for both Boards will be appointed during autumn 2013. Joint subgroups for training, working with faith and BME communities, and communications will support both Boards to take a wider whole systems approach to safeguarding.

9.7.4 Adult Services Work to Support Family Carers

The Carers Hub will be raising awareness of abuse among carers, and will be working to reduce the stress in families that can lead to abuse. Workshops for carers will be taking place on the Mental Capacity Act and we will be fully involving carers in assessments and reviews of the people they care for.

Family carers play an essential role in safeguarding adults, whether they are the sole family carer or receive some support with their caring role. Carers and Safeguarding Adults – working together to improve outcomes (July 2011) has been used in work with carers and staff to identify how we can work better with family carers on safeguarding issues. It focuses on three areas:

\(^3\) Based on GLA population projections
1. Carers speaking up about abuse or neglect within the community or within different care settings

2. Carers who may be experiencing harm from the person they are trying to support. This could be unintentional.

3. Carers who may harm the person they support, this might be due to the stress they are under, and the fact that they are not receiving enough support with their caring role.

9.7.5 Focusing on What Matters - Quality of Care

The Health and Wellbeing Board will continue its focus on quality and safety of local health and care services, alongside the ongoing leadership of Safeguarding by the Council and the Adults and Children's Safeguarding Boards. Barnet Healthwatch has come into being as a consumer's champion, adding an extra dimension to local monitoring to quality and safety in care.

This is being led by a consortium of organisations including Community Barnet Age UK, Barnet Mencap, the Carers’ Centre and Jewish Care, commissioned by the Council.

9.7.6 Community Safety Developments

Further developments will include the introduction of Neighbourhood Justice Panels, a restorative programme aimed at supporting and empowering victims of crime. Work will also be undertaken to review the wider criminal justice system from point of arrest through to court disposal to ensure appropriate support is in place for vulnerable clients and, in particular, those with learning disabilities.

9.7.7 Community Safety - Tackling Hate Crime

Building on the success from last year Barnet remains a safe borough and in line with the government’s blueprint to tackle hate crime ‘Challenge it, Report it, Stop it’ we have enhanced our commitment to tackle three key areas:

1. Preventing hate crime from happening by challenging the attitudes and behaviours that foster hatred, and encouraging early intervention to reduce the risk of incidents escalating.

2. Increasing the reporting of hate crime that occurs by building victims’ confidence to come forward and seek justice, and working with partners at national and local level to ensure the right support is available when they do.

3. Working with the agencies that make up the Criminal Justice System to improve the operational response to hate crime. We want a more effective end-to-end process, with agencies identifying hate crimes early, managing cases jointly and dealing with offenders robustly.
4. In addition there will be four hate crime awareness seminars to improve under reporting. We have also received funding to continue with the safer homes scheme. This scheme helps people who have been burgled or who have been affected by hate crime to make their property safer by replacing locks, and cutting back hedges.

10. LIST OF BACKGROUND PAPERS

(i) Working Together to Safeguard Children 2013 Department for Education 2013


(iii) Ofsted. April 2012. Framework for the inspection of Local Authority arrangements for the protection of children

(iv) Ofsted and CQC. February 2012. Inspection of safeguarding and looked after children services: London Borough of Barnet

(v) Draft Barnet Safeguarding Children Board Annual Report 2012/13

(vi) Barnet Safeguarding Adults Board Annual Report 2012/13

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APPENDIX 1: The Governance of Safeguarding in Barnet

Cabinet / Council / Barnet Partnership Board

Cabinet Member for Health
Cabinet Member for Adults
Cabinet Member for Education, Children and Families
Health and Well-being Board
Safeguarding Adults Board
Drug and Alcohol Group

Cabinet Member for Safeguarding Adults Board

Cabinet Member for Safety and Resident Engagement
Safer Communities Board
Multi Agency Operations Group

Cabinet Member for Education, Children and Families
Safeguarding Children Board
Domestic Violence Strategic Board

Cabinet Member for Health
Children's Trust Board

Cross-Generational Sub-Group

Overview and Scrutiny Committees

Director for People - Safeguarding Lead
Strategic Commissioning Board
Appendix 2: Further information on the key safeguarding governance structures in Barnet

**Safeguarding Overview and Scrutiny Committee** provides Member scrutiny of the Council and its partners in the discharge of statutory duties in relation to safeguarding.

The **Barnet Partnership Board** meets in public and is an overarching partnership board that takes an overview of the cross-cutting challenges facing the Borough. The Council agreed new arrangements for the Board in February 2012.

The **Safer Communities Partnership Board** (SCPB) recognises safeguarding as a priority and is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending, and to promote social cohesion. Reports from the Children’s and Adults’ safeguarding boards are a standing item on the SCPB. The Safeguarding Adults Manager is also now a member of the Safer Communities Partnership Board.

The **Barnet Children’s Trust Board** provides inter-agency governance to ensure that partners in Barnet are working together effectively, to improve the wellbeing of children and young people. Responsibilities cover the needs of all children and young people in Barnet under the age of 19 as well as young people under who are leaving care, up to the age of 21 or 25 (depending on whether they are in education) and young people who have learning difficulties and/or disability, up to the age of 25.

The **Health and Wellbeing Board** provides the function of joining up commissioning of local NHS services, social care and health improvement at a strategic level and support integration across health, adult social care and children’s services.

The **Barnet Safeguarding Children Board** is the key statutory mechanism for agreeing how organisations will co-operate to safeguard and promote the welfare of children. There are four ‘task groups’: Faith and Cultural; Audit of a Child’s Journey; E-Safeguarding; Missing &Sexual Exploitation, and four sub groups in addition to the Standing Serious Case Review (SCR) Panel and the Child Death Overview Panel (CDOP). The sub groups are:

- Cross-Generational Sub Group/Joint Services
- Performance and Quality Sub Group
- Training and Development Sub Group
- Professional Advisory Sub Group

The **Barnet Safeguarding Adults Board** co-ordinates activity between agencies. It monitors and audits progress in safeguarding vulnerable adults. Membership has been reviewed and changes have been made to extend membership to include the Domestic Violence Co-ordinator, a GP representative, and London Probation Service. A representative from the London Ambulance Service was secured earlier in the year. Barnet Safeguarding Children Board continues to be represented at Safeguarding Adults Board and the Safeguarding Adults Manager attends the Barnet Safeguarding Children Board to promote links at a strategic level.
Report from General Functions Committee

14 October 2013

Members Present:-

Councillor Joan Scannell (Chairman)
Councillor Wendy Prentice (Vice-Chairman)

Councillor Claire Farrier  Councillor Barry Rawlings
Councillor Robert Rams    Councillor Daniel Thomas

Apologies for Absence

Councillor Susette Palmer

1. SENIOR OFFICER REPORTING ARRANGEMENTS AND JOB TITLES

For the reasons set out in the attached report the Committee;

RESOLVED TO -

1. Agree a change to the job titles of Director of People and Director of Place to Strategic Director for Communities and Strategic Director for Growth and Environment respectively.

2. Agree in principle to a change in reporting arrangements for senior officers, such that the Chief Executive has direct line management responsibility for delivery Directors, subject to consultation with those directly involved.

3. Recommend to Full Council, with reference to Cabinet, that changes in the Reporting lines, Article 11 and the Officer Scheme of Delegation contained within the Constitution be accepted.
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Meeting

General Functions Committee

Date

14 October 2013

Subject

Senior Officer Reporting Arrangements and Job Titles

Report of Summary

Chief Executive and Head of Paid Service

To agree a change to the reporting arrangements of senior officers to give full effect to the Council’s policy position on commissioning, and to agree a change to the job titles of two senior Director posts, referencing areas of responsibility and span of control.

Officer Contributors

Chief Executive and Head of Paid Service

Steve James, Human Resources Consultant

Status (public or exempt)

Public

Wards Affected

Not applicable

Key Decision

Not applicable

Reason for urgency / exemption from call-in

Not applicable

Function of

Council

Enclosures

Appendix 1: Current reporting arrangements

Appendix 2: Revised reporting arrangements

Appendix 3: Delivery Board reporting arrangements

Appendix 4: DCS role compliance assessment

Appendix 5: Officer Scheme of Delegation (2013)

Appendix 6: Article 4 Chief Officers

Contact for Further Information:

Steve James (steve.james@barnet.gov.uk)
1. **RECOMMENDATIONS**

1.1 To agree a change to the job titles of Director of People and Director of Place to Strategic Director for Communities and Strategic Director for Growth and Environment respectively.

1.2 To agree in principle to a change in reporting arrangements for senior officers, such that the Chief Executive has direct line management responsibility for delivery Directors, subject to consultation with those directly involved.

1.3 The Committee notes the areas of responsibility and spans of control of each chief officer for the purposes of delegations. The Committee recommend to Full Council, with reference to Cabinet, that changes in the Reporting lines, Article 11 and the Officer Scheme of Delegation contained within the Constitution be accepted.

2. **RELEVANT PREVIOUS DECISIONS**

2.1 General Functions Committee Decision 23 April 2012 – item 6 (Reorganisation of the Senior Officers and Council Structures) – the Committee authorised the Head of Paid Service to implement the new organisational structure as set out in the report, including reference to the relevant Director roles and job titles.

2.2 Remuneration Committee Decision 28 September 2012 – (Appointment of Director of People) – the Committee agreed to make appointments to the posts established by the General Functions Committee as part of the senior management restructure including the relevant Director post and job title.

2.3 Remuneration Committee Decision 5 October 2012 – (Appointment of Director of Place) – the Committee agreed to make an appointment to the post established by the General Functions Committee as part of the senior management restructure including the relevant Director post and job title.

2.4 Council Resolution 22 January 2013 – (Chief Officer Appointments) – Council noted the appointments to Directors of People, Place, Assurance and Adults & Communities. Council welcomed these appointments but instructed the Head of Governance to bring further recommendations to replace the daft and meaningless job titles with ones that are in plain English and understandable by the residents of the Borough.

2.5 General Functions Committee decision 22 July 2013 - That the Chief Executive be instructed to bring back a report to the next meeting of the Committee setting out the new proposed Chief Officer job titles.

3. **CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

3.1 During 2012, the Council embarked on a programme to transform the way the organisation was structured and move away from traditional directorates/departments to an organisation that has residents and customers at the centre of the Council’s business. The new organisation structure was formed around this principle, with a distinct separation of responsibility between the strategies and commissioning that drives what and how services are delivered, from the
operational delivery of those services, whether by internal or external delivery units.

3.2 In addition the structure is designed to ensure the right leadership capacity to achieve the Council’s corporate plan and respond to fundamental change in context for the delivery of public services, including building the capability to better manage the Council’s relationships with both public and private sector partners in the delivery of services.

3.3 The original proposals considered by General Functions Committee in April 2012, identified that Councils are not entirely free to develop structural arrangements of their own choosing and are required to identify certain posts within their structure. This includes the requirement for there to be designated Chief Officers who have the roles of Director of Children’s Services (DCS) and Director of Adult Social Services (DASS).

3.4 The recommendations herein are wholly in line with these principles and ensure greater leadership capacity and capability to commission and deliver the services that customers and residents need and are compliant with statutory requirements with regard to designated posts.

4. RISK MANAGEMENT ISSUES

4.1 The Government has published statutory guidance regarding the role of the DCS and the DASS to which Local Authorities must have regard. The legal basis for this statutory guidance is set out under the Legal Implications section of this report. Local Authorities should, as a matter of course, assure themselves that their arrangements enable them to discharge their education, children’s social care, and adults social care functions effectively.

4.3 Failure by the Local Authority to discharge its statutory responsibilities in respect of children’s services could result in the Local Authority being placed into formal intervention by the Department for Education and adverse inspection judgments from HMI Education (Ofsted).

4.4 The delivery of effective children’s services is a core responsibility of Local Authorities, ensuring that risks are appropriately managed and that the safeguarding of all children is ensured. The proposals for changes to the senior management reporting arrangements are designed to strengthen arrangements in this respect by ensuring:

- a retained role of DCS (as part of the role profile of Strategic Director, Communities) at the highest level in the organisation and reporting directly to the Chief Executive;
- strategic focus for the DCS on ensuring the desired outcomes for Barnet’s children and young people in respect of safeguarding, and linkage to wider agendas including growth, skills and prosperity;
- that operational oversight for children’s services is retained for the DCS and exercised in conjunction with the Chief Executive to ensure that the whole organisation is focused on safeguarding issues.

4.5 All authority in respect of statutory officer responsibility is maintained through the Scheme of Delegated Authority to Officers (2013) as included within the Constitution (Appendix 5). Regardless of reporting lines the scheme of
delegation enables the statutory officer the ability to control resources in order to discharge their functions effectively and to achieve operating effectiveness if required.

5. **EQUALITIES AND DIVERSITY ISSUES**

5.1 There are no equality and diversity issues arising from this decision as the allocation of Chief Officer posts, job titles and related arrangements are in consideration of the post and not the individual. All post holders have been through a rigorous selection process and appointed in accordance with Council procedures.

6. **USE OF RESOURCES IMPLICATIONS**

6.1 All changes herein will be met within existing financial and workforce budgets and so there are no resource implications of this decision other than those related to the reporting arrangements of staff highlighted in the report.

7. **LEGAL ISSUES**

7.1 In accordance with section 101 Local Government Act 1972 the council has the freedom to determine its internal arrangements for the discharge of its functions.

7.2 The organisational structure must allow for the Director for Children’s Services (DCS), the designated Lead Member for Children’s Services (LMCS) and the Director of Adult Social Services to discharge their statutory functions under section 18(2) Children Act 2004 and section 6(A1) of the Local Authority Social Services Act 1970 respectively.

7.3 The statutory post holders i.e. section 151 Officer, Monitoring Officer, DCS and DASS must have an individual reporting line to the Chief Executive in relation to the matters for which they have statutory responsibility.

8. **CONSTITUTIONAL POWERS**

8.1 Constitution - Responsibility for Functions - General Functions Committee – considers staff matters and conditions of service issues.

8.2 Constitution - Scheme of Delegated Authority to Officers (2013) – The Chief Executive (Head of Paid Service) has “authority over all officers so far as it is necessary for the efficient management and execution of the Council’s affairs, functions or services – except where officers are exercising specific responsibilities under statute”.

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8.3 Constitution – Article 11 – Statutory posts holders are defined as the following:

<table>
<thead>
<tr>
<th>Post</th>
<th>Statutory Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service</td>
</tr>
<tr>
<td>Assurance Director</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Chief Operating Officer</td>
<td>Chief Finance Officer</td>
</tr>
<tr>
<td></td>
<td>Section 151 Officer</td>
</tr>
<tr>
<td>Director for People and Director</td>
<td>Director of Children’s Services</td>
</tr>
<tr>
<td>of Children’s Services</td>
<td></td>
</tr>
<tr>
<td>Adults and Communities Director</td>
<td>Director for Adult Social Services</td>
</tr>
<tr>
<td>Deputy Chief Operating Officer</td>
<td>Deputy Section 151 Officer</td>
</tr>
<tr>
<td>Public Health Lead Commissioner</td>
<td>Director of Public Health</td>
</tr>
</tbody>
</table>

Article 4 will require amendment as a result of the decisions contained within this report and the proposed changes are included in Appendix 6.

9. BACKGROUND INFORMATION

9.1 The recommendations and decisions made by General Functions Committee in 2012/13 as part of the senior management restructure made it clear that one of the defining principles was the separation between the commissioning of services and the delivery of them (whether by internal delivery units or external delivery units). The benefits of this include enhanced strategic capacity, better partnership working, enhanced accountability for delivery, reduced cost and greater responsiveness to a changing policy environment.

9.2 In order to progress the evolution of this new structure and ensure a safe transition to a fully populated model it was necessary to adopt an interim organisation structure that held operational and delivery responsibilities within the remit of senior Directors whose main purpose was to be accountable for strategy, commissioning and achievement of outcomes. Current organisation design is shown in appendix 1. Whilst this has been effective in transitioning to the new model it has inevitably moved away from the principles by merging internal delivery units, commissioning and operational management at the most senior level. The Council’s strategic direction, as embodied in the work underway in the Priorities and Spending Review, requires top leadership focus on the public service challenge across the borough and the commissioning decisions that flow from that. It is therefore now appropriate to implement the commissioning structure as originally envisaged.
9.3 The current arrangements provide for partnerships, commissioning and resource allocation to be led by the current Directors of People and Place. The Council decisions which arise from this process are embodied in agreements with delivery units. These delivery units may be external to the Council, in which case they are governed by contracts, or internal in which case they are governed by management agreements. Day-to-day contract and performance management and service integration is conducted through a delivery board under the auspices of the Chief Operating Officer (Appendix 3). The proposed new arrangements embed this more clearly in the organisation by giving primacy to these arrangements for internal delivery units, and defaulting line management to the Chief Executive. The proposed revised reporting arrangements are set out in Appendix 2.

9.4 In order to retain and strengthen the current statutory post of the Director of Children’s Services (DCS) arrangements, the line management for the Lead Commissioner (schools, skills and learning) will need to transfer to the current Director of People. This will not diminish the role of the current Director for Place in leading the enhanced jobs, skills and growth agenda for the West London Alliance. To ensure continued sufficient operational oversight for the DCS, detailed safeguarding performance management information will be routinely presented to the assurance meeting of the Strategic Commissioning Board, performance management for the two relevant internal delivery Directors (Family Services Director and Education and Skills Director) will be conducted jointly by the Chief Executive and the DCS, and the DCS will have an absolute right to receive any information or issue operational instructions as necessary in pursuance of her DCS role.

9.5 The statutory guidance in respect of the DASS provide for direct line management by the Chief Executive and, as such, would represent a satisfactory arrangement in respect of the statutory role.

9.6 The proposed revised arrangements have been assessed against DCS statutory guidance and found to be satisfactory. The assessment is presented at appendix 4.

9.7 The Officer Scheme of Delegation (Appendix 5) and Article 4 (Appendix 6) require amendment as a result of this change in reporting lines, although essentially aspects of operation are required to be retained for the statutory officer to continue to fulfil their responsibilities. As such, the areas of responsibility for the purposes of the scheme of delegation flow from the Chief Officers in the first instance in respect of both commissioning and delivery. The areas of responsibility and span of control is defined in more detail than previously to ensure clarity.

9.8 Finally, Council requested the Head of Governance to bring forward further proposals with regard to the job titles of Director of Place and Director for People. Given the clearer outcome focus of these roles under these new arrangements and the breadth of responsibility and accountability it is proposed to amend the job titles to Strategic Director for Growth and Environment, and Strategic Director for Communities respectively. As indicated above, the latter role will also continue to include the title of Director of Children Services with regard to the statutory responsibilities and accountability. It is important to note that all statutory officers have the ability to control resources to enable them to discharge their role effectively. All Statutory Officer posts have authority
delegated to them as included within the Constitution – Scheme of Delegated Authority to Officers (2013).

10 BACKGROUND PAPERS

10.1 Statutory Guidance on the Roles and Responsibilities of the Director of Children’s Services and the Lead Member for Children’s Services. This can be downloaded from the web at http://www.education.gov.uk/aboutdfe/statutory/g00206029/statutory-guidance-on-the-roles-and-responsibilities-of-the-director-of-childrens-services-and-the-lead-member-for-childrens-services

<table>
<thead>
<tr>
<th>Cleared by Finance (Officer’s initials)</th>
<th>JH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleared by Legal  (Officer’s initials)</td>
<td>LC</td>
</tr>
</tbody>
</table>
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Current Reporting Arrangements

Appendix 1

Chief Executive (Head of Paid Service)*

Director of People (DCS)*

Director of Place

Chief Operating Officer (CFO)*

Delivery Unit Directors:
- Family Services
- Education & Skills
- Adults & Communities (DASS)*

Lead Commissioners:
- Family & Wellbeing
- Later Life
- Public Health (Director Of Public Health)*

Delivery Unit Director:
- Street Scene

Lead Commissioners:
- Housing & Environment
- Enterprise & Regeneration
- Schools, Skills & Learning

Deputy COO (Deputy CFO)*
- Assurance Director (Monitoring Officer)*
- Commercial and Customer Service Director

Key

- - - Represents a Statutory reporting line for the DASS and the Monitoring Officer to the Chief Executive

* Designates a statutory post
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New Reporting Arrangements

Appendix 2

Chief Executive (Head of Paid Service)*

Strategic Director for Communities (DCS)*

Lead Commissioners:
- Family & Wellbeing
- Later Life
- Public Health (Director of Public Health)*
- Schools, Skills & Learning

Strategic Director for Growth and Environment

Internal Delivery Unit Directors:
- Family Services
- Education & Skills
- Adults & Communities (DASS)*
- Street Scene

Lead Commissioners:
- Housing & Environment
- Enterprise & Regeneration

Chief Operating Officer (CFO)*

Deputy COO (Deputy CFO)*

Assurance Director (Monitoring officer)*

Commercial and Customer Service Director

Key

- Represents a Statutory reporting line for the Family Services and Education and Skills Director to the DCS and also from the Monitoring officer to the Chief Executive

* Designates a statutory post
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**Director of Children’s Services**

**Compliance & Assurance Framework**

(based on Statutory Guidance on Roles & Responsibilities of the DCS and LMCS)

**Key Points:**

- The Children Act 2004 requires LBB to appoint a Director of Children’s Services (DCS) and designate a Lead Member for Children’s Services (LMCS).
- DCS (and LMCS) are appointed for the purposes of discharging the education AND children’s social services functions of LBB.
- Functions for which they are responsible are set out in sec 18(2) of the Children Act 2004 – includes responsibility for children and young people receiving education or social care services in LBB and all children looked after by LBB or in custody (wherever placed).
- LBB can determine its own organisational structures. However LBB must ensure a single officer and single elected member as DCS (and LMCS).
- DCS (and LMCS) should have an integrated children’s services brief ensuring the safety and educational, social and emotional needs of children and young people are central to the local vision.
- DCS (and LMCS) provides a clear and unambiguous line of local accountability.
- DCS has professional responsibility for children’s services – including operational matters.
- DCS has a key leadership role within LBB and with local agencies to improve outcomes for children and young people.
- DCS is politically restricted, first tier and reports directly to Chief Exec.
- LBB should assure itself that arrangements enable it to discharge its education and children’s social care functions effectively.
- LBB should consider protecting the DCS role and responsibilities before allocating additional responsibilities.

**Compliance & Assurance Framework – assuming separation of operational management structure from DCS as proposed:**

<table>
<thead>
<tr>
<th>Role &amp; Responsibility of DCS</th>
<th>Type of Responsibility</th>
<th>Focus</th>
<th>How Discharged</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBB to appoint a DCS</td>
<td>Organisational</td>
<td>Structural</td>
<td>Strategic Director: Communities (SDC) appointed as DCS (formerly Director for People)</td>
<td></td>
</tr>
<tr>
<td>Professional responsibility for leadership of LBB children’s services</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ Strategic Commissioning Board (SCB) &amp; Commissioning Board (CB) re outcome of</td>
<td></td>
</tr>
</tbody>
</table>

111
<table>
<thead>
<tr>
<th>Professional responsibility for strategy of LBB children’s services</th>
<th>Professional</th>
<th>Outcome</th>
<th>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re strategy, integration, oversight &amp; advocacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional responsibility for effectiveness of LBB children’s services</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; CB re general outcomes &amp; effectiveness of services against strategic plan. Director, Family Services &amp; Director, Education &amp; Skills responsible @ Delivery Board (DB) re operational performance &amp; effectiveness of delivery. Management Agreement between the two with DCS intervention process built in. In addition, internal scheme of delegation are in place to give authority from the SDC to the appropriate Delivery Unit Director.</td>
</tr>
<tr>
<td>First Tier Officer reporting to Chief Executive – politically restricted post</td>
<td>Organisational</td>
<td>Structural</td>
<td>SDC (DCS) reports to Chief Executive</td>
</tr>
<tr>
<td>Responsible for securing the provision of services to address the needs of all children &amp; young people</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible @ SCB &amp; CB re commissioning of service delivery re children’s services (internally, externally, or jointly delivered) In addition, internal scheme of delegation are in place to give authority from the SDC to the appropriate Delivery Unit Director.</td>
</tr>
<tr>
<td>Will work closely with local partners to improve outcomes &amp; well-being of children &amp; young people</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; various partnership/3rd party boards re development &amp; delivery of partnership working to deliver improved outcomes</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-------------</td>
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<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Responsible for performance of LBB functions relating to education &amp; social care of children &amp; young people</td>
<td>Performance</td>
<td>Output</td>
<td>SDC responsible @ SCB &amp; CB re general outcomes &amp; effectiveness of services against strategic plan. Director, Family Services &amp; Director, Education &amp; Skills responsible @ Delivery Board (DB) re operational performance &amp; effectiveness of delivery. Management Agreement between the two with DCS intervention process built in</td>
</tr>
<tr>
<td>Responsible for ensuring effective systems in place to discharge functions where services commissioned</td>
<td>Commissioning</td>
<td>Structural</td>
<td>SDC responsible @ CB re governance of commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Have regard to UN Convention on Rights of Children to ensure involvement of children &amp; young people in development &amp; delivery of services</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; CB for professional leadership of services inc. engagement re commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Provides a clear &amp; unambiguous line of professional accountability for children’s well being</td>
<td>Professional</td>
<td>Structural</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re outcome of children’s services as a result of their strategy, integration, oversight &amp; advocacy role. The scheme of delegation</td>
</tr>
<tr>
<td>Need to work closely with the Director of Public Health</td>
<td>Partnership</td>
<td>Structural</td>
<td>SDC represents LBB @ H&amp;WB Board &amp; ongoing relationship with DofPH as Commissioning Director</td>
</tr>
<tr>
<td>LBB to undertake a local test of assurance to ensure that focus on outcomes for children &amp; young people will not be weakened or diluted as a result of additional responsibilities</td>
<td>Organisational</td>
<td>Input</td>
<td>Chief Exec to commission assurance test (using Local Assurance Framework below) to ensure impact on outcomes of changes</td>
</tr>
<tr>
<td>DCS cannot be the Chief Executive</td>
<td>Organisational</td>
<td>Structural</td>
<td>Chief Exec &amp; DCS (SDC) are separate</td>
</tr>
<tr>
<td>DCS provides strong, strategic leadership &amp; development of children’s services sector</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re strategy, integration, oversight &amp; advocacy</td>
</tr>
<tr>
<td>Ensure children’s services are integrated across LBB</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re strategy, integration, oversight &amp; advocacy</td>
</tr>
<tr>
<td>DCS leads, promotes and creates opportunities for co-operation with local partners</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; various partnership/3rd party boards re development &amp; delivery of partnership working to deliver improved outcomes</td>
</tr>
<tr>
<td>Establish local co-operation arrangements re child poverty</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; various partnership/3rd party boards re development &amp; delivery of partnership working to deliver improved outcomes</td>
</tr>
<tr>
<td>DCS will drive local Joint Strategic Needs Assessment and</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; various partnership/3rd party boards re development</td>
</tr>
<tr>
<td>Joint Health &amp; Well-being Strategy</td>
<td>Professional</td>
<td>Outcome</td>
<td>DCS will promote interests of children, young people &amp; families for professional leadership of children’s services @ SCB &amp; CB re strategy, integration, oversight &amp; advocacy</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>DCS will join up local commissioning plans for clinical &amp; public health services with children’s social care &amp; education</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re strategy, integration, oversight &amp; advocacy</td>
</tr>
<tr>
<td>DCS will ensure effective relationships between health &amp; well-being board &amp; Local Safeguarding Children Board</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ LSCB and H&amp;WB Boards for effective relationships</td>
</tr>
<tr>
<td>Responsible for agreements under sec 75 of NHS Act re LBB and NHS re children &amp; young people</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; various partnership/3rd party boards re development &amp; delivery of partnership working to deliver improved outcomes</td>
</tr>
<tr>
<td>DCS ensures clear arrangements to protect children &amp; young people from harm</td>
<td>Commissioning</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re outcome of children’s services as a result of their strategy, integration, oversight &amp; advocacy role</td>
</tr>
<tr>
<td>DCS to be a member of the LSCB &amp; held to account for working of LSCB</td>
<td>Organisational</td>
<td>Structural</td>
<td>SDC (DCS) in lead role at LSCB</td>
</tr>
<tr>
<td>Ensures collaboration &amp; dialogue with family courts to</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; various partnership/3rd party boards re development</td>
</tr>
<tr>
<td>Ensure high quality assessments &amp; evidence</td>
<td>Organisational</td>
<td>Cultural</td>
<td>Chief Exec &amp; SDC (DCS) to drive change re 'corporate parent' @ SCB &amp; delivery of partnership working to deliver improved outcomes</td>
</tr>
<tr>
<td>Shared responsibility to act as effective &amp; caring corporate parents</td>
<td>Organisational</td>
<td>Cultural</td>
<td>Chief Exec &amp; SDC (DCS) to drive change re 'corporate parent' @ SCB &amp; delivery of partnership working to deliver improved outcomes</td>
</tr>
<tr>
<td>Ensure disabled children &amp; SEN can access provision that meets needs &amp; fund provision for children with statements of SEN</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible @ CB re governance of commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Ensure arrangements for alternative provision for children outside mainstream education or missing education</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible @ CB re commissioning &amp; governance of commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Ensure coherent planning between agencies providing services for children in youth justice system</td>
<td>Partnership</td>
<td>Outcome</td>
<td>SDC responsible @ SCB &amp; various partnership/3rd party boards re development &amp; delivery of partnership working to deliver improved outcomes</td>
</tr>
<tr>
<td>Understand local need &amp; secure provision of services taking account of benefits of prevention &amp; early intervention</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible @ CB re commissioning &amp; governance of commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Ensure fair access to all schools for every child in accordance with codes</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible @ CB re commissioning &amp; governance of commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Ensure provision of suitable home to school transport</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible @ CB re commissioning &amp; governance of commissioned services</td>
</tr>
<tr>
<td>Action</td>
<td>Type</td>
<td>Outcome/Ouput</td>
<td>Responsibility</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------</td>
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<td>----------------</td>
</tr>
<tr>
<td>Actively promote a diverse supply of strong schools</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re outcome of children’s services as a result of their strategy, integration, oversight &amp; advocacy role</td>
</tr>
<tr>
<td>Promote high quality early years provision</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re outcome of children’s services as a result of their strategy, integration, oversight &amp; advocacy role</td>
</tr>
<tr>
<td>Secure access for young people to sufficient educational and recreational leisure time activities &amp; facilities for improvement of well-being</td>
<td>Commissioning</td>
<td>Output</td>
<td>SDC responsible @ CB re commissioning &amp; governance of commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Promote children’s &amp; young people’s participation in public decision making so they can influence local commissioners</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re outcome of children’s services as a result of their strategy, integration, oversight &amp; advocacy role</td>
</tr>
<tr>
<td>Promote participation in education or training of young people</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re outcome of children’s services as a result of their strategy, integration, oversight &amp; advocacy role</td>
</tr>
<tr>
<td>Take action re poorly performing schools</td>
<td>Performance</td>
<td>Output</td>
<td>SDC responsible @ SCB &amp; CB re general outcomes &amp; effectiveness of services against strategic plan. Director, Education &amp; Skills responsible @</td>
</tr>
<tr>
<td>Develop robust school improvement strategies</td>
<td>Performance</td>
<td>Output</td>
<td>SDC responsible @ SCB &amp; CB re general outcomes &amp; effectiveness of services against strategic plan. Director, Education &amp; Skills responsible @ Delivery Board (DB) re remedial action plans. Management Agreement between the two with DCS intervention process built in</td>
</tr>
<tr>
<td>Promote high standards by supporting effective school to school collaboration</td>
<td>Professional</td>
<td>Outcome</td>
<td>SDC responsible for professional leadership of children’s services @ SCB &amp; CB re outcome of children’s services as a result of their strategy, integration, oversight &amp; advocacy role</td>
</tr>
<tr>
<td>Support maintained schools to deliver National Curriculum &amp; Early Years Foundation Stage</td>
<td>Commissioning</td>
<td>Outcome</td>
<td>SDC responsible @ CB re commissioning &amp; governance of commissioned services (internally, externally or jointly delivered)</td>
</tr>
<tr>
<td>Establish a schools forum &amp; maintain a scheme for financing maintained schools &amp; provide financial info</td>
<td>Organisational</td>
<td>Structural</td>
<td>Schools Forum established &amp; led by Dir E&amp;S</td>
</tr>
<tr>
<td>Responsibilities re staffing &amp; governance of maintained schools</td>
<td>Performance</td>
<td>Output</td>
<td>SDC responsible @ SCB &amp; CB re general outcomes &amp; effectiveness of services against strategic plan. Director, Education &amp; Skills responsible @ Delivery Board (DB) re</td>
</tr>
<tr>
<td>remedial action plans. Management Agreement between the two with DCS intervention process built in</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
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Appendix 5: Officer Scheme of Delegation (2013)

SCHEME OF DELEGATED AUTHORITY TO OFFICERS (2013)

1. Officer Delegations

This scheme sets out those delegations made to the Chief Executive and Chief Officers (as listed in Article 11) whether by the Council (refers to the 63 Councillors meeting as a body) or by Cabinet (the Executive) or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

Chief Officers are authorised to exercise those powers and duties of the Council in relation to the service and activities for which they are responsible which are not reserved to Council, a Committee or Sub-Committee, Cabinet or a Cabinet Committee, to the Leader or a member of the Cabinet, or to another officer.

They are accountable to the elected Members of the Council for the efficient and economic discharge of these responsibilities. They are, in turn, accountable to the public and are responsible for all matters which impact upon the Council exercising its powers and duties.

Acts of officers done under delegated powers are deemed to be acts of the Council.

Except as specifically provided in this Scheme of Delegations or in Statute, the exercise of any power or duty of the authority is only delegated where the exercise would be (a) in accordance with any approved plan, policy or strategy, (b) not raising new issues of policy or precedent, and (c) not of such sensitivity or significance that it is appropriate for the matter to be referred to members for decision.

2. Delegation of Powers

In exercising delegated powers officers must:

- a. Comply with any strategy, policy, plan or direction directed by Members of the Council
- c. Only incur expenditure within approved limits/estimates
- d. Refer to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major changes where custom and practice or initial consultation with elected Members should have taken place.
- e. Ensure compliance with the law and all policies, regulations, orders, codes, protocols and similar documents approved by the Council, Cabinet or a Regulatory Committee
f. Inform members with specific functional responsibilities and
   ward members about the exercise of powers

g. Consult with other relevant officers with proper regard to any
   advice given.

i. Authorise another officer or officers to exercise those powers
   when they are absent or cannot be notified.

j. Keep appropriate records and registers of decisions and report
   to Council, Cabinet or Committee if required.

k. Be accountable to the Council and Members or Cabinet or
   Committee, from which those powers derive.

l. Be subject to decisions by the Chief Executive or the Monitoring
   Officer on whether officers should exercise any delegated
   power.

m. Operate under the terms of officers holding politically restricted
   posts.

3. Where appropriate the Chief Executive may exercise any function
   delegated to any other officer, unless prohibited by law.

4. Chief Officers may exercise any function delegated to any other officer
   within their directorates, unless prohibited by law.

5. In the event of any dispute as to the delegated powers of any senior
   officer the Chief Executive shall have the power to determine which
   officer is to exercise the power.

6. Where a function is delegated to the Chief Executive or a Chief Officer,
   he/she may sub-delegate responsibility for matters to another officer
   subject to the Chief Executive or Chief Officer retaining the power to
   recall any matter for decision, unless prohibited by law.

7. Officers exercising delegated powers may make decisions that were
   not anticipated within the budget or Service Plan but nevertheless
   relate to everyday business.

8. Responsibility for monitoring that specific Council strategies and plans
   are focused on the commissioning and delivery of services to achieve
   the best outcomes for the people of Barnet and the delivery of
   outstanding customer service across all services.

9. The use of Delegated Power Reports (DPR) will be by exception and
   only when there is a clear need to do so.

10. There are limitations upon all delegated powers. In particular there is
    no delegation of power to officers of:

    a. Matters reserved specifically to Members by resolution of Council or
       the Cabinet
    b. Approval to exceed the provision in the revenue or capital budgets for
       their service responsibilities
    c. Decisions on permanent savings in the budget to achieve the Council's
       policies
    d. The right to determine a major employee re-organisation
e. Where the officer is of the opinion that the matter is of such significance or sensitivity that it should be referred to members for decision
DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE AND EACH CHIEF OFFICER

Any power delegated to the Chief Executive (Head of Paid Service) may also be exercised by any member of staff who has been so authorised by the Chief Executive to whom that power is delegated, or in their absence or non-availability, by the nominated officer having responsibility of the said function, subject to any requirement, condition, restriction or limitation specified by the Chief Executive.

The Chief Executive, Chief Operating Officer, Strategic Director of Communities and Strategic Director for Growth and Environment comprise the Strategic Commissioning Board (SCB) which is tasked to deliver the Council’s themes, as agreed by Members.

The Chief Executive and Chief Officers have the following general powers:

(a) To manage and promote the services and functions for which they are responsible.
(b) Taking and implementing any decision required for operational effectiveness.
(c) To discharge the powers conferred on Chief Officers by Standing Orders, Financial Regulations, Human Resources Policies and Contract Procurement Rules.
(d) Authorisation and acceptance of quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules.
(e) Expenditure within approved revenue budget estimates.
(f) Virement of resources for sums in excess of £50,000 between service directorates and employee and non-employee expenditure.
(g) Agreement of settlements of up to £1,000 subject to the approved budget.
(h) Bidding for external resources for services within their remit.
(i) Writing off of debts and disposal of assets as prescribed in Council Financial Regulations.
(j) Liaison with and development of partnerships with external agencies, government departments and stakeholder organisations.
(k) The setting, variation and recovery of costs, fees and charges for goods funded by the Council.
(l) Exercise of discretionary powers in relation to all staffing matters detailed within the Council’s Human Resources Policies including the appointment, promotion and dismissal of permanent and temporary staff, the remuneration and rewarding of staff within approved budgets and the authorisation of staff absence, leave, payments including overtime, expenses and ex gratia payments.
(m) Giving officers authority to enter premises where powers of entry are conferred for the purposes of fulfilling a function for which the Chief Officer is responsible.

Deleted: The taking and implementation of any decision required for operational effectiveness, entering into arrangements to do anything which is considered necessary or expedient in respect of functions delegated to them.
DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE

The Chief Executive has lead responsibility to implement the Council’s policies, ensuring that it delivers to its objectives and duties, within budget, and according to strategic priorities and statutory requirements.

Responsibility for functions including:

<table>
<thead>
<tr>
<th>Function Description</th>
<th>Responsible Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be the Head of the Paid Service</td>
<td>The Local Government and Housing Act (1989)</td>
</tr>
<tr>
<td>Authority over all officers so far as it is necessary for the efficient management and execution of the Council’s affairs, functions or services - except where officers are exercising specific responsibilities under statute as set out in Article 11 as Statutory Officers.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>Leadership of the Strategic Commissioning Board to set overall outcomes for the Council and develop commissioning strategies.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>Co-ordination, direction and monitoring of the Council’s initiatives to achieve efficiency and best value in the delivery of its functions.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>Taking any action necessary to ensure the effective and efficient management and operations of the Council.</td>
<td>Executive</td>
</tr>
<tr>
<td>Reporting to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.</td>
<td>Section 4, Local Government Act and Housing Act (1989)</td>
</tr>
<tr>
<td>Taking any action necessary to ensure the effective development and delivery of the Council’s key strategies and services.</td>
<td>Council</td>
</tr>
<tr>
<td>To make any decision delegated to another officer.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>The appointment, promotion and dismissal of staff including the forming, varying and ending of contracts of employment for Officers below Chief Officer as set out in the Council’s Human Resources Regulations.</td>
<td>Section 4-12 of the Local Government and Housing Act and Section 112 of the Local Government Act 1972</td>
</tr>
<tr>
<td>Appointment of officers to deliver the statutory functions of the Council and authorise them to do so under relevant legislation.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>Exercise the powers of the Council in relation to well-being</td>
<td>General Power of Competence, Section 1 Localism Act 2011</td>
</tr>
<tr>
<td>Discharge of the functions of the Electoral Registration Officer and, where required, the Returning Officer</td>
<td>Council</td>
</tr>
<tr>
<td>Appointment and proper management of the</td>
<td>Council and</td>
</tr>
<tr>
<td>Authority’s staff subject to the DCLG guidance on appointment of staff with remuneration packages of £100,000 <strong>by the Remuneration Committee</strong></td>
<td>Executive</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Ensure the facilitation of the Barnet Partnership Board and that it meets Government requirements.</td>
<td>Executive</td>
</tr>
<tr>
<td>Preparation of the Barnet Corporate Plan and other key corporate policies as appropriate, for agreement by Cabinet and Council.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>Responsibility for the overall co-ordination and performance management of the Council’s operations, including arrangements for managing major projects.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>Responsibility for Council communications.</td>
<td>Executive</td>
</tr>
<tr>
<td>Responsibility for the Council’s risk and reputation management by ensuring it operates in an open, accountable and democratic manner.</td>
<td>Council</td>
</tr>
</tbody>
</table>
DELEGATED AUTHORITY TO THE CHIEF OPERATING OFFICER/ DIRECTOR OF FINANCE

The Chief Operating Officer/Director of Finance has the powers set out in the Financial Standing Orders.

Responsibility for functions including:

<table>
<thead>
<tr>
<th>Function</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be the Council’s statutory Chief Finance Officer and S151 Officer</td>
<td>Section 151, Local Government Act 1972</td>
</tr>
<tr>
<td>Ensuring that the Council operates within required financial policies and procedures to ensure the efficient and appropriate use of public money.</td>
<td>Section 151, Local Government Act 1972</td>
</tr>
<tr>
<td>The proper administration of the financial affairs of the Council which responsibilities shall include all arrangements covering financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds, the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.</td>
<td>Section 115 (2), Local Government Act 1972</td>
</tr>
<tr>
<td>Make any statutory declaration in connection with the transfer of securities.</td>
<td>Section 146, Local Government Act 1972</td>
</tr>
<tr>
<td>Responsibility for the provisions of the Accounts and Audit Regulations in respect of the need to maintain an adequate and effective system of internal audit of the Council’s accounting records and of its system of internal control in accordance with proper internal audit practices.</td>
<td>Accounts and Audit Regulations 2003</td>
</tr>
<tr>
<td>Exercising the functions of the Council relating to procurement.</td>
<td>Executive</td>
</tr>
<tr>
<td>To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Chief Operating Officer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified with expenditure consistent with performance management plans.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments.</td>
<td>Council and Executive</td>
</tr>
<tr>
<td>To write off debt amounts up to and including £5,000 in consultation with the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service (HB Public Law).</td>
<td>Executive</td>
</tr>
<tr>
<td>Authority to write off overpayments of salary allowances or pensions which occur as a result of the death of an employee or pensioner.</td>
<td>Section 30, Local Government (Miscellaneous Provisions) Act</td>
</tr>
<tr>
<td><strong>Responsibilities as set out in the Pension Fund Governance Compliance Statement.</strong></td>
<td>1976</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Council</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>With the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service (HB Public Law) to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals where this represents best consideration, the entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration and where the Council is granting the lease, acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration, to respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.</strong></th>
<th>Local Government Act 1972</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Responsibility to report if an Executive or Council decision will or is likely to incur unlawful expenditure or where expenditure exceeds or is likely to exceed the resources available or would cause a loss or deficiency to the Council or entry of an unlawful item of account.</strong></th>
<th>Section 114 and 114a, Local Government Finance Act (1988)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Report on the robustness of the authority’s budget calculations and the adequacy of the Council’s proposed financial reserves.</strong></th>
<th>Section 25, Local Government 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Authority to provide financial information to the media, members of the public and the community.</strong></th>
<th>Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DELEGATED AUTHORITY TO THE MONITORING OFFICER

Responsibility for functions including:

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be the Council’s statutory Monitoring Officer with responsibility for ensuring that the Council meets its legal and statutory obligations in relation to issuing appropriate guidance to member and officers in the undertaking of their roles.</td>
<td>Section 5 and 5a, Local Government and Housing Act (1989)</td>
</tr>
<tr>
<td>All democratic processes for the Council.</td>
<td>Council</td>
</tr>
<tr>
<td>The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.</td>
<td>Council</td>
</tr>
<tr>
<td>Ensuring that the Council meets the highest standards of governance, risk management and probity and that sound governance principles are embedded across the organisation and its partners.</td>
<td>Council</td>
</tr>
<tr>
<td>Reporting on the contravention or likely contravention of an enactment or rule of law and any maladministration or injustice where an Ombudsman has carried out an investigation.</td>
<td>Section 5 and 5a, Local Government and Housing Act (1989)</td>
</tr>
<tr>
<td>Advice to Members of the Members Code of Conduct</td>
<td>Members Code of Conduct</td>
</tr>
<tr>
<td>Key role in the framework for local determination of complaints</td>
<td>Sections 28-34, Localism Act (2011)</td>
</tr>
<tr>
<td>Advice to Members on Compensation or remedy for maladministration</td>
<td>Section 92, Local Government Act (2000)</td>
</tr>
<tr>
<td>The provision of advice on the scope of powers and authorities to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.</td>
<td>Council</td>
</tr>
<tr>
<td>Holding of any reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution subject to the Inter Authority Agreement between the London Boroughs of Barnet and Harrow</td>
<td>Council</td>
</tr>
<tr>
<td>The maintenance of the Constitution and its availability to members, officers and the public. Authority to amend the Constitution to give effect to decisions of Council or the</td>
<td>Council</td>
</tr>
</tbody>
</table>
Executive and changes of fact and law.

| Power to conduct or appoint officers or others to conduct investigations into allegations of breach of the Code of Conduct. | Council |
| Authority to stop a proposal or decision being implemented if it is considered that any proposal, decision or omission would give rise to unlawfulness or maladministration. | Council |
| To authorise payments of up to £5,000 in settlement of maladministration, subject to subsequent report to the Portfolio Holder. | Council |

**LEGAL SERVICES**

The Council operates a joint legal service with Harrow Council. It has resolved to delegate the exercise of its legal functions to the London Borough of Harrow under Section 101 of the Local Government Act 1972 and of the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2000. Its functions and delegated powers include:

Responsibility for functions including:

| Acting as Solicitor to the Council and to institute, conduct and, where appropriate, defend and settle criminal and civil legal proceedings and claims concerning the Council’s responsibilities and interests except in relation to those covered by the Council’s insurance policies. |
| Taking any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council. |
| Lodging appeals against any adverse finding against the Council in any tribunal or court. |
| Signing any documentation to give effect to any resolution of the Council in any tribunal or court. |
| Signing any document necessary to give effect to any resolution of the Council, the Cabinet, a Cabinet Member or any Committee or Sub-Committee. |
**DELEGATED AUTHORITY FOR THE DIRECTOR OF COMMUNITIES**

| Taking and implementing any decision required for operational effectiveness of Children’s Services in accordance with her role as Director of Children’s Services in conjunction with the Chief Executive | Council |
| Taking and implementing any decision required in relation to the commissioning of services for children’s services, adult social care and education and skills | Council |

**IN HER CAPACITY AS DIRECTOR OF CHILDREN’S SERVICES (DCS):**

Responsibility for functions including:

<p>| Those duties conferred on or exercisable in its capacity as a local education authority. | Section 18 (3), Children Act 2004 |
| Powers to take all necessary action to ensure that the Council’s duties are properly and effectively discharged in child protection and care cases | Section 18 (3), Children Act 2004 |
| Exercise all functions, powers and duties of a Children’s Services Authority under all relevant legislation, but not limited to, Education, Social Services and Health functions. | Local Authorities Social Services Act 1970 and Section 75, National Health Service Act 2006 |
| Functions relating to looked after children | Section 18 (23c - 24d) Children’s Act 1989 and Section 18, Children Act 2004 |
| Duty to make and sustain arrangements to promote co-operation between the Council and its partner organisations to improve the well-being of the children within the authority | Section 10 Children Act 2004 |
| Duty to make arrangements to ensure the Council’s functions are discharged having regard to the need to safeguarding and promote the welfare of children | Sections 11 and 18, Children Act 2004 |
| Duty to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members’ activities for the purpose of safeguarding and promoting the welfare of children in the Council’s area. | Sections 13, 14, 15, 16, Children Act 2004 |
| Establish and maintain information databases in relation to the well-being and safeguarding of children. | Section 12 and 18, Children Act |</p>
<table>
<thead>
<tr>
<th><strong>Preparation and publication of a Children’s and Young People Plan</strong></th>
<th><strong>Sections 17 and 18, Children Act 2004</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Duty to promote the educational achievement of looked after children.</strong></td>
<td><strong>Children’s Act 1989 (as amended)</strong></td>
</tr>
<tr>
<td><strong>Duty to provide the Secretary of State, if so directed, with information on individual children</strong></td>
<td><strong>Children’s Act 1989 (as amended)</strong></td>
</tr>
<tr>
<td><strong>Any function under section 75 of the National Health Act 2006 on behalf of an NHS body as far as those results relate to children.</strong></td>
<td><strong>Section 18, Children Act 2004</strong></td>
</tr>
<tr>
<td><strong>Responsibility for any additional functions as the authority consider appropriate</strong></td>
<td><strong>Section 18, Children Act 2004</strong></td>
</tr>
</tbody>
</table>

**DIRECTOR OF ADULT SOCIAL SERVICES**

Responsibility for functions including:

| Exercise the functions of the Council with regard to the delivery of those functions in respect of adults (other than those for which the Director of Children’s Services is responsible) | Section (1a) and Schedule 1 of the Local Authority Services Act 1970 |
| Exercise of all functions, powers and duties of an Adult Services Authority including, but not limited to Social Services, safeguarding of adults, Deprivation of Liberty, Mental Health services and Health functions | Executive |
| Arrangement for the effective operation of the Council’s responsibilities for the assessment, purchase and provision of social care services for adults including people disabilities, older people, people with mental health needs, people with substance misuse problems and adults with learning disabilities. | Pursuant (but not limited to) the National Assistance Act 1948, the Mental Health Act, the Chronically Sick and Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act, the National Health and
<table>
<thead>
<tr>
<th>Assessment and planning to meet the needs of carers of vulnerable people.</th>
<th>Community Care Act, the Health and Social Care Act and the Mental Capacity Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acting as the 'appropriate adult' in relation to persons with a mental disorder (which may include a disability) who are detained at a police station.</td>
<td>The Carers and Disabled Children Act 2000.</td>
</tr>
<tr>
<td>Leadership of the continuous improvement of high quality care and support services to adults including the development of commissioned and care and support services and the delivery of assessment/care management services (including ensuring resource allocations to eligible individuals to but care and support).</td>
<td>Executive</td>
</tr>
</tbody>
</table>

**Director for Growth and Environment**

<table>
<thead>
<tr>
<th>Commissioning services for and making any decision for the operational effectiveness of housing, cemeteries and crematoriums, highways, regeneration, planning and development management, building control, trading standards and licensing, environmental health, land charges and strategic planning</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taking and implementing any decision required for the operational effectiveness of Street Scene services in conjunction with the Chief Executive</td>
<td>Council</td>
</tr>
</tbody>
</table>
The Council operates a joint Specialist Public Health Service with Harrow Council. It has resolved that the statutory responsibilities for local health protection, health improvement and reducing health inequalities should be hosted by Harrow Council.

Responsibility for functions including:

<table>
<thead>
<tr>
<th>Function</th>
<th>Legal Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>All of the local authority’s duties to take steps to improve public health</td>
<td>Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act, Directors of Public Health in Local Government: i. Roles, responsibilities and context Oct. 2012, p.9., para. 3.3</td>
</tr>
<tr>
<td>Exercising their local authority’s functions in planning for, and responding to, emergencies that present a risk to public health</td>
<td>Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.</td>
</tr>
<tr>
<td>Responsibility for the local authority’s role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders</td>
<td>Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.</td>
</tr>
<tr>
<td>Responsibility for the local authority’s public health response as a responsible authority in areas such as making representations about licensing applications</td>
<td>The Licensing Act 2003 and regulations made under section 73A (1) of the 2006 Act, inserted by section 30 of the Health and Social Care Act 2012. Sections 5 (3), 13 (4), 69 (4) and 172B (4) of the Licensing Act, as amended by Schedule 5 of the</td>
</tr>
</tbody>
</table>
| **Duty to ensure plans are in place to protect the population including through screening and immunisation. Provide independent scrutiny and challenge of the plans of the NHS Commissioning Board (CB), Public Health and Environment (PHE) and providers. PHE will support the Director in the duty to hold the NHS CB to account through the provision of data and information on performance against standards. The Director will need to be satisfied that the combined plans of all these organisations will deliver effective screening and immunisation programmes to their local populations.”** | **2012 Act.**

Definitions

For the purposes of this scheme the following will is used through-out the document and therefore the common definitions are attached:

“Authority” – refers to the legal entity of Barnet Council
“Cabinet” – refers to the 10 Executive members meeting as a body
“Council” – refers to 63 Councillors meeting as a body
“Delegated Powers Report (DPR)” – a delegated powers report is a summary of the decision that has been made and the powers being used either by the Executive or the Officer.
“Executive” – to mean any part of the authority when discharging executive functions
Appendix 6 - Article 11 Chief Officers

Article 11 – Chief Officers

11.01 Management Structure

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

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

Chief Executive
Chief Operating Officer
Strategic Director for Communities
Strategic Director for Growth and Environment
Assurance Director
Adults and Communities Director
Director of Public Health (Public Health Lead Commissioner)

The Assurance Director will have reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution, together with the following statutory officer powers:

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

The Council will designate the following posts as shown:

<table>
<thead>
<tr>
<th>Post</th>
<th>Statutory Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service (works with Members and the Strategic Commissioning Board to deliver the council’s themes)</td>
</tr>
<tr>
<td>Assurance Director</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Chief Operating Officer</td>
<td>Chief Finance Officer Section 151 Officer</td>
</tr>
<tr>
<td>Strategic Director for Communities</td>
<td>Director of Children’s Services</td>
</tr>
<tr>
<td>Adults and Communities Director</td>
<td>Director for Adult Social Services</td>
</tr>
<tr>
<td>Deputy Chief Operating Officer</td>
<td>Deputy Section 151 Officer</td>
</tr>
<tr>
<td>Public Health Lead Commissioner</td>
<td>Director of Public Health</td>
</tr>
</tbody>
</table>

Such posts will have the functions described in Article 11.02-11.06 below.

### 11.02 Functions of Head of Paid Service

(a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restriction of functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant. **References:** Section 4 and 5, Local Government and Housing Act 1989

(c) The Head of Paid Service has authority over all other chief officers so far as is necessary for efficient management and for carrying out the Council’s functions.
11.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Operating Officer, the Monitoring Officer will report to the full council, or to the Executive in relation to an executive function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Constitution, Ethics and Probity Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution, Ethics and Probity Committee.

(d) **Conducting investigations.** The Monitoring Officer will conduct or appoint Officers or others to conduct investigations into allegations of breach of the Member Code of Conduct. Then s/he or they will make reports and recommendations in respect of such allegations to the Leaders Panel.

(e) **Proper officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(g) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the council, in particular through the provision of legal advice and advice on probity and good administration.

(h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

(j) **Register of Members Interests.** The Monitoring Officer will keep and maintain the Register of Members Interests and ensure its availability to the public.

References:
11.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the council’s external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.

(b) **Estimates and resources.** In accordance with the Local Government Act 2003 to advise on robustness of estimates and level of resources.

(c) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.

(d) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.

(e) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(f) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.05 Functions of the Director of Children’s Services

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

(b) The Director of Children’s Services is responsible for the delivery of the Council’s education and social services functions for children, and any health functions for children delegated to the Council by an NHS body.

11.06 Functions of the Director of Adult Social Services

(a) The Adults and Communities Director will fulfil the role of the Director for Adult Social Services as required by the Local Authority Health Social Services Act 1970, as amended by the Children Act 2004.
(b) The Adults and Communities Director is responsible for the delivery of the Council’s social services functions, other than those for which the Council’s Director of Children’s Services is responsible under the Children Act 2004.

11.07 Functions of the Director of Public Health (DPH)

(a) The DPH is responsible for writing the Annual Report on the health of the local population

b) The DPH is responsible for all of the local authority’s duties to take steps to improve public health.

c) The DPH is responsible for exercising the local authority’s functions in planning for, and responding to, emergencies that present a risk to public health

d) The DPH is responsible for exercising the local authority’s role in co-operating with the Police, the Probation Service and the prison Service to assess the risks posed by violent or sexual offenders

e) The DPH is responsible for the local authority’s public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications

f) The DPH is responsible for exercising the local authority’s duties to ensure plans are in place to protect their population including through screening and immunisation.

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

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

11.09 Conduct

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

11.10 Employment

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

14 October 2013

Members Present:-

Councillor Richard Cornelius (Chairman)
Councillor Daniel Thomas (Vice-Chairman)
Councillor Alison Moore
Councillor Barry Rawlings
Councillor Joan Scannell

AGENDA ITEM 4.4

1. **PROPOSALS FOR IMPLEMENTING THE LONDON LIVING WAGE RATE OF PAY IN 2013/14**

For the reasons set out in the attached the report, the Committee;

**RESOLVED TO RECOMMEND TO COUNCIL:**

1. That Council incorporates a statement in its annual Pay Policy Statement regarding the minimum wage rate for Council employees that will be effective from April each year.

2. That the Pay Policy Statement for 2013/14 be amended to include such a statement that sets the Council’s minimum wage as being equal to the London Living Wage (LLW) rate of pay published in October 2013, with the increase being paid from October 2013.

### Meeting

**Remuneration Committee**

### Date

14 October 2013

### Subject

**Proposals for implementing the London Living Wage rate of pay in 2013/14**

### Report of

Chief Executive

### Summary

This report sets out for Committee proposals to introduce the London Living Wage rate of pay for employees of Barnet Council in 2013/14.

### Officer Contributors

Graham Thurston, Unified Reward Project Manager

### Status (public or exempt)

Public

### Wards Affected

- 

### Key Decision

Remuneration Committee

### Reason for urgency / exemption from call-in

Not applicable

### Function of

Council

### Enclosures

Not applicable

### Contact for Further Information:

Graham Thurston 0208 359 2115
1. RECOMMENDATIONS

1.1. To recommend to Council that it incorporates a statement in its annual Pay Policy Statement regarding the minimum wage rate for Council employees that will be effective from April each year.

1.2. To recommend to Council that the Pay Policy Statement for 2013/14 be amended to include such a statement that sets the Council’s minimum wage as being equal to the London Living Wage (LLW) rate of pay published in October 2013, with the increase being paid from October 2013.

1.3. To recommend to Council that the Pay Policy Statement for 2014/15 sets the Council’s minimum wage as being equal to the London Living Wage (LLW) rate of pay published in October 2013.

2. PREVIOUS RELEVANT DECISIONS

2.1. Council meeting 16 July 2013 Non Executive Business Item in the name of Councillor Alison Moore, amended in the name of Councillor Daniel Thomas.

"Following this declaration – and provided the council receives a positive outcome from the ongoing One Barnet legal challenge – Council calls on Cabinet to bring forward the necessary proposals in order to pay all directly employed council staff at least the equivalent of the London Living Wage."

2.2. Remuneration Committee 29 January 2013 resolved to agree the Council’s pay policy statement for the financial year 2013/14 and to remit it for endorsement by Council on 5 March 2013.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1. The Council believes that no-one should do a hard day’s work for less than they can live on, and that all our staff deserve to be paid at least the Living Wage. Council considers that if everyone in London on low pay were paid at least the living wage it could potentially save the government money by increasing the tax base and reducing spend on welfare benefits.

3.2. In addition, the Council believes that the added benefit to the Council of paying at least the living wage include increased productivity and lower staff turnover, which would reduce recruitment costs.

4. RISK MANAGEMENT ISSUES

4.1. If the LLW is increased to around £8.80 in October 2013 (as expected) it would have increased by over 30% since it was introduced in 2005. By comparison wage increases in local government over the same period have been less than half this level at 13%.

4.2. Currently, approximately a quarter of the Council’s workforce are paid below the LLW rate of pay and if the LLW continues to increase in line with inflation (CPI) it is projected that this may increase to around a third of employees by 2016. This will obviously have an upwards pressure on Council wages and cost control issues.
4.3. Any on-going commitment to pay the LLW (given the trajectory of increases to date) needs to be balanced against the sustainability of pegging the Council’s pay structure to a formula over which it has no direct control.

4.4. For this reason the recommendation is to incorporate a minimum wage statement in the annual Pay Policy Statement, which is agreed by Remuneration Committee in January each year, ratified by Council in March and takes effect from April each year. Remuneration Committee will therefore recommend the level of the minimum wage for Council employees, taking into account a number of factors, including:

- The National Minimum Wage (NMW)
- The National Living Wage (NLW)
- The London Living Wage (LLW)
- Current and forecast inflation
- Level of pay awards in the public sector

4.5. The proposed amendment to the current Pay Policy Statement would set the minimum wage rate for 2013/14 (from October 2013 onwards) and for 2014/15 as being equal to the LLW as set in October 2013.

4.6. The operational impact of applying the LLW has also been assessed and there may be a business risk in some areas. One specific area of impact is the Catering Business. This business is not subsidised by the Council and currently contributes a surplus to the Children’s budget. It is anticipated that the majority of this would be eroded with the application of the LLW. The LLW would apply to Catering Assistants, Assistant Kitchen Managers and some Kitchen Managers meaning that current pay differentials would be completely removed. If the service introduces pay differentials to ensure kitchen managers receive more pay than the people they manage then this would further increase the cost to the service. The cost increases could be passed onto customers but school meals is both a politically sensitive area and demand for school meals is quite price sensitive too, which may restrict the ability of the service to increase prices. The introduction of the LLW may affect the viability of the current business model.

5. EQUALITIES AND DIVERSITY ISSUES

5.1. Ensuring the Council’s pay arrangements are fair, equitable and comply with equalities legislation are key considerations. Introducing a minimum rate of pay would probably benefit a disproportionate number of female employees. However, if legally challenged the Council’s defence would be that this measure reduces the overall pay gap between men and women and as such should be seen as a reasonable measure to achieve a legitimate aim.

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

Financial impact on the Council

6.1. The overall cost impact for the Council of increasing base pay to the level of the LLW (expected to be £8.80 with effect from October 2013) is calculated to be
around £468k (full year costs with employers’ on-costs for permanent council employees and casual staff). Therefore, for the current financial year the estimated cost would be £234k between October 2013 and March 2014.

6.2. It is proposed to pay this amount as a separate payment and not to consolidate it into base pay. The additional cost would be paid from reserves in 2013/14 and would be budgeted separately in 2014/15.

6.3. The impact on community schools of £135k will need to be funded by schools from their Dedicated Schools budget share and agreed locally.

7. LEGAL ISSUES

7.1. The pay policy statement is a requirement of s38 Localism Act 2011. It requires the statement to include a definition of ‘lowest paid employees’ adopted by the authority for the purposes of the statement and the authority’s reasons for adopting that definition.

7.2. The policy and any changes to it have to be approved by a resolution of the authority. This means the full Council as s 42 prohibits the functions being delegated either to the Executive or to a Council Sub Committee. s101 Local Government Act 1972 is specifically excluded in relation to pay policy statements.

7.3. Remuneration Committee can therefore only make a recommendation to Council to adopt. It cannot implement the change in policy to introduce the London Living Wage.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1. The Remuneration Committee’s terms of reference are noted in Part 3 of the Council’s Constitution – Responsibility for Functions.

9. BACKGROUND INFORMATION

9.1 Organisations can seek full accreditation to the National or London Living Wage through Citizens UK – a charitable body that administers the accreditation process.

9.2 There is a growing momentum amongst employers to comply in some form with the National Living Wage (NLW) and the London Living Wage (LLW). Approximately 26% of London Boroughs are fully accredited and 37% comply without accreditation. The Council needs to consider its response to this and how it addresses it as part of its reward strategy.

9.3 The LLW was introduced in 2005 at a rate of £6.70 per hour. Since then the rate has increased to its current level of £8.55 per hour. The rate of increase has varied between 2.0% to 5.7%, with the average being 3.5%. The current rate equates to a full time salary of £16,049 per annum for a 36 hour week. Therefore, all employees on SCP 8 (£15,771) and below are currently paid below the London Living Wage rate. See table below.

9.4 The LLW is increased in October each year. According to the Office National Statistics (ONS) the Consumer Prices Index (CPI) is 2.9% (12 August 2013). If
the LLW were to increase by this amount it would make the figure around £8.80 per hour (£16,515). This would mean employees on or below SCP 10 (£16,452) would be under the LLW.

9.5 The table below shows the potential impact on the Council’s pay spine assuming that NJC cost of living increases are capped at 1% and the LLW increases at the current CPI rate of 3.0%. The light yellow shaded area demonstrates the spinal column points that would be below the LLW if it continues to increase at the CPI rate of inflation.

<table>
<thead>
<tr>
<th>SCP</th>
<th>Annual Value 2013/14</th>
<th>NJC Hourly Rate 2013/14</th>
<th>Forecast NJC hourly rates based on 1.0% increase per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>2014/15</td>
</tr>
<tr>
<td>4</td>
<td>14,844</td>
<td>7.91</td>
<td>Removed w.e.f. 1 October 2013</td>
</tr>
<tr>
<td>5</td>
<td>14,961</td>
<td>7.97</td>
<td>8.05</td>
</tr>
<tr>
<td>6</td>
<td>15,090</td>
<td>8.04</td>
<td>8.12</td>
</tr>
<tr>
<td>7</td>
<td>15,369</td>
<td>8.19</td>
<td>8.27</td>
</tr>
<tr>
<td>8</td>
<td>15,771</td>
<td>8.40*</td>
<td>8.49</td>
</tr>
<tr>
<td>9</td>
<td>16,164</td>
<td>8.61</td>
<td>8.70</td>
</tr>
<tr>
<td>10</td>
<td>16,452</td>
<td>8.76</td>
<td>8.85</td>
</tr>
<tr>
<td>11</td>
<td>16,647</td>
<td>8.87</td>
<td>8.96</td>
</tr>
<tr>
<td>12</td>
<td>16,962</td>
<td>9.04</td>
<td>9.13</td>
</tr>
<tr>
<td>13</td>
<td>17,367</td>
<td>9.25</td>
<td>9.34</td>
</tr>
<tr>
<td>14</td>
<td>17,658</td>
<td>9.41</td>
<td>9.50</td>
</tr>
</tbody>
</table>

9.6 The table below shows the employees directly employed by the Council and in Community Schools that are currently paid below the LLW rate. For the purposes of this paper employees in non-community schools are excluded.

**Directly Employed employees**

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Number</th>
<th>Cost to increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admin Assistant</td>
<td>2</td>
<td>1,955</td>
</tr>
<tr>
<td>Assistant Kitchen Manager</td>
<td>13</td>
<td>8,404</td>
</tr>
<tr>
<td>Catering Assistant</td>
<td>164</td>
<td>127,315</td>
</tr>
<tr>
<td>Coach Escort</td>
<td>55</td>
<td>17,086</td>
</tr>
<tr>
<td>Dining Centre Supervisor</td>
<td>5</td>
<td>2,216</td>
</tr>
<tr>
<td>Domestic Assistant</td>
<td>1</td>
<td>1,579</td>
</tr>
<tr>
<td>Driver</td>
<td>2</td>
<td>1,807</td>
</tr>
<tr>
<td>Kitchen Manager</td>
<td>2</td>
<td>1,314</td>
</tr>
<tr>
<td>Saturday &amp; Evening Library Assistant</td>
<td>42</td>
<td>12,903</td>
</tr>
<tr>
<td>General assistant</td>
<td>1</td>
<td>877</td>
</tr>
<tr>
<td>Street Sweeper/Operative</td>
<td>54</td>
<td>64,571</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>341</td>
<td><strong>240,027</strong></td>
</tr>
</tbody>
</table>
Community School employees – DSG impact

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Number</th>
<th>Cost to increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admin Assistant</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>After School Club Assistant</td>
<td>3</td>
<td>1,316</td>
</tr>
<tr>
<td>After School Club Leader</td>
<td>1</td>
<td>172</td>
</tr>
<tr>
<td>Assistant caretaker</td>
<td>3</td>
<td>983</td>
</tr>
<tr>
<td>Breakfast Club Assistant</td>
<td>6</td>
<td>893</td>
</tr>
<tr>
<td>Breakfast Club Leader</td>
<td>2</td>
<td>156</td>
</tr>
<tr>
<td>Caretaker</td>
<td>1</td>
<td>199</td>
</tr>
<tr>
<td>Catering Assistant</td>
<td>2</td>
<td>1,328</td>
</tr>
<tr>
<td>Cleaner</td>
<td>46</td>
<td>14,036</td>
</tr>
<tr>
<td>Coach Escort</td>
<td>4</td>
<td>216</td>
</tr>
<tr>
<td>Domestic Assistant</td>
<td>3</td>
<td>1,846</td>
</tr>
<tr>
<td>Mealtime Supervisor</td>
<td>379</td>
<td>79,745</td>
</tr>
<tr>
<td>Play Leader</td>
<td>4</td>
<td>809</td>
</tr>
<tr>
<td>School Crossing Patrol</td>
<td>1</td>
<td>349</td>
</tr>
<tr>
<td>Senior Mealtime Supervisor</td>
<td>6</td>
<td>655</td>
</tr>
<tr>
<td>Senior Play Leader</td>
<td>1</td>
<td>70</td>
</tr>
<tr>
<td>Teaching Assistant L1</td>
<td>34</td>
<td>1,199</td>
</tr>
</tbody>
</table>

| Total                         | 497    | 103,989         |

9.7 Around 341 Council employees and 49 casual workers will be paid below the LLW rate (assuming it is increased in line with inflation in October). The total cost to the Council of implementing the LLW rate of pay would be around £240k per annum on base salary costs. Employer on-costs would increase this to over £312k per annum. It is not proposed to increase the base calculation of premium payments (e.g. overtime, Saturday and Sunday working) as the premium hourly rate at current levels is already above the LLW rate of pay.

9.8 In addition, 39 May Gurney ‘Loaders’ are paid £7.33 per hour and these will be transferred into the Council in early October. Assuming the LLW increases to £8.80 uplifting the pay rate would add another £120k to base salary costs (£156k with on-costs). This would make a total of around £360k for base salary costs and £468k including on-costs.

9.9 There is an impact on 497 staff employed by community schools. The cost would be: £104k, with on costs the total cost is estimated to be: £135k. This increase would need to be funded by schools from their Dedicated Schools budget share. There is a small impact of the LLW in the Barnet Group of around £450 per annum.

9.10 If the LLW were to be implemented all employees on or below SCP10 would be ‘uplifted’. This may well impact on some supervisor/subordinate relationships (i.e. they may end up being paid the same). In addition it will also erode pay differentials between jobs of different sizes. This issue will be considered and addressed as part of the Unified Reward Structure to be implemented in full in April 2015.

9.11 It is considered most appropriate to apply the LLW on a monthly basis (rather than as a one-off lump sum) as this would apply to all employees employed
rather than just to those who were employed at the time a lump sum was applied.

9.12 The most effective way to implement the payment will be in the form of an additional allowance that would work in a similar way to pay protection. For example, for employees included, the Council would set the required pay level and the payroll system would calculate the difference between the required amount and the employees’ usual rate of pay. Payments will be subject to national insurance, tax and they would be pensionable.

9.13 Longer term the Council’s Unified Reward Structure project will need to take into account the Council’s position on the LLW, both in terms of pay structure and pay differentials.

9.14 The recommendation is therefore to incorporate a statement in the Council’s annual Pay Policy Statement regarding the minimum wage rate for Council employees. Given that the 2013/14 Pay Policy Statement has been approved, it is proposed to amend this with the inclusion of the following paragraph:

“London Borough of Barnet is a fair pay employer and will apply the principles of a living wage (including taking into account the National Minimum Wage, National Living Wage, London Living Wage and national pay awards in the public sector), subject to affordability. London Borough Barnet's minimum wage for the period from October 2013 to March 2015 will be equal to the London Living wage as set in October 2013. This rate will be reviewed as part of the Pay Policy Statement for 2015/16.”

9.15 Other amendments would then be made to the current content of the statement to incorporate the actual LLW set in October 2013.

10. LIST OF BACKGROUND PAPERS

10.1. None.
1. CONSTITUTION REVIEW

The Head of Governance introduced the report.

The Committee considered the proposed change to public participation arrangements as detailed in paragraph 9.9 of the report and agreed that this be deferred and considered as part of the review of the Council’s Constitution following the return to a committee system.

The Committee discussed the proposed change to paragraph 14.4 of Contract Procedure Rules (CPRs) as detailed in paragraph 9.8 of the report and was assured by officers that where a procurement results in a contract which includes a provision for an extension, any acceptance of that extension needs to be in accordance with Appendix 1 Table A of CPRs.

RESOLVED - The Committee having considered the proposed changes to the Constitution as set out in the report, agreed that the below changes be recommended to full Council for adoption:

1. Group Leaders Panel 23 July 2013 meeting - Recommended changes to Members Code of Conduct

   The Members Code of Conduct be amended to include an obligation on Members to treat others with respect.

2. Process for complaints about the conduct of a councillor or co-opted member – Protocols for Member Officer Relations (Appendix A)

   Amend paragraph (a) of the current process as follows:

   (a) Complaints would initially be investigated by the Monitoring Officer or a representative designated by him/her:

   (i) The Monitoring Officer after consulting with the Independent Person will decide whether any complaint should go to a formal process. If the Monitoring Officer believes that the complaint is frivolous or vexatious or does not fall within the scope of the Code or Conduct, the complaint can be rejected following consultation with an appointed Independent Person. Any such rejected complaint will be formally reported to the next appropriate meeting of the Group Leaders Panel.
(ii) If the Monitoring Officer decides that a complaint should go to a formal process, the Monitoring Officer will provide a written report to the Group Leaders Panel within twenty eight days of receiving the complaint. The report would comprise purely factual findings without any conclusion drawn as to whether or not a breach of the code is believed to have taken place.

This procedure is moved from the Member Officer Relations part of the Constitution to the Member Code of Conduct as an appendix.

3. **Members Code of Conduct – New Department of Communities and Local Government (DCLG) Guidance (Appendix B)**

   Amend Barnet’s Members’ Code of Conduct as follows:
   - Include the extra detail regarding Trade Union Membership by including an additional paragraph 10.3 to the Code;
   - Amend the Registration of Members’ Interest section (Section 12 of the current Code) in order to bring it in line with DCLG guidance
   - Add an addition to Appendix 1 of the Code to clarity that for disclosable pecuniary interests, this includes a Members spouse and civil partner

4. **Article 13 – Finance, Contracts, Land Disposals and Legal Matters (Appendix C)**

   A change to include delegates and those officers instructed in writing by the Chief Officer / Proper Officer to ensure sealing is not delayed in the future - The sealing of council documents is carried out by any two of the following: Chief Executive, Monitoring Officer, or the Head of Governance. Practically the sealing can be delayed if any two of those officers are not on site or are on leave during the sealing day.

   Clarity made for Officers where they may have interests that require disclosing in the process of sealing documents.

5. **Contract Procedure Rules (CPRs) (Appendix D)**

<table>
<thead>
<tr>
<th>Section of the CPRs</th>
<th>Change</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2 - Application</td>
<td>2.6 Commercial Lead title changed to Commercial and Customer Services Director</td>
<td>This change provides greater clarity of responsibility that matches the current job titles within the Council</td>
</tr>
<tr>
<td>Section 3 – Scope</td>
<td>3.1 Change in wording regarding external funding and deleting references to the definitions</td>
<td>This clarity is to ensure that it is recognised that a robust procurement process is required when spending external funding such as grants.</td>
</tr>
<tr>
<td></td>
<td>3.2 Wording changed to remove an exception list.</td>
<td>In practice an exception list proved to be impractical as a standard list was not applicable to all types of non-procurement. Therefore</td>
</tr>
<tr>
<td>Section of the CPRs</td>
<td>Change</td>
<td>Reason</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Section 5 – Roles</strong></td>
<td><strong>5.9</strong> As a result of the NSCSO and DRS contracts, the provider may on certain occasions require the use of an external legal advisor of their choosing.</td>
<td>This has been limited by addition of an approval from the Monitoring Officer to ensure that the terms and conditions are acceptable to the Council.</td>
</tr>
<tr>
<td><strong>and Responsibilities</strong></td>
<td><strong>5.10</strong> There is a requirement that all contracts held by the Council have a version approved by the Supplier for publication purposes.</td>
<td>In accordance with the transparency agenda contracts available for publication are required; however we need to observe commercial interests of the supplier.</td>
</tr>
<tr>
<td><strong>Section 6 – Contract Value Calculation</strong></td>
<td><strong>6.2</strong> Added in regulation 8 of the EU regulations.</td>
<td>To clarify the exact section of the Constitution.</td>
</tr>
<tr>
<td><strong>Section 8 – Procurement Method</strong></td>
<td><strong>8.1</strong> This has been included to clarify the use of framework agreements in addition to contracts.</td>
<td>Added for further clarity to Appendix 1 Table A so that the table is used in accordance with frameworks agreements and contracts.</td>
</tr>
<tr>
<td></td>
<td>Combined 8.2 and 8.3 into one clause. Also adding in qualification as to who the requirement applies to.</td>
<td>To clarify that all procurements over £10,000 must go to Central Procurement Team (CPT) and advertised on the central ePortal. This gives access to larger supplier base including local suppliers. Social Care Placements and Special Educational Needs are considered non-procurement activity for the purpose of the CPRs as there is no choice available to the council to enter the “contracts”.</td>
</tr>
<tr>
<td></td>
<td><strong>8.3</strong> Has been added to state call-offs from frameworks must be completed in accordance with the terms and conditions of the</td>
<td>Ensures clarity for the application of the CPRs.</td>
</tr>
<tr>
<td>Section of the CPRs</td>
<td>Change</td>
<td>Reason</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Framework Agreement.</strong></td>
<td>8.5 Added a paragraph to note that contractual agreements arising from non-procurement activity such as social care placements and Special Education Needs (SEN), then the responsibility for functions part of the Constitution applies for the recording of the decision.</td>
<td>In a number of cases decisions about social care placements are made by external bodies and the Authority has no control or option but to implement the decision. This is in essence a non-procurement which has resulted in a contract. This paragraph refers officers to the correct decision making framework for recording these decisions.</td>
</tr>
<tr>
<td><strong>Section 9 – Single Tender Action</strong></td>
<td>9.2 Further clarity on single tender action was required.</td>
<td>The portal allows access to a larger supplier base so if only one tender is received a decision should be taken by a Director to determine value for money before the contract is awarded. The overview of the Commercial Director is important to ensure the market has been fully tested.</td>
</tr>
<tr>
<td><strong>Section 10 Information Governance</strong></td>
<td>10.1 Insert regarding assessing whether the contract involves processing significant amounts of personal information</td>
<td>This has been added so that these procedures are only applied on those contracts where personal data is going to be processed on the Council’s behalf.</td>
</tr>
<tr>
<td><strong>Section 11 – Acceptance</strong></td>
<td>11.1 Insert to include reference to the Appendix 1 Table A.</td>
<td>Clarification to direct the reader to the table in Appendix 1.</td>
</tr>
<tr>
<td><strong>Section 12 - Contract signing and Sealing</strong></td>
<td>12.3 Further clarification on call-off within Social Care Framework Agreement do not need to be sealed as the Contract or Framework Agreement has already been sealed, except where they are over OJEU levels. Previous 12.4 has been deleted as it is now</td>
<td>The change is required to make it clear that due to the framework being sealed there is no need for each call-off to that contract to be sealed, except over OJEU levels. The wording has been simplified to avoid uncertainty.</td>
</tr>
<tr>
<td>Section of the CPRs</td>
<td>Change</td>
<td>Reason</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14 - Extensions and Variations</td>
<td>14.1 Change in wording for consistency.</td>
<td>Correct reference title has been added.</td>
</tr>
<tr>
<td></td>
<td>14.2 Addition to add clarity to the value of the extension which is the value of all extension and the value of the original contract.</td>
<td>The change is necessary to avoid ambiguity.</td>
</tr>
<tr>
<td></td>
<td>14.4 Added “Where the procurement results in a contract which includes a provision for an extension, any acceptance of that extension needs to be in accordance with Appendix 1 Table A”.</td>
<td>This has been added to ensure that further acceptance is not sought unnecessarily where the original authority is clear.</td>
</tr>
<tr>
<td></td>
<td>14.5 Added in where the conditions for extensions and variations have not been met “and the total value of the contract plus extension(s) and variations) is over £100,000” then either a waiver must be sought in accordance with Section 15 (Waivers) or a new procurement commenced. Also added the requirement to record the decision for those values extended below £100,000 through a Summary DPR.</td>
<td>This is to ensure that low value extensions to a maximum of £100,000 do not go to Cabinet Resources Committee unnecessarily at the request of the Chairman.</td>
</tr>
<tr>
<td></td>
<td>14.6 Where a variation or extension moves the total value of the Contract into a higher threshold, then acceptance must be sought in accordance with Appendix 1, Table A.</td>
<td>This will avoid waivers being used and the record of decision following the Appendix 1 Table A.</td>
</tr>
<tr>
<td></td>
<td>14.8 Adding in reference to Appendix 1 Table A in a consistent way.</td>
<td>Change required for consistency purposes.</td>
</tr>
<tr>
<td>Section 16 – Definitions</td>
<td>Removal of exemption list definition and rearrange into alphabetical order.</td>
<td>Exemption list has been removed and rules clarified through-out document to exclude social care and SEN placements.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>16.16 Strengthened the definition of non-procurement, making it specific to limited circumstances.</td>
<td>This is required due to the exemption list being deleted.</td>
</tr>
<tr>
<td>Appendix 1 – Table A</td>
<td>Row A under Acceptance Documentation – Include that for procurement value over £10,000, a Summary Delegated Powers Report (DPR) is required</td>
<td>Change required for consistency purposes i.e. to be in line with the Responsibility for Functions section of the Constitution.</td>
</tr>
<tr>
<td></td>
<td>Row B under Variation or extension Acceptance - delete 14.3 and replace with Section 14</td>
<td>The whole of section 14 should be referred to.</td>
</tr>
<tr>
<td></td>
<td>Delete the line between rows C and D i.e. the table will now have 3 rows (A, B and C).</td>
<td>The two rows should be read together</td>
</tr>
</tbody>
</table>

6. **Responsibility for Functions** (Appendix E)

That under the Responsibility for Functions section of the Constitution, the limit for the recording of decisions in summary form to be completed for anything above £1,000 is revised to £10,000 to be in line with other rules contained within the Constitution.
Appendix A

Process for complaints about the conduct of a councillor or co-opted member

(a) Complaints would initially be investigated by the Monitoring Officer or a representative designated by him/her:

(i) The Monitoring Officer after consulting with the Independent Person will decide whether any complaint should go to a formal process. If the Monitoring Officer believes that the complaint is frivolous or vexatious or does not fall within the scope of the Code or Conduct, the complaint can be rejected following consultation with an appointed Independent Person. Any such rejected complaint will be formally reported to the next appropriate meeting of the Group Leaders Panel.

(ii) If the Monitoring Officer decides that a complaint should go to a formal process, the Monitoring Officer will provide a written report to the Group Leaders Panel within twenty eight days of receiving the complaint. The report would comprise purely factual findings without any conclusion drawn as to whether or not a breach of the code is believed to have taken place.

(b) The Monitoring Officer would have the discretion to assemble other evidence to assist the Panel as appropriate.

(c) The Panel would have discretion to decide whether to take evidence in writing or in person from the complainant and the subject Member and whether or not to take statements / evidence from other parties.

(d) Procedures would have an emphasis on flexibility and informality (insofar as possible and consistent with the principles of natural justice) and dispute resolution.

(f) Consideration of and decisions on complaints to be dealt with by a Panel comprising the Leaders of all the political Groups represented on the Council taking account of the views of the ‘Independent Person’, with a right of appeal to full Council. Where the subject member is a Group Leader, the Panel would comprise the Deputy Group Leader.

(g) Powers of sanction would include resolution of censure but would also extend to requests to Group Leaders/Political Groups to take appropriate action.

(h) When giving evidence in person to the Group Leaders Panel, the complainant and the subject Member could bring along a friend/lay person (but not a legal representative), based on the definition used in staff disciplinary procedures.

(i) Where a Member is found by the Panel to be in breach of the Code of Conduct, the Panel could, if they so decided, pass a resolution of censure or make recommendations to the Group Leaders/Political Groups on what “sanctions” the Panel believe should be imposed,
subject to the Group Leaders/Political Groups being legally able to impose such “sanctions”.

(j) Where the Group Leaders/Political Groups are asked to impose appropriate sanctions, there should be a requirement for the Group Leaders to formally notify the Panel on what action they have taken and, if no action is taken, the reason why.

(k) All decisions following a hearing should be published on the council’s website; subject to the right of a subject Member to request non-publication in any case where there is a finding that the Code of Conduct has not been breached.

(l) Two “Independent Persons” should be appointed to ensure that one is always available to be consulted. One would be the primary independent person and the other a secondary independent person.
Appendix B

BARNET COUNCIL
MEMBERS CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to you as a Member of London Borough of Barnet.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code:

"meeting" means any meeting of:-

(a) the Council;

(b) the executive of the Council;

(c) any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Member" includes a Co-opted member and an Appointed Member.

(5) As a Member or Co-opted Member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council’s staff and partner organisations to secure better social, economic and environmental outcomes for all.

(6) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough’s residents and maintain public confidence in this authority:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Scope
2. (1) You must comply with this Code whenever you are acting in your capacity as a Member of the council.

General obligations
3. (1) You must treat others in a manner which is consistent with the obligations set out in paragraphs 1 (5) and 1 (6) above.

(2) You must not:-

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:-
   (i) a complainant,
   (ii) a witness, or
   (iii) involved in the administration of any investigation or proceedings,

   in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—
   (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—
      (i) you have the consent of a person authorised to give it;
(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You—
(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—
   (i) act in accordance with your authority's reasonable requirements;

   (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the Council's Chief Finance Officer; or

(b) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7. When reaching decisions you should -

(a) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and

(b) take into account all material information of which you are aware and then take the decision on its merits and in the public interest
PART 2
INTERESTS

Disclosable Pecuniary Interests

8.1 A pecuniary interest is a “Disclosable Pecuniary Interest” if it is of a description specified in Appendix 1 and either:

(a) it is the interest of you as a Member or
(b) it is an interest of:
   (i) the Member’s spouse or civil partner
   (ii) a person with whom the Member is living as husband and wife, or
   (iii) a person with whom the Member is living as if they were civil partners,

and the Member is aware that the other person has that interest.

8.2 If you are in any doubt as to whether you should continue to participate in any matter, you should take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.

8.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of the Executive or one or more of the Council’s committees.

8.4 You should not seek, or accept, membership of the Executive or any such committee, if that would involve you in disclosing an interest so often that you could be of little value to the Executive or committee, or if it would be likely to weaken public confidence in the duty of the Executive or committee to work solely in the general public interest.

Effect of disclosable pecuniary interests on participation

9.1 Where you are present at a meeting of the Council and you are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, then:

(a) if the interest is not entered on the Council’s register of interests you must (subject to the provision relating to sensitive interests) disclose the interest to the meeting, and

(b) if the interest is not entered on the Council’s register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date of disclosure and

(c) (i) (subject to any current dispensation) may not participate (or participate further) in any discussion of the matter at the meeting or

   (ii) participate in any vote (or vote further) taken on the matter at the meeting
(iii) and must leave the room in which the meeting is being held

9.2 If a function of the Council may be discharged by you as a single member acting alone and you are aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function then

(a) if the interest is not entered on the Council’s register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date when you became aware of the existence of the interest in relation to the business to be dealt with and

(b) you must not take any steps (or further steps) in relation to that matter except for the purpose of enabling the matter to be dealt with otherwise than by you.

(c) decision-making by a single executive member is a matter of particular sensitivity, and if you have a disclosable interest in a matter on which you may take a decision you should wherever possible refer the matter to the Executive for a collective decision.

Other Interests

10.1 In addition to the above requirements, if you attend a meeting at which an item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

10.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –

(a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

(b) it relates to or is likely to affect any of the interests listed in the Table in Appendix 1 of this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

10.3 You must declare any personal interests, both pecuniary and non-pecuniary, including your membership of any Trade Union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in section 12 below.
Gifts and Hospitality

11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Council.

11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

11.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

PART 3

REGISTRATION OF MEMBERS’ INTERESTS

12.1 You must, within 28 days of taking office as a member or co-opted member, notify your authority’s monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

12.2 In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority’s monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

12.3 If an interest has not been entered onto the authority’s register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a ‘Sensitive interest’.

12.4 Following any disclosure of an interest not on the authority’s register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

12.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You should leave the room.

Sensitive information

Deleted: Registration of Members’ Interests

12. (1) Subject to paragraph 13, you must, within 28 days of:

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later).

notify the Council’s Monitoring Officer in writing of the disclosable pecuniary interests notifiable under the Localism Act 2011 and details of your other personal interests where they fall within the descriptions set out in paragraph 8 so that they may be included in the in the Council’s register of members’ interests.

(2) Subject to paragraph 13, you must, within 28 days of becoming aware of any new interest or change to any interest required to be registered under paragraph (1), register details of that new interest or change by providing written notification to the Council’s Monitoring Officer.
13. Where you have a personal or declarable pecuniary interest and you and the Monitoring Officer consider that it is of such a nature that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation then:

(a) if the interest is entered on the Council’s Register, copies that are made available for inspection and any publishes version of the Register must not include details of the interest but may state that you have an interest details of which are withheld under this provision.

(b) if by virtue of this Code you are required to disclose an interest at a meeting then that requirement shall be amended to only require disclosure that such an interest exists in respect of the matter concerned, but not the terms of that interest.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Council’s Monitoring Officer asking that the information be included in the Council’s register of members’ interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.
Appendix 1

DISCLOSABLE PECUNIARY INTERESTS

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

The duties to register, disclose and not to participate in respect of any matter in which a Member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

<table>
<thead>
<tr>
<th>Interest</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit in which you, or your spouse or civil partner undertakes.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out duties as a member, or towards the expenses of a Member. This includes any payment or financial benefit for union within the meaning of the Trade Union and Labour Relations (Cons Act 1992). The relevant period is the 12 months ending on the day when you Monitoring Officer about your disclosable pecuniary interests following your re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.</td>
</tr>
<tr>
<td>Contracts</td>
<td>Any contract which is made between you, your spouse or civil partner which the relevant person has a beneficial interest) and the relevant authority (a) under which goods or services are to be provided or works are to be undertaken and (b) which has not been fully discharged.</td>
</tr>
<tr>
<td>Land</td>
<td>Any beneficial interest in land which you, your spouse or civil partner is area of the relevant authority.</td>
</tr>
<tr>
<td>Licences</td>
<td>Any licence (alone or jointly with others) which you, your spouse or civil partner holds to occupy land in the area of the relevant authority for a month or longer.</td>
</tr>
<tr>
<td>Corporate tenancies</td>
<td>Any tenancy where (to a Member’s knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which you, your spouse or civil partner has an interest.</td>
</tr>
<tr>
<td>Securities</td>
<td>Any beneficial interest in securities of a body where— (a) that body (to a Member’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</td>
</tr>
</tbody>
</table>
Article 13 – Finance, Contracts, Land Disposal and Legal Matters

References:
Section 135, 151, 223 and 234, Local Government Act 1972
Part VIII, Local Government Finance Act 1988

13.01 Financial Management

The management of the Council’s financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

13.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of the Constitution.

13.03 Legal Proceedings

The Head of Legal is authorised to institute, defend or participate in any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal considers that such action is necessary to protect the Council’s interests.

The Head of Legal has delegated powers to authorise officers to appear in court on the Council’s behalf.

13.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £75,000, entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least two Chief Officer (or their duly authorised deputies) in accordance with paragraph 13.05.

In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be;

Article 13 - Finance, Contracts, Land Disposal and Legal Matters
May 2013
the Chief Executive
the Monitoring Officer
the Head of Legal
any Chief Officer of the Council concerned with the matter to which the
document relates: or
any officer authorised in writing by such Chief Officer.

13.05 Common Seal of the Council

Common Seal

The Common Seal of the Corporation shall be kept in a safe place and be
secured by two different locks. The Head of Governance shall have the
custody of the key of one lock and the Monitoring Officer shall have the
custody of the key of the other.

Sealing and Execution of Documents

To jointly affix the Common Seal and execute under Seal any deed or
document subject to at least two of the above named Officers of the
Council (or their duly authorised deputies) being present and being
signatories.-

1. The Officers of the Council referred to above (or their duly authorised
depu ties) shall have authority to execute any deed or document not
required by law to be under seal which is necessary to effect the
decisions of the Council.

Officer Interests

Where it becomes apparent to an Officer involved in the sealing or
execution of documents, that they have a personal interest in a
matter to which the document relates, a declaration of the existence
and nature of that interest should be made as soon as possible.

Facsimiles of Common Seal

The following categories of documents may be authorised by a facsimile
of the Common Seal of the Council and the printed names or facsimiles of
the signatures of the Mayor and the Monitoring Officer. The facsimiles or
printed names must be authenticated by entries in the book referred to

Article 13 - Finance, Contracts, Land Disposal and Legal Matters
May 2013
below and initialled by the Chief Executive, the Monitoring Officer or the Head of Governance:-

1 stock certificates and transfers;
2 grants of rights of burials;
3 superannuation fund documents.

Record of Sealing of Documents

An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Chief Executive, Monitoring Officer or the Head of Governance (or their duly authorised deputies) in a book to be provided for the purpose.

13.06 Disposal of land and real property

Every disposal of land and real property made by the Council will comply with the Management of Assets, Property and Land rules set out in Part 4 of the Constitution.
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Contract Procedure Rules
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LBB - Contract Procedure Rules
1 INTRODUCTION

1.1 Procurement decisions are among the most important decisions a manager makes because the money involved is public money and the Council is concerned to ensure that as a minimum high quality supplies, works and services are provided in a timely manner. Effective and efficient use of resources in order to achieve best value is a legislative duty. The Council’s reputation is also important and should be safeguarded from any suggestion of dishonesty, corruption or failure to meet legal responsibilities.

1.2 Any Procurement activity must comply with the Contract Procedure Rules, Council policy, Constitution and English law. It is a disciplinary offence to fail to comply with Contract Procedure Rules when undertaking Procurement on behalf of the Council. Council employees and third party service providers have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Chief Internal Auditor.

1.3 All Procurement must be undertaken with regard to high standards of probity. The Council has a commitment to transparency and it is important that the procurement process is as transparent and open as possible.

2 APPLICATION

2.1 The Contract Procedure Rules provide the governance structure within which the Council may procure works, supplies and services. The aims of these rules are to:

- ensure value for money and propriety in the spending of public money;
- enable works, supplies and services to be delivered effectively and efficiently without compromising the Council’s ability to influence strategic decisions;
- ensure that the Council is not exposed to unnecessary risk and likelihood of challenge arising from non-compliant procurement activity; and
- ensure compliance with current legislation, update all appropriate guidance notes, tools and templates and follow Procurement Policy Notes (PPN) issued by Cabinet Office

2.2 The Cabinet Resources Committee may, from time to time, recommend to the Constitution, Ethics and Probity Committee and Council that the thresholds as set out in these rules be amended.

2.3 Reference must be made to any approved Scheme of Delegation with regard to identifying any manager with the right to undertake Procurement as delegated by their Director, Assistant Director, Lead Commissioner or Head of Service. Schemes of Delegation will be maintained by the relevant Director, Assistant Director or Lead Commissioner and will be published on the Council’s website.

2.4 Reference must be made to the Procurement Code of Practice for more detailed explanation of Procurement procedures, processes, associated Council policies, and required contract terms. Further detailed guidance can be provided by Central Procurement.

LBB - Contract Procedure Rules
2.5 All officers should undertake Procurement in a manner which avoids any potential conflicts of interest and should follow the procedure as set out in the Staff Code of Conduct.

2.6 The Commercial and Customer Services Director in consultation with the Chief Operating Officer shall maintain and issue the Contract Procedure Rules and the Procurement Code of Practice.

2.7 Unless the context otherwise requires, terms used in these Contract Procedure Rules shall have the meanings ascribed to them as set out in the Definitions section 16 of these rules.

2.8 The Contract Procedure Rules take precedence over the Procurement Code of Practice.

3 SCOPE

3.1 The Contract Procedure Rules are applicable to all Procurement activities, including where expenditure of external funding such as grant allocation received by the Council from external sources.

3.2 The Contract Procedure Rules are not applicable to Non-Procurement activities as defined in Section 16.16 Definitions of these Contract Procedure Rules. Payments to Third Parties for Exempted services shall be subject to a dual authorisation process where both Finance and Central Procurement approve individual payments.

3.3 Where the Council is entering into a contract as an agent and/or in collaboration with another public body or organisation, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the body concerned. Where the Council is acting as principal the Contract Procedure Rules will take precedence.

3.4 Where the Council’s schools have to abide by the Scheme for Financing Schools which requires them to follow Contract Standing Orders (CSO) for Schools, then the CSO for Schools shall take precedence over the Contract Procedure Rules.

3.5 Any interest in land, transaction in land and or lease transaction is excluded from the Contract Procedure Rules but must be authorised in accordance with the requirements set out in the Constitution and, specifically, the Management of Asset, Property and Land Rules.

4 REGULATION & LEGISLATION

4.1 Central Procurement is responsible for ensuring Council awareness and compliance with the requirements of all relevant legislation. Any significant changes to existing legislation and/or new legislation will be updated in the Code of Practice.

4.2 The Code of Practice will be regularly reviewed and updated by Central Procurement with any significant changes referred to the Constitution, Ethics and Probity Committee in accordance with paragraph 2.6.
5 ROLES AND RESPONSIBILITIES

Directors, Assistant Directors, Lead Commissioners and Heads of Service are accountable for all Procurements in their respective Delivery Units/area of responsibility. Their duties in relation to all Procurements and contract management are to:

5.1 ensure compliance with English law, Council policy, Contract Procedure Rules and the Procurement Code of Practice;

5.2 identify, deliver, measure and record value for money;

5.3 ensure that a pre-tender estimate of anticipated costs, as calculated in accordance with Section 6 (Contract Value Calculation) of these Contract Procedure Rules, is prepared, is in budget and recorded in writing;

5.4 identify, evaluate, record and appropriately mitigate risk e.g. provision of performance bond or parent company guarantee;

5.5 maintain a Scheme of Delegation, in accordance with Constitutional requirements;

5.6 ensure that all appropriate staff comply with the provisions of the Contract Procedure Rules and the Procurement Code of Practice and have attended Central Procurement approved training before undertaking procurement and contract management activities;

5.7 take immediate action in the event of a breach of the Contract Procedure Rules or Procurement Code of Practice within their area of responsibility;

5.8 ensure that all existing and new contracts above the published limits and planned during the forthcoming financial year are clearly identified in their Budget and Procurement Forward Plan;

5.9 ensure that contract terms and conditions to be used in a Procurement have been approved by HB Public Law (Joint Legal Service) or a Legal Advisor approved by the Monitoring Officer;

5.10 ensure an original signed contract is provided to the Deed Officer and a digital copy of the signed version, together with Acceptance approval documents and any waiver of these Contract Procedure Rules are placed on the Council’s contract repository and a version approved by the Supplier is prepared for publication;

5.11 ensure that proper records of all contracts, tenders etc. including minutes of tender evaluation panels and other meetings are kept on the Council’s approved Electronic Procurement Portal, which may be inspected and kept for the period specified in the Council’s Records Retention and Disposal Policy;

5.12 ensure that the appropriate Procurement Method as set out in Section 8 of these Contract Procedure Rules is followed;

5.13 keep a register of all contracts with total values of £5,000 or over, which may be inspected; and will support the annual budget review. Central Procurement will keep and publish a consolidated register of all contracts with total values of £10,000 or over, subject to Data Protection requirements;

LBB - Contract Procedure Rules
5.14 ensure that all contract management is executed in accordance with Section 13 Contract Management of these Contract Procedure Rules.

6 **CONTRACT VALUE CALCULATION**

6.1 Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax over the entire contract period including any extensions of the contract.

6.2 Where the contract term is without fixed length the estimated value of the contract should be calculated by monthly value of spend multiplied by 48 in accordance with Regulation 8 of the EU Regulations.

6.3 Contracts must not be artificially underestimated or disaggregated into two or more separate contracts where the effect is to avoid the application of Contract Procedure Rules or English law. Please refer to the Code of Practice for further information.

6.4 Where a Framework Agreement is planned the contract value must be calculated to include the total value of all the individual contract arrangements envisaged under the Framework Agreement.

7 **AUTHORISATION**

7.1 Any Procurement, including additions, extensions and variations included in the Annual Budget and Annual Procurement Forward Plan, as approved by Cabinet Resources Committee, is deemed as Authorised irrespective of value.

7.2 Any Procurement which has not been Authorised as set out in 7.1 must be Authorised in accordance with Table A in Appendix 1 of these Contract Procedure Rules.

8 **PROCUREMENT METHOD**

8.1 **Where a procurement will result in a framework agreement or contract** refer to Table A in Appendix 1 of these Contract Procedure Rules to determine the Procurement process that should be used. If any further clarification is required reference should be made to the Central Procurement Team.

8.2 All tender opportunities for works or services, **including call-offs from Framework Agreements**, over £10,000 (except for Social Care Placements and Special Educational Needs listed in 8.5) must be **advertised using the central e-procurement portal** and in accordance with Appendix 1, Table A and be subject to Tender Review as set out in the Procurement Code of Practice.

8.3 **Where the procurement is carried out in accordance with 8.1 above and results in a Framework Agreement**, any subsequent call-offs must be **carried out in accordance with the Terms and Conditions of the Framework Agreement**.

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8.4 Where a performance bond or guarantee would be required for the execution of the contract, the requirement must be pre-notified and the bond or guarantee must be in place before contract signature.

8.5 For non-procurement activity that results in a contractual obligation for social care placements and special education needs (SEN) where the decision has been made on the council’s behalf (such as court directed order, personal budget/statement request or an individual’s specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision making framework as contained with the Responsibility for Functions from paragraph 7.6:

http://barnet.moderngov.co.uk/documents/s9818/Responsibility%20for%20Functions.pdf

9 SINGLE TENDER ACTION

9.1 A single tender action or commitment is not allowed unless approved in advance by the Commercial and Customer Services Director. Refer to the Procurement Code of Practice for detailed guidance.

9.2 Where a competition has been undertaken, in accordance with Section 8, and only a single bid has been received, the Commercial and Customer Services Director can approve the award of a contract, subject to a value for money review being undertaken and an audit trail being available for inspection. The award of the contract cannot proceed without this authorisation.

10 INFORMATION GOVERNANCE

10.1 When procuring a new contract which involves the processing of significant amount of personal information the senior responsible Council officer must ensure due diligence checks are carried out to provide sufficient guarantees that the contractor’s technical and organisational security measures for handling and protection of information and data are appropriate, suitable and lawful. This is a requirement under Principle 7 of the Data Protection Act.

10.2 Evidence of these checks, copies of policies and guarantees provided by the contractor must be retained by the officer responsible for management of the contract and be regularly reviewed throughout the life of the contract.

10.3 Refer to the Procurement Code of Practice section on Information Governance for more detailed guidance or contact the Information Management Team.

11 ACCEPTANCE

11.1 Acceptance of contracts must be in accordance with Appendix 1 Table A and in all cases is subject to:

- budgetary provision;

LBB - Contract Procedure Rules
- a compliant procurement process; and
- confirmation of acceptable financial status of the service provider

11.2 Acceptance thresholds for contract extensions and variations of all values are subject to further conditions as set out in Section 14 Extensions and Variations of these Contract Procedure Rules.

12 CONTRACT SIGNING and SEALING

12.1 Every contract or contract novation must be in a form approved by the Monitoring Officer (on consultation with HB Public Law) or delegated officer, if its value exceeds £24,999 or where appropriate to the nature of the contract.

12.2 All contracts signed following a European Procurement Procedure shall be sealed unless the Monitoring Officer or delegated officer directs otherwise.

12.3 Contracts or Framework Agreements entered into with respect to the provision of social care to individual service users must be sealed. Call-off placements from a framework agreement under OJEU threshold of £173,934 do not require sealing and in this case need only be signed by the respective Director in accordance with the scheme of delegation.

12.4 Where the Monitoring Officer or delegated officer considers it desirable that a contract should be sealed other than as specified above, then such a contract must be sealed.

13 CONTRACT MANAGEMENT

13.1 During the life of the contract Directors, Assistant Directors, Lead Commissioners and Heads of Service must ensure that the Councils approved processes for contract management, as set out in the Procurement Code of Practice are adhered to. In particular to ensure continuous improvement and Value for Money is achieved Directors, Assistant Directors, Lead Commissioners or Heads of Service must ensure that those responsible for managing contracts undergo Central Procurement approved training to ensure:

- contract performance and key performance indicators are met;
- compliance with specification and contract terms; and
- cost management including reconciliation of payments against work done, supplies or services delivered;

13.2 Throughout the life of the contract, contract managers must ensure the elimination of unlawful discrimination and the promotion of equality in accordance with current legislation.

13.3 Contract managers or owners must ensure appropriate security measures are applied to prevent the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.
13.4 For services or goods contracts valued above £173,934 and works contracts above £499,999 a contract monitoring and review check must be performed 6 months after contract commencement.
14 **EXTENSIONS and VARIATIONS**

14.1 Placement Agreements for individuals in Social Care or Educational Needs may be varied or extended without reference to the Variation or Extension Acceptance levels and documentation set out in Appendix 1 Table A.

14.2 The value referred to in Appendix 1 Table A in the column headed 'Variation or extension Acceptance' is the total value of the original contract value plus the addition of the value of any extensions and/or variations i.e the total value of the extended or varied contract.

14.3 Contracts may only be extended or varied if all of the following conditions have been met:
- the initial contract was based on a Contract Procedure Rules compliant competitive tender or quotation process;
- the value of the extension or variation added to the value of the original contract does not exceed the original Authorisation threshold as defined in Appendix 1, Table A;
- the extension or variation has an approved budget allocation;
- the extension or variation is in accordance with the terms and conditions of the existing contract;
- if the initial contract was subject to EU tender procedure, that the extension option was declared within the OJEU notice and the original Acceptance (Delegated Powers Report/Cabinet Resources Committee Report) ; and
- the contract has not been extended before;

14.4 Where the procurement results in a contract which includes a provision for an extension and has been accepted in accordance with Appendix 1 Table A there is no requirement to gain further acceptance.

14.5 In the event that any of the conditions at 14.1 or 14.3 cannot be met, and the total value of the contract plus extension(s) and variations is over £100,000, then either a waiver must be sought in accordance with Section 15 (Waivers) or a new procurement commenced.

14.6 Where a variation or extension moves the total value of the Contract into a higher threshold, then **acceptance** must be sought in accordance with Appendix 1, Table A.

14.7 Any variation or extension that has the effect of raising the contract value above the relevant OJEU threshold is not allowed as this would contravene English law.

14.8 The Acceptance thresholds for contract extensions and variations are set out in Appendix 1, Table A of these Contract Procurement Rules.

15 **WAIVERS**

15.1 In the event that the application of these rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, Lead Commissioners and Heads of Service may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Cabinet Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

LBB - Contract Procedure Rules
15.2 Directors, Assistant Directors, Lead Commissioners and Heads of Service may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) as set out in the Leader’s Scheme of Delegation providing they report to the next available Cabinet Resources Committee, setting out the reasons for the emergency waiver. A copy of the relevant Cabinet Resources Committee report must be provided to Central Procurement and stored on the Councils contract repository.

15.3 Inadequate planning and organisation of resources does not constitute an acceptable justification for a waiver.

15.4 Any waiver can only be granted for a maximum period of 12 months and will count as a variation.

16 DEFINITIONS

16.1 “Acceptance” is the authorisation to enter into a contract with a particular supplier(s) on the terms, conditions and at the price(s) as set out in the contract documents.

16.2 “Authorisation” is the approval required to enable any Procurement to occur.

16.3 “Budget” is the annually agreed budget and supporting plans and strategies for each Delivery Unit.

16.4 “Contract” means a formal written agreement between the Council and the provider of any goods, services or works, including Terms and Conditions as approved by Joint Legal Services.

16.5 “CPT” means Central Procurement Team.

16.6 “Approved Officer” means the Director, Assistant Director, Service Lead or Lead Commissioner or Head of Service in accordance with the Scheme of Delegation who has responsibility for all contracts tendered and let by their respective area of responsibility including contract monitoring and management once contract is in place.

16.7 “DPR” means Delegated Powers Report. Templates and guidance for completion are available from the Assurance Group (Governance).

16.8 “Emergency” where immediate action is needed to protect life or property or to maintain a critical service. Decisions that were not anticipated within the budget or budget plan but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and statutory plans.

16.9 “English Law” means all laws and regulations which set the legislative boundaries and obligations of the Council within the context of Public Sector Procurement. European Procurement Directives are incorporated into English Law.

16.10 “EU” means European Union.

16.11 “Framework agreement” is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where
appropriate, the quantity envisaged. In the UK we would know this as a “standing offer to treat (see Code of Practice).

16.12 “Monitoring Officer” is defined within Article 11 of the Constitution.

16.13 “Part A Procurement” covers all goods or services not defined as Part B Procurement or Works.

16.14 “Part B Procurement” means a procurement activity which includes the provision of Health services, Social Care services, Educational services, Temporary Housing needs, recreational, cultural and sporting services.

16.15 “Procurement” means any activity which includes the identification of need, options appraisal and the execution of a competitive selection process, quotation or tendering process.

16.16 “Non-Procurement” expenditure applies where the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments and recoupment.


16.18 “Procurement Forward Plan” means the annual report compiled by the Council setting out their planned contractual Procurements for the forthcoming financial year and submitted to the Cabinet Resources Committee for authorisation.

16.19 “Purchase” means the activity which uses a mechanism to undertake Procurement under the Council’s standard terms and conditions (Purchase Card or Purchase Order) or against an accepted contract.

16.20 “Quotation” means a priced bid for the provision of goods, a service, or supply of works.

16.21 “Reasonable means of selection” means an unbiased selection process based on the relative merits of the quotation provided and taking account of previous purchasing practices for supplies, services or works of a similar type. This process would normally involve attaining more than one quotation, audit trail of action undertaken and confirmation from the relevant approved officer that budget is available and rationale for appointment is accepted. Reasonable means of selection process are detailed in the Procurement Code of Practice.

16.22 “Works” means building & engineering, including capital works.
### APPENDIX 1 - TABLE A – Authorisation and Acceptance Thresholds

<table>
<thead>
<tr>
<th>Procurement value</th>
<th>Authorisation to commence a procurement process</th>
<th>Authorisation Documentation</th>
<th>Procurement method</th>
<th>Acceptance process</th>
<th>Acceptance Documentation</th>
<th>Variation or extension Acceptance</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Head of Service or as designated by approved Scheme of Delegation</td>
<td>Audit trail, recommended to be on forward plan over £10,000</td>
<td>Reasonable means of selection including budget authorisation and audit trail(^1)</td>
<td>Head of Service or as designated by approved Scheme of Delegation</td>
<td>Audit Trail</td>
<td>Summary DPR</td>
</tr>
<tr>
<td>B</td>
<td>Director/Assistant Director</td>
<td>On forward Plan or Full Officer DPR</td>
<td>Minimum 2 written Competitive Quotations received(^2)</td>
<td>Approved Officer</td>
<td>Summary DPR</td>
<td>Full DPR (maximum £173,933 – please refer to 14.3)</td>
</tr>
<tr>
<td>C</td>
<td>Cabinet Member</td>
<td>On forward Plan or Full Cabinet Member DPR</td>
<td>Part A(^3): EU tender or Part B: Minimum 3 competitive Quotations received Works: EU tender above £4,348,350</td>
<td>Director</td>
<td>If within budget and agreed savings target on forward plan (Summary DPR) otherwise Full DPR</td>
<td>Cabinet Member</td>
</tr>
<tr>
<td>D</td>
<td>Council or Cabinet Resources Committee</td>
<td>On Forward Plan Cabinet Resources Committee Report</td>
<td>EU tender (works contract value above £4,348,350)</td>
<td>Cabinet Member</td>
<td>Cabinet Member DPR</td>
<td>Cabinet Resources Committee</td>
</tr>
</tbody>
</table>

\(^1\) All procurements above £10,000 must be advertised on the E-portal (see 8.2)

\(^2\) Under £75k Head of Procurement may waive requirement of 2 written quotes subject to assurance that the market place has been fully tested

\(^3\) To determine if the goods or services to be purchased are Part A or Part B refer to Definitions (see 16.13 and 16.14) or Central Procurement
Appendix E

Recording of delegated powers to Officers

7.6 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
- The service of formal notice
- The incurring of expenditure of £10,000 or more,
- The fixing of fees and charges to be levied by the Council
- Authorisations and acceptances in accordance with the Contract Procedure Rules
- Land or property transactions
- The exercise of specific powers pertaining to finance, borrowing and investments
- The issue or defence of legal proceedings
- Or taking other actions or decisions that are significant in the context of service delivery and/or organisation or upon individuals, external bodies or the public

7.7 Recording/publishing of most decisions will be in summary form and will set out the principal matters that are relevant to the decision. Detailed reporting/publishing of individual decisions (Delegated Powers Report) will be by way of exception and only when there is a clear need to do so.

7.8 Where formal reporting is not required, the officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant Directorate. Each Directorate will keep its own central record of all delegated decisions. Proper administrative decision making requires that:
- Decisions are properly made
- Appropriate reasons are given to those affected
- Decisions are fully recorded

7.9 All Directors and Chief Officers will draw up an up-to-date list of specific powers delegated which must be in accordance with the overall scheme of delegation, is updated annually and is published on the internet.
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1. CHANGES TO THE CALENDAR OF MEETINGS

<table>
<thead>
<tr>
<th>Committee/Board</th>
<th>Date of Meeting</th>
<th>New date of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnet Partnership Board</td>
<td>7/11/2013</td>
<td>18/11/2013</td>
</tr>
<tr>
<td>Budget and Performance Overview and Scrutiny Committee</td>
<td>N/A</td>
<td>26/11/2013</td>
</tr>
<tr>
<td>Constitution, Ethics and Probity</td>
<td>N/A</td>
<td>19/12/2013</td>
</tr>
<tr>
<td>Planning and Environment</td>
<td>N/A</td>
<td>30/01/2014</td>
</tr>
</tbody>
</table>

RECOMMEND – That Council note the change to the calendar of meetings contained in the table above.
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QUESTIONS TO REPRESENTATIVES ON OUTSIDE BODIES

1. **From Councillor Brian Coleman**
   
a) Will Councillor Cohen tell the Council of the cost of the failed procurement project to the NLWA?

b) Will Councillor Cohen tell the Council the salary and other payments made to the Head of Procurement since he was hired to advise the NLWA on the now failed project?

c) Does Councillor Cohen accept that if the Labour members of NLWA had accepted the advise of the Conservative members in the period 2006/8 the NLWA would have avoided the expensive debacle over procurement?

d) Does Councillor Cohen have any confidence in the NLWA Chairman Councillor Clyde Loakes (Labour, Waltham Forest)?

**To Councillor Dean Cohen – Council Representative on the North London Waste Authority**
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