

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 8TH DECEMBER, 2015 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

S U M M O N S A N D A G E N D A



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

Andrew Charlwood
Head of Governance

Agenda and Timetable
Tuesday 8th December, 2015

Item	Subject	Timing	Page Nos
	Part 1 - Statutory formalities/Announcements (15 minutes)	7.00pm – 7.15pm	
1.	Apologies for absence		
2.	Elect a Member to preside if the Mayor is absent		
3.	Prayer		
4.	Declarations of Interest		
5.	Minutes of the last meeting		1 - 16
6.	Official announcements		
7.	Noting of the appointment of the Leader of the second largest Political Group as the Leader of the Opposition		
8.	Any business remaining from last meeting		
	Part 2 - Question Time (30 minutes)	7.15pm – 7.45pm	
9.	Questions to the Leader (and Committee Chairmen if he/she has delegated)		
	Part 3 - Statutory Council Business (60 minutes)	7.45pm – 8.45pm	
10.	Petitions for Debate		
11.	Reports from the Leader		
12.	Reports from other Committees		
12.1	Referral from the Children, Education, Libraries & Safeguarding Committee - Education and Skills - Future Delivery of Services		17 - 138

12.2	Constitution, Ethics and Probity Committee - Constitution Review		139 - 284
12.3	Constitution , Ethics and Probity Committee - Standards Regime		285 - 322
13.	Reports of Officers		
13.1	Report of Commissioning Director Growth and Development - Draft North London Waste Plan - Supplemental Memorandum of Understanding		323 - 366
13.2	Report of Head of Governance		367 - 372
14.	Questions to Council Representatives on Outside Bodies		
	Part 4 - Business for Debate (45 minutes)	9.00pm – 9.45pm	
15.	Motions		
15.1	Opposition Motion in the name of Councillor Arjun Mittra - Protecting our Emergency Services		373 - 374
15.2	Administration Motion in the name of Councillor Helena Hart - Tackling the Growing Problem of Shisha		375 - 376
15.3	Administration Motion in the name of Councillor Richard Cornelius - The Autumn Statement		377 - 378
16.	Motions for Adjournment		
17.	Motion to Exclude the Press and Public		
18.	Referral from the Children, Education, Libraries & Safeguarding Committee - Education and Skills - Future Delivery of Services (Exempt)		379 - 388

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Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BQ, on 20 October 2015

AGENDA ITEM 5

PRESENT:-

The Worshipful the Mayor (Councillor Mark Shooter)
The Deputy Mayor (Councillor Alison Cornelius)

Councillors:

Hugh Rayner	Anne Hutton	Tim Roberts
Maureen Braun	Andreas Ioannidis	Gabriel Rozenberg
Rebecca Challice	Dr Devra Kay	Lisa Rutter
Pauline Coakley Webb	Sury Khatri	Shimon Ryde
Dean Cohen	Adam Langleben	Brian Salinger
Jack Cohen	Kathy Levine	Gill Sargeant
Melvin Cohen	David Longstaff	Joan Scannell
Philip Cohen	John Marshall	Alan Schneiderman
Geof Cooke	Kath McGuirk	Agnes Slocombe
Richard Cornelius	Arjun Mittra	Stephen Sowerby
Tom Davey	Alison Moore	Caroline Stock
Val Duschinsky	Ammar Naqvi	Daniel Thomas
Paul Edwards	Nagus Narenthira	Reuben Thompstone
Anthony Finn	Graham Old	Jim Tierney
Brian Gordon	Alon Or-Bach	Amy Trevethan
Eva Greenspan	Reema Patel	Laurie Williams
Rohit Grover	Bridget Perry	Peter Zinkin
Helena Hart	Wendy Prentice	Zakia Zubairi
John Hart	Sachin Rajput	
Ross Houston	Barry Rawlings	

Apologies for Absence

Councillor Claire Farrier
Councillor Kitty Lyons

Councillor Charlie O-Macauley

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Charlie O'Macauley, Councillor Claire Farrier and Councillor Kitty Lyons.

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

The Worshipful the Mayor was present.

3. PRAYER

The Mayor's chaplain, Dayan Yonason Abraham, offered prayers.

4. DECLARATIONS OF INTEREST

The following interests were declared:

Member	Subject	Interest declared
Councillor John Marshall	Items 11.4 and 17	Non pecuniary interest as he is a council appointed Director on the Board of the Barnet Group
Councillor Helena Hart	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest as she is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Hart to speak and vote on this item.
Councillor Hugh Rayner	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest as he is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Rayner to speak and vote on this item.
Councillor Melvin Cohen	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest on political grounds as he is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Melvin Cohen to speak and vote on this item.
Councillor Dean Cohen	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest as he is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Melvin Cohen to speak and vote on this item.
Councillor Brian Salinger	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest as he is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Salinger to speak and vote on this item.
Councillor Tom Davey	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest as he is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Davey to speak and vote on this item.
Councillor Adam Langleben	Item 11.5 Report of the Housing Committee – Housing	A non-pecuniary interest in item 11.5 is he is a trustee of the West Hendon Community Trust Fund and West

	Strategy and Commissioning Plan, and item 14.1 Joint motion – Syrian refugee crisis.	Hendon Partnership Board, and a non-pecuniary interest in item 14.1 as he is a member of one of the synagogues which has been lobbying.
Councillor Tim Roberts	Item 11.5 Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest as he is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Roberts to speak and vote on this item.
Councillor Peter Zinkin	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	A disclosable pecuniary interest as he is a private landlord in the borough. It was noted that a dispensation had been granted for Cllr Zinkin to speak and vote on this item.
Councillor Simon Ryde	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	Non pecuniary interest as is a Board Member of a Housing Association
Councillor Eva Greenspan	Item 11.5 – Report of the Housing Committee – Housing Strategy and Commissioning Plan	Non pecuniary interest as is a Board Member and Trustee of a Housing Association.
Councillor Ross Houston	11.4 – Report of Policy and Resources Committee – The Barnet Group and 11.5 - Report of the Housing Committee – Housing Strategy and Commissioning Plan	Non-pecuniary interest as a Council appointed representative on the Board of The Barnet Group. He noted that he would not be voting on item 11.5.
Councillor Kath McGuirk	11.5 - Report of the Housing Committee – Housing Strategy and Commissioning Plan	Non-pecuniary interest relating to social housing tenancy with Genesis. Her daughter was applying to Barnet Council, but she was not on the electoral register
Councillor Arjun Mittra	11.4 – Report of Policy and Resources Committee – The Barnet Group	Non-pecuniary interest as his family are tenants of Barnet Homes
Councillor Geof Cooke	11.2 – Referral from Assets Regeneration and Growth Committee – Land to the rear of 71 Holden Road	Non-pecuniary interest as he used to share an office with one of the objectors.

5. MINUTES OF THE LAST MEETING

The minutes of the meeting of 28 July 2015 were agreed as a correct record, subject to the amendment of two typographical errors noting that items 17 and 20 should state 'The Worshipful the Mayor' rather than 'the Right Worshipful the Mayor'.

6. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor announced he was pleased to advise Council of a letter he had written to Her Majesty the Queen on behalf of Council on 9 September stating:

"On behalf of the Council and Citizens of the London Borough of Barnet, it gives me great pleasure to send to Her Majesty The Queen, 'Loyal Greetings' and congratulations on the occasion of becoming Great Britain's longest reigning monarch.

We would like to express our gratitude for Her Majesty's dedicated and selfless contribution to the life of our Borough, our Nation and the Commonwealth."

The Worshipful the Mayor welcomed to the Council meeting representatives from Citizens UK, Middlesex University and a number of Barnet synagogues who were in attendance in support of the Council's motion on the Syrian Refugee crisis later on in the agenda. He noted that the representatives were welcome to stay for the meeting and the Council thanked them for their support.

The Worshipful the Mayor noted that since the last Council meeting there had been a Barnet war memorial relocation of a Hendon war memorial where a plaque was given for the lost service soldiers from Hendon of the Second World War which had not been there previously.

He further noted several successes and achievements. Since the last meeting of Council, Barnet students had won a film competition which had received 500 entries national. Barnet's entry came first with an anti-smoking campaign advert. Also, the Advocacy in Barnet group had recently won the Queens Award which was presented by the Deputy Lieutenant. The Mayor noted Barnet had also held its first ever Silver Sunday celebration for Barnet's elderly people in the Town Hall which was a great success and which he hoped would be continued going forward.

In relation to procedural matters, the Worshipful the Mayor reminded Members that supplementary Council Questions need to be questions and not speeches.

7. ANY BUSINESS REMAINING FROM LAST MEETING

There was none.

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

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

9. PETITIONS FOR DEBATE

There were none.

10. REPORTS FROM THE LEADER

There was none.

11. REPORTS FROM OTHER COMMITTEES (IF ANY)

11.1 ANNUAL REPORT OF THE AUDIT COMMITTEE 2014/15

Councillor Brian Salinger moved reception and adoption of the recommendations set out in the report of the Audit Committee. Debate ensued.

Upon being put to the vote the recommendations in the report of the Audit Committee Community were declared carried.

RESOLVED that Council note the Annual Report of the Audit Committee for 2014/15.

11.2 REFERRAL FROM ASSETS REGENERATION AND GROWTH COMMITTEE - LAND TO THE REAR OF 71 HOLDEN ROAD, NORTH FINCHLEY, N12 7DR

Councillor Daniel Thomas moved reception and adoption of the recommendations set out in the report of the Assets Regeneration and Growth Committee, and the supplementary report to Council as tabled. Councillor Geof Cooke moved his amendment. Debate ensued.

The amendment in name of Councillor Geof Cooke was put to the vote. Votes were recorded as follows:

For:	27
Against:	32
Abstain:	1
Absent:	3
TOTAL:	63

The amendment was declared lost.

The recommendations as set out in the Supplementary report were put to the vote. Votes were declared as follows:

For:	32
Against:	28
Abstain:	0
Absent:	3
TOTAL:	63

At least ten members called for a formal division on the voting. Upon the vote being taken, the results of the division were declared as follows:

	For	Against	Not Voting	Absent
Maureen Braun	✓			
Rebecca Challice		✓		
Pauline Coakley Webb		✓		
Dean Cohen	✓			
Jack Cohen		✓		
Melvin Cohen	✓			
Philip Cohen		✓		
Geof Cooke		✓		
Alison Cornelius	✓			
Richard Cornelius	✓			
Tom Davey	✓			
Val Duschinsky	✓			
Paul Edwards		✓		
Claire Farrier				✓
Anthony Finn	✓			
Brian Gordon	✓			
Eva Greenspan	✓			
Helena Hart	✓			
John Hart	✓			
Ross Houston		✓		
Anne Hutton		✓		
Andreas Ioannidis		✓		
Devra Kay		✓		
Sury Khatri	✓			
Adam Langleben		✓		
Kathy Levine		✓		
David Longstaff	✓			
Kitty Lyons				✓
John Marshall	✓			
Kath McGuirk		✓		
Arjun Mittra		✓		
Alison Moore		✓		
Ammar Naqvi		✓		
Nagas Narenthira		✓		
Charlie O'Macauley				✓
Graham Old	✓			
Alon Or-Bach		✓		
Reema Patel		✓		
Bridget Perry	✓			
Wendy Prentice	✓			
Sachin Rajput	✓			

	For	Against	Not Voting	Absent
Barry Rawlings		✓		
Hugh Rayner	✓			
Tim Roberts		✓		
Gabriel Rozenberg	✓			
Lisa Rutter	✓			
Shimon Ryde	✓			
Brian Salinger	✓			
Gill Sargeant		✓		
Joan Scannell	✓			
Alan Schneiderman		✓		
Daniel Seal				✓
Mark Shooter	✓			
Agnes Slocombe		✓		
Stephen Sowerby	✓			
Caroline Stock	✓			
Daniel Thomas	✓			
Reuben Thompstone	✓			
Jim Tierney		✓		
Amy Trevethan		✓		
Laurie Williams		✓		
Peter Zinkin	✓			
Zakia Zubairi		✓		

For: 32
Against: 28
Abstain: 0
Absent: 3
TOTAL: 63

The recommendations in the report were declared carried.

RESOLVED that Council:

1. Considered the objections received
2. Declared the land as surplus to the Council's requirements.
3. Approved the granting of a two year call option to HGS Properties (Brookdene Holden Road Ltd) to purchase the public open space land at the rear of 71 Holden Road on a 150 year lease subject to (i) planning, (ii) a tree maintenance plan (iii) compliance with the requirements so far as applicable of the Localism Act 2011 and The Assets of Community Value (England) regulations 2012 and (iv) the requirements of s 123 of the Local Government Act 1972 to obtain the best price that can be reasonably obtained. A condition of the lease will be that the public are afforded access to the amenity land.

4. **Delegated authority to the Chief Operating Officer in consultation with the Chairman of the Assets Regeneration and Growth Committee to negotiate and finalise the terms of the Lease including the 2 year call option.**
5. **Agreed that a Local Wildlife Group be consulted in the drawing up of the Woodland Management Plan.**

11.3 REFERRAL FROM CHILDREN EDUCATION LIBRARIES AND SAFEGUARDING COMMITTEE - BARNET'S FUTURE LIBRARY SERVICE

Councillor Reuben Thompstone moved reception and adoption of the recommendations set out in the report of the Children Education Libraries and Safeguarding Committee. Councillor Anne Hutton moved her amendment. Debate ensued.

The amendment in name of Councillor Anne Hutton was put to the vote. Votes were recorded as follows:

For: 28
 Against: 32
 Abstain: 0
 Absent: 3
 TOTAL: 63

The amendment was declared lost.

The recommendations as set out in the report were put to the vote. Votes were declared as follows:

	For	Against	Not Voting	Absent
Maureen Braun	✓			
Rebecca Challice		✓		
Pauline Coakley Webb		✓		
Dean Cohen	✓			
Jack Cohen		✓		
Melvin Cohen	✓			
Philip Cohen		✓		
Geof Cooke		✓		
Alison Cornelius	✓			
Richard Cornelius	✓			
Tom Davey	✓			
Val Duschinsky	✓			
Paul Edwards		✓		
Claire Farrier				✓
Anthony Finn	✓			
Brian Gordon	✓			
Eva Greenspan	✓			
Helena Hart	✓			
John Hart	✓			

	For	Against	Not Voting	Absent
Ross Houston		✓		
Anne Hutton		✓		
Andreas Ioannidis		✓		
Devra Kay		✓		
Sury Khatri	✓			
Adam Langleben		✓		
Kathy Levine		✓		
David Longstaff	✓			
Kitty Lyons				✓
John Marshall	✓			
Kath McGuirk		✓		
Arjun Mittra		✓		
Alison Moore		✓		
Ammar Naqvi		✓		
Nagas Narenthira		✓		
Charlie O'Macauley				✓
Graham Old	✓			
Alon Or-Bach		✓		
Reema Patel		✓		
Bridget Perry	✓			
Wendy Prentice	✓			
Sachin Rajput	✓			
Barry Rawlings		✓		
Hugh Rayner	✓			
Tim Roberts		✓		
Gabriel Rozenberg	✓			
Lisa Rutter	✓			
Shimon Ryde	✓			
Brian Salinger	✓			
Gill Sargeant		✓		
Joan Scannell	✓			
Alan Schneiderman		✓		
Daniel Seal				✓
Mark Shooter	✓			
Agnes Slocombe		✓		
Stephen Sowerby	✓			
Caroline Stock	✓			
Daniel Thomas	✓			
Reuben Thompstone	✓			
Jim Tierney		✓		
Amy Trevethan		✓		
Laurie Williams		✓		
Peter Zinkin	✓			
Zakia Zubairi		✓		

For: 32
Against: 28
Abstain: 0
Absent: 3
TOTAL: 63

At least ten members called for a formal division on the voting. Upon the vote being taken, the results of the division were declared as follows:

For: 32
Against: 28
Abstain: 0
Absent: 3
TOTAL: 63

The recommendations in the report were declared carried.

RESOLVED -

- 1. That the Council consider consultation findings on Barnet's future library service that took place between the 10th November 2014 and 22nd February 2015 set out in full in Appendix E.**
- 2. That the Council consider the revised options appraisal and proposal for Barnet's future library service contained in Appendix A and summarised in paragraph's 1.11 to 1.22.2 of the report.**
- 3. That the Council agree that the proposal for Barnet's future library service contained in Appendix A and summarised in paragraph's 1.11 to 1.22.2 (below) are approved for further public consultation.**
- 4. That Council approve the commencement of a further round of public consultation on this proposal in accordance with the consultation plan as set out in section 5.11 of the report.**
- 5. That the Commissioning Director for Children and Young People, in consultation with the Chairman of the Committee, is delegated by the Children's, Education, Library and Safeguarding Committee to approve the final consultation design.**
- 6. That the Council note that a further report will be presented to the Committee reporting the results of the consultation with a recommendation for a final decision.**
- 7. That the Council note the further requirement for future funding to support the implementation of these proposals, as set out in paragraph 5.7 of the report.**

11.4 REPORT OF POLICY AND RESOURCES COMMITTEE - THE BARNET GROUP - CREATION OF NEW LEGAL ENTITY AND SUBSIDIARY

The Worshipful the Mayor called on Councillor Richard Cornelius to introduce the report. It was noted that if Members had any questions relating to information contained in the exempt report they would need to be heard at the end of the meeting in exempt session. There were no such questions.

Councillor Richard Cornelius introduced the report, noting that Policy and Resources Committee had made an amendment to recommendation 1. in the report that the finalisation, agreement and sealing of the Shareholder Agreement with The Barnet Group be authorised by the Commissioning Director Growth and Development in consultation with the Chairman of the Policy and Resources Committee. Debate ensued.

Separate votes were taken on each of the recommendations as set out in the report. Votes on recommendation one, as amended by Policy and Resources Committee, were declared as follows:

For:	32
Against:	0
Abstain:	28
Absent:	3
TOTAL:	63

Votes on recommendation two were declared as follows:

For:	60
Against:	0
Abstain:	0
Absent:	3
TOTAL:	63

Votes on recommendation three were declared as follows:

For:	32
Against:	27
Abstain:	1
Absent:	3
TOTAL:	63

The recommendations were declared carried.

RESOLVED that Council:

- 1. Authorises the Commissioning Director, Growth and Development in consultation with the Chairman of Policy and Resources Committee to finalise, agree and seal the Shareholder Agreement with The Barnet Group.**
- 2. Approves the creation of a Registered Provider subsidiary of Barnet Homes.**
- 3. Approves the creation of a new The Barnet Group Terms and Conditions Trading Company.**

11.5 REPORT OF HOUSING COMMITTEE - HOUSING STRATEGY AND COMMISSIONING PLAN

Councillor Tom Davey moved reception and adoption of the recommendations set out in the report of the Housing Committee. Councillor Ross Houston moved his amendment. Debate ensued.

The amendment in name of Councillor Ross Houston was put to the vote. Votes were recorded as follows:

For:	28
Against:	32
Abstain:	0
Absent:	3
TOTAL:	63

The amendment was declared lost.

The recommendations as set out in the report were put to the vote. Votes were declared as follows:

For:	31
Against:	28
Abstain:	1
Absent:	3
TOTAL:	63

The recommendations were declared carried.

RESOLVED that Council:

- 1. Approve the final Housing Strategy at Appendix A.**
- 2. Approve the final Commissioning Plan at Appendix B.**

12. REPORTS OF OFFICERS

12.1 REPORT OF THE CHIEF EXECUTIVE - WEST LONDON ECONOMIC PROSPERITY BOARD – CALL-IN PROCEDURE

The Chief Executive moved reception and adoption of the recommendations set out in the report. It was noted there was a typographical error in paragraph 15.3 of Appendix A, with two missing words; the sentence should read 'Where a decision is made by the Board the decision shall be published.'

The recommendations as set out in the report were put to the vote, and were declared carried.

RESOLVED that Council:

- 1. Agree the proposed call-in mechanism for decisions made by the West London Economic Prosperity Board, as set out in Appendix A.**
- 2. Amend the Constitution as set out in Appendices A and B.**
- 3. Recommend to Performance and Contract Management Committee that, in line with this call-in mechanism, it establishes a sub-committee to respond to any items referred to it from the West London Economic Prosperity Board.**

12.2 REPORT OF HEAD OF GOVERNANCE

The Head of Governance moved reception and adoption of the recommendations set out in the report.

The recommendations as set out in Appendix A to the report were put to the vote, and were declared carried.

The recommendations as set out in Appendix B to the report were put to the vote, and were declared carried.

Councillor Joan Scannell moved her amendments to Appendix C, as tabled, which were duly seconded. Council noted that the party conference dates for 2016 and 2017 had not been finalised. As such, there may be a need to revise committee dates in September and October of these years to accommodate the conferences.

The recommendations in Appendix C as amended were put to the vote and declared carried.

RESOLVED that Council:

- 1. Note the changes to the Calendar of Meetings 2014/15 in Appendix A**
- 2. Approve an increase the membership of the Corporate Parenting Advisory Panel to 10 members, as set out in Appendix B**
- 3. Appoint Councillor Shimon Ryde to the Corporate Parenting Advisory Panel, as set out in Appendix B**
- 4. Endorse the Calendar of Meetings 2016/17 and 2017/18 as attached in Appendix C**
- 5. Authorise the Head of Governance to facilitate variations to the calendars in consultation with the Chairman of the General Functions Committee and the Leaders of the main Political Parties.**
- 6. Agree that any changes should be reported to the next Council Meeting.**

13. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

There were none.

14. MOTIONS (45 MINUTES)

14.1 JOINT MOTION IN THE NAMES OF CLLR RICHARD CORNELIUS, CLLR ALISON MOORE AND CLLR JACK COHEN - SYRIAN REFUGEE CRISIS

The Worshipful the Mayor moved under Council Procedure Rules 7.1 and 7.2 for the Suspension of Full Council Procedure Rule 2(14) to ask Council to agree to take a joint motion in the names of Councillor Richard Cornelius, Councillor Alison Moore and Councillor Jack Cohen. The suspension of Council Procedure Rules was duly agreed, and debate ensued.

Council voted on the joint motion, and the motion was duly carried.

RESOLVED –

Council has great sympathy for the plight of refugees, notably those driven from their homes in Syria.

Council notes that the current refugee crisis is the greatest such crisis in Europe since World War II and represents the largest mass movement of people fleeing their homes and livelihoods since that war, with 4.1m people having fled Syria, and a further 7.6m internally displaced.

The scenes of human suffering played out daily on the news make us all conscious of the need for supranational and British Government action to end the conflict and allow normal life to be restored.

Council recognises that the vast majority of refugees that have fled Syria have been absorbed by neighbouring countries and notes that the UK has delivered over £1bn in aid, including large sums to support refugees in those neighbouring countries.

Council also notes that the government has agreed to resettle 20,000 refugees over 5 years in the UK.

Council recognises that Barnet is a place with acute pressures on housing. However it is a large borough with a proud tradition of helping those seeking refuge and is home to refugees and their descendants from all over the world. Indeed it is a borough whose own success has, in no small part, been built on the success of those who have previously sought refuge.

Council feels it would be wrong to shut our eyes to the situation of those in danger. Barnet therefore thanks the large number of residents who have already volunteered, donated or offered to assist those in need, and applauds the work of community organisations, notably Citizens UK, who have identified housing, schooling, GPs and even offers of employment in the borough.

Council commits to support their endeavours and to use its position as the leading organisation in the borough to inspire such generosity and enable others. Subject to compatibility with the government scheme and suitable funding, so as not to disadvantage our existing residents, we would commit to helping the community resettle at least 50 Syrian refugees in the borough as extra accommodation is found.

Council further recognises that many more people are likely to end up in the London boroughs as a result of this conflict, arriving via other channels (such as internal migration within the UK following initial resettlement). Council calls upon the Chief Executive to begin preparing plans to deal with this.

In the meantime, Council calls on officers to continue to take practical steps to support residents in assisting with the crisis; sign-posting information to help people donate and volunteer their services, such as those of a linguistic nature, or coordinate offers of accommodation.

Council notes that national government has the leading role in identifying, transporting and supporting refugees, but that every local authority in the UK has a part it can play. Council confirms that Barnet will do its bit.

Council therefore calls upon the Chief Executive to write to the Secretary of State and inform him of our borough's readiness to assist those in dire need, as we have done before and will do so again in the future.

**14.2 OPPOSITION MOTION IN THE NAME OF CLLR ALAN SCHNEIDERMAN -
ROADS AND PAVEMENTS**

Councillor Alan Schneiderman moved his motion and requested that under Council Procedure Rule 23.5 the Motion be referred to Environment Committee for consideration, which was duly agreed.

RESOLVED that under Council Procedure Rule 23.5 the Motion be referred to Environment Committee for consideration

15. MOTIONS FOR ADJOURNMENT


There were none.

**16. REPORT OF POLICY AND RESOURCES COMMITTEE - THE BARNET GROUP -
CREATION OF NEW LEGAL ENTITY AND SUBSIDIARY (EXEMPT)**

RESOLVED that Council note the exempt report.

The meeting finished at 9.53 pm

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	<p>Council</p> <p>8 December 2015</p>
<p style="text-align: right;">Title</p>	<p>Referral to Council – Education and Skills – Future Delivery of Services</p>
<p style="text-align: right;">Report of</p>	<p>Head of Governance</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public (with separate exempt appendix)</p>
<p style="text-align: right;">Enclosures</p>	<p>Annex 1 – Report to Children, Education, Libraries and Safeguarding Committee, 18th November 2015.</p> <p>Appendix A: Full Business Case</p> <p>Appendix B: Financial Evaluation</p> <p>Appendix C: Equalities Impact Assessment</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance andrew.charlwood@barnet.gov.uk 020 8359 2014</p>

<p>Summary</p>
<p>This report encloses the report that was considered by Children, Education, Libraries and Safeguarding Committee on 18th November and sets out the recommendations the Committee made to Full Council.</p>

<p>Recommendations</p>
<p>1. That Council note the powers reserved to it under paragraph 1.6 of the Constitution, Responsibility for Functions, which states that decisions on policy matters and new proposals relating to significant partnerships with external agencies and local authority companies, including the contracting out of functions, are reserved to the full Council.</p>

- 2. That Council consider and vote on the recommendations made by the Children, Education, Libraries & Safeguarding Committee, which are as follow:**
 - a. That Mott MacDonald Ltd trading as Cambridge Education be selected as the Council’s preferred bidder for the future delivery of Education and Skills services;**
 - b. That the Council enters into a strategic partnering arrangement with Mott MacDonald Ltd trading as Cambridge Education, including entering into a services contract and a partnering agreement;**
 - c. That the Commissioning Director – Children and Young People be delegated to finalise the contract documentation, in consultation with the Committee Chairman;**
 - d. That the functions set out in paragraph 1.45 of the report are contracted out to Mott MacDonald Ltd trading as Cambridge Education; and**
 - e. That the Commissioning Director – Children and Young People be delegated to proceed with all necessary planning and preparation for mobilisation of the contract, in consultation with the Committee Chairman.**

- 3. That Council note the corrected “Revised Savings Profile” line in the table on page 11 of Appendix A (Full Business Case) which has been amended to reflect the figures in the report to the Children, Education, Libraries & Safeguarding Committee attached at Annex 1.**

1. WHY THIS REPORT IS NEEDED

- 1.1 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

4. POST DECISION IMPLEMENTATION

- 4.1 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.2 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

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

5.4 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

5.5 Legal and Constitutional References

5.5.1 Paragraph 1.6 of the Responsibility for Functions section of the Council's Constitution confirms that decisions on policy matters and new proposals relating to significant partnerships with external agencies and local authority companies, including the contracting out of functions, are reserved to the full Council.

5.5.2 Constitution, Full Council Procedure Rules, Paragraphs 20 and 21- Rules of Debate and Time for Debate

5.6 Risk Management

5.7 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

5.8 Equalities and Diversity

5.9 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

5.10 Consultation and Engagement

5.11 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

6. BACKGROUND PAPERS

6.1 As set out in the report to Children, Education, Libraries and Safeguarding Committee on 18th November 2015.

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	<p>Children, Education, Libraries and Safeguarding Committee</p> <p>18th November 2015</p>
Title	<p>Education and Skills – Future Delivery of Services</p>
Report of	<p>Commissioning Director – Children and Young People</p>
Wards	<p>All</p>
Status	<p>Public (except Appendix B, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972)</p>
Urgent	<p>No</p>
Key	<p>Yes</p>
Enclosures	<p>Appendix A: Full Business Case Appendix B: Financial Evaluation (exempt) Appendix C: Equalities Impact Assessment</p>
Officer Contact Details	<p>Chris Munday: Commissioning Director – Children and Young People chris.munday@barnet.gov.uk 020 8359 7099</p> <p>Val White: Programme Director, Education and Learning val.white@barnet.gov.uk 020 8359 7063</p> <p>Deborah Hinde: Project Lead, Commercial Services deborah.hinde@barnet.gov.uk 020 8359 2461</p>

Summary

At its meeting on 12th January 2015, the Children, Education, Libraries and Safeguarding Committee considered a final outline business case, which set out proposals for developing a new way of delivering the Council’s Education and Skills service in order to:

- Maintain Barnet’s excellent education offer
- Maintain an excellent relationship between the Council and schools
- Achieve the budget savings target for the service up to 2020

The final outline business case set out a detailed options appraisal of four possible future models for the delivery of these services, along with the outcome of consultation with the public and with schools on the four options. The outline business case concluded that the option that was most likely to meet the project's overall objectives was a joint venture.

The Committee gave approval to commence a procurement exercise to identify a third party partner to inform the development of a full business case for the establishment of a joint venture with a third party for the future delivery of the Education and Skills service.

That procurement exercise has now concluded with the submission and evaluation of a final tender from Mott MacDonald Ltd trading as Cambridge Education (Cambridge Education). The outcomes of that evaluation are set out in detail in the attached full business case (Appendix A) and summarised in this report.

The full business case concludes that Cambridge Education's final tender meets all three of the Council's objectives, as set out above and expanded upon in the tender evaluation criteria. In summary, it is considered that the final tender confirms that Cambridge Education is a sound provider with a wealth of relevant experience. It demonstrates a desire to expand services and a clear commitment to continue excellent performance, along with a clear understanding of the Council's requirements and a strong desire to work in partnership with the Council and schools. As well as providing a strong voice for schools in the governance process, the tender also identifies significant benefits and opportunities for staff, not least of which is a commitment to continuing to pay the London Living Wage. Finally, the tender price meets the Council's challenging MTFs savings targets with no reduction in services. The full business case proposes that Cambridge Education should, therefore, be selected as the Council's preferred bidder for the future delivery of Education and Skills services.

The procurement was carried out using the Competitive Dialogue process, which is designed to provide a degree of flexibility to enable development of the most appropriate solution to meet the client's needs. As part of this process, Cambridge Education put forward an alternative strategic partnering delivery model, which would not involve the establishment of a separate Joint Venture Company. This alternative model would have many of the characteristics and advantages of a joint venture, without the additional costs associated with the establishment of a separate company. A detailed description and evaluation of the two options is included in the full business case and it is proposed that the Council should proceed on the basis of the strategic partnering option.

Recommendations

- 1. That the Children, Education, Libraries and Safeguarding Committee makes the following recommendations to full Council:**
 - a. That Mott MacDonald Ltd trading as Cambridge Education be selected as the Council's preferred bidder for the future delivery of Education and Skills services;**
 - b. That the Council enters into a strategic partnering arrangement with Mott MacDonald Ltd trading as Cambridge Education, including entering into a services contract and a partnering agreement;**

- c. **That the Commissioning Director – Children and Young People be delegated to finalise the contract documentation, in consultation with the Committee Chairman;**
- d. **That the functions set out in paragraph 1.45 of the report are contracted out to Mott MacDonald Ltd trading as Cambridge Education; and**
- e. **That the Commissioning Director – Children and Young People be delegated to proceed with all necessary planning and preparation for mobilisation of the contract, in consultation with the Committee Chairman.**

1. WHY THIS REPORT IS NEEDED

Strategic Context and Case for Change

1.1 On 12th January 2015, the Children, Education, Libraries and Safeguarding Committee considered a final outline business case, which set out proposals for developing a new way of delivering the Council's Education and Skills service in order to:

- Maintain Barnet's excellent education offer;
- Maintain an excellent relationship between the Council and schools; and
- Achieve the budget savings target for the service up to 2020.

1.2 Those proposals were developed in response to an evolving educational landscape, which together with the financial constraints facing local authority services, creates three compelling key drivers for reviewing the way education services are delivered:

i. A **performance** driver to maintain Barnet's excellent education offer, contributing to the quality of life in the Borough. This driver recognises that, in recent years, Barnet schools have been among the best in the country. However, maintaining this performance is challenging and some recent Ofsted inspections have been disappointing – a potential early warning sign that we need to review and evolve to adapt our systems and services to better reflect the new educational environment in which our partnership with schools is operating. It also recognises that the vast majority of school improvement resource and expertise is now controlled and managed by schools themselves and that the effective involvement of schools is essential to delivering better educational outcomes for Barnet as a whole.

ii. A **strategic direction** driver to maintain Barnet's excellent relationship with schools. This driver recognises the increasingly diverse range of school governance arrangements that are emerging, including academies and free schools, and the need to ensure that future service provision is of a high standard and that services are responsive to the needs of all schools. It also recognises that these changes in school leadership place schools in a strong position to play a much more central role in shaping and driving future service provision.

- iii. A **financial driver** to meet the Council's savings target, whilst maximising the opportunity to provide sustainable services into the future. This driver recognises that funding going to schools has been well protected, despite recent reforms. However, the ability of the local authority to fund services to meet its remaining statutory duties is less secure, being impacted by both the reduction in local government funding overall, and by a reduction in government grant as individual schools convert to academy status.
- 1.3 The shift in responsibility and financial resources for managing and leading school improvement to schools is resulting in schools increasingly becoming drivers and designers of the services they need to support them. This is particularly the case in respect of the development of school to school support and represents a significant change in the role of local authorities and schools. Developing a model of delivery based on the partnership with schools provides an opportunity to provide services that are responsive to the needs of schools and that are sustainable over time by allowing schools to commission the services they need.
- 1.4 The final outline business case that Members considered in January set out the results of detailed work that had been carried out to assess the most appropriate way of delivering Education and Skills services, given the three key drivers above and recognising the emergence of a range of new models for the delivery of these services across the country.
- 1.5 As a result of the assessment that had been carried out, the Children, Education, Libraries and Safeguarding Committee agreed that a full business case should be developed on the establishment of a joint venture with a third party for the future delivery of the Education and Skills service and that procurement should be commenced to identify a third party partner to inform the development of that full business case. The results of that procurement exercise are set out in the attached full business case and summarised in the remainder of this report.

The Procurement Process

- 1.6 An OJEU Contract Notice was published on 31st January 2015, inviting the submission of pre-qualification questionnaires from appropriately qualified parties. The Contract Notice identified the following services as being in scope:
- Strategic and financial management of the service
 - School improvement
 - Special educational needs (SEN) services (including management of SEN transport)
 - Admissions and sufficiency of school places
 - Vulnerable pupils
 - Post 16 learning

- Traded services within the Education and Skills delivery unit:
 - Catering service
 - Governor clerking service
 - School improvement traded service (Barnet Partnership for School Improvement)
 - Newly Qualified Teachers support
 - Educational psychology (part-traded)
 - Education Welfare Service (part-traded)
 - North London Schools International Network (NLSIN)
- 1.7 The current budget and MTFs savings targets for these services are summarised in paragraphs 5.19 and 5.20 of this report and set out in detail in the full business case.
- 1.8 The OJEU notice named all Barnet schools as stakeholder members, to enable schools to benefit from any resulting contract, without having to undertake a further procurement exercise.
- 1.9 The notice specified that the procurement would be carried out using the competitive dialogue process, which is designed for particularly complex contracts. The notice specified that this would include dialogue to shape the structure of any joint venture and also permitted variant bids, in order to maintain maximum flexibility in securing the best way of meeting the Council's needs.
- 1.10 11 organisations expressed an interest in the opportunity and four pre-qualification questionnaires were received by the deadline of 2nd March 2015. One of these was substantially incomplete and was, therefore, not compliant with the Council's minimum requirements. The remaining three questionnaires were evaluated by a panel of officers and the three organisations were subsequently invited to participate in dialogue.
- 1.11 All three organisations indicated their intention to consider using sub-contractors to deliver part of the service. One bidder withdrew from the process prior to dialogue commencing, as it believed that the overall package of services was not appropriate for its business portfolio. The remaining two bidders both participated in the first phase of dialogue and were invited to submit Outline Solutions by Friday 12th June 2015. Mott MacDonald Ltd, trading as Cambridge Education (Cambridge Education) submitted an Outline Solution, which confirmed ISS as their catering sub-contractor. Mott MacDonald Ltd is a wholly employee-owned company. The other bidder submitted a letter withdrawing from the procurement process, as it had concluded that this particular opportunity did not provide the right fit with its business model.
- 1.12 The Cambridge Education submission was subsequently evaluated by the project team, which included headteachers, as well as Barnet officers and specialist advisors. The team concluded that the submission provided sufficient, credible evidence that continuing dialogue would be likely to result

in the submission of a final tender that would meet the needs of the Council and schools. Following consultation with senior officers, it was agreed that the process should continue to the second phase of dialogue with a single bidder. It was recognised that this may raise questions about the lack of competitive tension in the process and the subsequent ability of the Council to test best value from the final tender. However, it is not unusual for competitive dialogue procurements to conclude with a single bidder and there are various means through which best value can be tested.

- 1.13 Key amongst these were the very clear objectives that had been set for this procurement, against which any final tender would be evaluated. Detailed sub-criteria were developed to strengthen the ability to test any final tender against those objectives. These are set out in the full business case. The move to a single bidder situation also allowed for more dialogue time with the remaining bidder, to increase the likelihood of any final tender being able to meet the needs of the Council and schools. The full business case includes a comparison of the final tender against the financial modelling that was previously carried out for the in-house and social enterprise models.
- 1.14 The proposed approach to securing best value with a single bidder was reviewed and endorsed by a Local Partnerships' Health Check review, the report from which is attached to the full business case.
- 1.15 In addition to involving headteachers in the dialogue meetings and evaluation of submissions, officers have continued to meet with the Headteacher Reference Group throughout the process, to update them and seek views on emerging issues. Officers also visited Slough Borough Council, where Cambridge Education currently provides a similar range of services.

The final tender

- 1.16 Following completion of the dialogue process, a Final Tender was submitted by Mott MacDonald Ltd trading as Cambridge Education on Monday 12th October 2015. ISS are confirmed as a key sub-contractor and would provide catering services under the contract. The contract itself would be for the provision of a range of specified services to the Council, with a requirement that specified traded services are offered to Barnet schools on a standard set of terms and conditions, in accordance with agreed service specifications that set out the level and quality of service required.
- 1.17 The key features of the Final Tender are as follows:

Maintain Barnet's excellent education offer

- i. All services would be provided in accordance with agreed method statements and service specifications. These set out the level and quality of service that is required and reflect current service provision;

- ii. Services would transfer “as is” and be subject to a rigorous service review process, using Cambridge Education’s 100 day plan approach and carried out in consultation with key stakeholders and staff, that would result in development plans;
- iii. Responsibility for managing the SEN transport budget and associated contracts would be included in the service offer;
- iv. A small number of employees would have joint employments with both Cambridge Education and the Council, in order to enable the Director of Children’s Services and the Council to properly discharge their statutory functions;
- v. The performance management regime, against which Cambridge Education have put 100% of their profit at risk, sets out agreed requirements for the maintenance of current service quality, as well as challenging targets for improving educational outcomes; and
- vi. The final tender confirms that Cambridge Education and ISS will have satisfactory policies and procedures in place in relation to staffing, customer service, equalities, health and safety and business continuity, as well as a commitment to continuing to support the corporate life of the Council, for example by permitting staff to participate in election duties.

Maintain an excellent relationship between the Council and schools

- i. The final tender sets out comprehensive proposals for stakeholder engagement, including governors, parents and pupils as appropriate;
- ii. Governance arrangements would have direct schools involvement and would enable greater influence over the quality and strategic direction of services than that provided by current arrangements;
- iii. Staff would transfer directly to the providers, i.e. Cambridge Education or ISS as appropriate, enabling them to benefit from being employed by established organisations that specialise in their area of expertise;
- iv. Enhanced TUPE arrangements would apply, in accordance with the Council’s current requirements; and
- v. ISS have committed to paying employees the London Living Wage after the Council ceases to fund the differential.

Achieve the budget savings target for the service up to 2020

- i. The tender is based on the provision of existing service levels at a fixed annual price that takes into account the Council’s MTFS savings requirements, including the savings target for SEN transport;
- ii. The risk of generating the income growth that is necessary to reduce the net cost of these services to match the price being charged to the Council sits entirely with Cambridge Education;
- iii. Any additional profit from growth in education services within a defined geographical area, above that required to meet the MTFS savings target and Cambridge Education’s initial investment, will be shared between the Council and Cambridge Education, with an element being set aside for the benefit of education and schools in Barnet;

- iv. Services will be marketed utilising the established brands of the two organisations, presented as “Barnet with Cambridge Education”; and
 - v. Whilst the risk in respect of growth sits entirely with Cambridge Education, the tender sets out clear proposals on how that growth will be achieved.
- 1.17 The detailed financial evaluation of the tender is contained in Appendix B.
- 1.18 The services contract and shareholders agreement are based on the OGC model contracts, modified by agreement between the parties. Key elements include:
- Responsibilities of the parties
 - Guarantees and indemnities between the parties
 - Governance arrangements
 - Indexation of contract price
 - Performance management regime and deductions for poor performance
 - Arrangements for dealing with changing circumstances or requirements
 - Dealing with disagreements and termination
- 1.19 The primary objective of negotiations in respect of the contract clauses has been to ensure a fair and appropriate apportionment of risk, whereby both parties accept the risk for matters that are under their control and there is a reasonable apportionment of other risks over which neither party has control. The purpose of this is to ensure that the Council does not pay within the contract price for non-commercial risks, whilst Cambridge Education take on the commercial risks of securing the level of income required to under-write the contract price.

Alternative proposal

- 1.20 One of the key benefits of using the competitive dialogue process is that it allows for the development of solutions that are specifically designed to meet the needs of the client. The report to the Children, Education, Libraries and Safeguarding Committee in January 2015 advised that a joint venture company was the option that was most likely to meet the Council’s objectives.
- 1.21 Through the dialogue process and within their final tender, Cambridge Education has proposed a strategic partnering agreement as an alternative delivery model. This is in addition to submitting a tender based on the joint venture company option. The partnering model can be summarised as being a hybrid of the joint venture option and the traditional outsourcing option, providing some of the benefits of each model, whilst avoiding some of the perceived disadvantages of each.
- 1.22 Under the joint venture company model, there would be a new company owned by the Council and Cambridge Education that would deliver the services to schools as well to the Council. The Council would enter into the service contract with the company. The company would contract directly with

schools for traded services and would sub-contract the task of delivery to Cambridge Education and ISS Ltd. Cambridge Education would own the majority of the company and be in overall control, subject to certain reserved matters that would require the Council's consent in recognition of its financial and reputational interest in the Traded Services. Profit would accrue within the joint venture company and be shared by dividends.

1.23 Under the partnering model, the Council would enter into the services contract directly with Cambridge Education. Cambridge Education and its catering sub-contractor ISS would enter into contracts directly with the schools for traded services. There would be a partnership board that would replicate in part the function of the board of directors in reviewing performance. There would still be reserved matters to the Council in recognition of its financial and reputational interest in the Traded Services, which would materially be the same. Profit would accrue within Cambridge Education and be shared with the Council via payments under the services contract.

1.24 The two options share the following common features:

- i. Staff would transfer to Cambridge Education or ISS under the provisions of TUPE;
- ii. Cambridge Education would be in control of the services and would be responsible for the obligations and liabilities in the services contract;
- iii. The opportunity to consider and influence service quality and strategic direction would sit at the strategic partnership board level;
- iv. The Council would have the right to veto certain key decisions that could affect Traded Services and gain share;
- v. The performance management regime would be the same for both models;
- vi. There would be an enhanced voice for schools through the strategic partnership board and sub-board arrangements;
- vii. Gain share arrangements would enable the Council and schools to benefit from growth over and above that required to meet the MTFS savings;
- viii. The branding of the service (Barnet with Cambridge Education) would be the same; and
- ix. Contract management and client arrangements would be the same.

1.25 The key differences between the two options are set out in the table below.

Joint Venture Company	Strategic Partnership
Creates separate legal entity governed by company law and shareholders' agreement	No separate legal entity created – relationship is governed by partnering agreement
Creates additional cost associated with servicing a separate entity and added complexity to governance arrangements, including potential conflicts of interest for directors	No additional cost and greater simplicity of governance arrangements

Services contract would be between LBB and the joint venture company, which would sub-contract it to CE	Services contract would be directly between LBB and CE
Traded Services contracts between school and company with all revenue going into company potentially creating greater transparency and control of operation and profits available for gain share.	Traded Services contracts between CE or its sub-contractor and schools. Revenue going into CE with Council relying on contractual rights to assess operation, financial performance and profits available for gain share.
Value of Traded Services and brand would be in the company with clear framework for selling ownership and continuing to grow Traded Services and brand at expiry of contract.	Value of Traded Services and brand held by CE with more challenges to managing the commercial value of the Council's ownership and any on-going development of the brand and Traded services.

Evaluation of the final tender

1.26 The final tender was evaluated by a panel comprising:

Service Experts

Commissioning Director – Children and Young People: Chris Munday
 Programme Director, Education and Learning: Val White
 Education and Skills Director: Ian Harrison
 Head of Education Partnerships and Commercial Services: Alison Dawes
 Headteacher representatives: Robin Archibald, Ian Kingham

Subject Matter Experts

Project Lead: Deborah Hinde
 HR: Liz Hammond
 Finance: Anisa Darr, Ruth Hodson
 LBB Commercial Team: Philip Hamberger
 Head of Programmes and Resources: Tom Pike
 Programmes and Resources Officer: Cara Elkins
 Commercial advisors (iMPOWER): Jason Walton, Martin Cresswell

Legal Resources

External legal advisors (Bevan Brittan): Lucinda Price, Matthew Waters, Laura Miskelly
 LBB legal advisors (HB Public Law): Sarah Wilson, Linda Cohen

1.27 Panel members evaluated the relevant sections of the tender individually and then came together in a moderation meeting to agree consensus scores. The following table sets out a summary of the moderated scores for each element of the tender.

Element of tender response	Weighting	JV model	Partnering model
Service quality	30%	23.0%	23.0%
Stakeholder engagement	25%	20.0%	20.0%
Financial benefits	30%	14.0%	16.2%
Legal/contract	15%	9.0%	6.0%
Total	100%	66.0%	65.2%

- 1.28 Following the moderation meeting, further clarification meetings took place with Cambridge Education, to progress the development of the strategic partnering agreement. As a result of these meetings, the Council's legal advisors have concluded that, based on the progress made, the strategic partnering model would now warrant a score of 3 for the legal/contract element. This would increase the weighted score to 9% and have the following effect on the overall scoring:

Element of tender response	Weighting	JV model	Partnering model
Service quality	30%	23.0%	23.0%
Stakeholder engagement	25%	20.0%	20.0%
Financial benefits	30%	14.0%	16.2%
Legal/contract	15%	9.0%	9.0%
Total	100%	66.0%	68.2%

- 1.29 Overall, evaluators were of the view that this was a good, solid submission from a sound provider with a wealth of experience that demonstrates a desire to expand services and a commitment to continue excellent performance. The proposal reflected the ethos and approach that had been adopted by Cambridge Education during dialogue and demonstrated their understanding of the requirements and desire to work in partnership with the Council and schools. Particular strengths were identified as:

- i. Both Cambridge Education and their sub-contractor, ISS, are part of large, global organisations, are experienced in the provision of these services and have a solid track record of delivery;
- ii. The proposal presented a rigorous approach to the management and delivery of services and good evidence of understanding our requirements;
- iii. There was a strong emphasis on partnership working, with a range of forums on which schools and other stakeholders would have a voice, building on existing arrangements and providing strong formal governance;
- iv. There was recognition of the existing strengths of the service and an emphasis on the need for a smooth transition and a strategy for building on those strengths;
- v. In respect of staff, the commitments to enhanced TUPE provisions and the London Living Wage were welcomed and the proposal set out a good approach to staff recruitment, retention, motivation and development;

- vi. Gain share proposals are simple and fair, including an element of benefit to education and schools in Barnet;
 - vii. The proposal provides a good performance management structure, with appropriate governance arrangements and puts 100% of Cambridge Education's estimated profit at risk for any poor performance; and
 - viii. The proposal guarantees a contract price to the Council that incorporate the MTFS savings requirement.
- 1.30 It was recognised that there remain some issues to be resolved prior to the signing of any contract. However, it was considered that these are matters for clarification and completion only and that they are not material to the overall proposal.
- 1.31 As identified above, the key risk of proceeding with a single bidder was the ability to test Best Value from any subsequent bid. It is considered that Cambridge Education's final tender meets the Best Value test, due to the following factors:
- i. Within the invitation to submit final tender, the bidder was advised that the Council reserved the right to reject any tender that failed to score a minimum of 2 on any single element, or that failed to score 60% overall. Both options passed this "double hurdle" requirement;
 - ii. Both options put forward by Cambridge Education significantly exceed the level of savings from growth and efficiency that has been identified as achievable through either of the alternative enhanced in-house or social enterprise models;
 - iii. The proposals put forward by Cambridge Education represent the best offer the market has to offer;
 - iv. Gain share and open book accounting arrangements will provide assurance that the Council will share in any benefits over and above those secured through the guaranteed contract price; and
 - v. It was made clear to Cambridge Education that non-award of the contract remained an option and any tender would have to clearly demonstrate that it would meet the objectives set for the project. This resulted in significant improvements between Detailed Solution and Final Tender, most notably in relation to the percentage of profit put at risk in the event of poor performance.

Evaluation of options

- 1.32 The options that are now available to the Council are:
- i. Award contract to Cambridge Education and establish a joint venture company
 - ii. Award contract to Cambridge Education on the basis of a strategic partnering agreement
 - iii. Do not award the contract and revisit in-house and social enterprise models

- 1.33 These options are described in further detail in the full business case.
- 1.34 The key considerations in respect of awarding a contract to Cambridge Education and establishing a joint venture company are that:
- i. It is consistent with the approach approved by the Children, Education, Libraries and Safeguarding Committee in January 2015;
 - ii. It meets the Council's minimum award criteria across all elements of the tender evaluation;
 - iii. It involves additional costs for servicing a separate entity, which means that it falls short of the MTFS savings target by £90k per annum. However, it would still maintain existing service levels at significantly lower cost than at present;
 - iv. It brings added complexity to governance arrangements, together with potential conflicts of interest for Council or school directors of the company, for little, if any, added value to the partnering option; and
 - v. It was less supported by headteacher representatives on the evaluation panel than the strategic partnering arrangement.
- 1.35 The key considerations in respect of awarding the contract to Cambridge Education on the basis of a strategic partnering arrangement are that:
- i. It meets the Council's minimum award criteria across all elements of the evaluation, including meeting MTFS savings targets;
 - ii. It would maintain existing service levels at significantly lower cost than at present;
 - iii. It provides schools with a stronger voice in governance arrangements and was strongly supported by headteacher representatives on the evaluation panel;
 - iv. It achieves the same aims as those envisaged by the Committee when agreeing the recommendation of the joint venture, but with a simpler governance structure and fewer issues in relation to conflicts of interest for Council or school representatives on the board.
- 1.36 It is acknowledged that this option raises three particular concerns, in that:
- i. It varies from the model previously approved by Members;
 - ii. It may be considered that the single bidder situation has put the Council in a weaker position regarding securing its preferred model; and
 - iii. There is a risk of it being perceived by some as being closer to a straight outsourcing of services than the establishment of a joint venture company would be.
- 1.37 Whilst the strategic partnering option was not previously considered by Members, it is considered that it does meet the requirements and benefits expected from the joint venture company option. The key difference relates to "ownership" of the venture and, in particular, the desire to enable schools to participate in that ownership. Ongoing consultation through the Headteacher

Reference Group has shown that there is no excitement within the school community to be owners of the vehicle and that what matters to schools is the opportunity to have a voice and to influence the direction of services, which the strategic partnering option provides. The initial options appraisal commenced some 18 months ago and it should be recognised that the market has moved on and a variety of different delivery models have emerged for these services during that time.

- 1.38 Cambridge Education has expressed a willingness to work under either model and both models are available for Members to consider.
- 1.39 The Children, Education, Libraries and Safeguarding Committee had previously discounted a straight outsourcing for these services, as that option was not considered likely to meet the Council's need. Whilst acknowledging that any arrangement that results in staff transferring out of the Council's direct employment (including into a social enterprise or joint venture company) and the Council entering into a services contract constitutes outsourcing of services, the key feature of a straight outsourcing is that it would be based purely on entering into a services contract with a third party provider, with no opportunity to formally influence strategic direction. There would be no provision for involvement in the governance of the arrangement, beyond the application of normal contract management arrangements. Initial consultation with schools showed a considerable lack of support for this option. The particular concerns were in respect of its ability to enable the Council and schools to influence the quality and strategic direction of services and also the ability of the Council and schools to share in the financial benefits of the venture. These concerns are fully addressed through the strategic partnering option, in particular through the role of schools on the strategic partnering board and in other proposed forums that provide a voice for schools, as well as through the proposed gain share arrangements.
- 1.40 The third option that is available at this point is to not award the contract and to re-visit the in-house and social enterprise options that were previously considered by Members. Whilst this option would ensure that the full control of these services is retained by the Council, it carries significant risks, in that:
- i. It does not meet the Council's stated objectives for this project;
 - ii. It would require a significant reduction in services and consequent risk of redundancies in order to meet the MTFS savings target; and
 - iii. There is a significant risk that Cambridge Education would seek compensation for its bid costs in the event of non-award.
- 1.41 It should be noted that this option could include consideration of going back to the market for all or some of the services concerned. Given the extensive engagement that has already taken place with the market and the significant cost that would be involved in carrying out a further procurement exercise, this is not considered to be a viable option.
- 1.42 A detailed evaluation of each of the three options is set out in the full business cased. The following table provides a rating for each option's overall

likelihood of meeting each of the criteria. Those criteria that were rated as most important in the schools and public surveys are identified in bold.

	Joint Venture	Strategic Partnering	Do not award
Helps to maintain a strong partnership between the Council and Barnet schools	✓✓	✓✓✓	✓✓
Enables schools to take a stronger leadership role in the education system	✓✓✓	✓✓✓	✓✓
Is able to attract new investment/funding and access commercial expertise to preserve and grow services	✓✓✓	✓✓✓	✓✓
Has the freedom to be creative and the flexibility to develop new services quickly during times of change	✓✓✓	✓✓✓	✓
Is able to engage with and build trust with all key stakeholders, including parents and the public	✓✓	✓✓	✓✓✓
Preserves or improves service delivery in key service areas	✓✓✓	✓✓✓	✓
Is able to customise services to meet the needs of different types of school	✓✓✓	✓✓✓	✓✓
Is able to achieve budget savings without reducing current service levels	✓✓	✓✓✓	✓

Key:

✓	Low
✓✓	Medium
✓✓✓	High

Contracting out of functions

1.43 The majority of statutory functions in relation to education matters are not capable of being contracted out to a third party and it is appropriate for the Council to retain responsibility for ensuring compliance with these functions, even when a third party assists in delivery of the services. The Council retains a number of important overarching duties and the Director of Children's Services in his statutory and commissioning role will be responsible for ensuring that these duties continue to be met. Key duties include:

- Duty to determine admission arrangements for maintained schools where the local authority is the admission authority – School Standards and Framework Act 1998;
- Duty to secure efficient primary, secondary and further education is available to meet the needs of local population and duty to secure sufficient primary and secondary schools – Education Act 1996;
- Duty to identify children not receiving suitable education – Education Act 1996;

- Duty in relation to promoting effective participation in education or training for young people – Education and Skills Act 2008;
- Duty to exercise education functions with a view to promoting high standards, ensuring fair access and promoting fulfilment of learning potential – Education Act 1996;
- Duty to support and involve children, parents and young people in decisions relating to SEN functions – Children and Families Act 2014;
- Duties to identify children and young people with SEN and disabilities and to promote integration – Children and Families Act 2014;
- Duty to work with statutory partners to make joint commissioning arrangements for education, health and care provision for children and young people with SEN and disabilities;
- Duty to promote use of sustainable modes of travel – Education Act 1996; and
- Duty to promote educational achievement of looked after children – Children Act 1989.

1.44 This is not a comprehensive list of statutory functions in this area. As part of the procurement, detailed tables were prepared setting out the relevant functions and the role of the Council and contractor in relation to these. Cambridge Education has accepted its responsibility, should the contract be awarded, in detailed method statements for each area.

1.45 There are a limited number of functions that can be contracted out by virtue of the Contracting Out (Local Authority Education Functions) (England) Order 2002. Where it is considered more effective for the function to be contracted out, it is recommended that the Council takes this decision. The following functions are recommended for contracting out:

- i. Issue of school attendance orders under s.437 Education Act 1996. Under this section, if it appears to the contractor that a child is not receiving suitable education, it shall serve a notice, and if the parent fails to comply with the notice, it shall serve a school attendance order. Failure to comply with a school attendance order is a criminal offence, however the decision on whether to prosecute for such an offence will remain a decision of the Council;
- ii. Duty to make arrangements to enable parent of child to express a preference for a school when making an admission application and duty to provide advice and assistance to parents – s. 86 School Standards and Framework Act 1998. Under this section, the contractor would have responsibility for the system for school admissions, although the responsibility for determining admission arrangements for maintained schools where the local authority is the admission authority will remain with the Council;
- iii. Duty to publish prescribed information in relation to admission arrangements under s.92 School Standards and Framework Act 1998. This will ensure that the contractor is responsible for publication of prescribed information; and
- iv. Procedure in relation to making a direction for a child to attend a maintained school under s.97 School Standards and Framework Act

1998. Whilst the decision on making a direction can also be contracted out, this is not recommended, as it is desirable for the Director of Children's Services or another senior council officer to make this decision. The procedure includes consulting with the relevant school.

- 1.46 In addition to contracting out functions, it is proposed that a number of employees will be employed under a joint employment contract, meaning that they will have an employment contract with the Council and the contractor. These employees will have delegated authority from the Council to exercise a number of statutory functions, including making decision to prosecute for education welfare offences, making decisions in relation to child performance licences and making decisions in relation to Education, Health and Care plans. The Director of Children's Services will be responsible for ensuring that these staff are properly supervised and supported by the Council when exercising statutory functions. The post of virtual head will remain a council employee, as a statutory role. This officer will work closely with the contractor's staff, in order to ensure the effective working of the virtual school.

Conclusion and recommendations

- 1.47 Based on the evaluation of the final tender and the assessment of how each option meets the Council's criteria, it is concluded that:
- i. Both options put forward by Cambridge Education meet the Council's stated objectives and key criteria;
 - ii. Whilst the joint venture option scored slightly more overall at the point of moderation, this was purely as a result of the legal documentation for a strategic partnering arrangement not being as advanced as for the joint venture option. Subsequent clarification meetings have confirmed that there are no fundamental matters of principle on which there is disagreement and it is considered to be highly likely that the outstanding matters will be resolved during contract finalisation;
 - iii. The strategic partnering option provides the most financially advantageous solution, meeting the Council's MTFs savings requirement on both an annual basis and a cumulative basis; and
 - iv. The strategic partnering option provides a better fit overall to the Council's requirement and gained more support from headteacher representatives as providing schools with a voice and the opportunity to influence the direction of services, without the additional cost and complexity of establishing a joint venture company.
- 1.48 It is therefore recommended that the Council appoints Cambridge Education as preferred bidder on the basis of a strategic partnering arrangement, subject to resolution of the outstanding contractual matters mentioned above.

2. REASONS FOR RECOMMENDATIONS

- 2.17 The Council's commissioning approach requires consideration of the best model for delivering services to meet its priorities and outcomes. Based on

the evaluation set out above, it is considered that a strategic partnering arrangement with Cambridge Education is the option that best meets the Council's needs, in that it will:

- Maintain Barnet's excellent education offer;
- Maintain an excellent relationship between the Council and schools; and
- Achieve the budget savings target for the service up to 2020.

2.18 Considerable effort was put into the competitive dialogue process to ensure that the resulting tender met the needs of all stakeholders. The proposal addresses many of the concerns that were expressed by stakeholders through the consultation process. In particular:

- i. It provides an appropriate voice and level of influence for schools, whilst addressing concerns about the time commitment and financial risk to schools involved in the ownership models;
- ii. The main contractor is a well-established provider of education services, with a strong track record, which should overcome concerns regarding the potential lack of expertise of a third party provider, particularly in respect of SEN services. The use of a specialist sub-contractor, ISS, provides the appropriate level of expertise in respect of catering services;
- iii. Concerns about potential conflicts of interest are overcome by the strategic partnering model; and
- iv. Residents' concerns regarding the profit motives of a third party provider are mitigated by the fact that Cambridge Education is part of an employee-owned company. As such, they are not subject to the demands of the stock exchange or institutional investors regarding short-term gains and can take a longer-term approach.

2.19 For staff, the proposal provides clarity and a degree of security in respect of employment and terms and conditions of service that the Council simply cannot provide at this time. Whilst the share-ownership benefit of working in an employee-owned company would only be available to a small number of senior staff, it is considered that all staff will benefit from the progression and development opportunities that come from being employed in large specialist organisations, both of whom are providing similar services to other public bodies. In addition, many staff will be eligible to participate in bonus schemes.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.17 Six options were evaluated as part of the draft outline business case that was considered by the Children, Education, Libraries and Safeguarding Committee on 15th September 2014. As a result of that initial evaluation, four options were taken forward for formal consultation and further evaluation. The outcomes of that work were set out in a final outline business case, which concluded that the joint venture option was considered to be most likely to

meet the Council's needs and which was considered by the Children, Education, Libraries and Safeguarding Committee on 12th January 2015.

- 3.18 Having concluded the procurement exercise, the option of appointing Cambridge Education and establishing a joint venture company is considered viable, but is not recommended. Whilst it would meet the Council's needs in overall terms, the additional costs associated with servicing a separate entity means that it falls slightly short of the MTFS savings targets, with no discernible benefits over the strategic partnering option.
- 3.19 The option of not awarding the contract and re-visiting the in-house and social enterprise models is not recommended, because this option would not meet the Council's needs.

4. POST DECISION IMPLEMENTATION

- 4.17 Within the Council's Constitution, paragraph 1.6 of the Responsibility for Functions section confirms that the decisions on policy matters and new proposals relating to significant partnerships with external agencies are reserved to full Council. This report therefore proposes recommendations from the Children, Education, Libraries and Safeguarding Committee to full Council on 8th December 2015.
- 4.18 Work will continue on resolving the outstanding contractual issues prior to the signing of any contract. Subject to completing the signing of the contract, it is intended that the new arrangements should go live on 1st April 2016. It should be noted that, in the event of any of these issues not being satisfactorily resolved, a further report may be brought back to the Children, Education, Libraries and Safeguarding Committee.
- 4.19 Following consideration of the recommendations by full Council, it is proposed that the staff transfer process commences with initial joint presentations to staff prior to Christmas and the commencement of formal TUPE consultation early in the New Year. The responsibility for conducting TUPE consultation sits with the Council as the current employer. However, it is intended that this will be done jointly with Cambridge Education and ISS as far as possible. With a single bidder, it is not necessary to have a standstill period following appointment of preferred bidder, as there is no other bidder to challenge the decision.
- 4.20 As part of their final tender, Cambridge Education submitted a detailed mobilisation plan, which is designed to ensure a smooth transfer of the service for both staff and service users. This covers the following key areas:

- TUPE consultation and staff induction
- Due diligence in respect of staff numbers, contracts, assets etc
- Early engagement with key stakeholders
- Establishment of interface arrangements with the Customer and Support Group

4.21 In addition, the Council will need to establish the necessary contract management and client side arrangements. These arrangements will utilise existing resources within the Commissioning Group.

5. IMPLICATIONS OF DECISION

Corporate Priorities and Performance

5.17 Barnet is a place of growth. The quality of the education offer is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet a popular and desirable place with many families attracted to the area by the good reputation of Barnet's schools. Excellent educational outcomes and ensuring children and young people are equipped to meet the needs of employers are key to deliver the Council's strategic objectives set out in its Corporate Plan 2013-16 to:

- Promote responsible growth, development and success across the Borough
- Support families and individuals that need it – promoting independence, learning and well-being
- Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

5.18 Developing a new approach to delivering education and skills services in partnership with schools, will enable the Council and schools to continue to support these priorities through jointly harnessing efforts and resources at a time of financial constraint and when the educational landscape is leading to a more diverse range of providers. Developing a delivery model that enables the services to be responsive to the needs of this increasingly diverse range of providers offers the opportunity to maintain and improve support services to schools so that Barnet's excellent educational offer can be maintained and improved.

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

5.19 These services are currently provided at a total annual gross cost of £20.7m. This is funded by £3.5m from the Dedicated Schools Grant, which is ring-fenced, and generation of income of £9.4m. This leaves a net Council funded budget of £7.8m. The proposed contract covers services funded by the Council and the DSG, giving a baseline annual cost for the contract of £11.3m.

5.20 Within the savings target set by the Policy and Resources Committee, the Education and Skills service is required to deliver savings of £850k between

2016/17 and 2019/20, plus the saving of £695k that has not been achieved in 2015/16, due to the timing constraints of the tender process. The proposed revision to the savings profile will be considered by Policy and Resources Committee in December. In addition, SEN Transport is required to deliver savings of £240k between 2016/17 and 2019/20, together with a further £100k reduction in service costs in relation to temporary funding for the brokerage function. This gives a total savings requirement for the service over the term of the MTFs of £1,885k.

- 5.21 The final tender submitted by Cambridge Education for the strategic partnering option will deliver these savings in accordance with the required profile.
- 5.22 The contract is constructed in such a way that these savings are guaranteed, as they are incorporated within the tendered price for delivering the core services to the Council in the period between 2016/17 to 2022/23. The savings requirements are summarised in the table below.

	Year 1 15/16	Year 2 16/17	Year 3 17/18	Year 4 18/19	Year 5 19/20	Total
	£000					
Original MTFs savings profile	695	85	160	255	350	1,545
Proposed revised MTFs savings profile	0	780	160	255	350	1,545
SEN transport savings profile	0	120	120	0	100	340
Revised savings profile (including SEN transport)	0	900	280	255	450	1,885

- 5.23 Whilst the risk of securing the level of increased income and efficiency that is required to achieve this saving sits entirely with Cambridge Education, the tender included proposals for how this growth and efficiency would be achieved. These proposals have been assessed by suitably qualified officers and commercial advisors and are considered to provide sufficient assurance that this level of growth is achievable and that the potential additional growth that would be subject to gain share arrangements is also reasonable.
- 5.24 In respect of the financial submission, the Council’s commercial advisor (iMPower) have advised that “We believe that overall the risks inherent in achieving the required savings and gain share have been satisfactorily considered and to a reasonable extent addressed. The Council is aware that quite modest amounts of gain share have been targeted and it is possible that even these may not be delivered. However the information provided does give sufficient confidence in new sales and surplus and there appears to be an acceptable residual risk related to Cambridge Education failing to achieve all its targeted financial contribution from this.”
- 5.25 The total cost of delivering the Education and Skills Alternative Delivery Model project, to 31st March 2016, is currently forecast to be within the £1.5m budget that is being funded from the Transformation Reserve. Actual expenditure in

previous financial years totalled £350k. Expenditure for the current financial year is forecast to be £1,150k, which covers the cost of the project team, specialist advisors and transition to the new arrangements, including any one-off costs associated with establishing interface arrangements between Cambridge Education and the Customer and Support Group. A breakdown of the budget is included in the full business case.

- 5.26 The project team and specialist advisors required to carry out this work were procured independently of the existing Customer and Support Group arrangements, to mitigate any potential conflict of interest.
- 5.27 Service budgets do not include corporate support costs, which cover, for example, accommodation, payroll, HR support, ICT and finance support. It is, therefore, necessary to make an appropriate allocation for these support costs to the service and this is currently estimated to be approximately £900k. Cambridge Education has indicated that they intend to continue using the majority of these services, most notably the Council's existing accommodation. Discussions are ongoing between the Council, Cambridge Education and the Customer and Support Group to confirm which services will be required and the appropriate budget and cost apportionment. It is intended that the outcome of these discussions will be cost-neutral to the Council.
- 5.28 As stated above, client-side and contract management arrangements will utilise existing resources within the Commissioning Group and there will be no additional costs associated with these.

Social Value

- 5.29 The final tender provides a number of proposals that will secure wider social, economic and environmental benefits. Key amongst these is the intention to continue delivering all services from within Barnet and not relocate existing jobs outside the Borough. Within the catering service, there are also commitments regarding apprenticeships, use of electric vehicles for catering transport and continuing payment of the London Living Wage.

Legal and Constitutional References

- 5.30 Paragraph 1.6 of the Responsibility for Functions section of the Council's Constitution confirms that decisions on policy matters and new proposals relating to significant partnerships with external agencies and local authority companies, including the contracting out of functions, are reserved to the full Council.
- 5.31 Annex A to the Responsibility for Functions section confirms the terms of reference for Council committees. The Children, Education, Libraries and Safeguarding Committee has responsibility for education functions, including discussion of transformation schemes within the Council's policy framework.
- 5.32 When making decisions around service delivery, the Council must consider its public law duties. This includes its public sector equality duties and consultation requirements as well as specific duties in relation to education services and services to children and families.

5.33 Due to the potential change to the provision of education services, detailed consultation has been carried out with schools, service users and the general public, as well as current employees. Results from this consultation have been considered throughout this process.

5.34 The Council must comply with the Public Contract Regulations 2006 when proposing to enter into contractual arrangements for certain services. Detailed legal support has been provided to ensure that the Council has met its public procurement obligations.

Contracting out of functions.

5.35 The proposed arrangement would deliver both statutory services for the Council as well as trading services to schools and educational establishments. It involves the Council contracting out delivery of services associated with its statutory functions, but retaining accountability and decision making for the majority of these functions. A small number of functions are recommended to be contracted out, as set out in the main body of this report.

5.36 It is proposed to have a small number of staff on joint employment contracts, to enable key staff to exercise statutory functions on behalf of the Council. Service method statements and specifications provide a good level of clarity on when such staff would be acting as employees of the Council and further clarity and guidance will be provided through the establishment of detailed protocols.

5.37 Under the proposed arrangement, the statutory post of Director of Children's Services will remain with the Council. The Director of Children's Services:

- i. has professional responsibility for the leadership, strategy and effectiveness of local authority children's services;
- ii. is responsible for the performance of local authority functions relating to education and social care of children and young people; and
- iii. is responsible for ensuring that effective systems are in place for discharging local authority functions, including where a local authority has commissioned any services from another provider rather than delivering them itself.

Risk Management

5.38 Project risks have been identified in the full business case, along with mitigation measures. These will continue to be managed through the project governance arrangements, in accordance with the Council's project management standards

5.39 The project itself is designed to mitigate against the risk of a decline in the performance of the educational system as a whole that could arise from making service reductions to meet Medium Term Financial Strategy targets.

5.40 The key risks associated with the completion of the project relate to:

- i. The appropriate resolution of outstanding contractual matters. This will require on-going monitoring;
- ii. The ability to mobilise the contract within the required operational timescales. There is a comprehensive mobilisation plan, but there is a significant amount of work required to implement it and the challenge of achieving this within the timescale should not be under-estimated. Appropriate resources are in place to achieve this and progress will be monitored through the project board; and
- iii. The emergence of any information through the contract finalisation process that significantly undermines the commercial basis of the final tender. Significant effort has been put into ensuring that complete and accurate information has been made available to Cambridge Education throughout the procurement process and all appropriate resources have been deployed to minimise the risk of material error or omission. The contract provides an appropriate mechanism for making final adjustments based on, for example, the actual numbers of staff that transfer.

5.41 The main risk associated with the proposed model is that Barnet schools do not support the arrangement and reduce the level of services that they buy-back through the contract. Not only would this directly reduce the assumed level of income, but it would also undermine the venture's ability to grow through selling services to schools outside the Borough. This could also lead to the Council having less knowledge of schools through its contractor, thus affecting its ability to make timely and effective interventions. This will be managed by ensuring the on-going involvement of schools in the mobilisation process and the governance arrangements for the partnership.

5.42 An initial assessment of Health and Safety Risks associated with the proposals has been carried out. This has identified that there are no additional Health and Safety risks beyond those normally associated with the delivery of these services and which are managed through established Health and Safety policies and procedures.

5.43 The contract sets out requirements in respect of health and safety, including a requirement that Cambridge Education and ISS follow the Council's established health and safety policy and procedures.

5.44 The contract, together with the service method statements and specifications that will form schedules to it, also incorporates the Council's requirements in respect of business continuity and emergency management.

Equalities and Diversity

5.45 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups

- foster good relations between people from different groups
- 5.46 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services
- 5.47 An Equality Impact Assessment has been carried out and is attached as Appendix C. This covers potential impacts on residents and service users and on employees. Tender evaluators considered equalities impacts as part of the evaluation process. For service users, the proposals could potentially have the largest effect on school-age children and those with a disability. However, the impact assessment for residents and service users identifies a neutral impact overall, as services will continue to be provided to the current level and quality. The impact assessment for employees identifies a bigger impact on women than men. This is due to the fact that women make up 93% of the affected workforce. Whilst the impact on transfer is neutral, the long-term overall impact for employees is considered to be positive, due to the commitment to London Living Wage, the proposed arrangements for staff recruitment, retention, motivation and development, and the fact that there are no planned redundancies.
- 5.48 It is recognised that the mobilisation of the arrangement constitutes a significant change that will have an impact on employees and, in accordance with the Council's Managing Organisational Change Policy, it is essential that this change is managed in a way that reduces the disruptive effects of change. This will include ensuring that:
- the employees concerned will be treated in a fair and equitable way
 - advance notice of the impending change is given to the employees concerned as soon as possible
 - change will be brought about following consultation
 - the need for compulsory redundancy will be minimised but balanced against the Authority's need to retain employees with the skills and experience necessary to best meet future service requirements
 - redeployment opportunities will be maximised
- 5.49 Consultation will continue to take place with the recognised trade unions and affected employees, as contract mobilisation proceeds. This will include formal TUPE consultation in respect of transferring to a new employer.
- 5.50 The contract requires compliance with the Council's established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision.

Consultation and Engagement

- 5.51 A considerable level of consultation and engagement activity took place to inform the development of the outline business case. The outcomes of that consultation were reported to the Children, Education, Libraries and Safeguarding Committee on 12th January 2015 to inform the decision to proceed with the procurement of a third party partner. That report contained a

table that identified the key themes from consultation, together with initial responses. That table is reproduced below, with further responses included in bold text.

Theme	Response
<p>Model – there were mixed views about the preferred model, with schools and public respondents raising concern about the time commitment and financial risk to schools involved in the ownership models and some respondents requesting further information.</p>	<p>Whilst all models could provide the level of savings required, each carries different levels of risk and a different balance of service reductions and income growth. Bringing in a third party provider enables a provider with commercial expertise to support rapid development of the service, whilst the Council retains a key ownership role in the running of any new company. Whilst the option of school ownership can be kept open in the Competitive Dialogue stage, a number of respondents understand that a school role as commissioner can give them a sufficient role in the strategic direction of the proposed new company.</p> <p>The proposed model provides an appropriate voice for schools, whilst addressing the concerns regarding time commitment and financial risk.</p>
<p>Services included – there were comments by schools and residents about the inclusion of some services, although residents supported SEN and school improvement services being included more than schools. Staff and trade unions also raised concern about conflict of interests between different partners.</p>	<p>The services to be included in the model include both statutory functions of the local authority and traded services. Provision of a unified and integrated approach for the delivery of education services is considered to be important for maintaining a quality education support function. Quality assurance and the need for specialist provision will be key aspects for discussion during the competitive dialogue process for all of the services concerned.</p> <p>The proposed partner is a well-established provider of education services, with a strong track record. The appointment of a specialist sub-contractor will bring the necessary expertise to that service and ensure there is no conflict of interest between different partners.</p>
<p>Third party expertise – there were some comments about the lack of expertise of any third party provider and the need for quality assurance.</p>	<p>The evaluation criteria will be designed to ensure that the right partner is chosen and the option of a joint venture delivery model ensures the Council continues to have a role in delivery of services. However, the Council will also need to ensure that its contract monitoring process is robust and the lead responsibility for quality assurance will sit with the statutory Director of Children’s Services.</p> <p>The proposed partner is a well-established provider that brings the necessary expertise in the provision of these services. The final contract will establish a strong performance and contract management regime, as well as appropriate arrangements for engaging effectively with the Director of Children’s Services.</p>

Theme	Response
<p>Length of contract – there were comments from schools and the market about the length of contract, with the market expressing a desire for a longer contract term to enable certainty in return for investment and the schools commenting on the level of commitment.</p>	<p>If schools are in a commissioning role, it is anticipated that they will be able to buy services on an annual basis and will not be tied into the entirety of the contract, although discounts may be offered for longer contractual arrangements. It will therefore be imperative for the owners of the company to meet the needs of their school customers to ensure continued purchase of services, as well as exploring new markets. Based on legal and commercial advice, the contract term is recommended to be seven years, with options to extend up to a further three years.</p>
<p>Conflict of interest/priority of different parties – employees raised concerns about conflict of interest between different parties. Residents also raised concern about the profit motives of a third party provider.</p>	<p>Potential conflicts of interest will be an important aspect to consider during the procurement process to ensure that any conflict of interest can be managed appropriately. Whilst a third party provider may be a profit making company, it may also be a not for profit organisation. It is important to ensure that the procurement process focuses on quality of provision and value for money, rather than the status of the provider. Profit making companies have been successfully involved in the delivering of statutory functions and public services for some time and can provide a level of expertise to ensure that resources are focused on service delivery.</p> <p>The proposal to establish a strategic partnering arrangement overcomes concerns regarding potential conflicts of interest. Residents’ concerns regarding the profit motives of a third party provider are mitigated by the fact that, as part of an employee-owned company, Cambridge Education are not subject to the demands of the stock exchange or institutional investors regarding short-term gains and can take a longer-term approach.</p>

- 5.52 There has been ongoing engagement with schools through the procurement process. Various headteacher representatives have participated in both the dialogue process and the evaluation of submissions. There has been ongoing consultation with the Headteacher Reference Group on issues emerging from dialogue.
- 5.53 During the dialogue process, Cambridge Education and ISS presented an overview of their history, experience and approach to groups of staff, headteachers, chairs of governors and Elected Members. They also met with local trades union representatives and a regional officer of Unison participated in the dialogue process. Following submission of their final tender, both organisations presented an overview of the submission to Elected Members and chairs of governors.
- 5.54 Updates on progress have been provided to staff, headteachers and chairs of governors throughout the process, using both written communication and presentations. There has also been ongoing consultation with the recognised trades unions.

6. BACKGROUND PAPERS

- 6.17 Cambridge Education's final tender, submitted 12th October 2015. This document is commercially confidential and exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Elected Members who wish to inspect all or part of the final tender should contact the officers named at the front of this report.
- 6.18 Children, Education, Libraries and Safeguarding Committee, 12th January 2015 – agreed the development of a full business case on the establishment of a joint venture company with a third party for the future delivery of the Education and Skills service and authorised the commencement of the procurement exercise to identify a third party partner to inform the development of the full business case.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=697&MId=7926&Ver=4>
- 6.19 OPM's report providing detailed analysis of the consultation results.
<http://engage.barnet.gov.uk/>
- 6.20 Council, 16th December 2014 – agreed that the Children, Education, Libraries and Safeguarding Committee should complete the detailed consideration of alternative delivery options, including agreeing to the commencement of procurement where relevant.
<http://barnet.moderngov.co.uk/documents/s19543/Business%20Planning%20201516-1920.pdf>
- 6.21 Children, Education, Libraries and Safeguarding Committee, 15th September 2014 – approved further consultation and engagement on four options for the future delivery of the Education and Skills service.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=697&MId=7925&Ver=4>
- 6.22 Policy and Resources Committee, 10th June 2014 (Decision Item 6) – noted the updated Medium Term Financial Strategy up to 2020 and the Priorities and Spending Review report. The Committee agreed the Education and Skills project approach to consultation.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7856&Ver=4>
- 6.23 Cabinet, 25th February 2014 (Decision Item 7) – approved the Medium Term Financial Strategy.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=7518&Ver=4>

Full Business Case Education and Skills Alternative Delivery Model

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1. Introduction and strategic context

On the 23rd June 2014, the Children, Education, Libraries and Safeguarding (CELS) Committee noted the savings target allocated by the Policy and Resources Committee and agreed to complete a Commissioning Plan and savings proposals by December 2014. The Children, Education, Libraries and Safeguarding Committee's proposed Commissioning Plan sets out the key priorities for children and young people over the next five years, alongside the projected budget profile for services within its portfolio. Budget targets have been allocated to each service area through to 2019/20, including for the Education and Skills delivery unit.

The Education and Skills Alternative Delivery Model Project was established to meet these priorities. Six options were initially reviewed, which were reduced to four options for a more thorough review in the Final Outline Business Case. The options were:

- Re-modelled in-house delivery
- Schools-led social enterprise
- Joint venture with a third party, with schools in an ownership role (three-way joint venture)
- Joint venture with a third party, with schools in a commissioning role (two-way joint venture)

The options were assessed against pre-defined objectives, as well as being subjected to financial and commercial assessment. A detailed consultation exercise was conducted with schools and the public. A soft market testing exercise was also conducted to test the market's appetite for providing the services in scope. The Children, Education, Libraries and Safeguarding Committee agreed the recommendation that a joint venture with a commercial provider (either three-way with schools or two-way) was the option most likely to meet the objectives for the project. The Committee agreed that a full business case should be developed for that option and authorised the commencement of a procurement exercise to identify a third party partner.

Through this procurement exercise, an alternative option to the joint venture model was proposed. This was considered to have the potential to meet the Council's needs and was evaluated in parallel to the joint venture model. The ability to explore alternative options was an expected benefit of the competitive dialogue process. As a result, this Full Business Case sets out three options; and proposes a strategic partnering arrangement as the preferred option.

The options being considered are:

- To award the contract and establish a joint venture company
- To award the contract based on a strategic partnering model
- Not to award the contract and review the alternative options previously considered (a re-modelled in-house delivery or schools-led social enterprise)

2. Rationale

There are a number of pressures which initially drove the Council to consider alternative models of delivering education services. The educational landscape is changing. Schools are becoming increasingly autonomous and there is increasing diversity of educational providers entering the educational arena. At the time of commencing this project, in Barnet, 17 out of 24 of secondary schools were academies and there were six primary academies. Of these, two were secondary free schools and three were primary free schools, with more set to open. Based on current trends, the rate of conversion to academies and free schools is predicted to increase over the coming years. Furthermore, funding is increasingly being delegated to schools through the move towards a national funding formula¹.

These changes are reshaping the roles, responsibilities and relationships within the education partnership. There are principally three key drivers that combine to make a compelling case for change in how education services are delivered. These are:

- i. A **performance** driver to maintain Barnet's excellent education offer, contributing to the quality of life in the Borough. This driver recognises that, in recent years, Barnet schools have been among the best in the country. However, maintaining this performance is challenging and some recent Ofsted inspections have been disappointing – a potential early warning sign that we need to review and evolve to adapt our systems and services to better reflect the new educational environment in which our partnership with schools is operating. It also recognises that the vast majority of school improvement resource and expertise is now controlled and managed by schools themselves and that the effective involvement of schools is essential to delivering better educational outcomes for Barnet as a whole.
- ii. A **strategic direction** driver to maintain Barnet's excellent relationship with schools. This driver recognises the increasingly diverse range of school governance arrangements that are emerging, including academies and free schools, and the need to ensure that future service provision is of a high standard and that services are responsive to the needs of all schools. It also recognises that these changes in school leadership place schools in a strong position to play a much more central role in shaping and driving future service provision.
- iii. A **financial driver** to meet the Council's savings target, whilst maximising the opportunity to provide sustainable services into the future. This driver recognises that funding going to schools has been well protected, despite recent reforms. However, the ability of the local authority to fund services to meet its remaining statutory duties is less secure, being impacted by both the

¹ London Borough of Barnet, Education Strategy for Barnet 2013/14-2015/16.

reduction in local government funding overall, and by a reduction in government grant as individual schools convert to academy status.

The shift in responsibility and financial resources for managing and leading school improvement to schools is resulting in schools increasingly becoming drivers and designers of the services they need to support them. This is particularly the case in respect of the development of school to school support and represents a significant change in the role of local authorities and schools. Developing a model of delivery based on the partnership with schools provides an opportunity to provide services that are responsive to the needs of schools and that are sustainable over time by allowing schools to commission the services they need.

3. Project definition

The aim of the project is to identify a new way of delivering the Council's Education and Skills service in order to:

- Maintain Barnet's excellent education offer;
- Maintain an excellent relationship between the Council and schools; and
- Achieve the budget savings target for the service up to 2020.

Scope

All local education authority services, as currently provided by the Council's Education and Skills Delivery Unit, have been included in the scope for consideration of a new delivery model.

The services in scope are:

- Strategic and financial management of the service
 - Strategic oversight of the Education and Skills service
 - Strategic support and advice to the Schools Forum
 - Management of the Dedicated Schools Budget and the distribution of funding to schools (including SEN place-funding and top-up funding)
- School improvement
 - Statutory local authority services, such as monitoring, supporting and challenging schools, and intervening in maintained schools where necessary
 - Narrowing the gap service (DSG funded)
 - Virtual School
- Special educational needs (including changes implemented from 1st September 2014)
 - SEN placements & performance team
 - SEN Early Support Programme

Appendix A

- SEN Transport – commissioning and assessment
- SEN Transport – brokerage, contract and budget management
- Educational psychology team (part traded)
- SEN placements (DSG funded)
- SEN specialist support service (DSG funded)

- Admissions and sufficiency of school places
 - Pupil place planning
 - Admissions Service (DSG funded)

- Vulnerable pupils
 - Education welfare service (part traded)

- Post 16 learning
 - 14 - 19 service to ensure sufficiency and breadth of supply
 - Monitoring, tracking and supporting participation

- Traded services within the Education and Skills delivery unit
 - Catering service
 - Governor clerking service
 - Barnet Partnership for School Improvement (BPSI)
 - Newly Qualified Teachers support
 - Educational psychology (part)
 - Education Welfare Service (part)
 - North London Schools International Network (NLSIN)

Current financial position

The table below sets out the 2015/16 financial position of all the services in scope; and how the funding is split between council funding, income and DSG funding. The total council funding in scope is just over than £7.8million, with total expenditure being over £20million. The services generate £9.3 million in income annually.

Service Area	Total Gross Expenditure	Funded by			
		Income		DSG	Net Council Funding
		Traded	Non-traded		
£	£	£	£	£	
Strategic Management	295,814	-	16,630	-	279,184
14-19 Team	499,680	55,000	42,000	96,990	305,690
Barnet Partnership for School Improvement (BPSI)	842,240	868,160	-		(25,920)
Catering	7,024,200	7,265,970	-		(241,770)
Ed Psych Team	939,120	226,780	-	120,770	591,570
Education Welfare Service	381,100	124,705	-		256,395
Foreign Language Assistants	152,320	165,020	-		(12,700)

Appendix A

Project Management

Governors Clerking & Support	325,710	295,430	-	-	30,280
School Improvement	531,761	-	-	88,221	443,540
Newly Qualified Teachers	147,680	135,260	-	-	12,420
North London Schools International Network (NLSIN)	59,820	66,210	-	-	(6,390)
SEN Early Support Programme	19,130	-	-	-	19,130
Referral & Assessment Team	1,216,414	-	-	121,000	1,095,414
SEN Specialist team	1,366,398	116,468	-	1,249,930	-
Pupil Travel	109,574	-	-	-	109,574
School Admissions	361,200	-	-	361,200	-
SLA for Oakleigh for Early Years	715,050	-	-	715,050	-
Virtual School	406,460	-	-	283,750	122,710
Shared Service	341,576	-	-	53,000	288,576
Total before Transport	15,735,247	9,319,003	58,630	3,089,911	3,267,703

SEN Transport	4,776,510	-	-	400,000	4,376,510
Transport Brokering	200,000	-	-	-	200,000
Grand Total (After Transport)	20,711,757	9,319,003	58,630	3,489,911	7,844,213

These figures are exclusive of the overheads for the service, for which an appropriate adjustment would be made within the contract. Work is continuing on finalising these, but they are anticipated to total approximately £0.9 million.

4. Key activity to date

The following section outlines the key activity and decisions that have been undertaken to date, from the consideration of a draft outline business case through to the recommendation of a preferred bidder and model.

Options appraisal in the outline business case

At its meeting on 15th September 2014, the Children, Education, Libraries and Safeguarding Committee considered a draft outline business case that set out the results of work that had been undertaken to assess the best way of delivering Education and Skills services in the future. The draft outline business case set out details of six options for consideration by the Committee. These were:

- In house delivery
- Outsource
- Local authority trading company (LATC)
- Schools-led social enterprise
- Joint venture with a third party, with schools in an ownership role (three-way joint venture)

- Joint venture with a third party, with schools in a commissioning role (two-way joint venture)

The Committee gave approval to proceed to consultation on four options to inform the development of a final outline business case. These were:

- Re-modelled in-house delivery
- Schools-led social enterprise
- Joint venture with a third party, with schools in an ownership role (three-way joint venture)
- Joint venture with a third party, with schools in a commissioning role (two-way joint venture)

The final outline business case, considered by the Children, Education, Libraries and Safeguarding Committee on 12th January 2015, set out the findings from the assessment of the quality, commercial and financial viability of each of the options and the consultation undertaken with schools, the public and the market which are summarised below.

Schools have shown a good level of engagement throughout the process. They have been provided with information in the form of information packs, briefing sessions for all headteachers and chairs of governors and a Frequently Asked Questions document distributed to all schools. They have also had the opportunity to input to the approach through the Headteacher Reference Group. A survey of headteachers and chairs of governors was conducted between 10th November and 2nd December 2014 to assess factors such as services to be included and level of support for the various options. This was analysed by OPM, an independent market research organisation. Overall, 25% of respondents strongly agreed and 53% tended to agree with the education support services that had been selected to be included in the delivery model.

A survey was also made available for the public and service users on www.engage.barnet.gov.uk between 7th October and 1st December 2014. Three focus groups were conducted with: parents of children with Special Educational Needs; parent governors; and parents generally. In addition to analysing the results of the school survey, OPM were commissioned to both conduct the focus groups and analyse the public survey returns. 43% of respondents strongly agreed and 40% tended to agree with the education support services that had been selected to be included in the delivery model, with the highest level of support to SEN services and school improvement services being included.

Any new delivery model will constitute a significant change that will have an impact on employees. There were a number of briefing meetings with employees as the outline business case was developed. During November 2014, meetings were held to allow employees to explore the implications of the four options and also to suggest potential opportunities for improvement. Additional meetings took place with the recognised trades union representatives. Members of the management team of the

Education and Skills delivery unit were engaged throughout the consultation and engagement phase and contributed to the financial modelling of the service.

Soft market testing was conducted, where relevant commercial providers were invited to submit written responses to a questionnaire, which covered areas such as relevant experience, capacity, possible challenges and model preferences. As per Cabinet Office guidelines, the purpose of this activity was to engage with the market, pre-procurement, to establish the feasibility, capability, maturity and capacity of the market as a whole. The answers were then followed-up in more detail with respondents as part of face-to-face discussions. Submissions were received from six organisations.

Four of the participants were positive about the opportunity to take on the whole of the proposed cluster of services, whilst the other two were keener to work in a partnership where they would only take on some of the services. Following this exercise it was concluded that there was sufficiently strong market interest to generate a healthy and competitive procurement. The market was generally positive about the opportunity and appeared to offer more than one option in relation to the final structure of the new venture.

The final outline business case, presented to the Children, Education, Libraries and Safeguarding Committee on 12th January 2014, concluded that the option most likely to meet the Council's needs would be the joint venture with a third party. The report advised that the next stage of the process should consider the most appropriate way of involving schools in commissioning and shaping services, either in an ownership or in a commissioning capacity. The Committee agreed the recommendation that a full business case should be developed on the establishment of a joint venture company with a third party for the future delivery of the Education and Skills service. The Committee also authorised the commencement of a procurement exercise to identify a third party partner to inform the development of the full business case.

On 20th January 2015 this decision was ratified by full Council.

The procurement process

The procurement exercise has been carried out using the competitive dialogue process. This is designed to ensure that the most appropriate solution is developed through dialogue between the procurer and potential providers.

Prior to dialogue commencing, the Education and Skills service worked with the project team to develop service specifications, key performance indicators (KPIs) to monitor performance and the award criteria against which the submissions would be assessed. Work was also conducted with legal advisors to tailor the model contract; the Government's recommended standard contract used in significant tender exercises.

Pre-Qualification Questionnaire (PQQ) Stage

An OJEU Contract Notice was published on 31st January 2015, inviting the submission of pre-qualification questionnaires from appropriately qualified parties. The OJEU notice named all Barnet schools as stakeholder members, to enable schools to benefit from any resulting contract, without having to undertake a further procurement exercise.

11 organisations expressed an interest in the opportunity and four pre-qualification questionnaires were received by the deadline of 2nd March 2015. One of these was substantially incomplete and was, therefore, not compliant with the Council's minimum requirements. The remaining three questionnaires were evaluated by a panel of officers and the three organisations were subsequently invited to participate in dialogue.

All three organisations indicated their intention to consider using sub-contractors to deliver part of the service.

One bidder withdrew before dialogue commenced, as they did not feel it was the right package of services for their business.

Feedback was sought from the providers who did not submit a PQQ, but took part in the soft market testing exercise. Reasons included: difficulty in finding the right partner; perceived lack of commercial viability against anticipated required investment; and lack of resource to participate in the process.

Outline Solution (OS) Stage

At the outline solution stage three dialogue days were conducted with each of the two bidders, covering key strategic objectives, service requirements, contractual, commercial and legal requirements. A number of head teachers also participated in dialogue sessions to provide views on schools' priorities and concerns.

During the dialogue at OS stage, both bidders expressed the view that there were alternative models to the joint venture company that may better meet the Council's objectives. Sufficient evidence was presented to satisfy the evaluation team that it was of value to consider an alternative model in parallel to the joint venture model in order to determine the outcome that would best met the project objectives.

The Invitation to Submit Outline Solutions permitted the submission of both a principal and a variant bid for the two delivery models, which would be considered in parallel, but separately.

One Outline Solution was received by the deadline of Friday 12th June 2015. The other bidder submitted a letter withdrawing from the procurement process, as they had concluded that this particular opportunity did not provide the right fit with their business model.

The evaluation panel, including two head teachers, evaluated the Outline Solution and concluded that the submission provided sufficient, credible evidence that

continuing dialogue would be likely to result in the submission of a final tender that would meet the needs of the Council and schools.

The options to continue with a single provider, to return to the market or to pursue a non-market alternative were considered and a risk appraisal conducted on each option. In consultation with the Chief Executive and other members of the Strategic Commissioning Board, it was agreed that the project would proceed to the second phase of dialogue with a single provider.

Steps were taken to ensure that Best Value could still be tested. A paper was produced by the commercial advisory team exploring the options to secure and test Best Value in a single provider environment. This incorporated learning from other projects. Additional activity undertaken to ensure Best Value included scheduling extra dialogue sessions, setting clear minimum requirements and building in additional scrutiny.

The variant model consisted of a hybrid delivery model, based on a strategic partnering agreement between the Council and the bidder. The proposed strategic partnering model is outlined in more detail in the options section of this full business case. It was made clear to the bidder that Member approval covered the establishment of a joint venture company and that any change to that would require further Member approval. It was therefore agreed that both principal and variant bids should be developed further in the detailed solution stage to enable further assessment of which model would best meet the Council's objectives, prior to further consideration by Members.

Detailed Solution Stage

At the detailed solution stage, seven dialogue days plus additional legal sessions were conducted. These covered service requirements, governance, financial, commercial, HR and legal requirements. A number of headteachers again participated in the dialogue sessions to provide a schools' perspective on emerging proposals.

In addition, the bidder and their catering sub-contractor presented an overview of their history, experience and approach to groups of staff, headteachers, chairs of governors and Elected Members. They also met with local trades union representatives and a regional officer of Unison participated in the dialogue process.

During this phase, as part of the Council's ongoing budget-setting and monitoring process, the MTFs savings targets for the project were updated, as follows:

	Year 1 15/16	Year 2 16/17	Year 3 17/18	Year 4 18/19	Year 5 19/20	Total
Initial MTFs savings profile	695,000	85,000	160,000	255,000	350,000	1,545,000
Revised savings profile	0	780,000	160,000	255,000	350,000	1,545,000

During this phase, it was also confirmed that the SEN transport brokerage function would be in scope of the project. As a result of the dialogue process, it was agreed that proposals would be submitted for the management of both transport delivery

(whether through third party contracts or through the Council's Streetscene delivery unit) and the associated budget. This is in accordance with the published Contract Notice and previous reports to the Children, Education, Libraries and Safeguarding Committee, but would extend to taking on responsibility for delivering the savings required from the transport service.

The SEN transport savings have been added to the MTFS savings profile, described below:

	Year 1 15/16	Year 2 16/17	Year 3 17/18	Year 4 18/19	Year 5 19/20	Total
SEN transport incremental savings profile	0	120,000	120,000	0	100,000	340,000
Revised savings profile (including SEN transport)	0	900,000	280,000	255,000	450,000	1,885,000

The £100k saving required in 2019/20 relates to the withdrawal of funding for the brokerage function.

At the close of the detailed solution stage, both a principal and a variant bid were submitted. A mark-up of the Shareholders Agreement for the joint venture model and the Strategic Partnering Agreement, for the strategic partnering model were considered as part of the evaluation; as well as an outline of the governance structures for each model.

Final Tender (FT) Stage

At the final tender stage, a further seven dialogue days were conducted, covering service requirements, governance, branding, financial, commercial, HR and legal requirements. During this time all key commercial and legal elements of the proposal were agreed and the bidder was provided with further information on which to base their final tender.

5. The final tender

Following completion of the final phase of the dialogue process, a Final Tender was submitted Monday 12th October 2015. This confirmed that a key sub-contractor would provide catering services under the contract. The contract itself would be for the provision of a range of specified services to the Council, with a requirement that specified traded services are offered to Barnet schools on a standard set of terms and conditions, in accordance with agreed service specifications that set out the level and quality of service required.

The Final Tender comprised the following key documents:

Response form A:	Compliance requirements
Response form B:	Method statements and service specifications for each service
Response form C:	Responses to questions regarding stakeholder

	engagement
Response form D:	Financial submission
Response form E:	Services Contract and Shareholder Agreement
Response form F:	Any additional comments/feedback

The key features of the Final Tender are as follows:

Maintain Barnet's excellent education offer

- i. All services would be provided in accordance with agreed method statements and service specifications. These set out the level and quality of service that is required and reflect current service provision
- ii. Services would transfer "as is" and be subject to a rigorous service review process, using a 100 day plan approach and carried out in consultation with key stakeholders and staff, that would result in development plans
- iii. Responsibility for managing the SEN transport budget and associated contracts would be included in the service offer
- iv. A small number of employees would have joint employments with both the bidder and the Council, in order to enable the Director of Children's Services to properly discharge the statutory functions associated with that role
- v. The performance management regime, against which the bidder has put 100% of their profit at risk, sets out agreed requirements for the maintenance of current service quality, as well as challenging targets for improving educational outcomes
- vi. The final tender confirms that the bidder and the sub-contractor will comply with all relevant policies and procedures of the Council, for example in relation to staffing, customer service, health and safety and business continuity, as well as continuing to support the corporate life of the Council, for example by permitting staff to participate in election duties

Maintain an excellent relationship between the Council and schools

- i. The final tender sets out comprehensive proposals for stakeholder engagement, including governors, parents and pupils as appropriate
- ii. Governance arrangements would have direct schools involvement and would enable greater influence over the quality and strategic direction of services than that provided by current arrangements
- iii. Staff would transfer directly to the providers, as appropriate, enabling them to benefit from being employed by established organisations that specialise in their area of expertise
- iv. Enhanced TUPE arrangements would apply, in accordance with the Council's current requirements
- v. The catering sub-contractor has committed to paying employees the London Living Wage after the Council ceases to fund the differential

Achieve the budget savings target for the service up to 2020

- i. The tender is based on the provision of existing service levels at a fixed annual price that takes into account the Council's MTFS savings requirements, including the savings target for SEN transport

- ii. The risk of generating the income growth that is necessary to reduce the net cost of these services to match the price being charged to the Council sits entirely with the bidder
- iii. Any profit from growth in education services achieved within a defined geographical area, above that required to meet the MTFS savings target and the bidder's initial investment, would be shared between the bidder and the Council, with a portion also being set aside for the benefit of education and schools in Barnet
- iv. Services will be marketed utilising the established brands of the Council and the bidder
- v. Whilst the risk in respect of growth sits entirely with the bidder, the tender sets out clear proposals on how that growth will be achieved

The detailed financial evaluation is set out in Appendix B to the Children, Education, Libraries and Safeguarding Committee report.

The services contract and shareholders agreement are based on the OGC model contracts, modified by agreement between the parties. Key elements include:

- Responsibilities of the parties
- Guarantees and indemnities between the parties
- Governance arrangements
- Indexation of contract price
- Performance management regime and deductions for poor performance
- Arrangements for dealing with changing circumstances or requirements
- Dealing with disagreements and termination

The primary objective of negotiations in respect of the contract clauses has been to ensure a fair and appropriate apportionment of risk, whereby both parties accept the risk for matters that are under their control and there is a reasonable apportionment of other risks over which neither party has control. The purpose of this is to ensure that the Council does not pay within the contract price for non-commercial risks, whilst the bidder takes on the commercial risks of securing the level of income required to under-write the contract price.

Alternative proposal

One of the key benefits of using the competitive dialogue process is that it allows for the development of solutions that are specifically designed to meet the needs of the client. The report to the Children, Education, Libraries and Safeguarding Committee in January 2015 advised that a joint venture company was the option that was most likely to meet the Council's objectives.

Through the dialogue process and within their final tender, the bidder has proposed a strategic partnering agreement as an alternative delivery model. This is in addition to submitting a tender based on the joint venture company option. The partnering model can be summarised as being a hybrid of the joint venture option and the

traditional outsourcing option, providing some of the benefits of each model, whilst avoiding some of the perceived disadvantages of each.

Under the joint venture company model, there would be a new company owned by the Council and the bidder that would deliver the services to schools as well to the Council. The bidder would own the majority of the company and be in overall control, subject to certain reserved matters that would require the Council's consent in recognition of its financial and reputational interest in the Traded Services. Profit would accrue within the joint venture company and be shared by dividends.

Under the partnering model, the Council would enter into the services contract directly with the bidder. The bidder and its catering sub-contractor would enter into contracts directly with the schools for traded services. There would be a partnership board that would replicate in part the function of the board of directors in reviewing performance. There would still be reserved matters to the Council in recognition of its financial and reputational interest in the Traded Services, which would materially be the same. Profit would accrue to the bidder and be shared with the Council via payments under the services contract.

The two options share the following common features:

- i. Staff would transfer to the bidder or its sub-contractor under the provisions of TUPE;
- ii. The bidder would be in control of the services and would be responsible for the obligations and liabilities in the services contract;
- iii. The opportunity to consider and influence service quality and strategic direction would sit at the strategic partnership board level;
- iv. The Council would have the right to veto certain key decisions that could affect Traded Services and gain share;
- v. The performance management regime would be the same for both models;
- vi. There would be an enhanced voice for schools through the strategic partnership board and sub-board arrangements;
- vii. Gain share arrangements would enable the Council and schools to benefit from growth over and above that required to meet the MTFs savings;
- viii. The branding of the service would be the same; and
- ix. Contract management and client side arrangements would be the same.

The key differences between the two options are set out in the table below.

Joint Venture Company	Strategic Partnership
Creates separate legal entity governed by company law and shareholders' agreement	No separate legal entity created – relationship is governed by partnering agreement

Creates additional cost associated with servicing a separate entity and added complexity to governance arrangements, including potential conflicts of interests for directors	No additional cost and greater simplicity of governance arrangements
Services contract would be between LBB and the joint venture company, which would sub-contract it to the bidder	Services contract would be directly between LBB and the bidder
Traded Services contracts between school and company with all revenue going into company potentially creating greater transparency and control of operation and profits available for gain share.	Traded Services contracts between the bidder or its sub-contractor and schools. Revenue going into the bidder with the Council relying on contractual rights to assess operation, financial performance and profits available for gain share.
Value of Traded Services and brand would be in the company with clear framework for selling ownership and continuing to grow Traded Services and brand at expiry of contract.	Value of Traded Services and brand held by the bidder with more challenges to managing the commercial value of the Council's ownership and any on-going development of the brand and Traded services.

The final tender was evaluated by a panel comprising:

Service Experts

Commissioning Director – Children and Young People: Chris Munday
 Programme Director, Education and Learning: Val White
 Education and Skills Director: Ian Harrison
 Head of Education Partnerships and Commercial Services: Alison Dawes
 Headteacher representatives: Robin Archibald, Ian Kingham

Subject Matter Experts

Project Lead: Deborah Hinde
 HR: Liz Hammond
 Finance: Anisa Darr, Ruth Hodson
 LBB Commercial Team: Philip Hamberger
 Head of Programmes and Resources: Tom Pike
 Programmes and Resources Officer: Cara Elkins
 Commercial advisors (iMPOWER): Jason Walton, Martin Cresswell

Legal Resources

External legal advisors (Bevan Brittan): Lucinda Price, Matthew Waters, Laura Miskelly
 LBB legal advisor (HB Public Law): Sarah Wilson, Linda Cohen

Tender response forms and evaluation took into account the following detailed sub-criteria, which were the subject of consultation with the Headteacher Reference Group and the recognised trades unions.

Appendix A

Objective	Award criteria (high level)	Sub-criteria/basis for submission questions
Maintain Barnet's excellent education offer	Service quality 30%	<ul style="list-style-type: none"> Preserves or improves service delivery in key service areas Enhances current service to provide a broader service offer to schools in Barnet and beyond and potentially to other local authorities Able to customise services to meet the needs of different types of school Creative, flexible and adaptable to respond quickly to develop new services during times of change Contributes to the Council's broader strategic objectives
Maintain an excellent relationship between the Council and schools	Stakeholder engagement 25%	<ul style="list-style-type: none"> Helps to maintain a strong partnership between the council and Barnet schools Governance arrangements that enable schools to play a key role in the direction and development of education services A proposal and approach that engages with and builds trust with key stakeholders, including headteachers, governors, parents and the public Sound approach to transfer and integration of staff in order to achieve continuity of service Transparent and comprehensible performance reporting and charging mechanisms
Achieve the budget savings target for the service	Financial benefit 30%	<ul style="list-style-type: none"> Effectiveness of proposal to guarantee delivery of the budget savings set by the council without reducing current service levels Effectiveness of proposal to provide new investment/funding, commercial expertise and access to an established commercial and marketing structure to preserve and grow services Is based on a credible commercial plan with appropriate share of financial benefit for the council via the contract and JV
Provides a sound basis for managing the contract to ensure delivery of the project objectives in the long term	Contract and legal 15%	<ul style="list-style-type: none"> Agreements that appropriately allocate risk and provide the Council with adequate protection. Avoids unnecessary contract management overhead through consistency with the Council's existing commercial arrangements. Performance management and payment mechanisms that are not unnecessarily complex to operate or understand

Panel members evaluated the relevant sections of the tender individually and then came together in a moderation meeting on 22nd October to agree consensus scores. The following table sets out the moderated scores for each element of the tender.

Element of tender response	Weighting	JV model	Partnering model
Overall management and delivery of core services	20%	16%	16%
Provision of catering services	5%	4%	4%
Provision of other services	5%	3%	3%
Sub-total: Service quality	30%	23.0%	23.0%
Enabling schools' influence	3%	2.4%	2.4%
Stakeholder engagement strategy	7%	5.6%	5.6%
Staff	8%	6.4%	6.4%
Performance reporting and charging	7%	5.6%	5.6%
Sub-total: Stakeholder engagement	25%	20.0%	20.0%
MTFS annual savings target	15%	6.0%	7.5%
MTFS cumulative savings target	9%	3.8%	4.5%
Approach to achieving financial benefits	3%	1.8%	1.8%
Cost of change	3%	2.4%	2.4%
Sub-total: Financial benefits	30%	14.0%	16.2%
Legal/contract	15%	9.0%	6.0%
Total	100%	66.0%	65.2%

Following the moderation meeting, further clarification meetings took place with Cambridge Education, to progress the development of the strategic partnering agreement. As a result of these meetings, the Council's legal advisors have concluded that, based on the progress made, the strategic partnering model would now warrant a score of 3 for the legal/contract element. This would increase the weighted score to 9% and have the following effect on the overall scoring:

Element of tender response	Weighting	JV model	Partnering model
Service quality	30%	23.0%	23.0%
Stakeholder engagement	25%	20.0%	20.0%
Financial benefits	30%	14.0%	16.2%
Legal/contract	15%	9.0%	9.0%
Total	100%	66.0%	68.2%

Overall, evaluators were of the view that this was a good, solid submission from a sound provider with a wealth of experience that demonstrates a desire to expand services and a commitment to continue excellent performance. The proposal reflected the ethos and approach that had been adopted by the bidder during dialogue and demonstrated their understanding of the requirements and desire to work in partnership with the Council and schools. Particular strengths were identified as:

- i. Both the bidder and their proposed sub-contractor are part of large, global organisations, are experienced in the provision of these services and have a solid track record of delivery;
- ii. The proposal presented a rigorous approach to the management and delivery of services and good evidence of understanding our requirements;
- iii. There was a strong emphasis on partnership working, with a range of forums on which schools and other stakeholders would have a voice, building on existing arrangements and providing strong formal governance;
- iv. There was recognition of the existing strengths of the service and an emphasis on the need for a smooth transition and a strategy for building on those strengths;
- v. In respect of staff, the commitments to enhanced TUPE provisions and the London Living Wage were welcomed and the proposal set out a good approach to staff recruitment, retention, motivation and development;
- vi. Gain share proposals are simple and fair, including an element of benefit to education and schools in Barnet;
- vii. The proposal provides a good performance management structure, with appropriate governance arrangements and puts 100% of the bidder's estimated profit at risk for any poor performance; and
- viii. The proposal guarantees a contract price to the Council that incorporate the MTFs savings requirement.

It was recognised that there remain some issues to be resolved prior to the signing of any contract. However, it was considered that these are matters for clarification and completion only and that they do not undermine the overall proposal. In summary, they are:

- Establishing an accountability protocol for working effectively with the Director of Children's Services
- Establishing protocols in respect of joint employment contracts
- Agreeing revisions of the specification for Strategic Management of the Service and minor amendments to other specifications, as required
- Agreeing an appropriate mechanism for dealing with any catering performance deductions
- Finalising the drafting of contractual arrangements in respect of gain share and exclusivity
- Finalising the drafting of a strategic partnering agreement (if required)
- Finalising interface arrangements with the Customer and Support Group, together with reaching agreement on the appropriate apportionment of any additional costs and overhead budgets.

As identified above, the key risk of proceeding with a single bidder was the ability to test Best Value from any subsequent bid. It is considered that the final tender meets the Best Value test, due to the following factors:

- i. Within the invitation to submit final tender, the bidder was advised that the Council reserved the right to reject any tender that failed to score a minimum

- of 2 on any single element, or that failed to score 60% overall. Both options passed this “double hurdle” requirement;
- ii. Both options put forward significantly exceed the level of savings from growth and efficiency that has been identified as achievable through an enhanced in-house or social enterprise model;
 - iii. The proposals put forward represent the best offer the market has to offer;
 - iv. Gain share and open book accounting arrangements will provide assurance that the Council will share in any benefits over and above those secured through the guaranteed contract price; and
 - v. It was made clear to the bidder throughout that non-award of the contract remained an option and any tender would have to clearly demonstrate that it would meet the objectives set for the project. This resulted in significant improvements between Detailed Solution and Final Tender, most notably in relation to the percentage of profit put at risk the in the event of poor performance.

6. Options

The following section reviews each option, presents the relevant findings from the consultation activity previously undertaken, evaluates the options and identifies the recommended option.

The options being considered are.

1. To award the contract and establish a joint venture company with a third party provider
2. To award the contract based on a strategic partnering agreement with a third party provider
3. Not to award the contract

Option 1: Joint Venture Company with a Third Party Provider

Description

Under the joint venture company model, there would be a new company owned by the Council and the bidder that would deliver the services to schools as well to the Council. The Council would enter into the service contract with the company. The company would contract directly with schools and would sub-contract the task of delivery to the bidder and its sub-contractor. The bidder would own the majority of the company and be in overall control, subject to certain reserved matters that would require the Council's consent in recognition of its financial and reputational interest in the Traded Services. Profit would accrue within the joint venture company and be shared by dividends.

The joint venture company would have a profit making motive, but its constitutional documents (principally articles of association and a shareholders' agreement) would also set out clear social objectives and details of how profits would be shared between the Council and the bidder. Whilst this option would allow the Council to

transfer shares to a schools-owned company, it is considered highly unlikely that schools would wish to take an ownership role at this stage. Although headteachers have been proactive and engaged in the process, they have not shown any increase in appetite for extending this engagement to participating in ownership of the venture since the schools survey was conducted.

The primary governance body for the joint venture company would be the board of directors. The bidder would take a majority representation on this board. In addition, there would be a strategic partnership board that would oversee the performance and development of services. Any key decisions regarding the strategic direction of the partnership would be taken by the board of directors.

The risk associated with achieving the performance levels required and the MTFs savings would also pass through the joint venture to the bidder.

How it meets the objectives

Establishing a joint venture company with a commercial partner would enable an injection of funding and commercial expertise to build capacity and grow services. Transformation drawing upon commercial expertise is also expected to deliver more efficient processes.

The relationship with schools is built through the commissioning role at strategic partnership board level. Through growth in services and targeting services to customer needs, the organisation will be able to support improved educational outcomes in Barnet.

Service levels are contractually assured and contractual arrangements would guarantee achievement of the MTFs savings requirements over the life of the contract. Gain share arrangements would mean that the Council would benefit from any additional profit on growth. In addition, a portion of any additional profit would be set aside for the benefit of education and schools in Barnet.

Advantages and disadvantages

The joint venture model would allow Barnet to benefit from growing income, although specific mechanisms for managing income and dividend distribution would be required.

In this model the Council would be a minority shareholder and have a minority of the directors on the joint venture board, although the Council would retain some powers through 'reserved matters' in the shareholders agreement.

A key disadvantage of establishing a joint venture company is that it will cost an additional £90,000 annually to cover the costs of servicing a separate entity. These costs include company administration, additional contract management fees and additional governance in order to meet statutory responsibilities as company directors. There are also concerns about potential conflicts of interest for Council-appointed directors.

It is also considered that schools would be able to play a less active role in shaping the direction of the joint venture company, compared to the strategic partnering model, as strategic decisions would take place at the board level and, without an ownership role, they would not have as strong a voice in the direction of the venture.

Option 2: Strategic Partnering Model

Description

Under the strategic partnering model, the Council would enter into the services contract directly with the bidder. The bidder and its catering sub-contractor would enter into contracts directly with the schools for traded services. There would be a strategic partnership board that would replicate in part the function of the board of directors in reviewing performance. There would still be reserved matters to the Council in recognition of its financial and reputational interest in the Traded Services, which would materially be the same. Profit would accrue to the bidder and be shared with the Council via payments under the services contract.

The Strategic Partnering Agreement would set out the partnering governance arrangements and structures relating to the relationship between stakeholder partners and how they interact, including the establishment of a Strategic Partnership Board. It would establish a formal collaborative relationship between the parties so that it facilitates strategic input, oversight and development of the services in a forum where parties can directly represent themselves; providing a forum for the review, challenge and development of business plans. The Strategic Partnership Board would include representation from schools.

How it meets the objectives

The strategic partnering model has many of the features of the joint venture company model, including the input of commercial expertise, investment and the transfer of risk.

Service levels are contractually assured and the bidder has guaranteed the provision of the MTFs savings requirements over the life of the contract. The gain share agreement means that the Council will benefit from any additional profit on growth. A portion of any additional profit would be set aside for the benefit of schools in Barnet.

The relationship with schools is built through the commissioning role at strategic partnership board level. Through growth in services and targeting services to customer needs, the organisation will be able to support improved educational outcomes in Barnet. This model avoids any potential conflict of interest for Council-appointed directors.

Advantages and disadvantages

Much like a joint venture, the main advantage of this model is that it would bring external investment and access to an established commercial and marketing structure, which would improve the ability of the business to grow its income

sufficiently and quickly enough to fill the gap caused by the reduction in income from the Council. The bidder would also hold the risk of delivering the MTFs savings.

In the partnership model, schools would have the option of playing a more active role in shaping the strategic direction of the partnership without having to take on the risks and responsibilities associated with an ownership role.

A potential disadvantage of this model is the risk that it may be perceived by some stakeholders as being closer to a straight outsourcing of services than the establishment of a joint venture company would be. This reputational risk could reduce the uptake of services, impeding growth critical to its success. However, this proposal incorporates a key role for schools in governance and performance monitoring, and it is anticipated to build on the existing strong partnership between schools and the Council.

Option 3: Not to award the contract

Description

The third option that is available at this point is to not award the contract. However, the service would still be required to meet the MTFs savings, so remaining the same is not an option. This would mean revisiting the in-house and social enterprise models that were previously considered, either individually or in combination with each other.

The remodelled in-house option would involve the Council continuing to manage the education support services provided by the Education and Skills Delivery Unit directly. The Council would continue to be responsible for appointing and managing staff; retain strategic oversight of services and would continue to consult with schools on service provision and strategic direction. The Council would need to carry out a comprehensive programme of process review and improvement to maximise efficiency and give careful consideration to those elements of the service that it would continue to fund and those that would need to cease or be moved to traded status. It is likely that this option would involve merging Education and Skills with another delivery unit within the Council, in order to reduce management overheads.

The schools-led social enterprise model would involve the schools and the Council jointly owning a company that would deliver the services. The investment required to establish the new entity and develop the services would come from the schools and the Council.

This option could also include consideration of going back to the market for all or some of the services concerned. Given the extensive engagement that has already taken place with the market and the significant cost that would be involved in carrying out a further procurement exercise, this is not considered to be a viable approach.

How it meets the objectives

Re-modelled in house

Initial budget savings would be achieved through service reductions, but it may be possible to offset some job losses and service reductions in the longer term by increasing traded income for existing services, primarily by promoting and selling more services to Barnet schools. This would require an initial investment of £1.3m by the Council. Without this, most of the savings would have to come from service reductions.

The reduced service level that would be required to meet budget targets, together with the loss of a distinctive focus on education by merging the service with another delivery unit, could undermine the ability of the Education and Skills service to support better educational outcomes for Barnet.

Schools would continue to be strategic partners, but would not have any enhanced commissioning role under this model. This may limit their ability to influence service direction or have an enhanced role in quality and performance management.

Schools led Social Enterprise

The Social Enterprise model would be contingent on the existing good relationships with schools and provides enhanced ownership of the education system by schools. However, it is dependent upon securing a much higher commitment from schools to participating and investing in that ownership than has been demonstrated to date.

Service levels would need to be maintained through investment from schools and the Council, to enable growth of services and the addition of new services, with savings being delivered to the Council through contractual arrangements. Feedback from schools has indicated insufficient interest in investing in such a model. Better educational outcomes for Barnet and an adaptation to the new education landscape could be achieved through greater schools' ownership of services and strategies.

Advantages and disadvantages

Whilst this option would ensure that the full control of these services is retained by the Council, it carries significant risks, in that:

- i. It does not meet the Council's stated objectives for this project;
- ii. It would require a significant reduction in services and consequent risk of redundancies in order to meet the MTFS savings target; and
- iii. There is a significant risk that the bidder would seek compensation for its bid costs in the event of non-award.

The lack of a commercial partner (be it through a joint venture or strategic partnering model) in a contractually binding agreement means that there would be no guarantee of savings and the Council would retain the risk of delivering the required MTFS savings.

Consultation

For full details on the consultation activity undertaken please see the Outline Business Case that was considered by the Children, Education, Libraries and Safeguarding Committee on 12th January 2015. This section highlights the key points arising from that consultation.

Consultation feedback from schools

The following criteria were ranked as “very important” or “important” by more than 90% of respondents:

- Helps to maintain a strong partnership between the Council and Barnet schools
- Is able to engage and build trust with all key stakeholders, including parents and the public
- Preserves or improves service delivery in key service areas
- Is able to customise services to meet the needs of different types of school

The ability to attract new investment/funding and access commercial expertise to preserve and grow services was ranked as “very important” or “important” by 57% of respondents. The ability to achieve budget savings without reducing current service levels was ranked as “very important” or “important” by 78% of respondents.

Respondents were asked to indicate their likely willingness to play an active role in the various models, either as a director or on a strategic commissioning group. For all of the models, there were sufficient headteachers and chairs of governors that indicated they would be willing to play an active role to suggest the model would be viable from a governance point of view. Overall, more respondents indicated a willingness to participate as a member of a strategic commissioning group (15 respondents) than as a director (10-12 respondents, depending on model). There was very little willingness to be involved in ownership models from secondary schools.

In respect of the four models under consideration, the views of the respondents were:

	Strongly support	Tend to support	Willing to consider	Do not support	Strongly opposed	Don't know/not sure
In-house	11.1% (8)	19.4% (14)	33.3% (24)	27.8% (20)	4.2% (3)	4.2% (3)
Social enterprise	12.7% (9)	18.3% (13)	33.8% (24)	29.6% (21)	4.2% (3)	1.4% (1)
3-way joint venture	5.7% (4)	12.9% (9)	41.4% (29)	31.4% (22)	4.3% (3)	4.3% (3)
2-way joint venture	14.5% (10)	17.4% (12)	31.9% (22)	26.1% (18)	1.5% (1)	8.7% (6)

Whilst all models attracted a degree of support, it was concluded that the schools survey did not provide a clear finding about the favoured model.

Results of public consultation

Results in respect of the evaluation criteria were broadly similar to the schools survey, with:

- The same four criteria being rated as “very important” or “important” by most respondents;
- All criteria being rated as important by the majority of respondents; and
- The same two criteria being rated as “very important” or “important” by fewer respondents.

In respect of the four models under consideration, the views of the respondents to the public survey were:

	Strongly support	Tend to support	Willing to consider	Do not support	Strongly opposed	Don't know/not sure
In-house	50.0% (42)	25.0% (21)	14.3% (12)	4.8% (4)	2.4% (2)	3.6% (3)
Social enterprise	26.2% (22)	22.6% (19)	14.3% (12)	13.1% (11)	16.7% (14)	7.1% (6)
3-way joint venture	14.3% (12)	19.1% (16)	22.6% (19)	15.5% (13)	22.6% (19)	6.0% (5)
2-way joint venture	8.3% (7)	14.3% (12)	19.1% (16)	25.0% (21)	25.0% (21)	8.3% (7)

This showed a clear preference amongst respondents for the in-house model, with the two-way joint venture being the least favoured option, albeit with 42% of respondents willing to consider it.

Amongst the focus groups, there was a split in preferences. The Governors group preferred the in-house model, a small majority of the Parents' group preferred the two-way joint venture model and the SEN group was divided between those who thought the in-house model was best and those who thought it was a model which already had problems.

The public survey sought views on how important it is that schools are involved in the running of these services. Of those that responded, 58% thought it was very important and 22% thought that it was important.

Response to consultation outcomes

The final outline business case contained a table that identified the key themes from consultation, together with initial responses. That table is reproduced below, with further responses included in bold text.

Theme	Response
Model – there were mixed views about the preferred model, with schools and public respondents raising concern about the time commitment and financial risk to	Whilst all models could provide the level of savings required, each carries different levels of risk and a different balance of service reductions and income growth. Bringing in a third party provider enables a provider with commercial expertise to support rapid

Theme	Response
<p>schools involved in the ownership models and some respondents requesting further information.</p>	<p>development of the service, whilst the Council retains a key ownership role in the running of any new company. Whilst the option of school ownership can be kept open in the Competitive Dialogue stage, a number of respondents understand that a school role as commissioner can give them a sufficient role in the strategic direction of the proposed new company. The proposed model provides an appropriate voice for schools, whilst addressing the concerns regarding time commitment and financial risk.</p>
<p>Services included – there were comments by schools and residents about the inclusion of some services, although residents supported SEN and school improvement services being included more than schools. Staff and trade unions also raised concern about conflict of interests between different partners.</p>	<p>The services to be included in the model include both statutory functions of the local authority and traded services. Provision of a unified and integrated approach for the delivery of education services is considered to be important for maintaining a quality education support function. Quality assurance and the need for specialist provision will be key aspects for discussion during the competitive dialogue process for all of the services concerned. The proposed partner is a well-established provider of education services, with a strong track record. The appointment of a specialist sub-contractor will bring the necessary expertise to that service and ensure there is no conflict of interest between different partners.</p>
<p>Third party expertise – there were some comments about the lack of expertise of any third party provider and the need for quality assurance.</p>	<p>The evaluation criteria will be designed to ensure that the right partner is chosen and the option of a joint venture delivery model ensures the Council continues to have a role in delivery of services. However, the Council will also need to ensure that its contract monitoring process is robust and the lead responsibility for quality assurance will sit with the statutory Director of Children’s Services. The proposed partner is a well-established provider that brings the necessary expertise in the provision of these services. The final contract will establish a strong performance and contract management regime, as well as appropriate arrangements for engaging effectively with the Director of Children’s Services.</p>
<p>Length of contract – there were comments from schools and the market about the length of contract, with the market expressing a desire for a longer contract term to enable certainty in return for investment and the schools commenting on the level of commitment.</p>	<p>If schools are in a commissioning role, it is anticipated that they will be able to buy services on an annual basis and will not be tied into the entirety of the contract, although discounts may be offered for longer contractual arrangements. It will therefore be imperative for the owners of the company to meet the needs of their school customers to ensure continued purchase of services, as well as exploring new markets. Based on legal and commercial advice, the contract term is recommended to be seven years, with options to extend up to a further three years.</p>
<p>Conflict of interest/priority of different parties – employees raised concerns about conflict of interest between different parties. Residents also raised concern about the profit motives of a third</p>	<p>Potential conflicts of interest will be an important aspect to consider during the procurement process to ensure that any conflict of interest can be managed appropriately. Whilst a third party provider may be a profit making company, it may also be a not for profit organisation. It is important to ensure that the</p>

Theme	Response
party provider.	<p>procurement process focuses on quality of provision and value for money, rather than the status of the provider. Profit making companies have been successfully involved in the delivering of statutory functions and public services for some time and can provide a level of expertise to ensure that resources are focused on service delivery.</p> <p>The proposal to establish a strategic partnering arrangement overcomes concerns regarding potential conflicts of interest. Residents' concerns regarding the profit motives of a third party provider are mitigated by the fact that, as part of an employee-owned company, the bidder is not subject to the demands of the stock exchange or institutional investors regarding short-term gains and can take a longer-term approach.</p>

Evaluation of the options

Quality Evaluation

The following table provides a rating for each option's overall likelihood of meeting each of the criteria. Those criteria that were rated as most important in the schools and public surveys are identified in bold.

	Joint Venture	Strategic Partnering	Do not award
Helps to maintain a strong partnership between the Council and Barnet schools	✓✓	✓✓✓	✓✓
Enables schools to take a stronger leadership role in the education system	✓✓✓	✓✓✓	✓✓
Is able to attract new investment/funding and access commercial expertise to preserve and grow services	✓✓✓	✓✓✓	✓✓
Has the freedom to be creative and the flexibility to develop new services quickly during times of change	✓✓✓	✓✓✓	✓
Is able to engage with and build trust with all key stakeholders, including parents and the public	✓✓	✓✓	✓✓✓
Preserves or improves service delivery in key service areas	✓✓✓	✓✓✓	✓
Is able to customise services to meet the needs of different types of school	✓✓✓	✓✓✓	✓✓
Is able to achieve budget savings without reducing current service levels	✓✓	✓✓✓	✓

Key:

✓	Low
✓✓	Medium
✓✓✓	High

The key assumptions that underpin some of the objectives have been listed in the table below:

Criteria	Key assumptions	Comments
Helps to maintain a strong partnership between the Council and Barnet schools	The SP model would provide a significantly enhanced role for schools in governing the partnership	Schools have been engaged throughout the procurement exercise. Headteacher representatives on the evaluation panel expressed a clear preference for the SP model as providing a strong voice for schools.
Has the freedom to be creative and the flexibility to develop new services quickly during times of change	It would be more challenging to introduce greater creativity and flexibility with the alternative models that would be available if a contract were not awarded.	Innovation has already taken place to develop and grow the traded services currently being provided. It would be difficult to see a step change in innovative service delivery without the input of significant additional expertise; compared to the SP and joint venture options, where there is demonstrable experience in doing this.
Preserves or improves service delivery in key service areas	The service reductions that would be required in the event of not awarding the contract would have a detrimental effect on service quality.	Barnet already takes a continuous improvement approach to improve service delivery. With the need to reduce budgets the remaining options would be unlikely to be able to preserve the quality of service, as they are less likely to achieve substantial growth.
Is able to achieve budget savings without reducing current service levels	The SP and joint venture are best placed to achieve this.	The provider has submitted a credible bid to demonstrate how they are able to do this and guarantee savings whilst delivering services to current levels and committing to the achievement of challenging targets through the KPI regime.

The table shows that the strategic partnering model and joint venture are rated most highly against the key criteria, in particular preserving, improving and developing service areas whilst also achieving budget savings.

The detailed financial comparison of the options is contained in Appendix C to the Children, Education, Libraries and Safeguarding Committee report.

The financial proposal has been subject to rigorous scrutiny by the Council's finance officers and the project's commercial advisors, iMPower. Their advice is that "We believe that overall the risks inherent in achieving the required savings and gain

share have been considered and satisfactorily addressed. The Council is aware that, sensibly, prudent amounts of gain share have been targeted and the information provided does give sufficient confidence in new sales and surplus potential. There is an acceptable residual risk related to CE failing to achieve all its targeted financial contribution from this as the price for services is guaranteed under the contract terms.”

Preferred option

The Council’s commissioning approach requires consideration of the best model for delivering services to meet its priorities and outcomes. Based on the evaluation set out above, it is considered that a strategic partnering arrangement is the option that best meets the Council’s needs, in that it will:

- Maintain Barnet’s excellent education offer;
- Maintain an excellent relationship between the Council and schools; and
- Achieve the budget savings target for the service up to 2020.

Considerable effort was put into the competitive dialogue process to ensure that the resulting tender met the needs of all stakeholders. The proposal addresses many of the concerns that were expressed by stakeholders through the consultation process. In particular:

- i. It provides an appropriate voice and level of influence for schools, whilst addressing concerns about the time commitment and financial risk to schools involved in the ownership models;
- ii. The main contractor is a well-established provider of education services, with a strong track record, which should overcome concerns regarding the potential lack of expertise a third party provider, particularly in respect of SEN services. The use of a specialist sub-contractor, provides the appropriate level of expertise in respect of catering services;
- iii. Concerns about potential conflicts of interest are overcome by the strategic partnering model; and
- iv. Residents’ concerns regarding the profit motives of a third party provider are mitigated by the fact that the bidder is part of an employee-owned company. As such, they are not subject to the demands of the stock exchange or institutional investors regarding short-term gains and can take a longer-term approach.

For staff, the proposal provides clarity and a degree of security in respect of employment and terms and conditions of service that the Council simply cannot provide at this time. Whilst the share-ownership benefit of working in an employee-owned company would only be available to a small number of senior staff, it is considered that all staff will benefit from the progression and development opportunities that come from being employed in large specialist organisations, both of whom are providing similar services to other public bodies. In addition, many staff will be eligible to participate in bonus schemes.

Based on the evaluation of the final tender and the assessment of how each option meets the Council's criteria, it is concluded that:

- i. Both options put forward by the bidder meet the Council's stated objectives and key criteria;
- ii. Whilst the joint venture option scored slightly more overall at the point of moderation, this was purely as a result of the legal documentation for a strategic partnering arrangement not being as advanced as for the joint venture option. Subsequent clarification meetings have confirmed that there are no fundamental matters of principle on which there is disagreement and it is considered to be highly likely that the outstanding matters will be resolved during contract finalisation;
- iii. The strategic partnering option provides the most financially advantageous solution, meeting the Council's MTFS savings requirement on both an annual basis and a cumulative basis; and
- iv. The strategic partnering option provides a better fit overall to the Council's requirement and gained more support from headteacher representatives as providing schools with a voice and the opportunity to influence the direction of services, without the additional cost and complexity of establishing a joint venture company.

It is therefore recommended that the Council appoints a preferred bidder on the basis of a strategic partnering arrangement, subject to resolution of the outstanding contractual matters identified above.

Appendix A

7. Expected benefits

Benefit Type	Description of the benefit	Who will benefit	Expected benefit value	Financial year that the benefit will be realised	Benefit Owner	How will the benefit be measured	Baseline value (£, % etc) and date
Financial benefit – cashable	Delivery of MTFS savings	Schools, Service users, Residents, Staff	See Appendix B to the Children, Education, Libraries and Safeguarding Committee report	Savings profile commences 2016/17. Annual savings target against base budget to be realised by financial year 2019/20 Cumulative savings total by financial year 2022/23	Commissioning Director Children and Young People	As set out in contract	Baseline budget £11,334k, 2015/16
Financial benefit – non-cashable	Potential further financial gain via access to established commercial expertise	Schools, Service users, Residents, Staff, other local authorities	See Appendix B to the Children, Education, Libraries and Safeguarding Committee report	From 2016/17	Commissioning Director Children and Young People	As set out in contract (gain share agreement)	Nil
Non-financial benefit	Maintenance of excellent service provision	Schools, Service users, Residents, Staff	N/A	From 2016/17	Commissioning Director Children and Young People	As set out in contract Performance management regime (SKPIs, KPIs, OKPIs, PIs) to measure service effectiveness	Performance against baseline KPIs

Appendix A

Project Management

Non-financial benefit	Specific education focus brings the service closer to the market and ensures decisions are made based on customer needs	Schools, Service users, Residents, Staff	N/A	From 2016/17	Commissioning Director Children and Young People	As set out in contract	N/A
Non-financial benefit	Experience and access to more specialist resources	Schools, Service users, Residents,	N/A	From 2016/17	Commissioning Director Children and Young People	As set out in contract	N/A
Non-financial benefit	Governance arrangements enables schools to play a greater role in influencing the strategic direction of the service	Schools	N/A	From 2016/17	Commissioning Director Children and Young People	As set out in Strategic Partnering Agreement	N/A

8. Summary of key risks

Risks in respect of project completion

Risk	Impact	Likelihood	Mitigating actions
There is a risk that additional information emerges during the contract finalisation process that significantly undermines the commercial basis of the final tender.	High	Medium	<ul style="list-style-type: none"> A reasonable mobilisation period has been planned A template mobilisation plan has been provided to confirm key activities Significant effort has been applied to ensure that the bidder has had comprehensive and accurate information on which to base their tender
There is a risk that outstanding contractual matters cannot be resolved to the mutual satisfaction of both parties.	High	Medium	<ul style="list-style-type: none"> There will be ongoing engagement with the bidder to discuss and resolve these issues

Appendix A

There is a risk that appropriate interface arrangements with the Customer and Support Group, along with appropriate apportionment of overheads, cannot be agreed within the required timescale.	High	Medium	<ul style="list-style-type: none"> There will be ongoing engagement with the Customer and Support Group and the bidder to finalise these arrangements
There is a risk that staff will leave due to concerns about the transfer.	Medium	Medium	<ul style="list-style-type: none"> A communication plan is in place. Early and frequent engagement and consultation will be undertaken by the Council and the provider. A timely decision will help to reduce uncertainty for staff. A TUPE plus commitment has been made by the provider. A reasonable mobilisation period has been planned.
There is a risk that failure to execute the mobilisation plan effectively leads to a dip in performance or adversely affects the transferring employees.	High	Low	<ul style="list-style-type: none"> A reasonable mobilisation period has been planned. The provider and the Council are experienced with similar TUPE transfer mobilisations. A template mobilisation plan has been provided to confirm key activities
There is a risk that failure to execute the mobilisation plan leads to a delay in contract commencement.	Medium	Low	<ul style="list-style-type: none"> A reasonable mobilisation period has been planned. The provider and the Council are experienced with similar TUPE transfer mobilisations. A template mobilisation plan has been requested at FT stage to confirm key activities would be considered.

Risks in respect of the proposed model

Risk	Impact	Likelihood	Mitigating actions
There is a risk that schools do not continue to purchase services.	High	Medium	<ul style="list-style-type: none"> A commitment to maintain current pricing levels for the first year has been made by the provider. The proposed partner specialises in providing education services and has an established and highly regarded reputation. The bidder is expected to maintain a comprehensive programme of engagement activity. The provider has guaranteed the MTFS savings to the Council

Appendix A

There is a risk that any substantial failure in the provider's growth strategy leads to reduced service levels in the core contract.	High	Medium	<ul style="list-style-type: none"> The contract requires that any service redesign is conducted in consultation with the Council. The growth strategy and delivery model will be reviewed annually and influenced by Strategic Partnership Board.
There is a risk that the partner proposes excessive (ie. Above inflation/market rate) increases in school meal prices.	High	Low	<ul style="list-style-type: none"> A commitment has been made by the provider to maintain school meal prices until September 2016. Any future increase in primary school meal prices must go through the Strategic Partnering Board The provision exists in an already competitive market place – schools contract on an annual basis and prices are published six months beforehand, so will have the choice to switch providers.
Relatively small financial deductions for poor performance may reduce current service performance and outcomes.	High	Low	<ul style="list-style-type: none"> 100% of profit will be put at risk. The provider is obliged to provide rectification plans for any failures against all KPIs. The provider is keen to enhance their excellent reputation to develop their business in other localities. If service standards fall too low the Council has the option of termination or step in.
There is a risk that staff will leave due to concerns about the transfer.	Medium	Medium	<ul style="list-style-type: none"> A communication plan is in place. Early and frequent engagement and consultation will be undertaken by the Council and the provider. A timely decision will help to reduce uncertainty for staff. A TUPE plus commitment has been made by the provider. A reasonable mobilisation period has been planned.
Absence of financial rewards for improved performance may lead to a lack of achieving aspirational service targets.	Medium	Medium	<ul style="list-style-type: none"> The ability to earn credits has been built into the KPI regime. The provider wants to enhance their excellent reputation to develop their business in other localities.
There is a risk that a change in government policy/funding levels significantly undermines the financial assumptions, potentially leading to increased cost to the council.	Medium	Medium	<ul style="list-style-type: none"> The arrangements for agreeing changes in the contract require the provider to submit a no "increased" cost option and to mitigate the impact of any changing circumstance. This would be a risk to the council if the service is retained in house.
Ineffective client/contract management function cannot effectively manage the contract.	Medium	Low	<ul style="list-style-type: none"> The Council has experience of managing contracts of this size and larger. Contract management staff have been involved throughout dialogue. The contract management fits within an established commissioning/provider structure.

9. Costs/investment appraisal

As outlined in the options analysis, expected savings from the strategic partnering model will achieve the MTFS savings. The incremental savings made year on year, the annual profile and the cumulative savings are outlined in the table below.

Financial year	16/17	17/18	18/19	19/20
	£000	£000	£000	£000
MTFS savings profile	900	280	255	450
Total annual savings profile	900	1,180	1,435	1,885
Cumulative annual savings profile	900	2,080	3,515	5,400

A client function will be required to effectively manage the service. This will draw on existing structures within the Council. The service will be overseen by the Commissioning Director for Children and Young People. The contract will be managed by the Partnership Relationship Manager, Commissioning Group.

The total cost of delivering the Education and Skills Alternative Delivery Model project, to 31st March 2016, is currently forecast to be within the £1.5m budget that is being funded from the Transformation Reserve. Actual expenditure in previous financial years totalled £350k. Expenditure for the current financial year is forecast to be as follows:

	Forecast spend £000
Project team	500
Legal advice	150
Commercial advisors	255
HR support	50
External review	25
Contingency & Transition costs	135
Other project support costs	35
Total	1,150

Any additional costs associated with establishing the interface arrangements between the bidder and the Customer and Support Group will be met from the transition costs element of this budget. Discussions are ongoing between the Council, the bidder and the Customer and Support Group to confirm which elements of these overhead services will be required by the bidder and the appropriate budget and cost apportionment. It is intended that the outcome of these discussions will be cost-neutral to the Council.

10. Timescale

The full business case will be considered by the Children, Education, Libraries and Safeguarding Committee on 18th November 2015. The Committee will then make recommendations to full Council on 8th December 2015.

If Members agree the recommendations to award the contract and enter into a strategic partnering agreement, work will be undertaken to finalise the contract documentation and mobilise the contract, with a view to commencing service provision under the new arrangements on 1st April 2016.

A comprehensive implementation plan will then be finalised, in consultation with the bidder. The table below sets out the key dates and milestones for the remainder of the project:

Key dates/milestones	Timeline
Implementation Project Board & Implementation Project Team established	14/12/2015
Mobilise HR & TUPE Team	14/12/2015
Mobilisation plan approved	18/12/2015
Staff Engagement – TUPE Formal Consultation	04/01/2016 – 04/03/2016
Communication Plan implemented (includes meetings with Headteachers, Governors, Schools Forum)	14/01/2016 – 21/04/2016
Establish Governance Boards (Partnering Model or JV Model), Contract Management Team, Shadow Senior Management Team	18/01/2016
Awarded Contract Signature	29/02/2016
Issue Transfer In Letters & Packs to TUPE staff	18/03/2016
Staff Transfer complete	31/03/2016
Transfer of Responsibility / Contract Start date	01/04/2016

11. Project Assurance

Overall decision making rests with the Children, Education, Libraries and Safeguarding Committee. Detailed work to develop the project and its implementation has been carried out by officers, reporting to the Council’s Strategic Commissioning Board and the project’s Executive Sponsor (Chris Munday – Commissioning Director, Children and Young People). Within this process, project assurance is provided principally through the Project Board, which has membership as follows:

Programme Director, Education and Learning
Education and Skills Director
Project Lead

Val White (Chair)
Ian Harrison
Deborah Hinde

Appendix A



Commercial Lead
Head of Programmes and Resources (project assurance)
Head of Education Partnership and Commercial Services
Head of Finance
HR Lead
Service Manager/Principal Lawyer (HB Public Law)

Project Management
Philip Hamberger
Tom Pike
Alison Dawes
Ruth Hodson
Liz Hammond
Sarah Wilson

The Project Board meets fortnightly and has oversight of all project activity, including:

- Approval of project plans
- Monitoring of progress
- Contribution of relevant professional expertise to development of products and deliverables
- Approval of products and deliverables

The mobilisation will continue to be monitored in this way. Assurance in respect of the future delivery of services will be provided by the governance structure that will be set out in the contract.

The project was the subject of an internal audit against the Council's project management standards during an earlier phase. The project has since been subject to a Gateway Review, conducted by Local Partnerships. The findings and recommendations from this review was considered by the Project Board and the report is appended to this full business case.

Advice and guidance has also been provided by PWC in respect of information governance and security.

12. Dependencies

The outcome of the Unified Reward project may have an impact on the project, should this be implemented prior to contract award. Decision making timescales are being monitored.

The Council's accommodation strategy and planned move to a site at Colindale is also anticipated to have an impact on the project. The bidder has been consulted on this and expressed a desire to maintain co-location with other Council services. The project team has been liaising with the accommodation project team to ensure that the service's requirements are considered within their planning.

The bidder has indicated that they will require a selection of support functions through the Customer and Support Group contract. Mobilisation is dependent on the Customer and Support Group being able to provide the support services that Cambridge Education required at an acceptable price.

13. Local Partnerships Health Check report

Local Partnerships Health Check

Version number: Final

Date of issue to PO: 8/9/15

PO: Val White/Chris Munday

Authority: London Borough of Barnet

Local Partnerships Health Check Review dates:

29/07/2015 and 30/07/2015

Review Team:

Peter Foale

Val Knight

Local Partnerships Health Check Conclusion

This is a well-run and resourced project that is making good use of the skills and experience of the members of the project team. There is a very clear and shared view of the objectives of the project and the benefits that it will bring to all the stakeholders in Barnet if it can be brought to a satisfactory conclusion. There is a shared optimism among the project team that the bidder with whom the council is currently in dialogue is the right partner to deliver the services that will fall within the scope of this contract, if the right commercial arrangements can be agreed. At this stage in the process, we can see no reason why the procurement should not proceed.

The withdrawal of two of the original bidders presents the council with some challenges if it is to be able to demonstrate that the proposed solution will provide the best value for money. However, a detailed exercise has been completed that examines in detail the risks associated with having a single bidder. A report on these risks and presenting a number of different scenarios for moving the project forward has been presented to, and considered by, the SCB. The decision of the SCB has been to continue with the procurement with a single bidder, while taking due account of the associated risks. One positive outcome of the early move to a single bidder process has been to allow the council to concentrate all its resources on the dialogue process in order to drive the project towards the best possible outcome.

The formal basis of that relationship is still under consideration and two alternative models are being developed in parallel. The final form of the alternative delivery model (ADM) and the details of the commercial agreement will be subject to formal approval by elected members. There must be a robust and detailed audit trail to support the recommendation.

It appears that this project has every chance of reaching contract close although it is recognised by the council that this is not necessarily a foregone conclusion. It is possible that the bidder could withdraw if it believes that it cannot meet the challenging financial targets within the MTFs or the parties cannot reach an acceptable commercial settlement. The high level objectives of the project are the yardstick against which any potential deal will be judged and it is clear that these represent the 'red lines' that the council will not cross if it does not judge the proposed deal to be acceptable. The council has identified and articulated these 'red lines' in detail and recognises that these will need to be kept under review as the dialogue progresses.

The council should assess the risks of the mobilisation and operational phases of the project and continue to put the resources and mitigation in place to manage these.

Summary of Report Recommendations

The Review Team makes the following recommendations, which are prioritised using the definitions below.

Ref. No.	Recommendation	Critical/ Essential/ Recommended
1.	The council should ensure sufficient allocation of time and resource to identify and record the lessons learned from the Education and Skills ADM. These should be added to the lessons learned from CSG and Re. and fed into the ADM toolkit to inform future projects.	Recommended
2.	The council should ensure that user guides are produced for each of the key project documents.	Essential
3.	The project team should write a formal communications strategy for the next stage of the project based on, and linked to, the risk register. This should include a specific communications and briefing pack that covers the eventuality of either side withdrawing from the project prior to contract close. This should be prioritised as part of the communications strategy	Essential
4.	The project team should ensure that the minutes of future dialogue meetings are formally signed off by both the council and the bidder to provide a single record and a robust and well documented audit trail.	Recommended
5.	The council's 'red lines' should be kept these under review by the Strategic Commissioning Board and the Project Board as the dialogue progresses.	Essential

Critical (Do Now) – To increase the likelihood of a successful outcome it is of the greatest importance that the programme/project should take action immediately

Essential (Do By) – To increase the likelihood of a successful outcome the programme/project should take action in the near future.

Recommended – The programme/project should benefit from the uptake of this recommendation.

Background

The aims and objectives of the programme:

Barnet Council (the council) is seeking to deliver a range of education services using an Alternative Delivery Model (ADM). There are three specific objectives underpinning this model:

1. Maintaining education excellence
2. Keeping partnerships with all schools
3. Delivering financial savings in line with the Council's medium term financial strategy

The procurement/delivery status:

Phase 2 of the competitive dialogue process has been completed. Phase 3 (detailed solutions) is currently under way and the bid is due back on 14 August 2015.

Purposes of this Local Partnerships Health Check:

This review is a health check and focuses on the areas identified by Barnet Council and set out in annex A. However, since the foci were originally identified, the withdrawal of Capita from the dialogue has resulted in there only being a single bidder. The implications of this are explored in some detail as part of the review.

Conduct of the Local Partnerships Health Check:

This stage review was carried out from 29 and 30 July 2015 at Barnet Council offices, North Business Park, Oakleigh Rd South, London N11 1NP. The team members are listed on the front cover.

The people interviewed are listed in annex B.

The Review Team would like to thank the council and the interviewees for their support and openness, which contributed to the Review Team's understanding of the Project and the outcome of this review. We were particularly grateful for the openness with which all interviewees engaged with us, which is not always the case. We would particularly like to thank Cara Elkins for her excellent organisation and support.

Findings and recommendations

1. Lessons learned and knowledge transfer

There is clearly extensive experience of projects of this type within the project team and its advisers. Some of this has been gained in other authorities, but there is a significant amount of experience in Barnet of alternative delivery models such as CSG and Re. There has inevitably been a turnover of council staff and external advisers over the period of, and subsequent to, these earlier procurements. The council has documented the lessons learned in order to make use of prior experience. A close down report on CSG and Re. was presented to the council's Contract Monitoring and Overview Committee in March 2014 that sets out the lessons learned.

The discussions about the use of a joint venture or a strategic partnership to deliver the outcomes of this project will inevitably produce some important learning points that will be relevant to future ADM projects. These need to be captured by the council to aid the development of future projects.

We are aware that a number of the individuals working on this project are on time limited contracts or will leaving shortly after the end of the procurement phase. It is likely that Barnet will seek to use ADMs for other services in the future and is therefore essential that the lessons learned from this procurement are properly captured and documented. Adequate time and resource must be allocated to this process if the council is to get the maximum benefit. This should be embedded in the timetable for all projects and the lessons learned phase should be added to existing Barnet ADM toolkit. This will help the council achieve better value for money from its investment in staff and consultants.

We note that the council has used a number of external consultants to help plan and deliver this project. The project documents will be extensive and complex and we consider it essential that user guides are written that explain the structure and content of these documents and how, in practice, they will work. These need to be provided by the time the project goes live, particularly where external consultants have provided this advice.

Recommendation 1:

The council should ensure sufficient allocation of time and resource to identify and record the lessons learned from the Education and Skills ADM. These should be added to the lessons learned from CSG and Re. and fed into the ADM toolkit to inform future projects.

Recommendation 2:

The council should ensure that user guides are produced for each of the key project documents.

2. Communications Strategy

The review team did not see a formal written communications strategy during our review although we have done subsequently. We are also aware that communications are discussed at Project Board and Project Team meetings. This is a high profile project that will impact on a large number of stakeholders across the borough, particularly schools and their communities. Good communications will remain as important as the project moves towards mobilisation and implementation as they are now. One of the council's key objectives is to maintain the quality of its partnerships with schools and this may be put at risk if the project team does not manage communications effectively.

Communications have been managed effectively to date but will become more critical in the next few months. We note that there is a risk register for the project and we consider that this should be used as the foundation for the communications strategy as it will form part of the mitigation of some of the identified risks.

We note that there is a high degree of optimism from all interviewees that the procurement will be brought to a mutually satisfactory conclusion based on the dialogue to date. This is encouraging as the team collectively has significant experience of procurements. However, it has to be recognised that the commercial offer has not been presented formally and that either party could withdraw before contract close if they do not feel that proposed deal is in their best interests or capable of delivering the council's objectives.

If this were to happen, the council will still have to deliver services as normal while detailed alternatives are developed. This will be necessary because the savings required by the MTFs will still have to be delivered.

Recommendation 3:

The project team should write a formal communications strategy for the next stage of the project based on, and linked to, the risk register. This should include a specific communications and briefing pack that covers the eventuality of either side withdrawing from the project prior to contract close. This should be prioritised as part of the communications strategy.

3. Project management and controls

We were very impressed by the quality of all the individuals in the project team and the robustness of the processes they have put in place to manage the project. The withdrawal of two of the original bidders has produced some challenges for the council and the dialogue process but a positive consequence has been that the team is well resourced to manage the process going forward.

The original intention was to use Capita's resources to help manage and deliver the project but the council correctly identified the conflict of interest that would arise if Capita were a bidder and took proper steps to mitigate this. The alternative arrangements have generally worked well although we are aware that there have been issues around HR information, which have now been resolved. The project is continuing to proceed on time and to budget.

Recording the agreed outcomes of the next stages of the dialogue process until contract signature is achieved will be critical to ensure that the provider delivers the council's requirements. Our view is that should be a single set of minutes with agreed action points identified for every meeting that are signed off by both parties. This should prevent elements of the dialogue being reopened later in the process and there will be a good audit trail to underpin the final recommendation that is taken to elected members. The council's minute taker needs to have commercial experience to ensure that agreed actions are recorded correctly.

Recommendation 4:

The project team should ensure that the minutes of future dialogue meetings are formally signed off by both the council and the bidder to provide a single record and a robust and well documented audit trail.

5. Planning for the next phase

The mobilisation phase will create some interface issues with contracts held by the council's other strategic partners. For example, some aspects of HR and ICT are currently delivered under other contracts. These issues need to be identified in the risk register with owners assigned to them.

The governance arrangements for this phase and the subsequent move to the operational phase need to be approved. We note that a lead officer has been identified for the operational phase and is now involved in the dialogue. The Project Board has recognised that detailed consideration needs to be given to the operational arrangements during the next phase of the dialogue and appropriate staff identified to strengthen the client function. This will include the development and implementation of a communications strategy linked to the revised risk register. We were advised that resources have been identified and allocated to deal with the

interface issues of the mobilisation phase and the subsequent contract management arrangements.

6. Value for money

The council is in a vulnerable position with only having a single bidder throughout this process. We understand that it has taken stock of its position and assessed whether it has robust comparators to demonstrate value for money and whether the commercial deal itself is deliverable. At this stage, the council itself is satisfied that the procurement should continue. We welcome the fact that the council has identified and articulated its 'red lines' and that these were reviewed by the Project Board at the end of phase 1 of the dialogue. It will important to have a process for keeping these 'red lines' under review as the dialogue progresses to ensure that they are not being crossed or, if circumstances change, to identify any need for them to be modified in the light of dialogue. We believe that this should be built into the governance arrangements and that the council should continue to review its position on an on-going basis.

Recommendation 5:

The council's 'red lines' should be kept these under review by the Strategic Commissioning Board and the Project Board as the dialogue progresses.

The next Review is suggested at the conclusion of the dialogue process prior to contract award.

Annex A

Focus of Health Check requested by Barnet Council

Procurement

- Confirm that there is an appropriate & robust procurement / delivery strategy and that a procurement plan and evaluation processes are in place
- First alternative delivery model (ADM) since CSG/Re. Using an internal team rather than Capita PMs. Views on how this has worked.
- Ethical Walls / conflict of interest
- Testing best value with a single tender

Project Management and Controls

- Project controls and organisation are defined, financial controls are in place and the resources are available
- Has the project identified the right risks and have the appropriate mitigating actions been put in place?
- First ADM since CSG/Re. Using an internal team rather than Capita PMs. Views on how this has worked.

Next phase / Planning

- Development and delivery approach and mechanisms
- Realistic plan through to completion
- Appropriate resourcing (skills and experience) for the next phase

Annex B

Interviewees

NAME	ROLE
Val White	Project sponsor
Chris Munday	Executive Project Sponsor
Isabella Galka	Project Office
Stoli Mutzuris	Project Officer - procurement
Deborah Hinde	Project Lead
Cara Elkins	Project Assurance
Tom Pike	Project Assurance
Jon Nash	Procurement Lead
Jason Walton	Commercial Advisor
Claire Symonds	Commercial and Customer Services Director
Sarah Wilson	Legal Advisor
Ian Harrison	Education and Skills Director

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Education and Skills ADM

Equalities Impact Assessment of Cambridge Education Final Tender Employees, Service Users and Residents - October 2015

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Equalities Impacts Assessment (EIA) updates

- June 2014: EIA first completed
- August 2014: Updated EIA (appendix to draft OBC – CELS Committee September 2014)
- December 2014: Updated EIA (appendix to final OBC – CELS Committee January 2015)
- June – August 2015: Reviewed during the procurement process at Outline Solution and Detailed Solution stage
- October 2015: Updated after receiving the final tender (appendix to FBC – CELS Committee November and Full Council December 2015)

Names and roles of officers completing this assessment

Lead officer	Val White, Programme Director – Education and Learning
Representative from internal stakeholders	Ian Harrison, Education and Skills Director Alison Dawes, Head of Education Partnership and Commercial Services
Representative from external stakeholders	External stakeholders were not involved in the review of this EIA though their views have been captured throughout the project, including the evaluation of the final tender.
HR Representative	Liz Hammond, HR Lead
Legal Representative	Sarah Wilson, Principal Lawyer (HB Public Law)

Executive Summary

An Employees Equalities Impact Assessment and Service User/Resident Equalities Impact Assessment have been carried out in relation to the future delivery of education services in Barnet. The assessments cover potential impacts on employees and service users/residents. These documents were updated or reviewed at key milestones throughout the project, and consideration of equalities was embedded in the procurement process.

The overall impact on equalities was determined in the Final Tender stage, when the evaluation of Cambridge Education's final tender was undertaken and the full business case was being developed. The impact assessment for employees identifies a bigger impact on women than men. This is due to the fact that women make up 93% of the affected workforce. Whilst the impact on transfer is neutral, the long-term overall impact for employees is considered to be positive, due to the commitment to London Living Wage, the proposed arrangements for staff recruitment, retention, motivation and development, and the fact that there are no planned redundancies. For service users, the proposals could potentially have the largest effect on school-age children and those with a disability. However, the impact assessment for residents and service users identifies a neutral impact overall, as services will continue to be provided to the current level and quality.

It is also viewed that Cambridge Education will provide services which recognise and accommodate the diversity of Barnet children and young people and employees. This is particularly noted in the catering service where specialist provision is required for faith groups. There has also been a commitment to a range of Barnet human resources policies and practices, which include the Equalities Policy and Employment of People with Disabilities which seeks to eliminate discrimination and encourage diversity amongst its workforce.

Cambridge Education plan to conduct service reviews as part of their 100 day plan to mobilise the services. Any proposed changes to service level provision will require further consideration of the equalities impact on employees and service users/residents. The contract requires compliance with the Council's established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision.

1. Introduction

1.1. Project Overview

This project was established to implement a new way of delivering the Council's Education and Skills service in order to:

- Achieve the budget savings target set by the Council
- Maintain Barnet's excellent education offer
- Maintain an excellent relationship between the Council and schools

The services in scope for this project are:

- Strategic and financial management of the service
- School improvement
- Special educational needs (SEN) services (including management of SEN transport)
- Admissions and sufficiency of school places
- Vulnerable pupils
- Post 16 learning
- Traded services within the Education and Skills delivery unit:
 - Catering service
 - Governor clerking service
 - School improvement traded service (Barnet Partnership for School Improvement)
 - Newly Qualified Teachers support
 - Educational psychology (part-traded)
 - Education Welfare Service (part-traded)
 - North London Schools International Network (NLSIN)

A programme of consultation and engagement with key stakeholders was carried out initially to inform the development of the outline business case. This included schools; the market; employees and trades unions; and residents and service users. There has been ongoing engagement with schools through the procurement process. Various headteacher representatives have participated in both the dialogue process and the evaluation of submissions, as well as ongoing consultation with the Headteacher Reference Group on issues emerging from dialogue. Trades union representatives and employees were also kept informed through regular meetings. Local trades union representatives

and a regional officer of Unison participated in the dialogue process. A communication plan was also developed to keep all stakeholders informed about the project's progress at key stages. A further programme of consultation and engagement will take place with the recognised trades unions and affected employees, as contract mobilisation proceeds. This will include formal TUPE consultation in respect of transferring to a new employer.

The full business case will accompany a report to the CELS Committee on 18th November 2015, which will make recommendations on the future delivery model for education services. We then expect that Full Council will make a decision on whether or not to award the contract on 8th December 2015.

1.2. Equalities Impact Assessment process

The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

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

The Equality Act 2010 identifies the following protected characteristics:

- Age Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Appendix C

In addition, Barnet's Policy and Resources Committee in June 2014 agreed that any additional impact of financial decisions on particular protected characteristics who may face extra disadvantage and other groups who may be considered disadvantaged and/or vulnerable would also be assessed. These groups include:

- People with learning disabilities (covered in 2010 Equality Act)
- People with mental health issues (covered in 2010 Equality Act)
- Carers (including young carers)
- Single parents
- People and families on low income, including people from areas of deprivation and unemployed people

For this project, equalities were considered throughout the life of the project. The key milestone and actions are noted in the table below.

Draft OBC	Sep 2014	Initial Employees and Service Users/Residents EIAs were completed and presented alongside the draft OBC to CELS Committee.
Final OBC	Jan 2015	Updated Initial Employees and Service Users/Residents EIAs were updated and presented alongside the final OBC to CELS Committee.
PQQ stage	Mar 2015	Applicants were asked to supply policies on employment and equal opportunity.
Outline Solution & Detailed Solution stage	Apr – Aug 2015	Bidders were provided with relevant information on Barnet policies and practices, which included the equalities policy. At Detailed Solution stage, evaluators were asked to record any potential equality impacts on staff, service users or residents identified as part of their evaluation.
Final Tender stage	Oct 2015	Evaluation templates incorporated a section on equalities impacts, along with relevant employees and service users/residents data to enable evaluators to record any impacts specific to the protected characteristics. At the final tender moderation meeting, impacts on equalities for employees and service users/residents were discussed and the overall position on the equalities impact was determined.
FBC stage	Oct – Dec 2015	Full Employees and Service Users/Residents EIAs were completed after receiving the final tender and will be presented alongside the FBC to CELS Committee in November and Full Council in December 2015.
Mobilisation	Jan – Mar 2016	EIAs to be kept under review and mitigating actions to be carried out. Changes to service level provision will require further consideration of the equalities impact, particularly following the proposed service reviews.
Contract implementation	From April 2016	Ongoing monitoring of the impact on equalities through the contract management, particularly if changes are proposed to service provision.

To supplement the overall equalities impact position of Cambridge Education's final tender, two assessments have been completed:

- Full Employees Equalities Impact Assessment (see section 2)
- Full Service Users/Residents Equalities Impact Assessment (see section 3)

1.3. Overview of the Equalities Impact Assessment of the Final Tender

Due regard has been given to equalities throughout the project, the key activities were:

- Equalities Impact Assessments have been reviewed and updated at key milestones
- Consultation and engagement with stakeholders has been undertaken and informed the process
- As part of the procurement process, the bidders were provided with relevant information on Barnet policies, which included the equalities policy, children and young people plan and various human resources policies and procedures
- Ensuring contractual compliance with the Council's established equality and diversity policies and procedures

Having considered the equalities impact of Cambridge Education's final tender, it is viewed that for employees the impact is positive and for service users/residents the impact is neutral. The overall position on the equalities impact was determined in the final tender stage, when the evaluation of Cambridge Education's final tender on the future delivery of education services in Barnet was undertaken and the full business case was being developed.

The impact assessment for employees identifies a bigger impact on women than men. This is due to the fact that women make up 93% of the affected workforce. Whilst the impact on transfer is neutral, the long-term overall impact for employees is considered to be positive, as:

- No redundancies are planned. Staff remain in employment, which may not have been the case under other delivery models.
- Staff would be moving into specialist organisations offering more development and progression opportunities. The new delivery model is based on a growth model which should provide employees with opportunities for progression that may not be available if the service stayed with the Council.
- The commitment to London Living Wage exceeds that currently offered by the Council.
- Cambridge Education operates as 'employee owned' giving opportunities for senior employees in terms of buying shares in the company and has a developed performance bonus system for general staff levels which is linked to business performance.

For service users, the proposals could potentially have the largest effect on school-age children and those with a disability. The impact on service users/residents was considered to be a neutral impact overall, as:

- Services will continue to be provided to the current level.
- Services will continue to be provided to the current quality.
- Cambridge Education has demonstrated sound experience in delivering similar education services, including statutory services.
- ISS has demonstrated sound experience in delivering education catering, including school meals to children and young people and those with specialist requirements.

Cambridge Education plan to conduct service reviews as part of their 100 day plan to mobilise the services. Any proposed changes to service level provision will require further consideration of the equalities impact on employees and service users/residents. The contract will require compliance with the Council's established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision. This will be monitored during mobilisation and the contract period. All service change proposals from Cambridge Education will be reviewed to ensure that due regard has been given to the Equality Duty, prior to approval and implementation of any changes.

2. Full Employees Equalities Impact Assessment (Positive Impact)

2.1. Overview

The impact of on equalities has been considered, particularly at key milestones throughout the project. Following the evaluation of Cambridge Education's final tender, a full employees Equalities Impact Assessment was completed and the overall impact was assessed.

The impact assessment for employees identifies a bigger impact on women than men. This is due to the fact that women make up 93% of the affected workforce. Whilst the impact on transfer is neutral, the long-term overall impact for employees is considered to be positive, due to the commitment to London Living Wage, the proposed arrangements for staff recruitment, retention, motivation and development, and the fact that there are no planned redundancies.

It was also viewed that Cambridge Education will provide services which recognise and accommodate the diversity of employees. There has also been a commitment to a range of Barnet human resources policies and practices, which include the Equalities Policy and Employment of People with Disabilities which seeks to eliminate discrimination and encourage diversity amongst its workforce.

Cambridge Education plan to conduct service reviews as part of their 100 day plan. Any proposed changes to service level provision will require further consideration of the equalities impact on employees.

The full employees Equalities Impact Assessment will be presented alongside the full business case to CELS Committee in November and Full Council in December 2015.

2.2. Monitoring Summary

The data profile in Table 1 shows the number and proportion of employee groups against the nine protected characteristics. It is in accordance with the requirements of the Equality Act 2010 and the Council will collect this information so far as we hold it.

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All data below 10 individuals has been aggregated and replaced by an 'X' to protect personal identification. All agency and contract staff have been removed from the data.

Table 1: Employee profile as of October 2015

		Total LBB Data		Total of Education & Skills Data		Catering Staff Data		Non Catering Staff Data	
		No.	% of LBB	No.	% of Service	No.	% of Service	No.	% of Service
No of Employees		2066		476		341		135	
Gender	Female	1390	67%	444	93%	329	96%	115	85%
	Male	676	33%	32	7%	12	4%	20	15%
	Unknown	0	0%	0	0%	0	0%	0	0%
Date of Birth (age)	1994-1997 (18-21)	15	1%	0	0%	0	0%	0	0%
	1993-1986 (22-29)	187	9%	28	6%	10	3%	18	13%
	1985-1976 (30-39)	437	21%	82	17%	59	17%	23	17%
	1975-1966 (40-49)	550	27%	140	29%	106	31%	34	25%
	1965-1951 (50-64)	812	39%	206	43%	155	45%	51	38%
	1950-1941 (65-74)	62	3%	20	4%	11	3%	X	X
	1940 and earlier (75+)	X	X	0	0%	0	0%	0	0%
	Unknown		0%	0	0%	0	0%	0	0%
Ethnic Group	White	1170	57%	207	43%	115	34%	92	68%
	British	928	45%	158	33%	80	23%	78	58%
	Irish	58	3%	X	X	X	X	X	X
	Other White	184	9%	40	8%	27	8%	13	10%
	Mixed	50	2%	X	X	X	X	X	X
	White and Black		0%	X	X	X	X	X	X
	Caribbean	10	0%		0%		0%		0%

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	African	X	X		0%		0%		0%
	White and Asian	14	1%	X	0%	X	X	X	X
	Other mixed	17	1%	X	X		0%	X	X
	Asian and Asian British	191	9%	46	10%	34	10%	12	9%
	Indian	131	6%	30	6%	25	7%	X	X
	Pakistani	15	1%	X	X		0%	X	X
	Bangladeshi	20	1%	X	X	X	X	X	X
	Other Asian	25	1%	X	X	X	X	X	X
	Black or Black British	377	18%	127	27%	121	35%	X	X
	Caribbean	118	6%	16	3%	12	4%	X	X
	African	225	11%	108	23%	106	31%	X	X
	Other Black	34	2%	X	X	X	X		0%
	Chinese or Other Ethnic Group	31	2%	13	3%	12	4%	X	X
	Chinese	11	1%	X	X	X	X		0%
	Other Ethnic Group	20	1%	10	2%	X	X	X	X
	Prefer not to say/information refused	73	4%	X	X	X	X	X	X
	Unknown	174	8%	70	15%	55	16%	15	11%
Disability	Disability (inc Mobility, Mental illness, Hearing, Vision, Reduced Physical Capacity & Learning Disabilities)	38	2%	X	X	X	X	X	X

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	No Disability	1744	84%	411	86%	304	89%	107	79%
	Not stated	150	7%	20	4%	11	3%	X	X
	Unknown	134	6%	39	8%	24	7%	15	11%
Same gender as at birth	No	X	X	X	X	X	X	X	X
	Yes	1085	53%	120	25%	31	9%	89	66%
	Prefer not to say/information refused	54	3%	X	X	X	X	X	X
	Unknown	922	45%	349	73%	309	91%	40	30%
Pregnancy & Maternity	Pregnant	X	X	X	X	0	0%	X	X
	Maternity Leave (current)	29	1%	X	X	X	X	X	X
	Maternity Leave (in last 12 months)	48	2%	X	X	X	X	X	X
Religion or Belief	Christian	928	45%	221	46%	171	50%	50	37%
	Buddhist	11	1%	X	X	X	X		0%
	Hindu	106	5%	28	6%	25	7%	X	X
	Jain	X	X	X	X	X	X		0%
	Jewish	51	2%	12	3%	X	X	X	X
	Muslim	91	4%	28	6%	20	6%	X	X
	Sikh	X	X	X	X	X	X		0%
	Other Religions	66	3%	15	3%	12	4%	X	X
	No Religion	266	13%	40	8%	23	7%	17	13%
	Not Stated	240	12%	102	21%	82	24%	20	15%
	No form returned		0%		0%		0%		0%
	Atheist	70	3%	X	X		0%	X	X
	Agnostic	44	2%	X	X	X	X	X	X
	Humanist	X	X		0%		0%		0%
Prefer not to say	176	9%	15	3%	X	X	14	10%	

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	Not Assigned		0%		0%		0%		0%
Sexual Orientation	Hetrosexual	1321	64%	251	53%	171	50%	80	59%
	Bisexual	15	1%	X	X	X	X		0%
	Lesbian or Gay	34	2%	X	X		0%	X	X
	Prefer not to say	426	21%	120	25%	91	27%	29	21%
	Unknown	270	13%	97	20%	73	21%	24	18%
	Not Assigned		0%		0%		0%		0%
Marriage and Civil Partnership	Married	740	36%	181	38%	112	33%	69	51%
	Single	603	29%	126	26%	87	26%	38	28%
	Widowed	15	1%	X	X	X	X	X	X
	In Civil Partnership	16	1%	X	X	0	0%	X	X
	Cohabiting	131	6%	10	2%	X	X	X	X
	Divorced	84	4%	X	X	X	X	X	X
	Separated	25	1%	X	X	X	X		0%
	Unknown	346	17%	135	28%	130	38%	X	X
	Other	X	X	X	X		0%	X	X
	Prefer not to say	97	5%	X	X	X	X	X	X
	Not Assigned		0%		0%		0%		0%

2.3. Evidence

List below available data and research that will be used to determine impact on different equality groups

Employee data is maintained by Barnet's HR department and was last collated in October 2015. The employee data contained within this report remains relevant at this time. All agency and contract staff data have been removed.

The evaluation panel for the final tender, which included The Education and Skills Director and Head of Education Partnership and Commercial

Services, specialist advisors and school representatives, were also given the opportunity to comment on whether they observed any impacts on equalities for employees as part of the evaluation and moderation process. Their views helped determine the overall impact position on employees.

The Education and Skills Director and Head of Education Partnership and Commercial Services are best placed to make any further comments on the impact of employees given their management responsibilities and knowledge of the services. Their comments upon review of this Equalities Impact Assessment have been incorporated.

Evidence gaps

None in relation to mandatory reporting requirements.

Solution, please explain how you will fill any evidence gaps?

Not applicable.

2.4. Project Milestone Outcomes, Analysis and Actions

Summary of the outcomes at each milestone

Milestone 1: Draft OBC (September 2014)

This is an initial analysis of the Equalities Impact Assessment for the Education and Skills ADM project and provides baseline figures. As the project develops the Equalities Impact Assessment will need to be re-assessed.

The equality data is the information available which details the protected characteristics of staff within the Education and Skills cohort, including Barnet staff who are employed in the schools meals service.

As the proposals include the Barnet schools meals service and Special Educational Needs, additional consideration needs to be made as to how these services will operate and whether this will impact on, for example, the take-up of free school meals.

Children's, Education, Libraries and Safeguarding Committee will determine which options the council should explore and at this stage a

detailed EIA will be undertaken on the staffing implications of the following services; School improvement, Special educational needs, Admissions and sufficiency of school places, Vulnerable pupils, Post 16 learning and Traded services within Education and Skills.

The councils overall workforce is;

- 66.17% female
- 42.64% of both female and male are over 50 years of age
- 74.43% of the workforce are white, black and black British

Initial analysis of the Education and Skills equality data indicates;

- 93% of the workforce is female
- 55% of females only are over 50 years of age
- 75% of the workforce is white, black and black British

Given the current make-up of the workforce, whichever option is chosen, the change will have a bigger impact on women than men. The statistics show that 93% of the workforce is female and due regard will be paid to the requirements of the Public Sector Equality Duty. It cannot though be avoided that any changes will affect the female workforce whether this be a positive or negative impact. Mitigation for such effects will be drawn up at a later stage when more detail on the proposals are known and a decision is made to progress from the OBC.

There is no data available on maternity or sexual orientation transgender at this stage.

It is essential that the Managing Change Policy is followed and in a legally compliant manner, including with consideration of all aspects of the Equality Act 2010 and other relevant legislation.

For the current stage of project scoping and democratic process, the new Delivery Model is not known and therefore it is not possible to fully assess the impact. At this stage there is no known detriment to any group. A full EIA will be produced at Full Business Case stage (in line with the LBB processes). Staff will be consulted as part of the process and equality issues/risks will be considered as part of this. As the proposals develop any impact will become clear and mitigating actions will be put in place.

Milestone 2: Final OBC (January 2015)

As noted in Milestone 1 above, given the current make-up of the workforce, whichever option is chosen, the change will have a bigger impact

on women than men, whether positive or negative. The statistics show that 93% of the Education and Skills Delivery Unit workforce is female and due regard will be paid to the requirements of the Public Sector Equality Duty. Mitigation includes the continued involvement of staff and TUs during the next stage. Further mitigation will be drawn up at a later stage when more detail on the proposals are known and a decision is made to progress from the OBC to FBC.

In order to assist decision making, a summary of the expected high level employee outcomes / impacts of the four models can be seen in the table below.

Consultation and Engagement has taken place with the four key stakeholder groups: schools; the market; employees and trades unions; and residents and service users.

It is recognised that all four of the options under consideration constitute a significant change that will have an impact on employees. There have been a number of briefing meetings with employees as the outline business case has developed. During November 2014, a further series of meetings were held to allow employees to explore the implications of the four remaining options and also to suggest potential opportunities for improvement. Additional meetings have also taken place with the recognised trades union representatives. Whilst representatives have been keen to support the retention of services in-house, they have also engaged positively in discussions about other models to ensure that issues that may affect their members' interests have been given proper consideration.

Overall it can be seen that there are potential impacts from all four models. The project board are recommending to the CELS Committee that a joint venture model is the model that is likely to meet the project objectives and has attracted a reasonable degree of support from schools. As can be seen in the table below, the joint venture model focuses on the growth of services which would limit the possibility of staffing reductions, staff will be protected by TUPE and is likely to have a positive impact with regards to increase in training opportunities and employee development alongside the development of services. However, it is clear that any workforce changes could have both a positive or negative impact, especially on the female workforce.

Overall, the impact is expected to be positive however it cannot be known with any certainty at this stage. There will be greater clarity on the actual impacts on employees through the procurement process at the stage of contract award, following competitive dialogue. The development of a full business case will enable a full assessment of the impact and identification of any mitigating actions required.

This Equalities Impact Assessment will be updated in the next project phase (at Full Business Case stage). Staff will be kept informed as the

project progresses, with equality issues/risks considered as part of this. As the proposals develop any impact will become clear and mitigating actions will be put in place.

MODEL	SUMMARY OF POTENTIAL KEY OUTCOMES / IMPACTS
Model A: In house	<ul style="list-style-type: none"> • Staff would remain as local authority employees and be subject to the council’s terms and conditions. • Staff would go through a major transformation programme including cultural step-change, performance management and business improvement. • Potential reduction in staffing requirement through the transformation process, either through efficiencies or service reductions. There is also the potential for an increase in staffing in some service areas as the service would aim to grow services and increase income.
Model B: Schools-led social enterprise	<ul style="list-style-type: none"> • Staff would be transferred to the ‘new’ company’, employees would transfer on their terms and conditions under the TUPE. • Opportunity for investment in upskilling, employee development, asset and systems update. • Potential reduction in staffing requirement through the transformation process however there is also the potential for an increase in staffing in some service areas as the enterprise would aim to grow services and increase income.
Model C: Joint venture with schools having a commissioning role	<ul style="list-style-type: none"> • Staff would be transferred to the ‘new’ company’, employees would transfer on their terms and conditions under the TUPE. • Opportunity for investment in upskilling, employee development, asset and systems update. • It is envisaged that there would be no reduction to overall staffing levels and there could be a potential for an increase in staffing as the aim of the model would be to grow services and increase income. However there could be a potential change in service structure and jobs through the transformation process.
Model D: Joint venture with schools having an ownership role	<ul style="list-style-type: none"> • Staff would be transferred to the ‘new’ company’, employees would transfer on their terms and conditions under the TUPE. • Opportunity for investment in upskilling, employee development, asset and systems update. • It is envisaged that there would be no reduction to overall staffing levels and there could be a potential for an increase in staffing as the aim of the model would be to grow services and increase income. However there could be a potential change in service structure and jobs through the transformation process.

Milestone 3: PQQ stage (March 2015)

The section on Employment and Equal Opportunity in the pre-qualification questionnaire (PQQ) requested information to be provided on equality and diversity policies and monitoring in respect of delivering education services and/or catering services. All three applicant submissions to this question scored a satisfactory response, which meant an acceptable submission with no major concerns that represents an acceptable risk solution for the Council.

Milestone 4: Outline Solution and Detailed Solution stage (April – August 2015)

Throughout the procurement process engagement has continued to take place with school and trades union representatives via participation in dialogue sessions and regular meetings. This provided an opportunity for priorities, key issues and areas of concern to be raised.

The Equalities Impact Assessments was reviewed during the Outline Solution and Detailed Solution stage. As previously noted, any changes affecting employees will continue to have a bigger impact on women than men as 93% of the Education and Skills Delivery Unit workforce is female.

In their Outline Solution, Cambridge Education submitted proposals for a joint venture company model, as well as a variant bid which proposed a strategic partnering model. The details of both models were developed in their Detailed Solution. Under the joint venture company model, there would be a new company owned by the Council and the bidder that would be responsible for the services to schools as well as to the Council. Under the strategic partnering model, the Council would enter into the services contract directly with the bidder. The bidder and its catering sub-contractor would enter into contracts directly with the schools for traded services. Under both models, employees would transfer directly to the providers, Cambridge Education or ISS as appropriate, enabling them to benefit from being employed by established organisations that specialise in their area of expertise.

Having reviewed the bidders Outline Solution and the Detailed Solution, it is anticipated that through growth in services and attracting income, it would limit the possibility of staffing reductions and staff will be protected by TUPE. The two solutions and dialogue to date have expressed that staff will remain in their current place of work and we are not expecting for any staff to need to relocate. Any growth is likely to be relatively local and it would be at the employee's choice to go for promotion which may involve a wider geographical spread. The bidder presents an organisation with strong values and employment offering which is positive, for example increase in training opportunities and employee development alongside the development of services.

Overall at this stage the impact is expected to be positive and any growth can only have a positive effect in terms of opportunities for staff that would not be likely to be present if they remained with the Council, irrespective of the delivery model. The impact cannot be known with any certainty at this stage but there will be clarity on the actual impacts on employees when the dialogue process concludes and the final tender is evaluated. This will enable a full assessment of the impact to be undertaken and identification of any further mitigating actions required.

Milestone 5: Final Tender stage & FBC stage (October – December 2015)

HR provided the updated employees data for consideration at the Final Tender stage. The data showed a:

- much lower percentage of male workers compared to LBB as a whole – 93% female workforce
- higher percentage (5% more) of workers in the 40+ age group compared to LBB
- lower percentage of white workers in catering compared to LBB and a much higher percentage of white workers in non-catering compared to LBB
- higher percentage of Black British and African within the catering service than in LBB and a much higher percentage of Black and African workers in catering compared to the non-catering workforce.
- lower percentage of staff within catering describe themselves as heterosexual and there is a higher percentage in the prefer not to say and unknown categories
- higher percentage of females in non-catering are married compared to LBB – 51% compared to 36%

The most significant difference for this group of staff who may TUPE out to Cambridge Education and ISS as a result of the Education and Skills ADM is the percentage of female workers compared to Barnet as a whole; 93% compared to 63% in LBB. This workforce is also a relatively ageing workforce with 5% more employees in the 40+ categories compared to LBB.

Whilst the impact on transfer is neutral, the long-term overall impact for employees is considered to be positive. The commitments to enhanced TUPE provisions and the London Living Wage were welcomed, which is a positive for lower paid predominantly female workforce. The proposal also set out a good approach to staff recruitment, retention, motivation and development and there are no planned redundancies.

Cambridge Education also have a shared culture which takes pride in belonging to a successful team and developing high quality products. They have low turnover rates and staff sickness which are both indicators of staff engagement and motivation. They have a robust performance management system in place and a policy of recruiting and promoting internally wherever possible. There is a structured learning and development programme consisting of a blend of face to face and e-learning which is available 24/7 and with learning pathways in the catering business. Most importantly Cambridge Education's bid is based on a growth model which should provide Education and Skills employees with opportunities for progression that may not be available if the service stayed with the Council. Cambridge Education operates as 'employee owned' giving opportunities for senior employees in terms of buying shares in the company and has a developed performance bonus system for general staff levels which is linked to business performance.

The contract also requires compliance with the Council's established equality and diversity policies and procedures.

These impacts are applicable in both a joint venture company model and a strategic partnering model, It is worth noting that under the strategic

partnering model, employees would transfer directly to either Cambridge Education or ISS, as appropriate, enabling them to benefit from being employed by established organisations that specialise in their area of expertise, rather than a newly formed company.

On the basis of the dialogue that has taken place, the final tender submission and the views of evaluators involved in the final tender evaluation process, the potential transfer of these employees to Cambridge Education and ISS was considered to be a positive impact on eligible staff. No negative impacts were identified as redundancies are not planned.

The project team will continue to monitor activity during the next stage and where required mitigation will be put in place, particularly as Cambridge Education conduct service reviews as part of their 100 day plan. Any proposed changes to service level provision will require further consideration of the equalities impact on employees.

Actions proposed

Milestone 1: Draft OBC (September 2014)

Equalities should form a key component of any specifications for the alternative delivery model and will form a component of any evaluation process. Post OBC a more detailed equalities analysis will be produced.

Milestone 2: Final OBC (January 2015)

Post the final OBC to CELS committee in January 2015, a more detailed equalities analysis will be produced and will be used to inform project decisions and the procurement process.

Milestone 3: PQQ stage (March 2015)

The impact on equalities could not be determined as this will emerge later in the procurement process when information is received on proposals. Mitigating action was not required at this stage.

Milestone 4: Outline Solution and Detailed Solution stage (April – August 2015)

The Employees EIA was reviewed following the review of the Outline Solution and Detailed Solution stage of the procurement. A more detailed equalities analysis will be produced and will be used to inform project decisions and the recommendation to CELS Committee in November 2015.

Milestone 5: Final Tender stage & FBC stage (October – December 2015)

The following actions and mitigation activity are proposed and will be monitored throughout the next stage.

Characteristic	Impact	Mitigation
Gender	93% of the service is women – any change would have a bigger impact on this group.	This group is not expected to be impacted negatively. Due to the gender make up of employees, managers and Cambridge Education will be made aware to ensure that consultation with employees focuses on any potential impact on this group, should changes be implemented following reviews of the service.

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Date of Birth (Age)	Higher percentage (5% more) of workers in the 40+ age group compared to LBB	<p>This group is not expected to be impacted negatively.</p> <p>Due to the age make up of employees, managers and Cambridge Education will be made aware to ensure that consultation with staff focuses on any potential impact on this group, should changes be implemented following reviews of the service.</p>
Ethnic Group	<p>No bias is expected, though a lower percentage of white workers in catering compared to LBB and a much higher percentage of white workers in non-catering compared to LBB</p> <p>Higher percentage of Black British and African within the catering service than in LBB and a much higher percentage of Black and African workers in catering compared to the non-catering workforce.</p>	<p>This group is not expected to be impacted negatively.</p> <p>Keep under review, particularly if any changes are proposed following service reviews.</p>
Disability	There are a number of staff who have a disability.	Managers are aware of this and it will be handled appropriately as per the equalities legislation.
Same gender as at birth	No bias is expected.	<p>This group is not expected to be impacted negatively.</p> <p>Keep under review, particularly if any changes are proposed following service reviews.</p>
Pregnancy & Maternity	There are a small number of staff members who are either on maternity leave or who will be on maternity leave during the period of consultation and potential transfer to a new employer.	These individuals will retain their right to return to a similar role as they would if they remained employed by the council. Managers are aware and employees will be kept updated and included in any relevant communications. This will be handled appropriately as per the equalities legislation.
Religion or Belief	No bias is expected.	<p>This group is not expected to be impacted negatively.</p> <p>Keep under review, particularly if any changes are proposed following service reviews.</p>

<p>Sexual Orientation</p>	<p>No bias is expected, though a lower percentage of staff within catering describe themselves as heterosexual and there is a higher percentage in the prefer not to say and unknown categories.</p>	<p>This group is not expected to be impacted negatively.</p> <p>Keep under review, particularly if any changes are proposed following service reviews.</p>
<p>Marriage and Civil Partnership</p>	<p>No bias is expected, though a higher percentage of females in non-catering are married compared to LBB – 51% compared to 36%.</p>	<p>This group is not expected to be impacted negatively.</p> <p>Keep under review, particularly if any changes are proposed following service reviews.</p>

Milestone 6: Mobilisation (January – December 2016)

EIAs to be kept under review and mitigating actions stated in Milestone 5, above, to be carried out by the Council.

Changes to service level provision will require further consideration of the equalities impact, particularly following the proposed service reviews. The contract requires compliance with the Council’s established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision by Cambridge Education.

Milestone 7: Contract period (from April 2016)

Ongoing monitoring of the impact on equalities through the contract management by the Council’s contract monitoring officer, particularly if changes are proposed to service provision.

Changes to service level provision will require further consideration of the equalities impact, particularly following the proposed service reviews. The contract requires compliance with the Council’s established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision by Cambridge Education.

3. Full Service Users/Residents Equalities Impact Assessment (Neutral Impact)

Equalities Impact Assessment Overview

The impact on equalities has been considered, particularly at key milestones throughout the project. Following the evaluation of Cambridge Education's final tender, a full service users/ residents Equalities Impact Assessment was completed and the overall impact was assessed as neutral.

Consultation and engagement has taken place with key stakeholders, including schools, residents and service users. Taking account of the services included within the scope of the project, some residents and service users are potentially more likely to be affected by the project and therefore these groups (and their parents) were targeted for consultation – this included specific focus groups for parents of children with special educational needs and/or disability. Additionally, headteachers have been involved throughout the procurement process and were part of the evaluation panel.

For service users, the proposals could potentially have the largest effect on school-age children and those with a disability. However, the impact assessment for residents and service users identifies a neutral impact overall, as services will continue to be provided to the current level and quality. It is also viewed that Cambridge Education will recognise and accommodate the diversity of Barnet children and young people. This is particularly noted in the catering service where specialist provision is required for faith groups.

Cambridge Education plan to conduct service reviews as part of their 100 day plan. Any proposed changes to service level provision will require further consideration of the equalities impact on service users/residents.

The full service users/residents Equalities Impact Assessment will be presented alongside the full business case to CELS Committee in November and Full Council in December 2015.

How are the following equality strands affected?			
<i>Please detail the effects on each equality strand, and any mitigating action you have taken / required. Please include any relevant data. If you do not have relevant data please explain why / plans to capture data</i>			
Equality Strand	Affected?	Explain how affected (Data reviewed and updated October 2015)	What action has been taken / or is planned to mitigate impact?
Age	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>Data</p> <p>Projected data for children and young people shows in 2015:</p> <ul style="list-style-type: none"> • Age group 5 -10 years 29,539 young people • Age group 11- 16 years 25,464 young people <p>It can be seen that there are more primary school aged children in Barnet than secondary school age children.</p> <p>The total number of 5 – 16 year old children and young people, both male and female, is 55,004.</p> <p>(Source: GLA 2013 Round Demographic Projections, 2014)</p> <p>Impact</p> <p>The services provided by the Education and Skills services are primarily for children and young people, particularly school children aged 4 – 18 years old and therefore any change to the service could affect this age group. The catering service also provides a service to other age groups – employees who work at NLBP, civic catering and catering for external organisations. Therefore although the primary age group who will be affected are school children, there are other age groups who use the service.</p> <p>Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and service improvement. This means services users/residents will see service</p>	<p>The key mitigation is the involvement of headteachers in the procurement process to ensure that needs of all pupils are addressed and consultation with schools, governors and parents to ensure that key concerns are identified and considered.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders.</p> <p>It is proposed that during contract delivery, periodic Stakeholder Group meetings will be set up (2-3 times per year) with wide representation from service users. This will give service users the chance to feedback any issues and potential negative equalities impacts.</p> <p>Cambridge Education is to adhere to Barnet’s policy on equalities and if</p>

		<p>provision continue as is, with no adverse impacts anticipated on this group. As such, the impact is considered to be neutral.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Service improvements are likely to have a positive impact on service users/residents though these will be baselined and measured as part of the reviews. Any recommendations that are to be implemented will require consideration of the equalities impact.</p>	<p>any issues arise an action plan will be put in place.</p>
Disability	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Data Data for children and young people shows:</p> <p>Disability:</p> <ul style="list-style-type: none"> •The national averages indicate that in Barnet the 5 to 9 and 10 to 14 age cohorts have the highest number of disabled children, followed by the 15 to 19 age cohort. Whilst the 0 to 4 age cohort has the least number of disabled children. •This corresponds with Barnet’s Disabled Children’s Register where 48% are aged 5-9, 26% are aged 10-14, 18% are aged 15-19 and only 6% are aged 4 and under. •There are approximately three times more males than females on Barnet Disabled Children’s Register. •The most frequently occurring needs on the Disabled Children’s Register are speech, language and communication needs affecting 33% of all registered children. The other most frequently occurring disabilities are autistic spectrum disorders (affecting 23%), moderate learning difficulties (affecting 18%) and severe learning difficulties (affecting 17%). <p>SEN: In January 2015 a total of 62,052 pupils were on Barnet’s school rolls. Of these, 9,276 children were classed as have Special Educational Needs (SEN). This represents 14.9% of the total school roll population. Disabled pupils are</p>	<p>The key mitigation is;</p> <ul style="list-style-type: none"> • Involvement of head teachers in procurement process to ensure that needs of all pupils are addressed. • Rigorous approach to development of service specifications and KPIs to ensure that the needs of pupils with SEN are addressed • Consultation with parents of children with SEN to understand their concerns. • Consultation with schools throughout the procurement to understand their concerns for children with SEN. <p>Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders. Consultation is</p>

	<p>most likely classified as SEN within schools (Special Educational Needs and Disability).</p> <p>Source: SFR 25/2015: Special educational needs in England, January 2015</p> <ul style="list-style-type: none"> •There are more boys than girls with SEN across all age cohorts and SEN type. Overall, 63.7% of children with SEN are male. •There are more children aged 5-9 and 10-14 with SEN in comparison to the younger and older age cohorts. Of all children with SEN on the schools roll, 44.7% are aged 5-9 and 35.9% are aged 10-14. •Girls are less likely to have statements of SEN and more likely to receive School Action support. Of the 4,499 girls with SEN, 14.1% are statemented and 85.8% have SEN support needs. In comparison, 20.8% of boys with SEN are statemented/have an EHCP and 79.2% have SEN support needs. •Children with statements of SEN attending out of borough schools tend to be in the older age cohorts. •Within Barnet, the highest numbers of children on the school rolls with SEN are concentrated within the Burnt Oak, Colindale and Underhill wards <p>Source: School Census (Barnet), January 2015</p> <p>The Children and Families Act 2014 introduces a new requirement for councils to develop a coordinated assessment process to develop Education, Health and Care plans for eligible children with special educational needs aged 0-25. Developing an alternative delivery model for education services including SEN services may add to the complexity of assessing and delivering services to support eligible children across social care, local authority education services, schools, health and other organisations.</p> <p><u>Impact</u></p> <p>The services provided by the Education and Skills service are primarily for all school children, however there are also a number of services specifically for those with a disability – for example the SEND and Inclusion Service, and the management for SEN transport. Therefore any change to the service will affect</p>	<p>particularly important for any changes as a result of service improvements, with particular regard to SEN services and transport.</p> <p>It is proposed that during contract delivery, periodic Stakeholder Group meetings will be set up (2-3 times per year) with wide representation from service users. It has been suggested that a specific SEND group (parents and children) would be set up. This will give service users the chance to feedback any issues and potential negative equalities impacts.</p> <p>Cambridge Education is to adhere to Barnet’s policy on equalities and if any issues arise an action plan will be put in place.</p>
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		<p>service users with a disability and/or parents of these service users.</p> <p>Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and service improvement. This means services users/residents will see service provision continue as is, with no adverse impacts anticipated on this group. As such, the impact is considered to be neutral.</p> <p>Specifically for the SEND and Inclusion Service and the management of SEN transport, Cambridge Education is aware of the challenges in Barnet and the current service. We not expecting a negative impact on this group as the service is transferring as is, however there is awareness that this is a key group of individuals that requires consideration. Service improvements to the SEN transport, such as altering routes to achieve efficiencies, are likely to have an impact on the service user but this will require consideration on a case by case basis.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Any recommendations that are to be implemented will require consideration of the equalities impact.</p>	
Gender	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Data</p> <p>Data for children and young people shows in 2015 there are:</p> <p>Female:</p> <ul style="list-style-type: none"> •Age group 5 -10 years 14,382 •Age group 11- 16 years 12,384 <p>Male:</p> <ul style="list-style-type: none"> •Age group 5 -10 years 15,158 	<p>There is no evidence to suggest that one gender group will be more affected than the other, however there is a differential in pupils with SEN based on gender.</p> <p>The views of parents with children with SEN were sought and considered as part of the decision</p>

		<p>•Age group 11- 16 years 13,081</p> <p>Source GLA 2013 Round Demographic Projections, 2014</p> <p>There are more boys than girls with SEN across all age cohorts and SEN type. Overall, 63.7% of children with SEN are male. Girls are less likely to have statements of SEN. Source: School Census (Barnet), January 2015</p> <p>Impact There is no evidence to show that the proposal will adversely impact on a particular gender – thus there is not expected to be any specific adverse impact on this characteristic.</p> <p>Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and service improvement. This means services users/residents will see service provision continue as is, with no adverse impacts anticipated on this group. As such, the impact is considered to be neutral.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Any recommendations that are to be implemented will require consideration of the equalities impact.</p>	<p>making process.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders.</p> <p>It is proposed that during contract delivery, periodic Stakeholder Group meetings will be set up (2-3 times per year) with wide representation from service users. This will give service users the chance to feedback any issues and potential negative equalities impacts.</p> <p>Cambridge Education is to adhere to Barnet’s policy on equalities and if any issues arise an action plan will be put in place.</p>
Religion	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>Data For Barnet’s population Christianity is the most common religion in Barnet at 48.8%, although this is proportionately lower than London at 49.4%. The second highest group are those who have no religion at 16.4% which is comparatively less than London and Great Britain. Barnet has a large Muslim population 12.5% and the largest Jewish population in London (11.5%</p>	<p>Where appropriate, service specifications and KPIs take into account the needs of religion, for example the dietary requirements of faith groups.</p>

compared to 1.8% in London).

Source: ONS Annual Population Survey 2014

The proportion of Barnet's schools' broken down by religious affiliations (all schools, including independent and academy schools):

Denomination	% of Schools
Church of England	10.6%
Jewish	18.1%
Muslim	0.6%
No religious character	60.0%
Other	0.6%
Other Christian Faith	0.6%
Roman Catholic	9.4%
Grand Total	100.0%

Source: SFR 16/2015 Schools, Pupils and their Characteristics, January 2015

The breakdown of religion in school does not accord with the breakdown of religion in the wider Barnet population, however, the religion individuals practice does not necessarily correlate directly with the educational provision they prefer.

Impact

There is no evidence to show that the proposal will adversely impact on a particular religious group more than any other or those without a stated religion.

Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and

Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders.

It is proposed that during contract delivery, periodic Stakeholder Group meetings will be set up (2-3 times per year) with wide representation from service users. It has been suggested that a specific Catering group would be set up and thus any impact on dietary requirements could be raised. This will give service users the chance to feedback any issues and potential negative equalities impacts.

Cambridge Education is to adhere to Barnet's policy on equalities and if any issues arise an action plan will be put in place.

		<p>service improvement. This means services users/residents will see service provision continue as is, with no adverse impacts anticipated on this group. As such, the impact is considered to be neutral.</p> <p>Specifically for the catering service, Cambridge Education is aware of the diversity in Barnet and the current service requirements. We not expecting a negative impact on religious groups as service provision for faith groups (e.g. of Kosher and halal foods) will continue.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Any recommendations that are to be implemented will require consideration of the equalities impact.</p>																																																																						
Race / Ethnicity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Data</p> <p>The Borough will become increasingly diverse, driven predominantly by natural change in the existing population. Over 50% of all 0-14 year olds in Barnet are from a BAME background in 2015 and this is forecast to continue to increase.</p> <table border="1" data-bbox="506 895 1491 1367"> <thead> <tr> <th rowspan="2">Ethnic Groups</th> <th colspan="3">% of Barnet population (Age 0-90+)</th> <th colspan="3">% of Barnet population (Age 0-14)</th> </tr> <tr> <th>2015</th> <th>2020</th> <th>2025</th> <th>2015</th> <th>2020</th> <th>2025</th> </tr> </thead> <tbody> <tr> <td>All Ethnicities</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>White</td> <td>61%</td> <td>59%</td> <td>57%</td> <td>47%</td> <td>44%</td> <td>43%</td> </tr> <tr> <td>Black Caribbean</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>1%</td> </tr> <tr> <td>Black African</td> <td>6%</td> <td>6%</td> <td>6%</td> <td>9%</td> <td>9%</td> <td>9%</td> </tr> <tr> <td>Black Other</td> <td>3%</td> <td>4%</td> <td>4%</td> <td>7%</td> <td>7%</td> <td>7%</td> </tr> <tr> <td>Indian</td> <td>7%</td> <td>7%</td> <td>7%</td> <td>6%</td> <td>6%</td> <td>6%</td> </tr> <tr> <td>Pakistani</td> <td>2%</td> <td>2%</td> <td>2%</td> <td>2%</td> <td>2%</td> <td>2%</td> </tr> <tr> <td>Bangladeshi</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>1%</td> </tr> </tbody> </table>	Ethnic Groups	% of Barnet population (Age 0-90+)			% of Barnet population (Age 0-14)			2015	2020	2025	2015	2020	2025	All Ethnicities	100%	100%	100%	100%	100%	100%	White	61%	59%	57%	47%	44%	43%	Black Caribbean	1%	1%	1%	1%	1%	1%	Black African	6%	6%	6%	9%	9%	9%	Black Other	3%	4%	4%	7%	7%	7%	Indian	7%	7%	7%	6%	6%	6%	Pakistani	2%	2%	2%	2%	2%	2%	Bangladeshi	1%	1%	1%	1%	1%	1%	<p>Cambridge Education is to adhere to Barnet's policy on equalities and if any issues arise an action plan will be put in place.</p> <p>Where appropriate, service specifications and KPIs take into account the needs of race and ethnicity.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders.</p>
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Chinese	2%	3%	3%	2%	2%	2%																									
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BAME	39%	41%	43%	53%	56%	57%																									
Pregnancy and Maternity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Data In 2015 the projected number of births in the borough is 5,659. Between 2015 and 2026 the number of births per year is projected to rise from 5,659 in 2015 to 5,710 in 2026. There is expected to be a peak in 2023.</p> <p>The child population (0 to 15 year-old) is projected to grow by up to 11,500 people (15.4%) by 2026 after which it is projected to gradually decline.</p> <p>Source: GLA 2013 Round Demographic Projections, 2014</p>	<p>Cambridge Education is to adhere to Barnet’s policy on equalities and if any issues arise an action plan will be put in place.</p> <p>Where appropriate, service specifications and KPIs take into account the needs of pregnancy and maternity.</p>																												

		<p>The high rates of population growth for children and young people (CYP) will occur in wards with planned development works and are predominantly in the west of the Borough. Source: Barnet’s JSNA 2015 – 2020</p> <p>Impact There is no evidence to show that the proposal will adversely impact on pregnancy or maternity.</p> <p>Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and service improvement. This means services users/residents will see service provision continue as is, with no adverse impacts anticipated on this group.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Any recommendations that are to be implemented will require consideration of the equalities impact.</p>	<p>Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders.</p>
Sexual orientation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Data is unavailable at this point.</p> <p>Impact There is no evidence to show that the proposals will adversely impact on people based on their sexual orientation.</p> <p>Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and service improvement. This means services users/residents will see service provision continue as is, with no adverse impacts anticipated on this group.</p>	<p>Cambridge Education is to adhere to Barnet’s policy on equalities and if any issues arise an action plan will be put in place.</p> <p>Where appropriate, service specifications and KPIs take into account the needs of sexual orientation.</p> <p>Service reviews are to be</p>

Appendix C

		Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Any recommendations that are to be implemented will require consideration of the equalities impact.	undertaken as part of their 100 day plan and will include consultation with stakeholders.
Gender reassignment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>At present, there is no official estimate of the transgender population. GIRES, the Gender Identify Research and Education Society, estimate the number of transgender people in the UK to be between 300,000 and 500,000. Additionally, GIRES estimate that 0.6-1% of the population may experience gender dysphoria (a medical term used to describe the negative feelings associated with the sense that a person's gender identity doesn't match up with the body they were born in).</p> <p>Source: GIRES, 2014</p> <p>There is no data available on Gender Reassignment for Barnet's population and this data is not available from the 2011 Census.</p> <p>Impact There is no evidence to show that the proposals will adversely impact on people based on gender reassignment.</p> <p>Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and service improvement. This means services users/residents will see service provision continue as is, with no adverse impacts anticipated on this group.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Any recommendations that are to be implemented will require consideration of the equalities impact.</p>	<p>Cambridge Education is to adhere to Barnet's policy on equalities and if any issues arise an action plan will be put in place.</p> <p>Where appropriate, service specifications and KPIs take into account the needs of transgender people.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders.</p>

<p>Marital Status</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Data is unavailable at this point.</p> <p>Impact</p> <p>As the services mainly support children and young people, marital status is less likely to be of relevance.</p> <p>The services include education welfare services, which support and take enforcement action against parents whose children are not attending school. Information on the family background, including lone parents, is taken into account when making decisions on appropriate action. Decisions to prosecute parents will remain the responsibility of the local authority.</p> <p>There is no evidence to suggest that one marital status group will be more affected than any other.</p> <p>Overall, the proposal from Cambridge Education maintains service levels by investing in resources to drive growth through business development and service improvement. This means services users/residents will see service provision continue as is, with no adverse impacts anticipated on this group.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and reports produced with clear recommendations for services. Any recommendations that are to be implemented will require consideration of the equalities impact.</p>	<p>There is no evidence to suggest that one marital status group will be more affected than any other. However, a rigorous approach to development of service specifications and KPIs has been undertaken to ensure that the needs of parents are taken into account when determining any enforcement action.</p> <p>Service reviews are to be undertaken as part of their 100 day plan and will include consultation with stakeholders.</p> <p>Cambridge Education is to adhere to Barnet's policy on equalities and if any issues arise an action plan will be put in place.</p>
<p>Other key groups?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>No other groups were considered to be impacted.</p>	

<p><i>What will be the impact of delivery of any proposals on satisfaction ratings amongst different groups of residents?</i></p>
<p>Due to the sensitive nature of some of the services in scope and the nature of the decision to be made, satisfaction ratings may initially drop among service users and the public. However, it is proposed that service provision will continue as is, so satisfaction amongst specific group should not decline. Cambridge Education's final tender demonstrates that the aims of the alternative delivery model can be met by investing in resources to drive growth through business development and service improvement. The service improvements to grow the service may impact positively on satisfaction ratings. The reputation of Cambridge Education as a specialist educational organisation may also impact positively on satisfaction ratings.</p>
<p><i>How does the proposal enhance Barnet's reputation as a good place to work and live?</i></p>
<p>Services will continue to be provided to the current level and quality. The final tender proposes two models based on growth, which demonstrates Cambridge Education's ability to achieve the budget savings target set by the Council, maintenance of Barnet's excellent education offer and maintenance of an excellent relationship between the Council and schools. A seamless transition is proposed to minimise reputational risks to both the Council and Cambridge Education, therefore minimising disruption in service delivery to users. Cambridge Education is also a specialist education organisation that holds its reputation as paramount to its success.</p> <p>It is through the partnership working of the Council, Cambridge Education, ISS and Barnet schools the shared values and outcomes for the benefit of children and young people in Barnet will be achieved. Keeping children and young people at the centre of the service, together with the existing reputations of Barnet schools and Cambridge Education, is what may to continue to attract people to live and work in Barnet.</p>
<p><i>How will members of Barnet's diverse communities feel more confident about the council and the manner in which it conducts its business?</i></p>
<p>The project process has been transparent and all residents were able to complete the consultation and provide their views. Additionally, the council appointed OPM, an independent market research organisation, to carry out the detailed analysis of responses. This information was used to develop the outline business case and the findings were presented to CELS Committee in January 2015. This was a robust process which looked to assure people of the validity of the findings.</p> <p>The Council also commissioned Local Partnerships to undertake a one day health check of the project to review the project's processes and provide assurance. The outcome of the review was very positive and reassuring – a few recommendations were provided and these have been put in place where possible or planned for the next stage of the project.</p> <p>In their final tender, Cambridge Education and ISS have noted that a key focus for them is to engage with key stakeholders schools, employees</p>

and service users during mobilisation and the duration of the contract. This is in order to ensure they are providing the right services to schools which suit the individual school and service user needs, and ensure that they are meeting all responsibilities and statutory duties. Consultation with stakeholders will also take place as part of their service reviews. The process will also identify areas where improvements should take place or whether there are any potential areas for growth.

Please outline what measures and methods have been designed to monitor the application of the policy or service, the achievement of intended outcomes and the identification of any unintended or adverse impact? *Include information about the groups of people affected by this proposal. Include how frequently the monitoring will be conducted and who will be made aware of the analysis and outcomes? This should include key decision makers.*

The service specifications will be delivered as per our requirements, which take into account Barnet policy and procedures. In addition, a clear set of measurable outcomes and key performance indicators have been developed to ensure outcomes are achieved and service level and quality is maintained. These will be monitored regularly throughout to the contract.

Any proposed changes to service level provision will require consideration of the equalities impact on employees, service users and residents. The contract requires compliance with the Council’s established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision. Any unintended or adverse impacts on equalities that are identified through contract monitoring or other arrangements will require mitigation and an action plan put in place.

How will the new proposals enable the council to promote good relations between different communities? Include whether proposals bring different groups of people together, does the proposal have the potential to lead to resentment between different groups of people and how might you be able to compensate for perceptions of differential treatment or whether implications are explained.

Service provision will be maintained, with the service to be delivered to our specifications. The current service is already suitable for all and has not led to resentment between different groups of people.

Throughout this process the Council has engaged with service users, residents and most prominently schools in order to ensure that the needs of all stakeholders and specific groups are considered.

How have employees and residents with different needs been consulted on the anticipated impact of this proposal? How have any comments influenced the final proposal? Please include information about any prior consultation on the proposal been undertaken, and any dissatisfaction with it from a particular section of the community. Please refer to Table with data

Alongside consultation with schools, a resident consultation and three focus groups (including a group of parents of children with SEN) were undertaken in order to gain the views of residents and service users. Their views were taken into consideration in the analysis and options appraisal which can be seen in the updated OBC which was approved by CELS Committee in January 2015. As part of the decision making process the council fully considered and gave due regard to the responses to the consultations and this Equalities Impact Assessment. The consultation noted that there is an appetite to improve services however there are some concerns all of the models (excluding the in-house option) could put more pressure on schools and possible impact on quality, alongside the worry around the motivation of a third party provider and the possible impact on service provision. In addition there were queries raised on the appropriateness of services for SEN and vulnerable pupils being offered by an organisation other than the council, since these are core services requiring knowledge and accountability.

These concerns have been considered particularly as part of dialogue session with the bidders, involving service leads and headteachers when appropriate. It allowed for issues and concerns to be raised and impacts considered. Cambridge Education has demonstrated sound understanding and experience in delivering similar education services, including statutory services for SEN. ISS has also demonstrated understanding and experience in delivering education catering, including school meals to children and young people and those with specialist requirements.

The evaluation panel for the final tender, which included The Education and Skills Director and Head of Education Partnership and Commercial Services, specialist advisors and school representatives, were also given the opportunity to comment on whether they observed any impacts on equalities for service users/residents as part of the evaluation and moderation process. No negative impacts on specific groups were identified and the overall impact was considered as neutral.

Overall Assessment

Overall impact		
Positive Impact <input type="checkbox"/>	Negative Impact or Impact Not Known ¹ <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
Scale of Impact		
Positive impact: Minimal <input type="checkbox"/> Significant <input type="checkbox"/>	Negative Impact or Impact Not Known Minimal <input type="checkbox"/> Significant <input type="checkbox"/>	

Outcome			
No change to decision <input checked="" type="checkbox"/>	Adjustment needed to decision <input type="checkbox"/>	Continue with decision <i>(despite adverse impact / missed opportunity)</i> <input type="checkbox"/>	If significant negative impact - Stop / rethink <input type="checkbox"/>

3.10 Please give a full explanation for how the assessment and outcome was decided

Milestone 1: Draft OBC (September 2014)
 At this stage of the project (early Assessment phase) the new Delivery Model is not known and therefore it is not possible to fully assess the impact (in line with the LBB processes this cannot be completed until the new model is known). Given what is known at the moment and the objectives of the project any impact is anticipated to be positive due to the desire to improve the performance of services, which given the

¹ 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

nature of these services such as Special Educational Needs would have a positive impact on those with Disabilities (and due to the over representation in the cohort males).

There is anticipated to be no negative impact on any protected characteristics due to there being no anticipated reduction in service nor any anticipated fundamental change in the mechanism of service delivery and therefore it is anticipated that all those who currently access/receive services will still do so under the alternative delivery model.

Milestone 2: Final OBC (January 2015)

CELS committee in September 2014 decided to further develop the options appraisal on four potential delivery models - In-house, Schools-led social enterprise, joint venture with schools having a commissioning role and joint venture with schools having an ownership role.

Alongside consultation with schools, a resident consultation and three focus groups (including a group of parents of children with SEN) have been undertaken in order to gain the views of residents and service users. Their views have been taken into consideration in the analysis and options appraisal which can be seen in the updated OBC. As part of the decision making process the council will fully consider and give due regard to the responses to the consultations and this Equalities Impact Assessment. The consultation noted that there is an appetite to improve services however there are some concerns all of the models (excluding the in-house option) could put more pressure on schools and possible impact on quality, alongside the worry around the motivation of a third party provider and the possible impact on service provision. In addition there were queries raised on the appropriateness of services for SEN and vulnerable pupils being offered by an organisation other than the council, since these are core services requiring knowledge and accountability. These concerns have been taken into consideration during the decision making for the preferred option.

The Initial Residents and Service Users Equality Impact Assessment has been reviewed and updated to take into account the further analysis and development of the potential models which has taken place. A summary of the potential impact for all four models is noted below.

MODEL	SUMMARY OF POTENTIAL KEY OUTCOMES / IMPACTS
Model A: In house	It is anticipated that although there would be some potential growth and changes in services, it is highly likely that there will need to be service reductions in order to deliver the required service savings.
Model B: Schools-led social enterprise	It is anticipated that there would be some growth and changes in services however depending on the ability of the business to grow its income sufficiently or quickly enough to offset any of the savings required by the council, it is likely that there would need to be some service reduction.
Model C: Joint venture	It is anticipated that through growth in services and attracting income, this model would maintain and improve

<p>with schools having a commissioning role</p>	<p>service delivery. It is not anticipated that service reductions would be required.</p>
<p>Model D: Joint venture with schools having an ownership role</p>	<p>It is anticipated that through growth in services and attracting income, this model would maintain and improve service delivery. It is not anticipated that service reductions would be required</p>

It is anticipated that for the joint venture model any impact would be positive due to the desire to improve the performance of services. There is anticipated to be no negative impact on any protected characteristics due to there being no anticipated reduction in service and therefore it is anticipated that those who currently access/receive services will still do so under the alternative delivery model. However until the next stage when the Business Case is produced, the procurement process is underway and the detailed service specifications are agreed, the impact is not certain.

Milestone 3: PQQ stage (March 2015)

The impact on equalities could not be determined as this will emerge later in the procurement process when information is received on proposals. Mitigating action was not required at this stage.

Milestone 4: Outline Solution and Detailed Solution stage (April – August 2015)

Following the decision by CELS committee to proceed with the development of a full business case, the procurement phase was initiated with a view to establishing a joint venture company.

During the procurement process we have taken due regard to equalities. The concerns raised by the consultation have been taken into consideration during the procurement process through the dialogue. There has been ongoing engagement with schools through the procurement process. Various headteacher representatives have participated in both the dialogue process and the evaluation of submissions, as well as ongoing consultation with the Headteacher Reference Group on issues emerging from dialogue.

As part of the procurement process, the bidders were provided with relevant information on Barnet policies, which included the equalities policy and the children and young people plan.

In their Outline Solution, Cambridge Education proposed a joint venture company model and a variant bid which proposed a strategic partnering model. The details of both models were developed in their Detailed Solution. A key difference between the two models was

regarding the governance arrangements. Under the joint venture company model, there would be a new company owned by the Council and the bidder that would deliver the services to schools as well to the Council. The company would contract directly with schools and would sub-contract the task of delivery to the bidder and its sub-contractor. Under the strategic partnering model, the Council would enter into the services contract directly with the bidder. The bidder and its catering sub-contractor would enter into contracts directly with the schools. At this stage, Either model is likely to have a natural impact on equalities for service users and residents.

Having reviewed the bidders Outline Solution and the Detailed Solution, it is anticipated that through growth in services and attracting income, this model would maintain and improve service delivery and therefore any potential impact would be positive rather than negative due to the ambition to improve the outcomes for children and young people, thus performance of services. There is anticipated to be no negative impact on any protected characteristics due to there being no anticipated reduction in service. Therefore it is anticipated that those who currently access/receive services will still do so under the either alternative delivery model. It is felt that at this stage any proposed changes to the way in which a service will be delivered will either have a neutral or positive impact. However, until the procurement process ends and the final tender is received the impact on residents and service users is not certain.

A Full Equalities Impact Assessment will be produced when the procurement process concludes and a final tender is received. This will enable a full assessment of the impact to be undertaken and identification of any further mitigating actions required. Mitigating action to address any resident concern in relation to the level and quality of services will form part of the procurement and contractual negotiations.

Milestone 5: Final Tender stage & FBC stage (October – December 2015)

The evaluation panel for the final tender, which included The Education and Skills Director and Head of Education Partnership and Commercial Services, specialist advisors and school representatives, were also given the opportunity to comment on whether they observed any impacts on equalities for service users/residents as part of the evaluation and moderation process. No negative impacts on specific groups were identified and the overall impact was considered as neutral, irrespective of the delivery model.

The final tender has clarified that if Cambridge Education will deliver services to our specifications. Their proposal has not raised any concerns regarding any negative equality impacts to service users or residents. The impact assessment for service users/residents identifies a neutral impact overall, as services will continue to be provided to the current level and quality.

The Initial Equalities Impact Assessments (completed at Outline Business Case stage) noted that there were likely to be no negative impacts and some positive impacts were expected and the overall impact was likely to be seen as positive. This was an optimistic assessment and

having reviewed the final tender, it is viewed that overall there would be a neutral impact, most significantly as there should be no difference in the service received by service users/residents as all services would be maintained through this contract.

Cambridge Education plan to conduct service reviews as part of their 100 day plan to mobilise the services. Any proposed changes to service level provision will require further consideration of the equalities impact on service users/residents. The contract requires compliance with the Council's established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision.

Milestone 6: Mobilisation (January – December 2016)

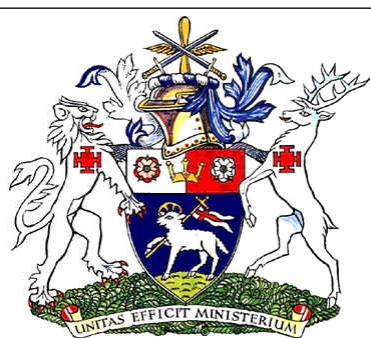
EIAs to be kept under review. Mitigating actions stated in the data table above (How are the following equality strands affected?) are to be carried out by the Council.

Changes to service level provision will require further consideration of the equalities impact, particularly following the proposed service reviews. The contract requires compliance with the Council's established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision by Cambridge Education.

Milestone 7: Contract period (from April 2016)

Ongoing monitoring of the impact on equalities through the contract management by the Council's contract monitoring officer, particularly if changes are proposed to service provision.

Changes to service level provision will require further consideration of the equalities impact, particularly following the proposed service reviews. The contract requires compliance with the Council's established equality and diversity policies and procedures, including the provisions of Equality Impact Assessments for any proposed changes in service provision by Cambridge Education.



Council
8 December 2015

Title	Report of the Constitution Ethics and Probity Committee
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	<p>Annex 1 – Report to Constitution Ethics and Probity Committee, 16 November 2015</p> <p>Annex 1A – Supplementary Report to Constitution Ethics and Probity Committee, 16 November 2015</p> <p>Annex 1B – Decisions of the Constitution Ethics and Probity Committee, 16 November 2015</p> <p>Appendix A: Responsibility for Functions, Annex A</p> <p>Appendix B: Responsibility for Functions, Annex B</p> <p>Appendix C: Full Council Procedure Rules</p> <p>Appendix D: Meetings Procedure Rules</p> <p>Appendix E: Public Participation and Engagement Rules</p> <p>Appendix F: Financial Regulations</p>
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Summary

The Constitution, Ethics and Probity Committee at its meeting of 15 November 2015 considered a report on the Constitution, reviewing various sections. Only Full Council may amend the Constitution and therefore Council are recommended to approve the various recommendations of the Committee that would alter the Constitution.

Recommendations

- | |
|---|
| <p>1. That Council approve the recommendations contained in the report from the Constitution Ethics & Probity Committee at Annexe 1B, and the track change versions attached at Appendix A to Appendix F</p> |
| <p>2. That the Monitoring Officer be authorised to implement these revisions and publish a revised Constitution.</p> |

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at the annual meeting on 2 June 2014 when a Committee System form of governance was introduced. At the end of 2014 and early 2015 a number of changes were proposed to the Constitution to ensure the smooth running of committees. These were considered by the Constitution, Ethics and Probity (CEP) Committee on 25 November, 31 March and 30 June and adopted by Full council on 16 December, 4 April and 28 July respectively.
- 1.2 Following a further cycle of meetings some additional changes have been proposed to address inconsistencies and ensure correct process are clearly set out. These were considered and agreed by CEP Committee meeting held on 15 November 2015. The report from the Committee (Annex 1B) sets out the proposed changes agreed by the Committee for recommendation to full Council for adoption. The actual changes to the sections of the Constitution are then set out in Appendices A to G, as amended.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Constitution, Ethics and Probity Committee is required under its terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals were discussed by that Committee and are now recommended to ensure the smooth running of the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Options were put forward to the Committee and the attached report reflects the options chosen (as amended by the Committee) for recommendation to Council following discussion and debate.
- 3.2 The option of not changing the Constitution was not recommended as a number of issues had been identified that required amendment or clarification to ensure that the Council operated effectively and in accordance with its statutory requirements.

4. POST DECISION IMPLEMENTATION

- 4.1 The Monitoring Officer will make arrangements for any changes agreed to be actioned, together with minor drafting and housekeeping changes. The revised Constitution will be published online and for existing hard copies issued to be revised and replaced.
- 4.2 The Constitution Ethics and Probity Committee will continue to proactively keep the Constitution under review and may make further recommendations in the next municipal year.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet London Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

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

- 5.2.1 There are no resource implications as a result of these proposals.

5.3 Legal and Constitutional References

- 5.3.1 There are no legal issues in the context of this report.
- 5.3.2 Council Constitution, Responsibilities for Functions, Functions of Full Council, Paragraph 1.2: “Only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the Council”.
- 5.3.3 Council Constitution, Responsibilities for Functions – the Constitution, Ethics and Probity Committee terms of reference includes to: “proactively to review and keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.
- 5.3.4 Council Constitution, Chief Officers “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”.

5.4 Risk Management

5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals submitted to Council are developed through Member participation and consideration.

5.5 Equalities and Diversity

5.5.1 The decision making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

5.6 Consultation and Engagement

5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

6.1 None.

	<p>Constitution, Ethics and Probity Committee</p> <p>16 November 2015</p>
Title	Constitution Review
Report of	Head of Governance
Wards	None
Status	Public
Enclosures	Appendix A: Responsibility for Functions, Annex A Appendix B: Responsibility for Functions, Annex B Appendix C: Full Council Procedure Rules Appendix D: Meetings Procedure Rules Appendix E: Public Participation and Engagement Rules Appendix F: Financial Regulations
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk
Summary	
This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.	

Recommendations
<p>That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the track change versions attached at Appendix A to Appendix F.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at their annual meeting on 2 June 2014 when a Committee System form of governance was introduced. The system has now completed five full cycles of committee meetings:
- June – July 2014;
 - September – December 2014;

- January – March 2015; and
- April – May 2015
- June – July 2015

1.2 At the Committee meetings held on 2 September 2014, 25 November 2014 and 31 March 2015 and 30 June 2015 a number of changes were proposed to ensure the smooth running of committees most of which were approved for referral to Council. These changes to the constitution were adopted by Council on 23 September 2014, 16 December 2014, 14 April 2015 and 28 July 2015 respectively.

1.3 Since the June meeting of the Committee, a number of other issues have been identified. Changes to improve clarity in a number of areas are proposed in section 1.4 below.

The following table represents the changes proposed to sections of the Constitution and the reasons for the changes:

No.	Section	Reference	Issue Identified	Changes Made
1	Responsibility for Functions, Annex A	Page 32-33	<p>Currently the terms of reference of Area Committees include 'Recommending the creation of Conservation Areas to Environment Committee'. This function was previously carried out by Area Environment Sub-Committees and the practical approach would be to clarify that Area Committees are best positioned to make these decisions at a local level.</p> <p>It is further recommended that the terms of reference of Area Committees be updated. This is a consequential change following Council's agreement in July 2015 that Public Participation and Engagement rules stipulate that petitions which receive between 25 and 2,000 signatures be reported directly to an Area Committee rather than a Residents Forum.</p>	<p>Amend Responsibility for Functions Annex A to amend the Area Committee terms of reference to 'Approving the creation of Conservation Areas'</p> <p>Update Responsibility for Functions Annex A to list 'consider petitions which receive between 25 and 2,000 signatures' under the terms of reference of Area Committees</p>
2	Responsibility for Functions, Annex A	Page 21	<p>The terms of reference of Policy and Resources Committee currently include '(11) To receive reports reviewing the progress of petitions considered at theme committees'. As petitions of between 2,000-7,000 signatures are referred to the relevant theme committee it appears more appropriate that the relevant theme committee receive any progress reports on actions requested. Should there be any reason to escalate a matter (eg a request for additional funding) a report would be submitted to Policy and Resources Committee as required.</p>	<p>Amend Responsibility for Functions, Annex A to delete paragraph (11)</p>
3	Responsibility for Functions, Annex A	Page 38-39	<p>The terms of reference of General Functions Committee (GFC) require updating to clarify that in addition to 'endorsing the calendar of meetings prior to annual council approval' GFC has responsibility for approving any mid-</p>	<p>Amend Responsibility for Functions, Annex A, General Functions Committee</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>year adjustments to the calendar of meetings (eg additional meetings added/deleted) which are then noted at Council meetings. Currently GFC has recently agreed that the the Head of Governance can facilitate variations in consultation with the Chairman of the General Functions Committee and Leaders of the main political groups.</p> <p>It is also recommended, on legal advice, that GFC responsibility for 'Approving premises for marriages and the formation of civil partnerships' be updated to reflect that this authority encompasses to 'Carry out functions in relation to approving premises for marriages and the formation of civil partnerships under the Marriage Act 1949, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005'</p>	
4	Responsibility for Functions, Annex A	Page 36-37	For clarity it is recommended that Planning Committee terms of reference be updated to include specific reference to its responsibility to 'Approve Article 4 Directions on HMOs for consultation'.	Update Responsibility for Functions, Annex A, Planning Committee.
5	Amend Responsibility for Functions, Annex A and Annex B	Page 75	<p>Council previously agreed (April 2014) to make changes to Responsibility for Functions Annex A to effect that the Performance and Contract Management Committee be authorised 'To consider reserved matters of the JVCo'. It was also agreed there should be delegated power given to the Director of Place, in consultation with the Committee Chairman for certain contractual time sensitive decisions.</p> <p>Officers have noted that the relevant officer delegation (now the Commissioning Director Growth and</p>	Amend Responsibility for Functions Annex B to include a new item under the delegated authority for the Commissioning Director for Growth and Development.

No.	Section	Reference	Issue Identified	Changes Made
			Development) needs to be reflected in Responsibility for Functions Annex B (Scheme of Delegated Authority to Officers).	
6	Responsibility for Functions, Annex B	Page 56	Paragraph 1.6 lists items which can be approved by Summary DPR including 'The fixing of fees and charges to be levied by the Council'. For clarity this should specify that this relates to fees and charges which are broadly in line (or lower) than inflation, as the relevant committees have responsibility for the fixing of fees and charges above inflation.	Amend the text in paragraph 1.6 to clarify
7	Full Council Procedure Rules	Page 80	Council Procedure Rules – Part 4, 14 is misleading in that it states that 'the motion debated will be determined by Council if there is more than one submitted: subject to: the opposition motion debated will be determined by the opposition if there is more than one debated'. For consistency and fairness it should be clarified that if the opposition submits more than one motion the opposition would determine which one is debated, and if the administration submits more than one motion the administration would determine which one is debated	Amend Council Procedure Rules – Part 4, 14
8	Meetings Procedure Rules	Page 93	Meetings Procedure Rules, Membership and Quorum requires amendment to include the Community Leadership Committee Sub-Committee which was established in September. It is recommended the table be updated to note that the Sub-Committee has a membership of 3, 3 substitute members (1 for each member), and quorum of 2. This would be consistent with the other existing Committee with 3 members (Urgency Committee)	Amend Meetings Procedure Rules, Membership and Quorum, table under 1.1
9	Meetings Procedure	Page 94	Meetings Procedure Rules, Members' Rights, 6.	Amend Meetings Procedure Rules, Members'

No.	Section	Reference	Issue Identified	Changes Made
	Rules		Members' Items on the Agenda states that Licensing Committee and Licensing Subcommittee are the exceptions to Members Item rule and are not allowed Members Items. However, it is noted that Licensing Committee can consider policy matters, and therefore should be allowed Members Items. It is also recommended that Urgency Committee be an exception to the Members Items rule as these meetings are convened for the particular purpose of transacting urgent business.	Rights, paragraph 6.1
10	Public Participation and Engagement (and Responsibility for Functions, Annex A)	Page 105-106	Public Participation and Engagement, which lists the deadlines for public questions and comments for meetings does not currently include the deadline for the public to submit issues for Residents Forum meetings (this is instead contained in Responsibility for Functions, Annex A).	Amend Public Participation and Engagement to include a new section 5 'Items and questions to Resident Forums'
11	Public Participation and Engagement	Page 103	Public Participation and Engagement– the deadline for public currently questions states 'by 10am on the second clear working day prior to the meeting'. It has been raised that this may be misleading as the deadline could be perceived as being 2 days before the meeting rather than 3 days, as is the actual deadline.	Amend Public Participation and Engagement, paragraph 2.2 to specify that the deadline is 'on the third working day prior' rather than 'on the second clear working day', and two examples of how this applies included
12	Public Participation and Engagement	Page 104-105	Legal advice is that Public Participation and Engagement Rules – Speakers at Planning Committees should be adjusted to clarify that the applicant should have the right to speak irrespective of whether an application is recommended for approval or rejection by officers. Current practice (as implied by paragraph 4.8), does not allow the applicant to speak where an application has been recommended for approval. However this does not take into account that the committee could vote against a	Amend Public Participation and Engagement, paragraph 4.3, and consequential deletion of paragraph 4.8 which becomes redundant.

No.	Section	Reference	Issue Identified	Changes Made
			<p>recommendation to approve, which could be challenged by an applicant who has not been provided the opportunity to speak.</p>	
13	Public Participation and Engagement	Page 107-108	<p>The wording in the Petitions section of Public Participation and Engagement does not clearly set out the various bodies responsible for considering petitions in accordance with thresholds, and the process for consideration of petitions. Minor amendments are recommended to this section to clarify.</p>	Updated section 7 Petitions of Public Participation and Engagement
14	Finance Regulations	Page 116-118	<p>Paragraph 4.3.9 currently states 'Policy and Resources Committee must approve changes to fees and charges that are significantly different from inflation...' Council subsequently agreed that this responsibility should be within the remit of the relevant Theme Committee/ Planning/ Licensing Committees, and reported to Policy and Resources Committee, which was subsequently incorporated into the Constitution (Responsibility for Functions, Annex A). Updates to Finance Regulations are required to reflect this change, and to clarify that 'significantly different from inflation' means above inflation by 2% or more.</p> <p>Further amendments are recommended to clarify that:</p> <ol style="list-style-type: none"> 1) Policy and Resources Committee approval is required for all capital additions to the capital programme. Capital additions should also be included in the quarterly budget monitoring report to Performance and Contracts Committee for noting. 2) In the area of Budget Monitoring – all forecasted overspends/additions must, following reporting to the 	Updated paragraphs 4.4.3, 4.3.8 and 4.3.9 in Finance Regulations

No.	Section	Reference	Issue Identified	Changes Made
			Chief Finance Officer (section 151 officer), be submitted to the Policy and Resources Committee for approval.	
15	Finance Regulations	Page 129	<p>For clarity, it is recommended that Financial Regulations include reference to the Assurance Assistant Director and CAFT authorised powers to:</p> <ul style="list-style-type: none"> <li data-bbox="779 507 1482 608">i) Act as 'Enforcement Officers' as defined and set out within the requirements of the Disabled Persons Parking Badges Act' 2013. <li data-bbox="779 614 1482 743">ii) Request and share information obtained under the 'Prevention of Social Housing Fraud Act' 2013 for the purposes of housing fraud investigation. 	Amended Financial Regulations to include new paragraphs 5.3.14 and 5.3.15.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Constitution, Ethics and Probity Committee are required under their terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals are recommended to ensure the smooth running of the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None considered. The options proposed in this report have been put forward as a result of experience so far in operating the Constitution. The Committee are to consider whether changes are required.

4. POST DECISION IMPLEMENTATION

- 4.1 The recommendations will form part of a report to Full Council on 8 December 2015 to make final approval.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet London Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

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

- 5.2.1 There are no resource implications as a result of these proposals.

5.3 Legal and Constitutional References

- 5.3.1 Council's Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee terms of reference includes responsibility to “proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.

5.4 Risk Management

- 5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals are developed through Member participation and consideration.

5.4.2 The proposed amendment to the Responsibility for Functions relating to the introduction of limitations on the referral mechanism will support the Council in ensuring that urgent decisions can be taken.

5.5 **Equalities and Diversity**

5.5.1 The decision making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

5.6 **Consultation and Engagement**

5.6.1 None in the context of this decision.

6. **BACKGROUND PAPERS**

6.1 None

	<p>Constitution, Ethics and Probity Committee</p> <p>16 November 2015</p>
<p>Title</p>	<p>Constitution Review - Supplemental Report</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>None</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Revised Appendix C: Full Council Procedure Rules</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>
<p>Summary</p>	
<p>This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.</p>	

<p>Recommendations</p>
<p>That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the track change version attached in Revised Appendix C.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Additional issues have been identified which are recommended for consideration by the Committee. Changes areas are proposed in section 1.2 below.

1.2 The following table represents the changes proposed to sections of the Constitution and the reasons for the changes:

No.	Section	Reference	Issue Identified	Changes Made
1	Council Procedure Rules	Page 5	<p>Full Council Procedure Rules currently state, in section 1. (j) “To agree the Council Calendar of meetings including for ordinary meetings of the Council” Reserving approval of the calendar of meetings as a function of Annual Council means that Council do not formally approve the calendar of meetings until the beginning of the new municipal year. This can have implications for: i) Members in terms of planning holidays and other commitments; and ii) officers in terms of planning projects and other matters which will require committee decisions. Officers have consulted legislation and regulations and ascertained that there is no legal requirement for Annual Council to approve the calendar of meetings. It is therefore proposed that this becomes a function of Full Council instead in order that the calendar can be approved at any point during the year.</p>	<p>Delete from Full Council Procedure Rules section 1. (j) the following wording: “To agree the Council Calendar of meetings including for ordinary meetings of the Council”</p> <p>Add the following wording into Section 2. (Ordinary Meetings) Part 1 – Statutory Formalities / Announcements: “To agree the Council Calendar of meetings including for ordinary meetings of the Council”</p>

2. REASONS FOR RECOMMENDATIONS

2.1 As per the Constitution Review report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As per the Constitution Review report.

4. POST DECISION IMPLEMENTATION

4.1 As per the Constitution Review report.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.2 As per the Constitution Review report.

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

5.4 As per the Constitution Review report.

5.5 Legal and Constitutional References

5.6 As per the Constitution Review report.

5.7 Risk Management

5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals are developed through Member participation and consideration.

5.8 Equalities and Diversity

5.9 As per the Constitution Review report.

5.10 Consultation and Engagement

5.11 As per the Constitution Review report.

6. BACKGROUND PAPERS

6.1 None

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Decisions of the Constitution, Ethics and Probity Committee

16 November 2015

Members Present:-

Councillor John Marshall (Chairman)
Councillor Melvin Cohen (Vice-Chairman)

Councillor Anthony Finn
Councillor Dr Devra Kay
Councillor Alison Moore

Councillor Barry Rawlings
Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED – that the minutes of the meeting held on 30 June 2015 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER

None.

5. PUBLIC QUESTION AND COMMENTS

None.

6. MEMBERS' ITEMS

None.

7. CONSTITUTION REVIEW

The Chairman introduced the report. He advised the Committee that a supplemental report had been tabled which proposed an amendment to Full Council Procedure Rules to enable the calendar of meetings to be approved by Council before the Annual Council meeting. The Committee noted the report which was considered alongside other proposed constitution amendments.

RESOLVED – That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this the table below and the track change versions attached at Appendix A to Appendix G.

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
A	Responsibility for Functions, Annex A	<p>Currently the terms of reference of Area Committees include 'Recommending the creation of Conservation Areas to Environment Committee'. This function was previously carried out by Area Environment Sub-Committees and the practical approach would be to clarify that Area Committees are best positioned to make these decisions at a local level.</p> <p>It is further recommended that the terms of reference of Area Committees be updated. This is a consequential change following Council's agreement in July 2015 that Public Participation and Engagement rules stipulate that petitions which receive between 25 and 2,000 signatures be reported directly to an Area Committee rather than a Residents Forum.</p>	<p>Not agreed. Add 'Recommending the creation of Conservation Areas to Full Council' to the responsibilities of the Planning Committee</p> <p>Agreed as per report, subject to the number of signatures being 1,999 and not 2,000</p>
A	Responsibility for Functions, Annex A	<p>The terms of reference of Policy and Resources Committee currently include '(11) To receive reports reviewing the progress of petitions considered at theme committees'. As petitions of between 2,000-7,000 signatures are referred to the relevant theme committee it appears more appropriate that the relevant theme committee receive any progress reports on actions requested. Should there be any reason to escalate a matter (e.g. a request for additional funding) a report would be submitted to Policy and Resources Committee as required.</p>	Agreed as per report
A	Responsibility for Functions,	The terms of reference of General Functions Committee (GFC)	Agreed as per report subject to the additional

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
	Annex A	<p>require updating to clarify that in addition to 'endorsing the calendar of meetings prior to annual council approval' GFC has responsibility for approving any mid-year adjustments to the calendar of meetings (e.g. additional meetings added/deleted) which are then noted at Council meetings. Currently GFC has recently agreed that the Head of Governance can facilitate variations in consultation with the Chairman of the General Functions Committee and Leaders of the main political groups.</p> <p>It is also recommended, on legal advice, that GFC responsibility for 'Approving premises for marriages and the formation of civil partnerships' be updated to reflect that this authority encompasses to 'Carry out functions in relation to approving premises for marriages and the formation of civil partnerships under the Marriage Act 1949, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005'</p>	<p>changes:</p> <p>Amend the second bullet point in the GFC's terms of reference to read: 'Making local authority nominations to School Governing Bodies'</p> <p>Delete from section b. '...except for those elements determined nationally or pensions.'</p>
A	Responsibility for Functions, Annex A	For clarity it is recommended that Planning Committee terms of reference be updated to include specific reference to its responsibility to 'Approve Article 4 Directions on HMOs for consultation'.	
B	Responsibility for Functions, Annex B	N/A	Delete from the delegated authority of the Chief Executive 'Leadership of the Strategic Commissioning Board'
B	Responsibility for Functions, Annex B	N/A	Amend the responsibilities of the Head of Governance as follows:

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
			<p>Revise final responsibility to read: 'Returning Officer for election of statutory parent governor representatives to serve as co-opted Members on the Children, Education, Libraries & Safeguarding Committee'</p> <p>Add the following responsibility: 'Facilitating the appointment of representatives to the Local Pension Board in accordance with regulatory requirements'</p>
B	Responsibility for Functions, Annex B	<p>Council previously agreed (April 2014) to make changes to Responsibility for Functions Annex A to effect that the Performance and Contract Management Committee be authorised 'To consider reserved matters of the JVCo'. It was also agreed there should be delegated power given to the Director of Place, in consultation with the Committee Chairman for certain contractual time sensitive decisions.</p> <p>Officers have noted that the relevant officer delegation (now the Commissioning Director Growth and Development) needs to be reflected in Responsibility for Functions Annex B (Scheme of Delegated Authority to Officers).</p>	Agreed as per report
B	Responsibility for Functions, Annex B	Paragraph 1.6 lists items which can be approved by Summary DPR including 'The fixing of fees and charges to be levied by the Council'. For clarity this should specify that this relates to fees and charges which are broadly in line (or lower) than inflation, as the relevant committees have	Agreed as per report

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
		responsibility for the fixing of fees and charges above inflation.	
C	Council Procedure Rules	<p>Full Council Procedure Rules currently state, in section 1. (j) "To agree the Council Calendar of meetings including for ordinary meetings of the Council"</p> <p>Reserving approval of the calendar of meetings as a function of Annual Council means that Council do not formally approve the calendar of meetings until the beginning of the new municipal year. This can have implications for: i) Members in terms of planning holidays and other commitments; and ii) officers in terms of planning projects and other matters which will require committee decisions. Officers have consulted legislation and regulations and ascertained that there is no legal requirement for Annual Council to approve the calendar of meetings. It is therefore proposed that this becomes a function of Full Council instead in order that the calendar can be approved at any point during the year.</p>	<p>Agreed as per addendum. Delete from section 1 (Annual Meetings of the Council) the following wording: 'To agree the Council Calendar of meetings including for ordinary meetings of the Council' and add to Section 2 (Ordinary Meetings) Part 1 – Statutory Formalities / Announcements. Renumber all subsequent sections</p>
C	Full Council Procedure Rules	<p>Council Procedure Rules – Part 4, 14 is misleading in that it states that 'the motion debated will be determined by Council if there is more than one submitted: subject to: the opposition motion debated will be determined by the opposition if there is more than one debated'. For consistency and fairness it should be clarified that if the opposition submits more than one motion the opposition would determine which one is debated, and if the administration submits more than one motion the administration would determine which one is debated</p>	<p>Agreed as per report</p>

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
C	Full Council Procedure Rules	N/A	Delete section 26.2 and renumber subsequent sections Amend section 27.1 bullet point 1 to delete 'by e-mail' and replace with 'in writing, including e-mail'
D	Meetings Procedure Rules	Meetings Procedure Rules, Membership and Quorum requires amendment to include the Community Leadership Committee Sub-Committee which was established in September. It is recommended the table be updated to note that the Sub-Committee has a membership of 3, 3 substitute members (1 for each member), and quorum of 2. This would be consistent with the other existing Committee with 3 members (Urgency Committee)	Agreed as per report
D	Meetings Procedure Rules	Meetings Procedure Rules, Members' Rights, 6. Members' Items on the Agenda states that Licensing Committee and Licensing Subcommittee are the exceptions to Members Item rule and are not allowed Members Items. However, it is noted that Licensing Committee can consider policy matters, and therefore should be allowed Members Items. It is also recommended that Urgency Committee be an exception to the Members Items rule as these meetings are convened for the particular purpose of transacting urgent business.	Agreed as per report
E	Public Participation and Engagement (and Responsibility	Public Participation and Engagement, which lists the deadlines for public questions and comments for meetings does not currently include the deadline for the public to submit issues for	Agreed as per report

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
	for Functions, Annex A)	Residents Forum meetings (this is instead contained in Responsibility for Functions, Annex A).	
E	Public Participation and Engagement	Public Participation and Engagement– the deadline for public currently questions states ‘by 10am on the second clear working day prior to the meeting’. It has been raised that this may be misleading as the deadline could be perceived as being 2 days before the meeting rather than 3 days, as is the actual deadline.	Agreed as per report
E	Public Participation and Engagement	Legal advice is that Public Participation and Engagement Rules – Speakers at Planning Committees should be adjusted to clarify that the applicant should have the right to speak irrespective of whether an application is recommended for approval or rejection by officers. Current practice (as implied by paragraph 4.8), does not allow the applicant to speak where an application has been recommended for approval. However this does not take into account that the committee could vote against a recommendation to approve, which could be challenged by an applicant who has not been provided the opportunity to speak.	Agreed as per report
E	Public Participation and Engagement	The wording in the Petitions section of Public Participation and Engagement does not clearly set out the various bodies responsible for considering petitions in accordance with thresholds, and the process for consideration of petitions. Minor amendments are recommended to this section to clarify.	Agreed as per report
F	Finance Regulations	Paragraph 4.3.9 currently states ‘Policy and Resources Committee must approve changes to fees and	Agreed as per report

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
		<p>charges that are significantly different from inflation...’ Council subsequently agreed that this responsibility should be within the remit of the relevant Theme Committee/ Planning/ Licensing Committees, and reported to Policy and Resources Committee, which was subsequently incorporated into the Constitution (Responsibility for Functions, Annex A). Updates to Finance Regulations are required to reflect this change, and to clarify that ‘significantly different from inflation’ means above inflation by 2% or more.</p> <p>Further amendments are recommended to clarify that:</p> <ol style="list-style-type: none"> 1) Policy and Resources Committee approval is required for all capital additions to the capital programme. Capital additions should also be included in the quarterly budget monitoring report to Performance and Contracts Committee for noting. 2) In the area of Budget Monitoring – all forecasted overspends/additions must, following reporting to the Chief Finance Officer (section 151 officer), be submitted to the Policy and Resources Committee for approval. 	
F	Finance Regulations	<p>For clarity, it is recommended that Financial Regulations include reference to the Assurance Assistant Director and CAFT authorised powers to:</p> <ol style="list-style-type: none"> i) Act as ‘Enforcement Officers’ as defined and set out within the requirements of the Disabled Persons Parking 	Agreed as per report

App No.	Section	Changes contained in the report to Constitution, Ethics and Probity Committee	Changes recommended to Full Council
		Badges Act' 2013. ii) Request and share information obtained under the 'Prevention of Social Housing Fraud Act' 2013 for the purposes of housing fraud investigation.	

8. REVIEW OF THE COMMITTEE SYSTEM AND CONSTITUTION – SURVEY RESULTS

The Monitoring Officer presented the report.

The Committee was advised that there had been a commitment to review the Committee System 12 months post-implementation and the views of all Members and officers had been collected via a survey. It was noted that the findings didn't provide a mandate for significant change. Key findings were that:

- there were differences of opinion between Members and officers in relation to the delegation of powers;
- improvements needed to be made with Ward Member engagement;
- consideration needed to be given to the reporting of performance information and whether this should go to theme committees as well as the Performance & Contract Management Committee; and
- there was scope to revise the approach to pre-meetings and call-overs depending on the preferences of Members who sat on those committees

The Monitoring Officer emphasised that Full Council had approved print and courier savings of £50,000 and staff savings of £200,000 in the Assurance Group and to achieve these fewer meetings needed to take place. The Group Leaders undertook to provide group spokespersons to discuss possible savings options with the officer.

RESOLVED that the results from the survey be noted.

9. THE STANDARDS REGIME

The Monitoring Officer presented a report which asked the Committee to consider options for investigating and making decisions on allegations of breaches to the Members Code of Conduct.

RESOLVED that:

1. **The Monitoring Officer be requested to amend the “Protocol – Complaints against Members” as follows:**
 - i) **Revise section 7.1 include wording which enables the Monitoring Officer to determine whether to take no further action**

- ii) Create a new section 7.2 to state that the “...where the Monitoring Officer decides to take no further action, the Monitoring Officer will inform the person making the allegation and the Member who is the subject of the complaint of her decision and of the reasons for it.”
- iii) Create a new section 12 as follows: “The Monitoring Officer will submit a report to the Standards Committee at six monthly intervals to inform the Constitution, Ethics and Probity Committee about complaints which have been received and not investigated under paragraphs 5.3 or 5.6 of this Protocol, and complaints which have been investigated but not reported to the Standards Committee under paragraph 7.1”

2. The Committee recommend to Full Council:

- i) The establishment a new Standards Committee comprising four members of the Council and an Independent Person (as a co-opted member of the Committee) to replace the Group Leaders Panel.
- ii) Not to apply the political balance requirements contained in the Local Government and Housing Act 1989 to the new Standards Committee, and that each of the two political Groups on the Council shall have two seats on the Committee (with two substitute members for each Group).
- iii) To appoint the Independent Person as the Chairman of the Standards Committee.
- iv) To approve the amended “Protocol – Complaints against Members” (as detailed in minute item 1 above) as the Council’s arrangements for the investigation of complaints that a Member has breached the Code of Conduct and for taking decisions on such complaints, as required by Section 28 of the Localism Act 2011.
- v) That the Monitoring Officer be authorised to implement and publish the consequential changes to the Constitution.

(Notes: To take effect, recommendation ii) must be agreed without any member of the Council voting against (Section 17(1)(b) of the Local Government and Housing Act 1989). The independent chairman will be a non-voting member)

ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT
None.

The meeting finished at 8.00 pm

ANNEX A TO RESPONSIBILITY FOR FUNCTIONS - Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards

Body responsible	Functions	Membership	
<p>Policy and Resources Committee</p>	<p>(1) To be the principal means by which advice on strategic policy and plans is given and co-ordinated and to recommend to Full Council, as necessary, on strategic issues. This is to include:</p> <ul style="list-style-type: none"> • Approval of the Corporate Plan • Council's Capital and Revenue Budget setting (subject to Full Council) and Medium Term Financial Strategy • Ensuring effective Use of Resources and Value for Money <p>(2) To be responsible for the overall strategic direction of the Council including the following specific functions/activities:</p>	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality.</p>	
	<ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement 		<ul style="list-style-type: none"> • Strategic Partnerships
	<ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion 		<ul style="list-style-type: none"> • Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council)
	<ul style="list-style-type: none"> • Internal Transformation programmes 		<ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery
	<ul style="list-style-type: none"> • Write off of debt 		<ul style="list-style-type: none"> • Insurance
	<ul style="list-style-type: none"> • Treasury Management Strategy 		<ul style="list-style-type: none"> • Information Technology provision
	<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes 		<ul style="list-style-type: none"> • Mayoralty budget

<ul style="list-style-type: none"> • Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs) 	

(3) To submit recommendations to the Council in the event of a difference of opinion arising between committees upon a matter which falls within the terms of reference of more than one committee.

(4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.

(5) To consider and take any necessary action upon proposals for new legislation, Bills before Parliament, Acts of Parliament and other proceedings before Parliament affecting or likely to affect the interests of the Borough or its inhabitants generally where not the specific concern of any other committee(s). The promotion of Bills and Provisional and Statutory Orders in Parliament shall be dealt with by the Council.

(6) Approve budget and business plan of the Barnet Group Ltd.

(7) To allocate a budget, as appropriate, for Area Committees and agree a framework for governing how that budget may be spent.

(8) To represent Barnet's strategic interests in dealings with sub-regional, regional and national Government and influence relevant tiers of Government

(9) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.

(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in

	<p>accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To receive reports reviewing the progress of petitions considered at theme committees</p> <p>(12) To receive reports on the issuance of grants below £5000 by Officers in accordance with their delegated authority.</p> <p>(123) To note decisions taken by theme committees, the Planning Committee and Licensing Committee on fees and charges within the remit of those committees.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Performance and Contract Management Committee</p>	<p>(1) Overall responsibility for quarterly budget monitoring, including monitoring trading position and financial strategy of Council Delivery Units.</p> <p>(2) Monitoring of Performance against targets by Delivery Units and Support Groups including Customer Support Group; Re; the Barnet Group Ltd (including Barnet Homes and Your Choice Barnet); HB Public Law; NSL; Adults and Communities; Family Services; Education and Skills; Street Scene; Public Health; Commissioning Group; and Assurance.</p> <p>(3) Receive and scrutinise contract variations and change requests in respect of external delivery units.</p> <p>(4) To make recommendations to Policy and Resources and Theme Committees on relevant policy and commissioning implications arising from the scrutiny of performance of Delivery Units and External Providers.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality</p>

	<p>(5) Specific responsibility for the following functions within the Council:</p> <table border="1" data-bbox="419 304 1045 434"> <tr> <td data-bbox="419 304 732 434"> <ul style="list-style-type: none"> • Risk Management </td> <td data-bbox="732 304 1045 434"> <ul style="list-style-type: none"> • Treasury Management Performance </td> </tr> </table> <p>(6) Note the Annual Report of the Barnet Group Ltd.</p> <p>(7) To consider reserved matters of the Joint Venture Company (JVCO).</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with Meeting Procedure Rules.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	<ul style="list-style-type: none"> • Risk Management 	<ul style="list-style-type: none"> • Treasury Management Performance 	
<ul style="list-style-type: none"> • Risk Management 	<ul style="list-style-type: none"> • Treasury Management Performance 			
<p>Children, Education, Libraries and Safeguarding Committee</p>	<p>1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Planning the adequate provision of school places in the Borough • Investment in educational infrastructure to meet the needs of the Borough's learners • Development and enhancement of the Library Service • Development of cultural activities 	<p>9 Chairman, Vice Chairman, Members and substitutes to be appointed by Council. Requirement to have a Lead Member for Children's Services. Committee to be made</p>		

	<ul style="list-style-type: none"> • To be responsible for those powers, duties and functions of the Council in relation to Children’s Services (including schools) <p>(2) Lead the Council’s responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul style="list-style-type: none"> • Oversee effective support for young people in care; and enhance the Council’s corporate parenting role • Oversee the multi-agency Youth Offending Team • Oversee the effective provision of support across partners for the wellbeing of vulnerable families - including the Troubled Families programme <p>(3) Approve the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> • Education • Inclusion • Child Poverty • Early Intervention and Prevention <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(5) To ensure that the Council’s safeguarding responsibilities are taken into account.</p> <p>(6) To receive and consider reports as appropriate from the Children’s Trust Board.</p> <p>(7) To approve Fees and Charges for those areas under the remit of the Committee.</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance</p>	<p>up in accordance with proportionality</p> <p><u>Co-Opted Members</u></p> <p>The following co-opted members will be appointed. They may speak on all matters but cannot vote.</p> <p>Three Voluntary Aided School Representatives - to provide a faith perspective on education matters (Church of England; Roman Catholic; and Jewish Voluntary Aided representatives).</p> <p>One representative from the Standing Advisory Committee on Religious Education</p> <p>Two Parent governor representatives (PGRs) elected by other parent governors to represent the views of all parents and hold the authority to account by consulting with and feeding back to parents on discussions and decisions relating to education.</p>
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	<p>of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(12) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Adults and Safeguarding Committee</p>	<p>(1) Specific responsibilities include: To be responsible for those powers, duties and functions of the Council in relation to Adults and Communities including the following specific functions:</p> <ul style="list-style-type: none"> • Promoting the best possible Adult Social Care services <p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) To approve fees and charges for those areas under the remit of the Committee</p> <p>(4) Specific responsibilities to include:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <ul style="list-style-type: none"> • Leisure Services. </div> <p>(5) To ensure that the Council's safeguarding</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p>responsibilities are taken into account.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
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<p>Environment Committee</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 264 1050 1774"> <tr> <td data-bbox="438 264 740 472"> <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads </td> <td data-bbox="745 264 1050 472"> <ul style="list-style-type: none"> Parking provision and enforcement </td> </tr> <tr> <td data-bbox="438 479 740 528"> <ul style="list-style-type: none"> Road Safety </td> <td data-bbox="745 479 1050 528"> <ul style="list-style-type: none"> Street Lighting </td> </tr> <tr> <td data-bbox="438 535 740 913"> <ul style="list-style-type: none"> Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan </td> <td data-bbox="745 535 1050 913"> <ul style="list-style-type: none"> Refuse and recycling </td> </tr> <tr> <td data-bbox="438 920 740 1010"> <ul style="list-style-type: none"> Street Cleaning </td> <td data-bbox="745 920 1050 1010"> <ul style="list-style-type: none"> Waste Minimisation </td> </tr> <tr> <td data-bbox="438 1016 740 1106"> <ul style="list-style-type: none"> Waterways </td> <td data-bbox="745 1016 1050 1106"> <ul style="list-style-type: none"> Allotments </td> </tr> <tr> <td data-bbox="438 1113 740 1247"> <ul style="list-style-type: none"> Parks and Open Spaces </td> <td data-bbox="745 1113 1050 1247"> <ul style="list-style-type: none"> Fleet Management </td> </tr> <tr> <td data-bbox="438 1254 740 1388"> <ul style="list-style-type: none"> Trees </td> <td data-bbox="745 1254 1050 1388"> <ul style="list-style-type: none"> Cemetery and crematorium and Mortuary </td> </tr> <tr> <td data-bbox="438 1395 740 1597"> <ul style="list-style-type: none"> Trading Standards </td> <td data-bbox="745 1395 1050 1597"> <ul style="list-style-type: none"> Contaminated land and all statutory nuisances. </td> </tr> <tr> <td data-bbox="438 1603 740 1774"> <ul style="list-style-type: none"> Flood Risk Management (scrutiny aspect) </td> <td data-bbox="745 1603 1050 1774"></td> </tr> </table> <p>(2) Council highways functions (including highways use and regulation, access to the countryside, arrangements and extinguishment of public rights of way) which are limited to:</p> <ul style="list-style-type: none"> approving the annual programme of highways and footways works 	<ul style="list-style-type: none"> Street Scene including pavements and all classes of roads 	<ul style="list-style-type: none"> Parking provision and enforcement 	<ul style="list-style-type: none"> Road Safety 	<ul style="list-style-type: none"> Street Lighting 	<ul style="list-style-type: none"> Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan 	<ul style="list-style-type: none"> Refuse and recycling 	<ul style="list-style-type: none"> Street Cleaning 	<ul style="list-style-type: none"> Waste Minimisation 	<ul style="list-style-type: none"> Waterways 	<ul style="list-style-type: none"> Allotments 	<ul style="list-style-type: none"> Parks and Open Spaces 	<ul style="list-style-type: none"> Fleet Management 	<ul style="list-style-type: none"> Trees 	<ul style="list-style-type: none"> Cemetery and crematorium and Mortuary 	<ul style="list-style-type: none"> Trading Standards 	<ul style="list-style-type: none"> Contaminated land and all statutory nuisances. 	<ul style="list-style-type: none"> Flood Risk Management (scrutiny aspect) 		<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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- creating, stopping up and diverting footpaths and bridleways
- asserting and protecting public rights to use highways
- removing things deposited on highways which cause nuisance

(3) Gaming, entertainment, food and miscellaneous licensing in so far as not otherwise the responsibility of the Licensing Committee or the Licensing Sub-Committee, and Health and Safety regulation (otherwise than as an employer).

(4) To approve fees and charges for those areas under the remit of the Committee

(5) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.

(6) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.

(7) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.

(8) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.

(9) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.

(10) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.

	<p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Assets, Regeneration and Growth Committee</p>	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Develop and oversee a Regeneration Strategy • Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates • Promote skills and enterprise and approve a Skills Enterprise and Employment Strategy (having regard to the views of the Lead Member for Children’s Services on relevant matters) • Engagement with the business community and measures to support local business • Oversee major regeneration schemes- including those of key social housing estates • Town Centre regeneration programmes • Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council <p>(2) To approve fees and charges for those areas under the remit of the Committee.</p> <p>(3) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(4) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework.</p> <p>(5) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Housing Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Housing Strategy (incorporating Homelessness Strategy) • Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing • Commissioning of Environmental Health • Promote the better integration of privately rented properties into the Borough's framework; • All matters related to Private sector Housing including Disabled Facility Grants • Housing licensing and housing enforcement. <p>(2) To approve fees and charges for those areas under the remit of the Committee</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p>(3) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(4) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(5) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Community Leadership Committee	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector • Registration and Nationality Service • Emergency Planning • Civic events 	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in</p>

	<p>(1) To oversee arrangements for cross partner co-operation including any pooling of budgets (other than those within the remit of the Health and Well Being Board) e.g. Community Budgets.</p> <p>(2) To maintain good community relations with Barnet's diverse communities ensuring that all communities have the opportunity to participate fully in the Borough's affairs.</p> <p>(3) To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti flytipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.</p> <p>(4) To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.</p> <p>(5) Provide scrutiny aspect of Community Safety.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p>	<p>accordance with proportionality.</p>
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	<p>(11) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(12) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Community Leadership Sub-Committee	To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid) when there is no scheduled meeting of the full Committee which falls within the eight week statutory deadline for determining applications	3 Community Leadership Committee Chairman, Vice-Chairman and Opposition Spokesperson Membership to be appointed by Community Leadership Committee
Area Committees	<p>In relation to the area covered by the Committee:</p> <p>(1) Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors.</p> <p>(2) Discharge any functions, within the budget and policy framework agreed by Policy and Resources, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to:</p> <ul style="list-style-type: none"> • <i>Town Centre Regeneration and Management</i> • <i>Sewers, drainage, public conveniences,</i> 	7 Chairman, Vice Chairman, Members and substitutes appointed by Council. One Member and one Substitute member for each Ward.

	<p><i>water courses</i></p> <ul style="list-style-type: none"> • <i>Refuse collection, litter, cleansing, waste and recycling</i> • <i>Parks, open spaces, nature reserves, allotments, recreation and leisure facilities</i> • <i>Libraries and Culture</i> • <i>Cemeteries and Crematoria</i> • <i>Recommending the creation of Conservation Areas to Environment Committee</i> • <i>Day to day environmental issues and management of land on Council Housing estates</i> • <i>Local highways and safety schemes</i> <p>(4) Administer any local budget delegated from Policy and Resources Committee for these committees in accordance with the framework set by the Policy and Resources Committee.</p> <p>(5) Powers to deal with small public works.</p> <p><u>(6) Consider petitions which receive between 25 and 1,999 signatures.</u></p> <p>Area committees should not deal with issues that are specifically within the remit of other committees (e.g. Licensing), that should be exercised at a Borough wide level or that are outside the budget and policy framework.</p>	
Council acting as the Licensing Authority	Agreeing and reviewing the Statement of Licensing Policy.	All Members of the Council
Licensing Committee	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee.</p> <p>To approve fees and charges for those areas under the remit of the Committee.</p> <p>Applications and appeals and revocations relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments.</p> <p>Applications, appeals and revocations relating to Special Treatment Licenses.</p> <p>Application for film classification for films shown within the Borough.</p> <p>Gaming, entertainment, food and</p>	<p>11</p> <p>Chairman, Vice Chairman, Members</p>

	<p>miscellaneous licensing including functions relating to: street trading including the designation of permanent pitches for street trading.</p> <p>Safety at sports ground certification.</p>	
Licensing Sub-Committee	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p>	<p>3</p> <p>Chairman appointed at each meeting of a Sub-Committee.</p>
Audit Committee	<p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <ol style="list-style-type: none"> 1. To consider the annual internal audit opinion and plan. . 2. To consider summaries of specific internal audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of internal audit services. 4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the external auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the body responsible over the appointment of the Council's external auditors. 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Committee to be made up in accordance with proportionality. The membership should also include two independent, non-voting Members with a period of appointment of four years.</p> <p>The Chairman should preferably be a member of an opposition party. Additionally, the Chairman should not be permitted to serve in that role for more than 4 consecutive years.</p>

	<p>9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive.</p> <p>10. To approve revisions to the Internal Audit Charter.</p> <p>11. To approve decisions relating to the appointment and removal of the Chief Audit Executive</p> <p><u>Anti-Fraud Activity</u></p> <p>12. To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT).</p> <p>13. To consider the anti-fraud strategy, annual anti-fraud work plan and CAFT Annual Report.</p> <p>14. To consider regular anti-fraud progress reports and summaries of specific fraud issues and investigation outcomes.</p> <p>15. To monitor the Council's Counter Fraud framework and policies within and recommend their application across the Council.</p> <p><u>Regulatory Framework.</u></p> <p>16. To review any issue referred to it by the Chief Executive or a director, or any Council body.</p> <p>17. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>18. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p><u>Accounts</u></p> <p>19. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p>20. To consider the external auditor's report to those charged with governance on issues arising from the audit of the</p>	
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	<p>accounts.</p> <p><u>Annual Report</u></p> <p>21. The Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness.</p>	
<p>Planning Committee</p>	<p>Take action under Town and Country Planning, and associated legislation including Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>The following functions are reserved to the Committee and cannot be discharged by an Area Sub-committee or officer.</p> <ul style="list-style-type: none"> • planning applications which involve a significant departure from the statutory development plan; • planning applications on behalf of the Council or where the Council has a significant interest in the development; • planning applications within the categories of development which must be referred to the Mayor of London; and • matters of significance to the entire borough or where major issues extend across boundaries of committees or across local government boundaries. <p>(Reports on all the matters reserved to the Committee shall be made direct to the Committee and not through an area - committee).</p> <p>Commons registration and town and village greens including powers of protection and enforcement although in practice these specific functions will be discharged by officers.</p> <p>(Which may include considering the recommendations of a non-statutory inquiry chaired by an independent person).</p> <p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning and considering Neighbourhood Development Orders.</p> <p>To approve building control and land charges fees and charges for those areas under the remit of the Committee</p> <p>Recommending the creation of Conservation Areas to Full Council</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<u>Approve Article 4 Directions for consultation</u>	
Area Planning Committees (3)	<p>Determine planning applications within the boundaries of their areas, in accordance with Council policy and within budget, that relate to town and country planning and development control, including tree and hedgerow protection and excluding matters which fall within the terms of reference of the Planning Committee.</p> <p>[For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country Planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.]</p> <p>This excludes the functions reserved to the Planning Committee</p> <p>If in cases where the Council has a minor interest in developments where a decision is required by a Committee, the Strategic Director for Growth and Environment will refer the matter to the appropriate Area Planning Committee.</p> <p>Relevant Considerations for Area Planning Committees</p> <p>A. consideration of planning applications by Area Planning Committees:</p> <p>The work of the Area Planning Committees consists mostly of determining applications for planning applications. Delays in determining applications will jeopardise the Council's ability to meet national performance criteria and impact adversely on the interests of residents and affected applicants.</p> <p>One potential cause of such delays is the deferral by committees of planning applications for further information or for members to undertake site visits. To minimise this there is a general presumption that:</p> <ul style="list-style-type: none"> Chairmen of Area Planning Committees should arrange for site visits to be made in advance of the Committee meeting, particularly where the proposals appear to be contentious or they are of major 	<p>Chipping Barnet Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards:</p> <p>Underhill High Barnet East Barnet Oakleigh Brunswick Park Coppetts Totteridge</p> <p>Finchley and Golders Green Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards:</p> <p>East Finchley West Finchley Woodhouse Childs Hill Finchley Church End, Garden Suburb Golders Green</p> <p>Hendon Area Planning Committee</p> <p>7 (One Councillor representing the following wards:</p> <p>Hale Edgware Burnt Oak West Hendon Colindale Hendon</p>

	<p>importance to the area;</p> <ul style="list-style-type: none"> • Committee members who have queries on applications will raise them either at the site visit, or, in any event, as soon as possible before the meeting at which they will be considered. <p>B. In so far as developments where the Council has minor interests in the development, these matters will normally be dealt with by the Assistant Director of Planning and Development Management under delegated powers, unless it proves necessary to refer them to Committee. These are:</p> <ul style="list-style-type: none"> • Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc. • Minor extensions or ancillary building proposals less than 1000 sq. m to buildings or property, including minor school extensions, housing estate, ancillary buildings, community services, etc. <p>Any ‘other’ or ‘minor’ developments as defined by the DCLG in PS1/PS2 Planning statistical categories of developments, for example 9 or less dwellings, advertisements, Listed Building and Conservation Area consents.)</p>	Mill Hill
General Functions Committee	<p>All other Council functions that are not reserved to Full Council including</p> <ul style="list-style-type: none"> • Appointing representatives on outside bodies • Nominating local authority representatives to School Governing bodiesAppointing representatives to School Governing Bodies • Staff matters (i.e. salaries and conditions of service) other than those within the remit of Chief Officer Appointment Panel • Polling Stations • Ward Boundaries • Request a ward boundary review by the Local Government Boundary Commission for England 	7 Chairman, Vice Chairman, Members and substitutes appointed by Council.

- Elections in general
- Health and safety
- ~~Approving premises for marriages and the formation of civil partnerships~~
- Carry out functions in relation to approving premises for marriages and the formation of civil partnerships under the Marriage Act 1949, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005
- Determine Members requests for non-committee information as specified in the Members Information Management Policy
- Endorsing the calendar of meetings prior to ~~to~~ Annual Council approval
- Agreeing mid-year adjustments to the approved Calendar of Meetings
- Agreeing the Members Diary and Year Book

Where decisions have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee.

Collective Disputes -

In accordance with the Council's Trade Union and Employee Engagement Framework, certain disputes may be referred to the General Functions Committee.

(a) Only where there has been a failure to agree at People Management Group about the implementation (or proposed implementation) of change affecting working arrangements can the matter be referred to the General Functions Committee at its next scheduled meeting.

(b) Issues concerning working arrangements which are submitted to the General Functions Committee will be supported by the minutes of the People Management Group which considered the matter.

(c) Where the matter is not resolved at this point, the Collective Disputes Procedure is regarded as exhausted and the Council will advise trade unions and employees of its intentions.

(d) When considering the report, a representative of the trade unions may be requested to speak with the consent of the Chairman or be questioned by the Committee before a decision is made.

(e) Consider reports on restructure in line with the HR Regulations.

In accordance with supplementary guidance issued by the Department for Communities & Local Government in 2012 and February 2013 Council be given the opportunity to vote on Chief Officer salary packages, of salary packages of £100,000 or more and any severance packages at or above £100,000 and in instances where Council has delegated these functions to the General Functions Committee, then the General Functions Committee will:

Decide on and report back to Council on

- a. Chief Officer salary packages
- b. Salary packages to be offered of £100,000 or more
- c. Severance packages per individual of £100,000 or more. (Severance package will consist of redundancy pay, pay in lieu of notice, any holiday pay the employee is contractually entitled to and any pension lump sum the employee is entitled to in accordance with the Local Government Pension Scheme).

Responsibilities

The Committee will take account of the Reward and Employment strategies of the Council and ensure that it is fully briefed on the prevailing organisational approach. The following list of responsibilities is not intended to be exhaustive:

- a. To develop the annual pay policy statement for full Council approval and be responsible for the publication of the annual statement, which will include:
 - The level and elements of

	<ul style="list-style-type: none"> remuneration for each Chief Officer; • Relationship of the remuneration of Chief Officers and other officers; • A description of the relationship between decisions made on the lowest paid and top paid employees in the organisation; • Remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition); • Remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments; • Transparency arrangements; • Reasons for chosen approach to remuneration levels and how this is to be implemented; • Differences of approach to groups of employees and the reasons for them; • Pay dispersion. • Incremental progression factors • Use of honoraria and ex-gratia payments • Determine remuneration parameters for officers who have returned to work for a local authority • Appointment and remuneration terms <p>b. To review annually remuneration, as defined above, for the Council's Chief Officers except those elements determined nationally or pensions.</p> <p>c. To keep under review the terms & conditions as they relate to pay for all Council employees and where changes have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee and/or General Functions Committee.</p> <p>d. To receive information in the context of reward from organisations that have a relationship with the Council or arrangements that may influence decisions when determining pay</p> <ul style="list-style-type: none"> • The employees of Barnet Group • Contractors • Shared management schemes 	
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	<ul style="list-style-type: none"> • Outplacements • Agency and other staff <p>e. To have oversight to ensure that remuneration terms of appointments are appropriate.</p> <p>f. To take advice from the Pension Fund Committee with regard to decisions on pay that would impact upon pension arrangements or contributions.</p> <p>g. To set parameters for the remuneration of Chief Officers on recruitment.</p> <p>h. To ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the pay policy statement between annual reviews.</p> <p>i. To have oversight of the national pay agenda and consider the implications in the local context.</p> <p>j. To commission relevant research and/or comparative information on salaries in the public and private sectors e.g. from:</p> <ul style="list-style-type: none"> • The Council's own HR function • National and/or Regional employers' organisations • Independent consultancy organisations with relevant experience in pay market analysis • Submissions made by the Associations on behalf of their members and make recommendations thereon. <p>k. To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</p> <p>l. To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</p> <p>m. To reference back to previous year's actual remuneration for Chief Officers and senior employees (definition of senior employee is consistent with CLG Code of Recommended Practice for Local</p>	
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	<p>Authorities on Data Transparency).</p> <p>n. To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</p> <p>o. To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</p> <p>p. To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</p> <p>q. To refer such items as necessary to the Council.</p> <p>r. To refer to guidance from the Secretary of State.</p>	
Constitution, Ethics and Probity Committee	<p>To have responsibility for overseeing the Council's governance arrangements.</p> <p>Proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.</p> <p>To consider and make recommendations to the Council on: (i) how it can satisfy the continuing duty to promote and maintain high standards of conduct for Members; (ii) on the Code of Conduct for Members; and (iii) on ethical standards in general across the authority.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>
Group Leaders Panel	<p>To investigate and determine allegations of a breach of the Code of Conduct for Members in the context of satisfying the Council's continuing duty to promote and maintain high standards of conduct for Members.</p>	<p>5 (By convention the Members comprise the Leaders of the political groups).</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>The Panel will take account of the views of an Independent Person.</p>
Pension Fund Committee	<p>To approve and act in accordance with the following statutory Pension Fund documents:-</p>	<p>7</p> <p>Chairman, Vice</p>

	<ul style="list-style-type: none"> • Statement of Investment Principles • Funding Strategy Statement • Governance Policy Statement • Pension Administration Strategy • Communication Policy Statement <p>To review the above documents at least triennially, or more frequently if advised by the Chief Finance Officer of the need to do so (e.g. change in statutory guidance on what these documents should cover).</p> <p>To meet review and approve the Pension Fund Statement of Accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be)</p> <p>To receive and approve the Pension Fund Annual Report.</p> <p>To invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled/admitted body) to meetings of the committee. These representatives are appointed to advise the committee on behalf of the interests they represent, but are not to have any voting rights. Further invites to scheduled/admitted bodies to be decided by the chairman of the committee.</p> <p>To appoint independent investment advisors.</p> <p>To appoint Pension Fund investment managers.</p> <p>To appoint Pension Fund actuaries.</p> <p>To appoint a performance management company.</p> <p>To appoint custodians.</p> <p>To review and challenge at least quarterly the Pension Fund investment managers' performance against the Statement of Investment Principles in general and investment performance benchmarks and targets in particular. One of these meetings to be the annual review, at which the representative from the council's performance management organisation attends to comment on the relative performance of the</p>	<p>Chairman, Members and substitutes appointed by Council.</p>
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	<p>fund managers.</p> <p>To consider actuarial valuations and their impact on the Pension Fund.</p> <p>To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.</p> <p>To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.</p> <p>To determine the appropriate course of action on any matter not specifically listed above that pertains to the leadership and/or strategic management of the Pension Fund, in particular any matter which could materially affect its financial performance or long-term standing.</p> <p>To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate</p> <p>To require that all voting members receive adequate training on matters relating to the operation of the Local Government Pension Scheme to enable the committee to fulfil its fiduciary responsibilities in a satisfactory manner.</p>	
Local Pension Board	<p>The Board is responsible for assisting with:</p> <ul style="list-style-type: none"> ○ securing compliance with Local Government Pension Scheme (LGPS) Government regulations and any other legislation relating to the governance and administration of the LGPS ○ securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator. ○ such other matters that the LGPS regulations may specify <p>Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund</p>	<p>5 Members comprising:</p> <p>2 employers side representatives (one councillor and one employer representative from an admitted body)</p> <p>2 employee side representatives (one active member and one deferred member)</p> <p>1 independent member/advisor</p>

	<p>Ensure the Pension Fund’s strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; pensions administration strategy; Pension Fund annual report and accounts; statement of investment principles</p> <p>Ensure the Pension Fund’s internal Risk Register is in place and reviewed at least annually</p> <p>Review the Pension Fund’s performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS</p> <p>Review the Pension Fund’s performance in complying with the requirements of the Pension Regulator</p> <p>Annually submit a proposed work plan for the forthcoming financial year, to the Pension Fund Committee</p> <p>To carry out any other activities relating to the efficient governance and administration of the Pension Fund.</p> <p>The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other than duties which are the responsibility of the Administering Authority (refer to Pension Fund Committee terms of reference)</p> <p>The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.</p>	
Chief Officer Appointment Panel	To deal with Chief Officer Appointments, Discipline and Capability matters.	5 Chairman, Vice Chairman, Members and substitutes appointed by Council. By convention the Members comprise:

		<p>Chairman – Leader of the Council</p> <p>Deputy Leader of the Council.</p> <p>Chairman of General Functions Committee.</p> <p>Leader of the Opposition</p> <p>Leader of the Minority opposition group</p> <p><i>One substitute from each political group</i></p>
Health and Wellbeing Board	<p>(1) To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies.</p> <p>(2) To agree a Health and Wellbeing Strategy (HWBS) for Barnet taking into account the findings of the JSNA and performance manage its implementation to ensure that improved outcomes are being delivered.</p> <p>(3) To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social wellbeing. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; the Better Care Fund; and Section 75 partnership agreements between the NHS and the Council.</p> <p>(4) To consider all relevant commissioning strategies from the CCG and the NHS England and its regional structures to ensure that they are in accordance with the JSNA and the HWBS and refer them back for reconsideration.</p> <p>(5) To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients.</p> <p>(6) To directly address health inequalities</p>	<p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Three Members of the Council</p> <p>Director of Public Health, Barnet and Harrow</p> <p>Commissioning Director for Children & Young People</p> <p>Commissioning Director for Adults & Health</p> <p>Barnet Clinical Commissioning Group-Board members x 3</p> <p>Barnet Clinical Commissioning Group-Chief Officer</p> <p>Barnet Healthwatch representative</p> <p>Independent Chair of the Adults and Children’s Safeguarding Boards (Non-Voting Member)</p> <p>NHS England</p> <p>NOTE 1: Each member will be able to nominate a substitute member if they are unable to attend.</p> <p>NOTE 2: The flexibilities given in the Local Authority (Public Health, Health and Wellbeing</p>

	<p>through its strategies and have a specific responsibility for regeneration and development as they relate to health and care. To champion the commissioning of services and activities across the range of responsibilities of all partners in order to achieve this.</p> <p>(7) To promote partnership and, as appropriate, integration, across all necessary areas, including the use of joined-up commissioning plans across the NHS, social care and public health. To explore partnership work across North Central London where appropriate.</p> <p>(8) Receive the Annual Report of the Director of Public Health and commission and oversee further work that will improve public health outcomes.</p> <p>(9) Specific responsibilities for:</p> <ul style="list-style-type: none"> • Overseeing public health • Developing further health and social care integration. 	<p>Board and Health Scrutiny) Regulations 2013(SI 218) to disapply elements of the 1972 Local Government Act have been used to:</p> <p>Waive requirement for proportionality</p> <p>Allow voting rights to members other than Members of the Council.</p>
<p>Health Overview and Scrutiny Committee</p>	<ol style="list-style-type: none"> 1. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas. 2. To make reports and recommendations to Council, Health and Well Being Board, the Secretary of State for Health and/or other relevant authorities on health issues which affect or may affect the borough and its residents. 3. To receive, consider and respond to reports, matters of concern, and consultations from the NHS Barnet, Health and Wellbeing Board, Health Watch and/or other health bodies. 4. To scrutinise and review promotion of effective partnerships between health and social care, and other health partnerships in the public, private and voluntary sectors. 5. Both Council and the Health Overview and 	<p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by Council</p>

	<p>Scrutiny Committee are authorized pursuant to Regulation 30 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 to establish together with the health overview and scrutiny committees of one or more other local authorities a joint overview and scrutiny committee. Any such joint overview and scrutiny committee shall have such terms of reference and shall exist for so long, as the appointing Overview and Scrutiny Committees may agree.</p> <p>6. Appointment of Members to any such Committees established can only be made by Full Council.</p>	
Urgency Committee	To consider any item of business which needs a decision as a matter of urgency and where a meeting of the relevant Committee is not scheduled to take place within the time period within which the decision is required.	3 Appointed by Council.
Residents Forums <u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards. <u>Hendon Residents Forum</u> Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards <u>Finchley and Golders Green Residents Forum</u> Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and	<p>Residents Forums provide an opportunity for any resident to raise local matters. Local matters are any matters which are relevant to the Council except for matters relating to specific planning or licensing applications.</p> <p>Items and questions must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.</p> <p>The Forum Chairman has the discretion to accept items and questions with less than five days notice if they deem the matter to be urgent. Responses to urgent matters will be responded to by officers at the Forum meeting.</p> <p>The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.</p> <p>The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.</p> <p>The Chairman will determine issues in the following way:</p> <ol style="list-style-type: none"> 1. Residents will have the opportunity to 	A Chairman and Vice-Chairman of each appointed by the Council.

<p>East Finchley Wards</p>	<p>discuss the issue raised</p> <ol style="list-style-type: none"> 2. Chairman, Chief Officers or other relevant officers may respond to the issues raised 3. Having considered the issues the Chairman can take the following actions: <ul style="list-style-type: none"> - note the issue and take no action - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response - instruct that Ward Members are notified of the issue. - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee <p>When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.</p>	
<p>Local Strategic Partnership (Barnet Partnership Board)</p>	<p>(a) A Local Strategic Partnership is an advisory committee which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies. In Barnet the functions of a Local Strategic Partnership are discharged by the Barnet Partnership Board.</p> <p>(b) The Barnet Partnership Board is not the ultimate decision maker. All target-setting and consequential financial, commissioning or contractual commitments proposed by it must be formalised through the Council's Decision making structure or through one of the other members of the Board (for example if policing resources are involved). Note; Provisions relating to the Health and Well Being Board are slightly different and reflect Government Regulations on their remit and legal status. Terms of Reference are set out in Responsibility for Functions.</p>	<p>Leader of the Council Other Council representatives to be appointed by Annual Council Senior representatives from: Met Police Middlesex University Barnet Clinical Commissioning Group Community Barnet Brent Cross Shopping Centre Barnet and Southgate College Job Centre Plus</p>

	<p>(c) The Council will exercise a leadership role in relation to the Barnet Partnership Board and specifically will ensure that it has a formal constitution setting out its terms of reference, membership, organisational and management arrangements and the duties and responsibilities of Partnership members, such duties and responsibilities to be incorporated into a partnership agreement to be signed by all Partnership members.</p> <p>(d) The Council will ensure that the Barnet Partnership Board develops clear and transparent lines of accountability and responsibility between its members.</p> <p>(e) The Council will, on an annual basis (or at more frequent intervals should it deem it appropriate to do so), consider a report on the work and performance of the Barnet Partnership Board and its thematic Boards, Partnerships and sub-Partnerships, such annual report to include, amongst other things, a review of the governance arrangements and the progress made in respect of Sustainable Community Strategy priorities and objectives.</p> <p>(f) The Council will ensure that a Partnership Register is maintained (and regularly reviewed) by the Council's Officers which sets out key information in relation to the governance arrangements of the Barnet Partnership Board, its thematic Boards, Partnerships and Sub-Partnerships, to include details on terms of reference, membership, financial arrangements, statutory requirements, accountability, risk assessments and data sharing protocols.</p> <p>(g) The Council will ensure that appropriate arrangements are in place to enable appropriate review of the Barnet Partnership Board, thematic Boards, Partnerships and sub-Partnerships and relevant partner associations in accordance with statutory provision.</p>	
Children's Trust Board	The Children's Trust is the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people. The Children's Trust is not a separate	The Board will be chaired by the Lead Member for Children's Services as appointed by the Council.

	<p>organisation. Each partner within the Children’s Trust retains its own functions and responsibilities within the wider partnership framework.</p> <p>Section 10 of the Children Act 2004 places a duty on Local Authorities and other specific agencies to co-operate and improve the well being of children in relation to the five every child matters outcomes:</p> <ul style="list-style-type: none"> • Be healthy • Stay safe • Enjoy and achieve • Make a positive contribution • Achieve economic wellbeing <p>The Children’s Trust Board (CTB) provides inter-agency governance to ensure that partners in Barnet are working effectively together to improve the well being of children and young people.</p> <p>The Children’s Trust Board is an essential channel to ensure that a shared set of better outcomes for children and families are delivered by a range of partners. It is leading the development of inter agency arrangements to support families with complex needs, through the expansion of the Intensive Family Focus Programme. Partners are being asked to invest in the scheme in proportion to the proven cost savings through effective intervention.</p> <p>The Children’s Trust Board is responsible for the following:</p> <ul style="list-style-type: none"> • To develop and promote a local vision – set out in the Children and Young People Plan (CYPP) – to drive improved outcomes for local children, young people and their families • To serve as the strategic forum where agreement can be brokered and agreed. This includes providing a strategic framework within which the partners may commission services in a coordinated way using either joint or aligned budgets • To serve as the strategic interface for Children's Services with the LSP/ Barnet Partnership Board, neighbouring borough services and organisations and with national bodies and government 	<p>Members are able to delegate a deputy of suitable authority if they are unable to attend, by agreement with the chairman.</p> <p>Current partners are:</p> <ul style="list-style-type: none"> • LB Barnet • Barnet Clinical Commissioning Group • CommUnity Barnet • Barnet and Southgate College • Metropolitan Police • Primary, Secondary and Special Schools
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	<ul style="list-style-type: none"> • To develop and carry out on-going review of a strategic three to five year vision • To oversee development, delivery and reviewing of the CYPP • To monitor progress, including via a report produced on the extent to which the Children’s Trust partners act in accordance with the CYPP and a report from the Barnet Safeguarding Children Board. 	
<p>Safer Communities Partnership Board</p>	<p>The Safer Communities Partnership Board (SCPB) is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending and promote social cohesion. It acts as the Crime and Disorder Reduction Partnership as defined (and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act. The SCPB operates within the constitutional requirements of Barnet Council, the Metropolitan Police and other partner agencies, who ensure that the Board’s approaches to policy formulation and resource allocation are consistent with those of the agencies concerned. It is a thematic subgroup of the Barnet Partnership Board which has overall strategic responsibility and has delegated to the SCPB the responsibility for delivering the Strong Safe Communities for Everyone theme of the Sustainable Community Strategy.</p> <p>It is taking forward one of the objectives in the strategy to develop an Integrated Offender Management system that brings together the different agencies involved in managing the punishment and rehabilitation of offenders in a much more efficient and joined up way, reducing the risks of reoffending and ensuring far more offenders complete their drug rehabilitation successfully.</p> <p>Barnet Safer Communities Partnership is an unincorporated body and therefore it does not have a legal personality. Its members work collectively within their own individual legal frameworks.</p>	<p>Meetings will be quarterly and a quorum will comprise four members provided this consists of:</p> <p>The Chairman or Vice Chairman</p> <p>At least one representative each of the Council and the Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> • London Probation Trust • National Probation Service • London Fire Brigade • Barnet Clinical Commissioning Group • MOPAC- Mayor’s Office for Policing and Crime • Barnet Safer Neighbourhood Board • Middlesex University • North West London Magistrates’ Court • Community Barnet • Victim Support, North London Division • Department for Work and Pensions <p>The Chairman will be an elected Local Authority member to reflect the Council’s role in providing community</p>

		<p>leadership in this area.</p> <p>The Vice Chairman will be from the Metropolitan Police. These charring arrangements will be reviewed and agreed at the first meeting of the Board in each new municipal year.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend.</p>
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ANNEX B TO RESPONSIBILITY FOR FUNCTIONS SCHEME OF DELEGATED AUTHORITY TO OFFICERS

i. POWERS DELEGATED TO OFFICERS

General Powers

1.1 Chief Officers as listed in Article 9 can take decisions:

- to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to, Committees or Council;
- in all matters where they have managerial or professional authority;
- to authorise and accept quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules for approved schemes with sufficient estimate provision;
- to agree settlements of up to £1,000 subject to budget and audit trails;
- to agree financial settlement where recommended by the Ombudsman or a Court;
- without exception, in cases of emergency. This covers emergency decisions that were not anticipated within the budget or Service Plans but nevertheless relate to everyday business, not major changes / decisions outside the approved budget and statutory plans listed as being for decision by Council. For example school heating system fails during mid-winter, or a school roof collapses today. These decisions must be taken in consultation with the Chairman of Policy and Resources Committee.

1.2 All officers to whom powers are delegated under the Constitution will authorise another officer or officers to exercise those powers during periods for which they have given formal notification that they will be absent or unable to be contacted, or when they cannot be contacted due to illness or other indisposition, or in cases of utmost urgency where they cannot be contacted by any means.

1.3 Chief Officers may use whatever means they consider appropriate to discharge those functions within their scheme of delegation, including:

- incurring expenditure and collecting income;
- engaging and deploying staff;
- deploying other resources within their control;
- placing contracts and procuring other resources within or outside the Council.

- 1.4 Specific Chief Officers have powers to deal with regulation, licensing enforcement, staffing and other statutory matters which are functions for which the Council is responsible, or for which the Council, acting as Licensing Authority, is responsible. These powers must be set out in the Chief Officers Scheme of Delegation.
- 1.5 Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. Where this is the case, the views of the Chairman of the relevant Committee should be sought as to whether or not it is appropriate to use the delegation. All delegated powers reports must indicate that this process has been undertaken.

Recording of delegated powers to Officers

- 1.6 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
 - The service of formal notice
 - Awarding a contract or incurring expenditure which, in either case, materially affects the Council's financial position
 - The fixing of fees and charges which are broadly in line with or lower than inflation 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
 - Granting a permission or licence
 - Affect the rights of an individual (i.e. to change an individual's legal rights)
 - 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
- 1.7 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.
- 1.8 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

1.9 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.

Specific Powers

1.10 In addition, in consultation with the Chairman of Policy and Resources Committee:

Directors have the power (subject to Chief Financial Officer approval as set out in Financial Regulations) to agree revenue virements for sums in excess of £50,000 and up to £250,000 between service directorates and employee and non-employee expenditure.

Details of the Scheme of Revenue and Capital Virements can be found in Financial Regulations.

Where people processes are in accordance with the Council's Terms and Conditions of employment and any cost can be contained within the Group or Delivery Unit budget then this is a matter for the relevant Director.

Where the staffing or managerial issues will incur costs which cannot be contained within the Group or Delivery Unit's annual budget but can be contained within the Council's Annual budget then this must be reported through delegated powers of Head of Paid Service.

The only exception to these Specific Powers is where:

- a. Where 20 or more employees are placed at risk of redundancy/TUPE transferred,
- b. Terms and conditions of employment are to be introduced (this excludes compliance with statutory requirements) or replaced (this means a new term or condition)
- c. The Severance package per individual is £100,000 or more, in which case the matter must be referred to Remuneration Committee
- d. The Salary package to be offered is £100,000 or more, in which case the matter must be referred to the Remuneration Committee

In these cases the matter must be referred to General Functions Committee or Remuneration Committee as appropriate for decision.

1.11 The following Officers also have the powers indicated:

- The Commissioning Director, Growth and Development to make decisions about:
 - (i) The acquisition of properties under the private sector leasing scheme, for £20,800 per annum or less or as a one off consideration; and
 - (ii) The Commissioning Director, Growth and Development shall have authority to sign the private sector leases as detailed at (i) above
 - All disposals of freehold interests and leases where a capital premium is obtained for the interest will be agreed by Assets, Regeneration and Growth Committee.

Restrictions and Conditions

1.12 Directors and Chief Officers will not take decisions that are reserved to another decision making body under this constitution, and in particular they will only take decisions that are reserved to Council under this Constitution in an emergency and if it is lawful for them to do so.

1.13 Decisions taken by officers must be recorded and made available to members of the Council either as individual decisions or via lists of summary decisions taken under delegated powers published on the Internet.

1.14 Chief Officers may authorise other officers to exercise these powers in practice, but they are taken in their name and they remain their responsibility.

1.15 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

2 OFFICER DELEGATIONS

This scheme sets out those delegations made to the Chief Executive and Chief Officers (as listed in Article 9) whether by the Council (refers to the 63 Councillors meeting as a body) 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, 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.

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.

3. DELEGATION OF POWERS

3.1 In exercising delegated powers officers must:

- a. Comply with any strategy, policy, plan or direction directed by Members of the Council;
 - i. Comply with the Council's Financial Regulations, Contract Procedure Rules and Human Resources Regulations in force at the time;
- b. Only incur expenditure within approved limits/estimates;
- c. 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;
- d. Ensure compliance with the law and all policies, regulations, orders, codes, protocols and similar documents approved by the Council or one of its Committees;
- e. Inform members with specific functional responsibilities and Ward members about the exercise of powers;
- f. Consult with other relevant officers with proper regard to any advice given;

- h. Authorise another officer or officers to exercise those powers when they are absent or cannot be notified;
 - i. Keep appropriate records and registers of decisions and report to Council, or Committee if required;
 - j. Be accountable to the Council and Members or Committee, from which those powers derive;
 - k. Be subject to decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power;
 - l. Operate under the terms of officers holding politically restricted posts.
- 3.2 Where appropriate the Chief Executive may exercise any function delegated to any other officer, unless prohibited by law.
- 3.3 Chief Officers may exercise any function delegated to any other officer within their Scheme of Delegation, unless prohibited by law.
- 3.4 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.
- 3.5. Where a function is delegated to a Chief Officer or Director, he/she may sub-delegate the function to another senior officer where any function is sub-delegated in this way, the Chief Officer retains the power to recall any matter for decision, unless prohibited by law.
- 3.6 Officers exercising delegated powers may make decisions that were not anticipated within the budget or Service Plan but nevertheless relate to everyday business.
- 3.7 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.
- 3.8 The use of Delegated Power Reports (DPR) will be by exception and only when there is a clear need to do so.
- 3.9 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;
 - 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. A matter 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 and Strategic Director for Commissioning 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 of 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.

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:

To be the Head of the Paid Service	The Local Government and Housing Act (1989)
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 9 as Statutory Officers.	Council
Leadership of the Strategic Commissioning Board to set overall outcomes for the Council and develop commissioning strategies.	Council
Co-ordination, direction and monitoring of the Council's initiatives to achieve efficiency and best value in the delivery of its functions.	Council
Taking any action necessary to ensure the effective and efficient management and operations of the Council.	Council
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.	Section 4, Local Government Act and Housing Act (1989)
Taking any action necessary to ensure the effective development and delivery of the Council's key strategies and services.	Council
To make any decision delegated to another officer.	Council
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.	Section 4-12 of the Local Government and Housing Act and Section 112 of the Local Government Act 1972
Appointment of officers to deliver the statutory functions of the Council and authorise them to do so under relevant legislation.	Council
Exercise the powers of the Council in relation to general power of competence	Section 1 Localism Act 2011

Discharge of the functions of the Electoral Registration Officer and, where required, the Returning Officer	Council
Appointment and proper management of the authority's staff subject to the DCLG guidance on appointment of staff with remuneration packages of £100,000 by the General Functions Committee.	Council
Ensure the facilitation of the Barnet Partnership Board and that it meets Government requirements.	Council
Preparation of the Barnet Corporate Plan and other key corporate policies as appropriate, for agreement by Policy and Resources Committee	Council
Responsibility for the overall co-ordination and performance management of the Council's operations, including arrangements for managing major projects.	Council
Responsibility for Council communications.	Council
Responsibility for the Council's risk and reputation management by ensuring it operates in an open, accountable and democratic manner.	Council

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 Regulations.

Responsibility for functions including:

To be the Council's statutory Chief Finance Officer and S151 Officer	Section 151, Local Government Act 1972)
Ensuring that the Council operates within required financial policies and procedures to ensure the efficient and appropriate use of public money.	Section 151, Local Government Act 1972)
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, binds, 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.	Section 115 (2), Local Government Act 1972
Make any statutory declaration in connection with the transfer of securities.	Section 146, Local Government Act 1972
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.	Accounts and Audit Regulations 2003
Exercising the functions of the Council relating to procurement.	Council
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.	Council
To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments.	Council
To write off debt amounts up to and including £5,000 in consultation with HB Public Law.	Council
Authority to write off overpayments of salary allowances	Section 30, Local

<p>or pensions which occur as a result of the death of an employee or pensioner.</p>	<p>Government (Miscellaneous Provisions) Act 1976</p>
<p>In relation to the Pension Fund:</p> <ul style="list-style-type: none"> • To implement the decisions of the Pension Fund Committee (PFC) efficiently and effectively. • To administer the Pension Fund within the parameters set by the PFC, delegating these responsibilities as appropriate to other council officers and/or external contractors. • To advise the PFC on all matters pertaining to the management of the Pension Fund, drawing upon the knowledge and expertise of other council officers, the independent advisor, the actuaries and other sources where appropriate. • To attend PFC meetings, ensuring an appropriate substitute is sent where attendance is not possible. • To require other relevant individuals to attend PFC meetings where appropriate. • To require the Fund's independent advisor to present a report each quarter to the PFC on the key and emerging issues that will or could affect the Pension Fund's future performance and standing • To organise adequate training to enable members of the PFC to be in a position meet their fiduciary responsibilities in relation to the Pension Fund. • To request that the Chairman convene additional meetings where a matter arises that requires its urgent consideration. • To prepare and submit the following Pension Fund documents for approval to the PFC on either triennially or more frequently than this should circumstances require:- <ul style="list-style-type: none"> ○ Pension Fund Annual Report ○ Statement of Investment Principles ○ Funding Strategy Statement ○ Governance Policy Statement ○ Pension Administration Strategy ○ Communication Policy Statement • To publish the documents detailed above, upon their approval by the PFC, in a timely, accessible and cost-effective manner. • To make available to scheme representatives, scheme members and any other interested bodies, 	<p>Council</p>

upon request, any other information pertaining to the London Borough of Barnet Pension Fund where this is not covered by exemptions provided by Acts of Parliament.	
With HB Public Law to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals, new leases, and acquisitions of land, whether freehold or leasehold, in accordance with legislation relating to Best Consideration and with the Asset, Land and Property Rules, specifically the thresholds set out in Annexes A and B	Local Government Act 1972
To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.	
Responsibility to report if a 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.	Section 114 and 114a, Local Government Finance Act (1988)
Report on the robustness of the authority's budget calculations and the adequacy of the Council's proposed financial reserves.	Section 25, Local Government 2003
Authority to provide financial information to the media, members of the public and the community.	Council
The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.	Council

DELEGATED AUTHORITY TO THE DEPUTY CHIEF OPERATING OFFICER (DEPUTY SECTION 151 OFFICER)

Approving the issue of grants to the voluntary sector and individuals for amounts £5,000 and below.	Council
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DELEGATED AUTHORITY TO THE MONITORING OFFICER

Responsibility for functions including:

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.	Section 5 and 5a, Local Government and Housing Act (1989)
All democratic processes for the Council.	Council
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.	Council
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.	Section 5 and 5a, Local Government and Housing Act (1989)
Maintenance of the Register of Members' Interests, Gifts and Hospitality	Sections 29 and 30, Localism Act (2011), The Relevant Authorities (disclosable pecuniary interests) Regulations (2012)
Advice to Members on the Members Code of Conduct	Members Code of Conduct
Key role in the framework for local determination of complaints	Sections 28-34, Localism Act (2011)
Advice to Members on Compensation or remedy for maladministration	Section 92, Local Government Act (2000)
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.	Council
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	
The maintenance of the Constitution and its availability to	Council

members, officers and the public. Authority to amend the Constitution to give effect to decisions of Council 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 before any finding by the Ombudsman, in accordance with Section 92 of the Local Government Act 2000.	Council
Considering requests for and where appropriate granting dispensations under section 33 of the Localism Act 2011, with any dispensation granted being reported to the Committee where the dispensation is being granted.	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, or any Committee or Sub-Committee.	

HEAD OF GOVERNANCE

Responsibility for functions including:

All Head of Governance functions in the constitution	Council
Members declarations of acceptance of office	Council
Members notice of resignation	Council
Giving notice of casual vacancies	Council
Convening Council to fill Mayoral casual vacancy	Council
Signing summonses for council meeting and receiving notices as to Members addresses for summonses	Council
Receiving notification of political groups for the calculation of political balance	Council Local Government and Housing Act 1989
Deposit of documents	Council
Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.	Council
Returning Officer for election of statutory parent governor representatives to serve as co-opted Members of the Children, Education, Libraries & Safeguarding Committee	Council
Facilitating the appointment of representatives to the Local Pension Board in accordance with statutory requirements	Council

DELEGATED AUTHORITY TO THE STRATGIC DIRECTOR FOR COMMISSIONING

Having regard to Section 3 (Delegation of Powers) authority to discharge any of the functions delegated to the Commissioning Directors for: Children & Young People; Adults & Health; Environment; and Growth & Development (as detailed in this Scheme) - except where officers are exercising specific responsibilities under statute as set out in Article 9 as Statutory Officers.	Council
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DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR, CHILDREN & YOUNG PEOPLE (DIRECTOR OF CHILDREN'S SERVICES (DCS))

Responsibility for functions including:

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	Sections 13, 14, 15, 16, Children Act 2004

and promoting the welfare of children in the Council's area.	
Establish and maintain information databases in relation to the well-being and safeguarding of children.	Section 12 and 18, Children Act 2004
Preparation and publication of a Children's and Young People Plan	Sections 17 and 18, Children Act 2004
Duty to promote the educational achievement of looked after children.	Children's Act 1989 (as amended)
Duty to provide the Secretary of State , if so directed, with information on individual children	Children's Act 1989 (as amended)
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.	Section 18, Children Act 2004
Responsibility for any additional functions as the authority consider appropriate	Section 18, Children Act 2004
Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of early years, schools, family support, youth services, libraries, children's safeguarding and children's social care	Council

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR ADULTS & HEALTH (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	
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.	Council
Assessment of the need for, and where necessary provide, services and/or residential accommodation for those suffering from a disability, including a mental disability.	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 Community Care Act, the Health and Social Care Act and the Mental Capacity Act.
Assessment and planning to meet the needs of carers of vulnerable people.	The Carers and Disabled Children Act 2000.
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.	The Police and Criminal Evidence Act
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	Council

allocations to eligible individuals to but care and support).	
Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of health & well-being partnerships, adult social care, adults safeguarding, sports & physical activity and leisure services	Council

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR GROWTH AND DEVELOPMENT

Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of planning and development management, regeneration, housing enterprise, skills, employment, building control, land charges and strategic planning	Council
<u>Authority, in consultation with the Chairman of the Performance and Contract Management Committee, to fulfil the Council's obligations with respect to meeting contractual requirements, which have to be made in a timely way, in the Joint Venture Agreement. These decisions would be reported retrospectively to the Performance and Contract Management Committee</u>	<u>Council</u>

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR ENVIRONMENT

Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of waste management, street cleansing, community safety, cemeteries and crematorium, trading standards and licensing, environmental health, parks and open spaces, highways and regulatory services	Council
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PUBLIC HEALTH COMMISSIONER (DIRECTOR OF PUBLIC HEALTH (DPH))

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:

Write and publish the Annual Report on the health of the local population	Section 73B (5) & (6) of The NHS Act 2006, inserted by section 31 of the 2012 Act). (Directors of Public Health in Local Government: i. Roles, responsibilities and context (Oct. 2012, p.9., para. 3.2.)
All of the local authority's duties to take steps to improve public health	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
Exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
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	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
Responsibility for the local authority's public health response as a responsible authority in areas such as making representations about licensing applications	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 2012 Act.
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	National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5.

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.”

Definitions

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

“Authority” – refers to the legal entity of Barnet Council

“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 by the Officer.

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Full Council Procedure Rules

Types of meetings

1. ANNUAL MEETINGS OF THE COUNCIL

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. The matters to be considered at the Annual Meeting shall be

- (a)
 - (i) Apologies for absence
 - (ii) Declarations of interest
 - (iii) Electing a Mayor and noting the appointment of the Deputy Mayor;
- (b) Approve the minutes of the last meeting;
- (c) Receive official announcements;
- (d) Electing the Leader of the Council for the ensuing four year period;
- (e) Noting the appointment of the Deputy Leader of the Council;
- (f) Noting the appointment as Leader of the Opposition of the Leader of the largest political group other than the group of which the Leader of the Council is a member;
- (g) Appointing the Chairman, Vice Chairman and members of Committees, and other regulatory bodies and approving their respective terms of reference;
- (h) Agreeing the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree;
- (i) Appointing representatives to Outside Bodies unless the appointment has been delegated by the Council;
- ~~(j) Agree the Council Calendar of meetings including for ordinary meetings of the Council;~~
- (k) Reports from other Committees and Officers as required to in the proper discharge of functions delegated by Council.

2. ORDINARY MEETINGS

2.1 The matters to be considered at an Ordinary Council meeting shall be:

Part 1 - Statutory formalities/Announcements (15 minutes)

- 1. Apologies for absence
- 2. Elect a member to preside if the Mayor is absent

3. Prayer
4. Declaration of interest
5. Minutes of last meeting
6. Official announcements
7. Any business remaining from last meeting
8. Agree the Council Calendar of meetings including for ordinary meetings of the Council

Part 2 - Question Time (30 minutes or until 7.45 p.m. whichever is longer)

- 89.** Questions to the Leader (and Committee Chairmen if he/she has delegated)

Part 3 - Statutory Council Business (60 minutes)

- 910.** Petitions for Debate (20 minutes). A petition organiser (up to 5 minutes) and Members responding (up to 15 minutes)

4011. Reports from the Leader

4112. Reports from Council Committees

4213. Reports of Officers

4314. Questions to Council Representatives on Outside Bodies

Break (15 minutes)

Part 4 – Business for Debate (45 minutes)

- 4415.** Motions (45 minutes)

Discussion of up to two motions: At least one motion originating from the Opposition to be debated if submitted. The Opposition is the next largest political group after the ruling administration.

~~The motion debated will be determined by Council if there is more than one submitted, subject to: the opposition motion debated will be determined by the opposition if there is more than one submitted.~~

If there is more than one motion submitted, the Opposition motion debated will be determined by the Opposition, and the Administration motion will be determined by the Administration.

- 4516.** Motions for Adjournment

If time permits at the end of a meeting further motions may be debated. The selection of motions to be debated will be decided following a member moving a particular motion and the Mayor putting this to a vote by members present. Voting will be by a show of hands. If agreement is not reached in relation to the first proposed motion, further motions may be

proposed until agreement on the motion to be debated is reached. The other Rules of debate in relation to motions set currently within the Constitution will apply to Motions for Adjournment. The process can be repeated, but no motions shall be transacted after 10pm. At 10pm without further debate, the Mayor shall immediately put to the vote the motion under debate and end the meeting.

2.2 The provisions in Meeting Procedure Rules 14.1 and 14.2 also apply to Council, namely that no business shall be transacted after 10 pm and any business transacted after that time shall be null and void, but that at any meeting of Full Council, the Mayor or person presiding as Chairman may extend the period for the transaction of business to 10.30 pm.

3. EXTRAORDINARY MEETINGS

3.1 The Mayor may call an Extraordinary Meeting of the Council at any time.

3.2 Five Members of the Council may also request the Mayor to call an Extraordinary Meeting. The meeting must be called within seven days of the notice being present to the Mayor, although there is no time limit by which the meeting must take place.

3.3 If the Mayor refuses, or does not call the meeting within seven days, any five Members may themselves call an Extraordinary Meeting.

3.4 The only business permitted at an extraordinary meeting is that which appears in the summons.

4. BUDGET COUNCIL MEETINGS

4.1 The Council shall hold a Budget meeting at time, date and place fixed by the Council to approve the budget and Council Tax for the ensuing financial year. Only Parts 1 (Statutory Formalities/Announcements) and 3 (Statutory Council Business) will apply to the Budget meeting.

5. ROLE OF MAYOR.

5.1 At the meeting of the Council, the Mayor, if present shall preside.

5.2 If the Mayor is absent from a meeting of the Council then the person appointed by the Mayor as Deputy Mayor if still a Councillor shall preside if chosen for that purpose by the Councillors present.

5.3 If the Mayor and Deputy Mayor are absent from the meeting or if the Deputy Mayor being present is not chosen, then another Councillor chosen by the Councillors present shall preside.

5.4 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the Mayor (or other person presiding at the meeting)

- 5.5 The ruling of the Mayor or person presiding at the meeting concerning the interpretation or application of these procedure rules shall not be challenged at any meeting of the Council.

6. VARIATION

The following order of business may not be changed:

- 6.1 To deal with any business required by statute to be done before any other business

The order of any other business may be varied:

- 6.2 By the Mayor at his or her discretion either at or before the meeting; or
- 6.3 By a Business Item put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of the Business Item is required.

7. SUSPENSION OF PROCEDURE RULES

The Council at any of its meetings may suspend any procedure rule provided that:

- 7.1 Either due notice has been given, or Council agrees that it is a case of urgency, and
- 7.2 The Business Item to suspend a procedure rule is moved, seconded and carried without discussion by a majority of the members of the Council present and voting.

RULES THAT APPLY TO THE WHOLE OF ALL COUNCIL MEETINGS

8. VALIDITY OF MOTIONS, AMENDMENTS AND QUESTIONS

- 8.1 Every motion, amendment and question shall be relevant to matters within the Council's powers or duties or which affect the borough. The Mayor shall, if need be, give a ruling as to whether the Motion is relevant.
- 8.2 If the Head of Governance has any doubts about any motion, amendment or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.
- 8.3 If the Mayor considers the motion, amendment or question to be vexatious, irrelevant, or otherwise improper, the Head of Governance will return it to the Member who submitted it. The Head of Governance will explain to the Member in writing why it will not be included on the agenda circulated for the meeting.

9. GENERAL PROVISIONS FOR MOTIONS AND AMENDMENTS

An amendment must be relevant to a Motion on the agenda and shall be to either:

- 9.1 refer a subject of debate to a committee for consideration or reconsideration;
or
- 9.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the Motion before the Council.
- 9.3 No member may submit more than one amendment to a particular Motion or report on the agenda.
- 9.4 If requested by the Mayor, the mover of a Motion or amendment shall put it in writing and hand it to the Mayor before it is discussed or put to the vote. This procedure rule does not apply to Motions or amendments where notice has been given in accordance with these procedure rules.

10. ALTERATIONS TO MOTIONS OR AMENDMENTS

- 10.1 A Member may amend a Motion in their name by submitting the amendment in writing to the Head of Governance by 10.30am the day before the meeting.
- 10.2 Amendments to items on the agenda will be e-mailed to Members and hard copies placed in the Group Rooms by midday of the day of the meeting.
- 10.3 After the deadline referred to at 10.1 above, a Member may only move an amendment to a Motion in their name orally from the floor.

11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS

- 11.1 The Member who has submitted a Motion can withdraw the item prior to its consideration.

12. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions and amendments may be moved without notice to:

- 12.1 appoint a Chairman of the meeting;
- 12.2 question the accuracy of the minutes;
- 12.3 move that an item of business in the summons takes precedence;
- 12.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);
- 12.5 receive reports or adoption of recommendations of committees and officers and any resolutions following on from them;
- 12.6 agree to hear oral representations;
- 12.7 give leave to withdraw a Motion;

- 12.8 extend the time limit for speeches;
- 12.9 move that "the question be now put" (to the vote);
- 12.10 move that "the debate be now adjourned";
- 12.11 move that "the Council do now adjourn";
- 12.12 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;
- 12.13 move that a Member be not further heard or exclude them from the meeting;
- 12.14 deal in public with a staff matter;
- 12.15 give consent of the Council where consent is required by these procedure rules;
- 12.16 grant urgent action powers.

13 MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS

When a Motion is under debate no other motion shall be moved except:

- 13.1 To withdraw or amend the Motion;
- 13.2 Motion moved by the Mayor or another member that a member:
 - (a) "be not further heard";
 - (b) "must leave the meeting";
- 13.3 Motion to exclude the press and public;
- 13.4 Closure Motions as follows:
A member may move without comment, at the conclusion of a speech of another member;
 - (c) "That the question be now put";
 - (d) "That the debate be now adjourned"; or
 - (e) "That the Council do now adjourn".

If the motion is seconded, the Mayor shall put the motion to the vote without further discussion.
- 13.5 If the Council agree "that the question be now put", the mover of the Motion will retain his or her right of reply before the motion is put to the vote.

14 DIVISION AND VOTING

14.1 Division bell

When the mover of an original Motion is called by the Mayor to speak in response to any

debate or amendment, but not on the adoption of a committee report, the Head of Governance shall arrange for a bell to be rung.

15. VOTING

- 15.1 All motions and amendments shall be determined by a show of hands except where otherwise provided by law or in these procedure rules. However, the Mayor may use his/her discretion if the feeling of the meeting is clear, subject to any Member of the Council being able to request a formal vote. In the event of an equality of voting the Mayor shall have the right to exercise a casting vote, in accordance with the provisions of the Local Government Act 1972.
- 15.2 Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise. Members must be seated in the Chamber when voting and while the vote is being recorded.
- 15.3 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 15.4 For the Council budget meeting the minutes shall reflect on how each Member present voted, on any decision relating to the budget or Council tax.

16. VOTE TO BE RECORDED

- 16.1 If, immediately after a vote is taken, a member requests his or her vote to be recorded, the Head of Governance will record in the minutes whether that member:
- (a) cast his or her vote for or against the question; or
 - (b) abstained from voting.

17. DIVISION

- 17.1 If following a vote, ten members rise in their place and demand a formal division, the Head of Governance shall call over the names of all the members, and record and enter in the minutes those:
- (a) voting for or against the Motion or amendment;
 - (b) abstaining from voting; and
 - (c) absent from the meeting when the division was taken.
- 17.2 The voting at the division shall take the place of the voting indicated by a show of hands.

18. VOTING ON APPOINTMENTS

- 18.1 Where more than two persons are nominated for any position to be filled by the Council, and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority is given in favour of one person.

19. QUESTION TIME

- 19.1 In part 2 of the meeting the Leader of the Council will answer questions from any member of the Council. The Leader may delegate the responsibility for answering to any Chairman of a relevant committee.
- 19.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.
- 19.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.
- 19.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.
- 19.5 The Leader may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.
- 19.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 19.7 Every question shall be put and answered without discussion.
- 19.8 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow further comment from the Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman further comment may be allowed from the relevant Vice-Chairman.
- 19.9 One supplementary question and answer will be allowed on the same subject from the same members.
- 19.10 The time allowed for questions will be 30 minutes. At the end of that time the Mayor will allow an oral reply to a supplementary question commenced before the expiry of the time limit and then bring this part of the meeting to a close. The Mayor has the right to prevent any member asking or giving a protracted supplementary question or answer.

GENERAL RULES THAT APPLY TO PARTS 3 AND 4 OF THE MEETING

20. Rules of Debate

- 20.1 The rules of debate at the meeting are as follows:
- 20.2 Each Motion will be dealt with in turn in the order set out on the agenda. The Business Item need not be seconded. The Member moving the Motion, or another member of that group, will open the debate. The Leader of each of the other groups, or another member of their group, will then have an opportunity to comment and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those

entitled have spoken or completed their speeches.

- 20.3 For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.
- 20.4 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other Members to move amendments. After all the amendments have been debated the Motion will be debated. Then the Member, who opened the debate, or his / her nominee, has the right to respond.
- 20.5 At the end of debate the Mayor will put each amendment to the vote in turn. If an amendment is carried it alters the substantive Business Item.
- 20.6 The Mayor will then put the item to the vote.

21. Time for Debate

- 21.1 Each of the first speakers from each Group under Rule 20.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time the Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all the business for that part of the meeting has been dealt with. The Mayor will then put the remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.
- 21.2 For all other items of business (e.g. reports of Committees or from Officers), each of the first two speakers may speak for a maximum of three minutes and all other speakers a maximum of two minutes.
- 21.3 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, Motion or recommendation be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.
- 21.4 The mover of an original Motion shall have a right of reply at the close of the debate on the Motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original Motion has the right to respond or to accept the amendment.

22 Motions

- 22.1 Motions must consist of comments or requests addressed to the Council. They must address broad policy issues and relate to the Council's powers or duties or matters that affect the Borough or its residents.
- 22.2 Motions may not promote a policy initiative which has been rejected, or negate a policy

initiative that has been agreed by Council or its committees in the six months before the meeting.

23. Members Motions

- 23.1 Any Member may put a Motion on the agenda for an ordinary meeting of the Council, except the meeting that deals with the Budget and Council Tax. The Motion must be delivered by e-mail, and received by the Head of Governance by 10.30am at least six clear working days before the day of the meeting. Any Motion delivered after 10:30am will be recorded as received on the next working day.
- 23.2 The Head of Governance shall keep a record of the date the notice was received and any member of the Council may inspect the record.
- 23.3 The Head of Governance shall set out in the summons for the meeting all Motions in order of receipt.
- 23.4 Once the Motion is on the agenda, any Member may move the Motion at the meeting. If the Motion is not moved it shall be treated as withdrawn, unless the Council agrees to postpone it.
- 23.5 If the Member's Motion is not dealt with by the end of the meeting, it will be referred to the appropriate Council Committee or sub-Committee for consideration and any necessary action. (However, if the proposer has specifically asked in his or her notice for the Motion to be voted on at that Council meeting it will be voted on without discussion).
- 23.6 A Member who has a Motion on the agenda may submit a further Motion by 10.30am on the last working day before the meeting asking for the Motion to be withdrawn and referred to the appropriate council committee. The member must sign the Motion Item and deliver it to the Head of Governance by hand, post, or e-mail.

RULES THAT APPLY TO PART 2 OF THE MEETING

24. Questions on Committee reports

A member may ask the Chairman of a Committee, or a member moving the reception of the report of the committee, any question on it whilst it is being considered. Notice of the question should be given to the Chairman, or any member moving the report, where practicable. Every question shall be put and answered without discussion. The person to whom a question has been put may decline to answer.

25. Questions to Council representatives on Outside Bodies

- 25.1 At an ordinary meeting, a member, who has given 10 clear working days written notice to the Head of Governance, may ask any question about the activities of a company or outside body to any member or officer who has been appointed or nominated to the outside body.
- 25.2 The member or officer may decline to answer if the question would disclose information

about the outside body that has been communicated to him or her in confidence.

25.3 An answer may take the form of:

- (a) an oral or written answer (officers will invariably give written answers); or
- (b) a reference to a Council publication; or
- (c) a holding reply where it is not possible to give an immediate response. A written response must be circulated to members when the information is available.

25.4 No discussion shall be permitted about any question or the reply to it.

25.5 Questions and answers will be recorded.

26. Procedure for Policy and Resources budget report

26.1 The Chairman of Policy and Resources, or in his/her absence the Vice-Chairman, must move a motion for the report to be received. The mover may speak for five minutes.

26.2 If the motion is approved, the recommendations in the report shall be moved for reception by each page number being called out.

26.3 If a member has submitted notice of an amendment on a particular item, the Mayor will invite him or her, or another member, to move the amendment. If the amendment is seconded, the mover of the amendment may speak for five minutes when moving the amendment. His or her seconder may also speak for four minutes or, on request, later in the debate. If the amendment is not moved, it shall be treated as having been withdrawn.

26.4 Only one amendment may be moved, discussed and voted on at any one time.

26.5 After all the amendments to the report have been dealt with in this way; the whole report shall be moved for adoption, subject to any amendments agreed at the meeting. The Business Item must be seconded and voted on without further discussion.

27 Public Questions to the Leader of the Council

27.1 Members of the public are permitted to submit written questions to the Leader in accordance with the following provisions:

- Any question must be delivered **in writing, including** by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting. Any questions submitted after that time will not be considered,
- The question should not relate to a matter previously considered by a committee and subject to the six month rule,
- The question should not relate to a matter that is within the remit of a committee, or be a matter best addressed by a committee. If this is the case, then the question should be directed to the appropriate committee.

- The question must not be in substance a question that has already been considered by the Leader in the preceding 6 months.

Every question will be answered in writing. The Leader may decline to answer a question in exceptional circumstances and should include the reason for not answering the question. Any questions not answered will be directed to the next relevant meeting of the themed committee.

Meetings Procedure Rules

NOTE ON THE CONDUCT OF LICENSING HEARINGS

Notwithstanding the following procedure rules for Council Committees and Sub-Committees, all hearings relating to the Authority's functions under the Licensing Act 2003, will be conducted within the framework and requirements of the Hearings Regulations made by the Secretary of State under that Act.

PROCEDURE RULES FOR COUNCIL COMMITTEES AND SUB-COMMITTEES

1. Membership and Quorum

- 1.1 The following table outlines Committee and Sub-Committee Membership arrangements:

Committee	Membership	Substitute Members	Quorum
Planning Committee	11	6 (3 for each political group)	3
Area Planning Committees:			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3
Area Committees			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3

Committee	Membership	Substitute Members	Quorum
Licensing Committee	11	Not applicable	3
Constitution, Ethics and Probity Committee	7	6 (3 for each political group)	3
Group Leaders Panel	5	4 (2 for each Political Group)	3
Urgency Committee	3	3 (1 for each Member)	2
Licensing Sub-Committee	3	All other members of the Licensing committee	All three Members must be present for the meeting to proceed
Audit Committee	7	6 (3 for each political group)	3
Chief Officer Appointment Panel	5	2 (1 for each political group)	3
Performance and Contract Management Committee	11	6 (3 for each political group)	3
Children, Education, Libraries and Safeguarding Committee	9		
Adults and Safeguarding Committee	9		
Environment Committee	11		
Assets, Regeneration	9		

and Growth Committee			
Housing Committee	9		
Community Leadership Committee	11		
Health Overview and Scrutiny Committee	9		
Policy and Resources	12	6 (3 for each political group)	3
General Functions Committee	7	6 (3 for each political group)	3
Pension Fund Committee	7	6 (3 for each political group)	3
Health and Well-Being Board	12	3 (1 for each Member)	3 This must include at least one elected Councillor
<u>Community Leadership Committee Sub-Committee</u>	<u>3</u>	<u>3 (1 for each Member)</u>	<u>2</u>

2. Substitute Members – Rules

- 2.1 A substitute Member may only attend, speak or vote at a meeting in place of a member from the same political group who is unable to attend the meeting. In the case of Area Committees and Area Planning Committees, substitutions are made on the basis of ward. If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).
- 2.2 Details of membership substitutions or apologies for absence will be detailed in the formal record of the meeting.

3. Quorum – Rules

- 3.1 If a Committee or Sub-Committee is inquorate, it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed for up to 15 minutes. When 15 minutes have elapsed, the Head of Governance or their representative will count the number of Members present and if there is no quorum, s/he will advise the meeting that no business can be transacted and the meeting will be cancelled.
- 3.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting until such time as a quorum is returned.

4. Chairman of Meetings

- 4.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, the Head of Governance (or their representative) will open the meeting and he/she will seek nominations for the position of Chairman. A Chairman must be elected for the business of the meeting to be transacted. Where more than two persons are nominated for any position to be filled by the Committee or Sub-Committee and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority of votes is given in favour of one person.
- 4.2 In exceptional circumstances, the Chairman may change the date of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.
- 4.3 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the person presiding at the meeting.
- 4.4 The Chairman shall have the power to invite any persons or bodies with a particular expertise on a given agenda item to give evidence to the Committee and answer questions. This power is in addition to the Public Participation Rules elsewhere in the Constitution.

5. Minutes

- 5.1 Apologies for absence, declaration of interests and the confirmation of the minutes of previous meetings are the first items of business at the meeting, except when there is a need to elect a Chairman.

- 5.2 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. Any questions upon their accuracy shall be raised by motion and voted on without discussion. The meeting will not proceed further until the minutes are approved, either amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

Members' Rights

6. Members' Items for the Agenda

- 6.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a Committee or Sub-Committee on which s/he serves. This rule does not apply to the Licensing-Urgency Committee and Licensing Sub-Committees. A referral from Full Council will not count as a Member's item for the purposes of this rule.
- 6.2 Members' Items must be relevant to the terms of reference of the body which will consider the item.
- 6.3 The Head of Governance must receive written notice of a Member's item, at least seven clear working days before the meeting. Any item received after 5pm will be recorded as received on the next working day. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

7. Urgent Business

- 7.1 There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of a committee.
- 7.2 When an urgent matter has arisen after the publication and despatch of an appropriate agenda the following procedure applies:-

The Chairman has the authority to agree to take urgent items not on the agenda. By convention, the Chair will consult with the Vice-Chairman and Opposition Spokesperson for the committee. The Chairman (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:-

- i) the item has arisen between the compilation of the agenda and the date of the meeting.
- ii) the item requires an urgent decision in the public interest which cannot be dealt with by other means

7.3 In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and the urgent item will be taken at the end of other items of business.

8. Councillors' rights to attend and speak at Committees or Sub-Committees when they are not a Member

8.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote.

8.2 Where a Councillor is not a member of the Committee or Sub-Committee, s/he should sit in the public gallery so that it is clear to the public that the Member is not part of the body taking decisions. However if the Committee has excluded the press and public then councillors who are not members of the Committee may in most circumstances remain. There may be occasions when they will be asked to leave by the committee if the exempt item contains personal information which they do not need to know in order to fulfil their role as a councillor.

8.3 Except for the committees detailed in section 8.4 below, where a Councillor has a right to attend a Committee or Sub-Committee, s/he may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent. Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.

8.4 The following arrangements apply in the case of Licensing Committees:

8.4.1 Members may only attend and speak at Licensing Sub-Committees (or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act of 2003 or the Gambling Act of 2005) in accordance with the Members Licensing Code of Good Practice.

8.5 The following arrangements applies in the case of Planning Committees

8.5.1 Members may only address Area Planning Committees on applications which affect their ward. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes.

8.5.2 One Ward Member who is not a member of the Planning Committee will have the right to address that Committee when it considers any planning application relating to the ward in question. Where the ward is represented by Members from more than one party group one Member from each party group may address the Committee. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the

meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes.

- 8.5 Where an Area Planning Committee has referred an item up to a relevant committee, the Chairman of the Committee will have a right to attend and speak at the meeting of the Committee where the referral is being considered.

9. Disorderly Conduct

- 9.1 If the Chairman considers that a Member is behaving improperly or offensively they reserve the right to prevent the Member from speaking (but not voting) at the meeting. If the disorderly conduct continues the Chairman may require the Member be removed from the meeting. When a Member is removed, they must leave for the entire remaining part of the meeting.
- 9.2 If a member(s) of the public or press interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

Motions and Amendments

10. Validity of Motions and Amendments

- 10.1 Every motion, amendment or question shall be relevant to matters within the Committee, Sub-Committee or panel's terms of reference and to the agenda for the meeting. The Chairman of the meeting shall, if need be, give a ruling as to whether the motion is relevant.
- 10.2 An amendment must be relevant to the motion and shall be to either:-
- 10.2.1 refer a subject of debate to another Committee for consideration or re-consideration; or
 - 10.2.2 change the words (including leaving out words or adding words);
- but such changes must not merely have the effect of negating the motion before the Committee.
- 10.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 10.4 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. This is known as the substantive motion.

- 10.5 If the amendment is lost further amendments may be proposed on the original motion.
- 10.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 10.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

11. Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except motions:-

- 11.1 to amend the motion;
- 11.2 to adjourn the meeting;
- 11.3 to adjourn the debate;
- 11.4 that the question be now put;
- 11.5 by the Chairman
 - that a Member be prevented from speaking;
 - that a Member must leave the meeting;
- 11.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Decisions

12. After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and published on the Council's website and will be made available in paper format on request.

13. Reports of Committees to Council or parent body

- 13.1 There are a number of ways Committees and Sub-Committees may refer reports to their parent bodies, other Committees or Council which are set out in Paragraph 6 of the Responsibility for Functions section of the Constitution. Where a referral is made under that paragraph, the Officer's report to the Committee and any recommendations of the Committee or Sub-Committee will be submitted to the next meeting of the Council or the Committee concerned.

14. Reports of Sub-Committees and Panels

- 14.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-
- 14.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
 - 14.1.2 any Sub-Committee or panel by agreement or majority vote has agreed to suspend a decision on a particular item until the parent Committee has considered the matter.
 - 14.1.3 a Chairman of an Area Committee has referred the decision up under paragraph 12.1(2), in which case the Sub-Committee's recommendation will be referred up to the parent committee.
 - 14.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.
- 14.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.

15. Performance and Contract Management Committee / Sub-Committee – Call-in Procedure

- 15.1 The following procedure applies after a decision has been made by the West London Economic Prosperity Board (a Joint Committee in accordance with section 102 of the Local Government Act 2000).
- 15.2 Paragraph 24.4 of the Function and Procedure rules of the West London Economic Prosperity Board read as follows
- “Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.”
- 15.3 Where a decision is made by the Board the decision shall be published. Once the decision is published then it may be implemented on the expiry of 7 working days after publication unless 10 members of the Council wish to call it in.
- 15.4 The notice seeking to invoke the call-in procedure must be communicated to the Head of Governance who will then notify the West London Economic Prosperity Board.

- 15.5 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:
- (a) Inadequate consultation with stakeholders prior to the decision;
 - (b) The absence of adequate evidence on which to base the decision;
 - (c) The action is not proportionate to the desired outcome;
 - (d) A potential human rights challenge;
 - (e) Insufficient consideration of legal and financial advice;
 - (f) The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework of the Council;

- 15.6 A meeting of the Performance and Contract Management Committee (or Sub-Committee of the Committee created for this purpose), will be convened within 7 clear working days of the request for call-in.

If such a meeting is called the decision of the West London Economic Prosperity Board may not be implemented until the decisions of the sub-committee meeting are known.

- 15.7 The Performance and Contract Management Committee or Sub-Committee may:
- (a) Take no action,
 - (b) Refer the matter back to the West London Economic Prosperity Board for reconsideration

The Performance and Contract Management Committee or Sub-Committee may not refer the call-in to Council.

- 15.8 The call-in procedure set out above shall not apply where the decision being taken by the West London Economic Prosperity Board is urgent. For the purposes of this call-in procedure a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the West London Economic Prosperity Board and the interests of Barnet. Reports to the West London Economic Prosperity Board must state that the report is urgent and provide the reasons for urgency.

- 15.9 The Chairman of the Performance and Contract Management Committee must agree that the decision proposed should be treated as a matter of urgency

- 15.10 In the absence of the Chairman of the Performance and Contract Management Committee the consent of the Mayor is required.

- 15.11 The Performance and Contract Management Committee when considering a call-in shall consider the following business:

- (a) Minutes of the last meeting;
 - (b) Declarations of interest;
 - (c) The call-in request for which the meeting is convened.
- 15.12 Decisions taken as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Performance and Contract Management Committee, together with the reasons.

16. Suspension of business at Committee and Sub-Committee meetings

- 16.1 No business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void. At 10 pm and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.
- 16.2 At any meeting of the Council, Planning Committee and Area Planning Committees, the Chairman at their sole discretion may extend the period for the transaction of business to 10.30pm. This will be recorded in the Committee's decisions.
- 16.3 Residents Forums will meet at 6.30pm and will conclude their business by 8.30pm at the latest, followed by the Area Committee on the same night and same venue at 7.00pm or on the conclusion of the Residents' Forum, whichever is later.
- 16.4 If any items remain on the agenda to be dealt with, the Committee or Sub-Committee may decide to call a special meeting or refer the remaining items to the next ordinary meeting.

Voting and recording of votes

17. Voting at meetings

- 17.1 The mode of voting at all meetings of the Council, its Committees, Sub-Committees or panels shall be determined by a show of hands except where otherwise provided by law or in these standing orders.
- 17.2 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 17.3 The Chairman will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of

the Local Government Act 1972, provided s/he has voted when the motion or amendment was first put to the vote.

18. Vote to be recorded

- 18.1 A member of the body can request that his/her vote to be recorded in the minutes.

19. Filming and Recording of Meetings

- 19.1 Discreet, unlit, non-disruptive filming and recording of Council and Committee meetings by members of the public from the public gallery is allowed.

Public Participation and Engagement

1. Introduction

- 1.1 This section relates to how members of the public can participate in the formal decision making process of the Council. There are other less formal ways that the public can engage with the Council (such as Residents Forums, consultations and other working groups) all of which form part of the governance and accountability framework.
- 1.2 There are three ways in which members of the public can participate in Committee meetings. These are:
- By asking a public question
 - By making a public comment
 - By submitting a petition
- 1.3 The following sections outline the process by which members of the public can exercise their right to participate in formal committee meetings, as well as giving details of the rules governing the exercise of these powers.

2. Public Questions

- 2.1 Questions must relate to an item being considered on a committee agenda and be addressed to the Committee Chairman. Questions must detail which agenda item they are in connection with. Committee agendas are published on the Council's website five working days prior to the meeting. Members of the Public should state their current/business address or organisation when submitting questions.
- 2.2 Questions should be submitted to the relevant Governance Officer by 10am on the ~~second~~ third working day prior to the meeting (for example for a committee meeting on a Thursday the deadline would be 10am on the preceding Monday; for a committee meeting on a Tuesday the deadline would be 10am on the preceding Thursday). Any questions submitted after this time will not be considered.
- 2.3 At the meeting, a time period of up to 30 minutes, is available for public questions and comments in total.
- 2.4 Written responses to public questions will be circulated to the questioner in advance, or at the meeting. If they wish, members of the public can ask the Committee Chairman one supplementary question at the Committee

meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the Chairman.

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

3. Public Comments

- 3.1 Comments must relate to an item being considered on a Committee agenda and provide members of the public with an opportunity to address Committee Members. Committee agendas are published on the Council's website five clear working days prior to the meeting.
- 3.2 Requests to speak should be submitted to the relevant Governance Officer named on the front page of the agenda and received by 10am on the second clear working day prior to the meeting. Any requests to make comments after this time will not be considered.
- 3.3 At the meeting, each speaker will have a time period of up to three minutes to address the Committee. Committee Members will then have the opportunity to question each speaker on the representation that they have made.
- 3.4 Comments may also be made in writing within the same deadlines as paragraph 3.2 and these will be published as an addendum to a report

4. Requests to speak at Planning Committees, Area Planning Committees and Area Committees

- 4.1 Requests to speak should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting.
- 4.2 A maximum of three speakers are able to address the committee on each application or item.
- 4.3 In respect of planning committees only, there can be a maximum of two speakers in favour or against an application. The third speaker slot is reserved for the applicant or their representative irrespective of whether the application is recommended for approval or refusal. whose-The applicant's representation will be taken as the last speaker on an item.-

- 4.4 Where more than three requests to speak have been received, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.
- 4.5 When registering to speak, members of the public will be asked by the Council if they consent to having their details passed on to other supporters or objectors, thus enabling them to put forward views of others who have an interest in and wish to make representations on the application or item. If a member of the public is representing the views of others, they must inform the Committee who else they are representing when making their presentation. .
- 4.6 At the meeting, each speaker will have a time period of up to 3 minutes to address the Committee. Committee members will then have the opportunity to question the speaker.
- 4.7 Members of the public making comments to Committees are able to send a substitute if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of the substitution prior to the meeting commencing.
- ~~4.8 Where a Committee is considering an application or item that has been recommended for refusal by Officers and there are no objectors speaking on the application, the applicant or their representative shall have the right to address the Committee.~~
- 4.89 Where an application or item being considered by a Committee is referred to its parent committee for approval, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the parent committee.

5. Items and Questions to Resident Forums

- ~~5.1 Items and questions must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.~~
- ~~5.2 The Forum Chairman has the discretion to accept items and questions with less than five days' notice if they deem the matter to be urgent. Responses to urgent matters will be responded to by officers at the Forum meeting.~~
- ~~5.3 The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.~~

5.4 The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.

The Chairman will determine issues in the following way:

1. Residents will have the opportunity to discuss the issue raised
2. Chairman, Chief Officers or other relevant officers may respond to the issues raised
3. Having considered the issues the Chairman can take the following actions:
 - note the issue and take no action
 - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response
 - instruct that Ward Members are notified of the issue.
 - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee

When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.

65. Restrictions and Exceptions for Public Questions and Comments

65.1 Public questions and comments are not permitted:

- If they are requests from or in connection with the aims and activities of a political party
- If they would result in the release of confidential information, or which may prejudice enforcement
- If they relate to a matter where this is a right of appeal against any decision of the Council
- If they are defamatory, abusive or offensive
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the General Functions Committee
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Chairman of the relevant Committee or Sub-Committee, in consultation with the Head of Governance shall decide whether any particular comment or questions will be permitted.

65.2 Public questions and comments are not permitted at the following meetings:

- Council (other than the written questions to the Leader)
- Informal meetings
- Licensing sub-Committees – the procedure for making representations on licensing applications is prescribed by the Licensing Act 2003

67. Petitions

6.4 **7.1** Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and the relevant Committee Chairman.

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6.2 **7.2** Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same. An e-petition will only be accepted if it complies with the terms and conditions set out in the Council's e-petitions facility.

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7.36.3 Petitions will not be accepted if they are:
- vexatious or abusive
- relate to any enactment or statutory provision

7.46.4 Petitions relating to planning or licensing applications, appeals or reviews will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. Petitions that are submitted to the Council that do relate to Planning or Licensing matters will be taken into account by the relevant service during the consideration of an application.

7.5 Petitions will be acknowledged within 10 working days. The acknowledgement will include information on possible action to be taken by the Council and detail of how and when the petition will be reported to a

Council decision making body. — that will be taken by the Council in respect of the petition.

7.6 Petitions which receive over 25 signatures will be reported to the following decision making bodies.

<u>25 – 1,999 Signatures</u>	<u>The Relevant Area Committee</u>
<u>2,000 – 6,999 Signatures</u>	<u>The Relevant Theme Committee</u>
<u>7,000 plus Signatures</u>	<u>Full Council</u>

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6.5 Petitions that are reported to will be referred to the relevant Area Committees will be considered at the appropriate meeting in one of the following ways. The following actions are available to the Committee:

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- Note the petition
- Ask officers to present a report to a future meeting of the Area Committee
- Formally refer to a relevant Committee
- Formally instruct an officer (within their powers) to take action
- To bring the matter to the attention of the Ward Councillors (who will consider and respond to the issue individually)

67.7 Petitions that are reported to Theme Committees will be considered at the appropriate meeting in one of the following ways:

- Take no action
- Note the petition
- Agree a recommended course of action
- Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised

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76.8

In addition to the procedure outlined in paragraphs 6.6 – 6.8 above, petitions which receive 2,000 signatures and over but less than 7,000 will be considered by the next available meeting of the relevant theme Committee. Petitions are required to be received 15 days before the Committee meeting and only one petition will normally be heard per meeting with the exception of Area Committees. The Chairman of the

Committee ~~will~~may request that the relevant Chief Officer to attend the meeting to be called to give account with regard to the issue raised.

76.9 Details of the procedure to be followed at the meeting and the actions available to the Committee are set out below:

- i) Lead Petitioner is given five minutes to present the petition;
- ii) Committee Members have an opportunity to ask questions of the Lead Petitioner;
- iii) Chief Officer and Chairman of the relevant Committee respond to the issues raised in the petition;
- iv) Committee Members ask questions of the Chief Officer and Committee Chairman;
- v) Committee will then consider the issues raised and the responses received and take ~~one of the following actions~~ action as outlined in section 7.6.

- ~~• Take no action~~
- ~~• Note the petition~~
- ~~• Agree a recommended course of action.~~
- ~~• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised.~~

76.108 Petitions ~~which receive 7,000 signatures or over will be considered at the next available~~ reported at Full Council meetings ~~Petitions~~ are required to be received 15 days before the Council meeting, and only one petition will be heard per meeting. Details of the procedure to be followed at the meeting are set below:

- i) Lead Petitioner is given five minutes to present the petition;
- ii) Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.
- iii) The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take

76.119 Any received hard copy petition will be published on the ~~council's~~ Council's website via the Council's e-petition facility and processed by the Council as documented in this section.

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Financial Regulations

- 1 Introduction
- 2 Status of Financial Regulations
- 3 Responsibilities
- 4 Financial Management
 - 4.1 Budget Strategy
 - 4.2 Medium Term Financial Strategy
 - 4.3 Annual Budget Setting
 - 4.4 Budget Management and Monitoring
 - 4.5 Closing of Accounts and Statement of Accounts
 - 4.6 Treasury Management Framework
 - 4.7 Pension Fund Management
- 5 Financial Administration
 - 5.1 Accounting
 - 5.2 Internal Audit
 - 5.3 Corporate Anti-Fraud Team (CAFT)
 - 5.4 Risk Management
 - 5.5 Banking Arrangements
 - 5.6 Assets
 - 5.7 Imprest Accounts
 - 5.8 Income
 - 5.9 Insurance
 - 5.10 Investments, Borrowing, Capital Financing and Trust Accounts
 - 5.11 Ordering of Supplies, Works and Services
 - 5.12 Salaries, Pensions and Allowances
 - 5.13 Amenity and Unofficial Funds

The Financial Regulations should be read in conjunction with the Budget and Policy Framework and Procedure Rules.

1. Introduction

- 1.1 The Financial Regulations govern the way the Council undertakes financial forward planning, annual budget setting, budget monitoring and closing of the accounts. These aspects are set out in section 4: Financial Management.
- 1.2 The Financial Regulations also govern the way day to day financial administration is conducted and financial controls are exercised. These aspects are set out in section 5: Financial Administration.

2. Status of Financial Regulations

- 2.1 Financial regulations apply to every member and officer of the authority and anyone acting on its behalf. All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 2.2 The responsibilities of the Chief Finance Officer are discharged by the Chief Operating Officer. Thus this post is responsible for the proper administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972 (and all subsequent amendments). This includes responsibility for producing and updating these Financial Regulations.
- 2.3 The Scheme for Financing Schools governs School Governors, Headteachers and school staff of Maintained schools with delegated budgets. In these cases the Financial Regulations do not apply.
- 2.4 Where applicable consultants or agencies acting for the Council will be bound by these procedures and it should be a condition of their employment or engagement that they do so.
- 2.5 This should be used in conjunction with other points of the constitution, legal requirements and other codes of practice.
- 2.6 Chief Officers are responsible for ensuring that all staff in their departments are made aware of the existence and content of the authority's Financial Regulations and other internal regulatory documents, and that they comply with them. They must also ensure that either hard or electronic copies are available for reference within their departments.
- 2.7 Substantial breaches of Financial Regulations shall be reported to the Chief Finance Officer (section 151 officer) by the relevant Chief Officer and may be treated as disciplinary offences. Where the Chief Finance Officer (section 151 officer) considers it appropriate he/she will report to the next meeting of the Audit Committee any substantial breach of these Regulations that is identified.
- 2.8 These Financial Regulations shall not override any statutory provisions that apply.

- 2.9 The Chief Finance Officer (section 151 officer) shall be responsible for ensuring that the Council's continuing compliance with the Accounts and Audit Regulations 2011 and all relevant Accounting Codes of Practice and Auditing Standards.
- 2.10 These procedures shall be reviewed regularly by the Chief Finance Officer (section 151 officer) but at least every three years. The Constitution, Ethics and Probity Committee approve all amendments and summaries of changes resulting from the review. Relevant financial thresholds (e.g. write-offs, petty cash payments) should additionally be reviewed against inflation on an annual basis wherever possible.
- 2.11 The Chief Finance Officer (section 151 officer) is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the authority are required to follow.
- 2.12 Each Chief Officer is required to maintain a scheme of financial delegation in accordance with the minimum standards as determined by the Chief Finance Officer (section 151 Officer) or Nominated Deputy, and which accords to the financial limits included within the overall scheme of delegation and contract rules.

3. Responsibilities

- 3.1 Section 151 of the Local Government Act 1972 states that each local authority "shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".
- 3.2 The "arrangements" include the Council's Financial Regulations, Contract Procedure Rules and the Scheme of Delegation (so far as it relates to financial matters). In approving those arrangements, Members are bound by the general principles of administrative law. The Council has an appointed Chief Finance Officer (Section 151 Officer). In performing his/her functions as the appointed officer, he/she shall seek to ensure that the management of the Council's financial affairs accord with the arrangements approved by Council subject to his overarching statutory duties. The Chief Finance Officer (section 151 officer) owes a fiduciary duty to the public to carry out those duties effectively and these cannot be overridden by the Council.
- 3.3 The responsibilities of the Council and Committees are set out in the Constitution: Responsibility for Functions.

4. FINANCIAL MANAGEMENT

4.1 BUDGET STRATEGY

- 4.1.1 The Budget Strategy, approved by Full Council, sets out the Council's approach on a range of issues, including:

- the way in which corporate service priorities are considered as part of the Council's capital and revenue budget processes;
- the level of balances and reserves (having taken account of advice from the Chief Finance Officer (section 151 officer));
- the management of financial risks

The Council's policies for the recovery of debt, which do not form part of the budget strategy are separately approved by the Policy and Resources Committee. The setting of fees and charges which do not form part of the budget strategy are separately approved by the relevant thematic committee.

- 4.1.2 The Budget Strategy and Medium Term Financial Strategy will normally be recommended by the Policy and Resources Committee to Full Council for approval at the start of each financial year.

4.2 MEDIUM TERM FINANCIAL STRATEGY

- 4.2.1 The Chief Finance Officer (section 151 officer), in consultation with the Chairman of the Policy and Resources Committee, will maintain a Medium Term Financial Strategy that covers a period of at least three financial years, including the current financial year.

- 4.2.2 The Medium Term Financial Strategy will be produced and reported in conjunction with the annual budget, council tax and rent proposals to the Policy and Resources Committee and Council before 11 March of the preceding financial year. Further updates on the Medium Term Financial Strategy may be reported during the year.

- 4.2.3 The Financial Forward Plan will cover revenue and capital budgets, and will highlight how resources are being re-directed to address Corporate Plan priorities.

- 4.2.4 In respect to resources, the Medium Term Financial Strategy will take account of the following:

- forecasts of formula and specific grants;
- increases in fees and charges, and the introduction of new charges;
- interest earnings;
- levels of reserves and balances;
- increased income from rents and council tax;
- capital receipts and grants.

- 4.2.5 In respect to expenditure, the Medium Term Financial Strategy will take account of the following:

- full year effects of previous decisions;
- changes in responsibility arising from new or amended legislation or regulations, net of increased income from new fees and charges;
- re-direction of resources to achieving Corporate Plan priorities and targets and away from non priority areas;

- forecast changes in service demand;
- forecasts of inflation, pay awards and interest rates;
- efficiency savings;
- planned service reductions;
- prudential borrowing;
- financial risks.

4.2.6 In that the Medium Term Financial Strategy spans a number of years , it is to be expected that figures in later years will often be preliminary estimates and/or aspirations of future decisions and changes in council policy.

4.3 ANNUAL BUDGET SETTING

4.3.1 The Council will publish a draft budget for consultation. Arrangements for budget consultation will be determined by the Council.

4.3.2 The Chief Finance Officer (section 151 officer) will set the council tax base for tax-setting purposes before 31 January of the preceding financial year, and notify precepting and levying bodies of this figure by this date. The Chief Finance Officer (section 151 officer) will, at the same time, notify all Council Members.

4.3.3 The Policy and Resources Committee will finalise its recommendations to Council on the revenue budget, council tax, capital programme and rent levels taking account of the results of budget consultation. This will normally be in February, following announcement of the Final Local Government Finance Settlement. Theme Committees will work up proposals for consideration by the Policy and Resources Committee.

4.3.4 Policy and Resources Committee's recommendations to Council must be made in time for Council to set the capital and revenue budget and council tax before 11 March of the preceding financial year.

4.3.5 The budget and capital programme that Policy and Resources Committee recommends to Council must be based on reasonable estimates of expenditure and income, and take account of:

- outturn forecasts for the current year;
- guidance from the Chief Finance Officer (section 151 officer) on the appropriate level of reserves, balances and contingencies;
- financial risks associated with proposed budget developments, reductions and ongoing projects;
- forecasts of capital receipts;
- affordability of prudential borrowing over the period of the council's financial forward plan;
- recommendations from the external auditor on matters such as the level of reserves and provisions.

4.3.6 The Chief Finance Officer (section 151 officer) shall advise the Council whether s/he is able to certify that the draft Budget contains robust estimates and reserves for the purpose of Section 25 of the Local Government Act 2003.

4.3.7 Fees and Charges

The budget recommended by Policy and Resources will incorporate the latest projection of income from fees and charges.

4.3.8 For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes to fees and charges that are above inflation by 2% or more~~significantly different from inflation~~, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

4.3.9 ~~Changes to fees and charges approved by theme Committees, Planning Committee and Licensing Committee must be reported to~~ Policy and Resources Committee ~~for noting~~~~must approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle in relation to licensing (as proposed by the Licensing Committee), planning and building control (as proposed by the Planning Committee) and land charges (as proposed by the General Functions Committee).~~

4.3.10 Chief Officers may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.

4.3.10 Alternative Budget Motions

Any member proposing to put forward to Council any amendment to the draft Budget or any alternative Budget should provide a copy thereof to the Chief Finance Officer (section 151 officer) at least 5 clear days before the Council meeting, so that he/she may advise Council whether the resulting amended or alternative Budget would provide robust estimates and reserves for the purpose of Section 25 of the Local Government Act 2003.

4.3.11 The alternative budget motion must set out the appropriate changes to the Policy and Resources Committee's recommendations as they affect the budget for the forthcoming year and any element of the Financial Forward Plan (e.g. balances, full year effects, council tax levels). The Chief Finance Officer (section 151 officer) may also require further information to be included if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.

4.3.12 Any Member proposing to put an alternative budget motion to Council is responsible for ensuring it is received by the Head of Governance by the date set by the Head of Governance. It is also their responsibility to ensure they give the Chief Finance Officer (section 151 officer) sufficient time to fully validate their alternative budget proposals.

4.3.13 The Chief Finance Officer (section 151 officer) is responsible for validating any alternative budget motions put forward by Members. The Chief Finance Officer (section 151 officer) may require further information to be included in the proposal if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.

4.4 BUDGET MANAGEMENT & MONITORING

4.4.1 Latest Approved Budget

The latest approved budget for a service or capital project is the budget determined by Council prior to the start of the year, as amended subsequently by approved variations in budget and capital financing throughout the year.

4.4.2 The Chief Finance Officer (section 151 officer) is responsible for maintaining the latest approved revenue and capital budget in accordance with the scheme of revenue and capital virement as set out below.

4.4.3 Making changes to the budget

Amendments to the revenue budget can only be made with approval as per the scheme of virement table below:

Virements for allocation from contingency for amounts up to £250,000 must be approved by the Section 151 Officer in consultation with appropriate Chief Officer
Virements for allocation from contingency for amounts over £250,000 must be approved by Policy and Resources Committee
Virements within a service that do not alter the bottom line are approved by Service Director
Virements between services (excluding contingency allocations) up to a value of £50,000 must be approved by the relevant Chief Officer
Virements between services (excluding contingency allocations) over £50,000 and up to £250,000 must be approved by Chief Officer and Chief Finance Officer in consultation with the Chairman of the Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee
Virements between services (excluding contingency allocations) over £250,000 must be approved by Policy and Resources Committee

No revenue virement is allowed between the following budgets without approval of the Policy and Resource Committee;
Financing charges, Rates and other taxes, Recharges and Insurances.

Amendments to the capital budget can only be made with approval as per the table below

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Capital Virements

Performance and Contract Management approval is required for all capital budget and funding virements and yearly profile changes (slippage or accelerated spend) between approved capital programmes i.e. as per the budget book. The report must show the proposed:

- | |
|--|
| <ul style="list-style-type: none">i) Budget transfers between projects and by year;ii) Funding transfers between projects and by year; andiii) A summary based on a template approved by the Section 151 Officer |
| <p><u>Policy and Resources Committee approval is required for all capital additions to the capital programme. Capital additions should also be included in the quarterly budget monitoring report to Performance and Contracts Committee for noting.</u></p> |
| <p>Funding substitutions at year end in order to maximise funding are the responsibility of the Section 151 Officer.</p> |

4.4.4 Budget Monitoring

4.4.5 Chief Officers are required to notify the Chief Finance Officer of all underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify restrictions on their use which make this inappropriate or the under spend, additional income or other financial benefits are to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the chief officer is responsible for notifying the Chief Finance Officer that this is to occur.

4.4.6 Budget Monitoring – Revenue

4.4.6.1 Chief Officers should ensure that their revenue cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision. Chief Officers have no authority to overspend revenue budgets, or under-recover income budgets under their control, and are responsible for monitoring their budgets to ensure this situation does not arise.

4.4.6.2 It is the responsibility of Chief Officers to notify the Chief Finance Officer (section 151 officer) of forecast revenue budget or capital project overspends regardless of whether offsetting savings or additional income have been identified.

4.4.6.3 Having notified the Chief Finance Officer (section 151 officer) of a forecast revenue budget overspend, the Chief Officer must submit proposals to the Chief Finance Officer (section 151 officer) for offsetting the forecast overspend, together with an assessment of the impact these corrective actions will have on service delivery and performance targets. Approval to these budget variations will be in line with the scheme of virement.

4.4.6.4 When notifying the Chief Finance Officer (section 151 officer) of such a situation, Chief Officers must advise if the problem relates solely to the current financial year or needs to be addressed within the financial forward plan as well.

4.4.6.5 Chief Officers are required to notify the Chief Finance Officer (section 151 officer) of all revenue underspends, over-recovery of income or other financial benefits arising within their revenue budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify

restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the Chief Officer is responsible for notifying the Chief Finance Officer (section 151 officer) that this is to occur.

4.4.7 Budget Monitoring – Capital

4.4.7.1 Forecast overspends on approved capital projects must be communicated to the Chief Finance Officer immediately. Having notified the Chief Finance Officer (section 151 officer), the Director or Head of Service must submit options to the Chief Finance Officer (section 151 officer) for offsetting the forecast overspend (e.g. by reducing the project specification, or budget for other projects) and/or identifying additional funding.

4.4.7.2 All forecasted overspends/additions must then be submitted to the Policy and Resources committee for approval.

4.4.7.23 Due to the uncertainty around the generation and timing of capital receipts, and the impact that delays could have on the level of prudential borrowing, capital project managers must obtain the prior approval of the Chief Finance Officer (section 151 officer) before entering into any individual capital commitment on an approved capital project over £1m.

4.4.8 Central Contingency

The Chief Finance Officer (section 151 officer) will determine which budget developments are to be held within the central contingency.

4.4.9 Allocations from the central contingency relating to planned developments will be approved by the Chief Finance Officer (section 151 officer), in consultation with the Chairman of the Policy and Resources Committee, following the receipt from a Chief Officer of a fully costed proposal to incur expenditure that is in line with planned development (including full year effect). Where there is a significant increase in the full year effect, the contingency allocation must be approved by the Policy and Resources Committee.

4.4.10 Allocations from the central contingency for unplanned expenditure, including proposals to utilise underspends previously generated within the service and returned to central contingency, will be approved by the Chief Finance Officer in consultation with the Chairman of Policy and Resources Committee. Where there are competing bids for use of under spends, additional income or windfalls previously returned to central contingency, priority will be given to the service(s) that generated that return.

:
4.4.11 Allocations for unplanned expenditure over £250,000 must be approved by Policy and Resources Committee.

4.4.12 Balances and Reserves.

Full Council, sets out the Council's approach on the level of balances and reserves, having taken account of advice from the Chief Finance Officer (section 151 officer) as stated in 4.1.1

Allocation to and from the balances and reserves will be the responsibility of the Chief Finance Officer (section 151 officer) in line with the principles that Full Council have agreed.

4.4.13 Any significant change in the planned use of a reserve must be approved by the Policy and Resources Committee.

4.4.14 Budget Monitoring – reporting

4.4.15 The Chief Finance Officer (section 151 officer) will report in detail to Performance and Contract Management Committee at least four times a year, at the end of each quarter, on the revenue and capital budgets and wider financial standing.

4.4.16 Reports on the revenue budget will normally include:

- a revised forecast outturn including details as part of which, Chief Officers will inform Performance and Contract Management Committee:
 - i) of those cost centres for which they are responsible that are projecting net overspends or underspends either over £100,000 or over £50,000 where the cost centre's gross budget is less than £1m; and
 - ii) of the actions proposed to ensure that these overspends or underspends are not realised.
- advice from the Chief Finance Officer (section 151 officer) on whether action is required to address any diminution in reserves and, if necessary, proposals and/or options for action that needs to be taken.

4.4.17 These reports will make recommendations for varying the approved budget (revenue and capital) in the following circumstances:

- allocations from the central contingency for unplanned expenditure over £250,000, or for planned expenditure where there are significant full year effects;
- underspends and windfall benefits returned to the centre;
- increases in service revenue budgets where overspends are considered unavoidable and cannot be contained within the overall budget managed by a Chief Officer;
- variations in capital project budgets;
- additions to the capital programme outside of the main budget cycle.

4.4.18 Authorisation of Non-Budgeted Expenditure

In cases of urgency or emergency, the Chief Finance Officer (section 151 officer) may approve revenue or capital expenditure in excess of the latest approved budget.

4.4.19 The Chief Finance Officer (section 151 officer) may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:

- the expenditure is wholly reimbursable to the Council; or
- compensatory savings have been identified; and
- there are no significant full year effects.

In all circumstances, the expenditure must be consistent with the Corporate Plan and management agreements and should be reported to the next Performance and Contract Management Committee meeting.

- 4.4.20 Chief Officers, in consultation with the Chief Finance Officer (section 151 officer), should be encouraged to explore all feasible options that maximise external funding available to the Council. External funding covers bids to Government and other organisations that are offering funding for projects that meet certain criteria. It also covers contributions being sought from participating organisations and individuals, from either public or private sources.
- 4.4.21 Chief Officers must provide the Chief Finance Officer (section 151 officer) with details of all bids for external funding. Bids will follow the requirements of the Council's investment appraisal process. In particular, the following information must be provided:-
- how the bid supports achievement of Corporate Plan targets;
 - whether the bid is for capital and/or revenue funding;
 - revenue and capital matched funding contributions required from the Council, and how these will be identified;
 - revenue and capital matched funding contributions required from other organisations and individuals, how these amounts will be secured, and the risks associated with them;
 - an 'exit strategy', which sets out how budgets will be adjusted after the grant expires;
 - where the bid is for revenue funding:-
 - whether this is to support existing levels of activity or enhanced / new activities;
 - proposals for reducing the activity OR incorporating it in the base budget once the external funding is exhausted;
 - where the bid is for capital funding :-
 - whether an asset will be created, and if so, how this fits in with the Council's Asset Management Strategy;
 - how the ongoing cost of maintaining the asset will be funded;
 - whether the asset can / will be disposed of at a later date.
- 4.4.22 Chief Officers must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed, unless approval has been given by the Chief Finance Officer (section 151 officer). Decisions to proceed ahead of confirming external funding will be taken after assessing all relevant risks. The Chief Finance Officer (section 151 officer) has the right to refer the decision to the Policy and Resources Committee.
- 4.4.23 Chief Officers must advise the Chief Finance Officer (section 151 officer) of all grant and subsidy notifications as soon as they are received. Where the amount notified is greater than the budget, the excess will be deemed a windfall and should in the first instance be returned to the central contingency unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where the amount notified is less than

the budget, the Director or Head of Service must notify the Chief Finance Officer (section 151 officer) of options for containing any potential overspend.

- 4.4.24 Where external funding is applied for, it is the responsibility of the Chief Officer to ensure that the monies are received from the paying body and, wherever possible, received ahead of the planned expenditure being incurred by the Council.
- 4.4.25 Chief Officers must ensure that all conditions associated with external funding are met and that information and evidence required to complete grant and subsidy claims are provided on time.
- 4.4.26 Chief Officers are responsible for ensuring that they comply with all requirements for the audit of external funding where applicable.
- 4.4.27 Full year Effects
In preparing any estimates of expenditure and income, Directors and Heads of Service must give proper consideration to full year effects.
- 4.4.28 Annual Governance Statement
Chief Officers must support the work on corporate risk management led by the Monitoring Officer, contributing to the production of the Annual Governance Statement that has to be published alongside the Statement of Accounts. Details of this are set out in the Code of Corporate Governance.
- 4.4.29 Partnership Working
Before entering into a partnership with another organisation that involves pooling some of the Council's revenue and/or capital budgets, the Chief Officer must ensure that adequate financial controls are in place. A financial risk assessment must also be prepared and monitored over time.
- 4.4.30 General Requirements
Chief Officers must consult the Chief Finance Officer (section 151 officer) at an early stage on any current or future matter or decision that has financial implications that are not incorporated in the Financial Forward Plan or could impact on the Medium Term Financial Strategy.

4.5 CLOSING OF ACCOUNTS & STATEMENT OF ACCOUNTS

- 4.5.1 The Chief Finance Officer (section 151 officer) is responsible for making arrangements for closing the accounts and producing the annual Statement of Accounts, as well as all matters relating to their audit and public inspection.
- 4.5.2 Chief Officers are responsible for ensuring that they and their staff adhere to the timetable and requirements set out by the Chief Finance Officer (section 151 officer) for the closing of accounts, and provide any information and evidence required in relation to this.
- 4.5.3 The Statement of Accounts will be prepared in accordance with the CIPFA Code of Accounting Practice, which includes the deadline for their production and the requirement to include an Annual Governance Statement (AGS).

- 4.5.4 Chief Officers must provide on time any information and evidence the Chief Finance Officer requires to close the accounts and complete all grant and subsidy claims.
- 4.5.5 In closing the accounts, the Chief Finance Officer (section 151 officer) may amend the originally approved funding of revenue and capital services and projects if this is to the Council's financial benefit.
- 4.5.6 The Annual Audit Letter includes the external auditor's report and opinion on the audit of the accounts, as well as comments and recommendations on whether the Council provides Value for Money. This will be reported each year to the Audit Committee, together with an appropriate action plan.

4.6 TREASURY MANAGEMENT FRAMEWORK

- 4.6.1 The Council adopts the key recommendations contained in "The Prudential Code for Capital Finance in Local Authorities – fully revised second edition (CIPFA, 2009), "Treasury Management in the Public Services: Code of Practice and cross sectoral guidance notes (CIPFA, 2009) and any subsequent recommended good practice by CIPFA.
- 4.6.2 Adherence to Prudential Code
The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services Code of Practice, as described in Section 4 of that code.
- 4.6.3 Policy and Resources Committee will create and maintain a Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities.
- 4.6.4 The Chief Finance Officer (section 151 officer) will create and maintain suitable Treasury Management Practices, setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 4.6.5 The Performance and Contract Management Committee will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, and an annual report after its close in the form prescribed in the Treasury Management Practices. These reports will incorporate the prudential borrowing limits and performance indicators.
- 4.6.6 The Chief Finance Officer (section 151 officer) has the delegated authority to undertake long term borrowing on behalf of the Authority and will issue a Delegated Powers Report immediately after this power is exercised to inform Members in consultation with the Chairman of the Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee.
- 4.6.7 The Council delegates responsibility for the implementation and the monitoring of its treasury management policies and practices to Performance and Contract Management Committee and the updating of the Treasury Management

Practices, and for the execution and administration of treasury management decisions to the Chief Finance Officer (Section 151 officer), who will act in accordance with the organisation's policy statement and Treasury Management Practices and CIPFA's Standard of Professional Practices on Treasury Management.

4.7 PENSION FUND MANAGEMENT

The Chief Finance Officer (section 151 officer) is responsible for, or responsible for delegating authority for:

- approving early payment of deferred benefits under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations
- exercising discretion on compassionate grounds not to actuarially reduce deferred benefits paid early under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations;
- exercising the power to accept late applications (made more than 30 days after return to work or, if does not return to work, 30 days after the date of leaving) from a member who wishes to pay optional contributions for a period of absence (Regulation 22 of the Administration Regulations);
- informing a member, who is entitled to a pension or retirement grant under two or more provisions, which provision shall apply (Regulation 34 of the 1997 Regulations);
- determining that late applications to convert scheme AVCs into a membership credit will be accepted provided such a late claim is not made within one year of attaining NRD or six months after leaving service whichever is the later (Regulation 26 of the Administration Regulations).
- determining (for Barnet Council Employees only) whether to accept any request for the inwards transfer of pension rights made more than 12 months after the member joined the Scheme (Regulation 83 of the Administration Regulations).
- determining (for Barnet Council employees only) whether to accept any request
- for joining previous Scheme membership (either with this Employer and/or with another scheme employer) made more than 12 months after the member rejoined the Scheme (Regulation 16 of the Administration Regulations).
- exercising absolute discretion in determining the recipient(s) of any death grant payable from the Scheme (Regulations 23, 32 and 35 of the Benefits Regulations);
- deciding whether to treat education or training as continuous despite a break for the purpose of determining eligibility for a child's pension (Regulation 26 of the Benefits Regulations);
- communicating with other employers that are scheduled or admitted bodies as appropriate

5. FINANCIAL ADMINISTRATION

5.1 ACCOUNTING

- 5.1.1 All accounting arrangements across the council shall be in a manner approved by the Section 151 Officer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and national guidance.
- 5.1.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.
- 5.1.3 All accounting should occur on the Council's Accounting System and any exceptions must be specifically authorised by the Chief Finance Officer (section 151 officer).

5.2 INTERNAL AUDIT

- 5.2.1 Under the Accounts and Audit Regulations 2011 the Council has a statutory obligation to have an adequate and effective system of internal audit. The Chief Internal Auditor has the delegated authority for providing and maintaining this service.
- 5.2.2 The Chief Internal Auditor is responsible for providing an internal audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS). He / she is also responsible for providing an opinion, in support of the Annual Governance Statement, on how the Council's risk management processes identify, evaluate, monitor and report that controls are operating effectively within the Council. The Chief Internal Auditor helps the Chief Finance Officer discharge his/her responsibilities under section 151. Irrespective of the organisational position of internal audit, this officer should have the right to report on matters concerning internal audit and internal control directly to the Chief Executive and the Audit Committee.
- 5.2.3 Internal Audit is an assurance function that provides 'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.'
- 5.2.4 Management are responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. Internal Audit plays a vital part in advising the organisation that these arrangements are in place and operating properly. The annual internal audit opinion, which informs the Annual Governance Statement, both emphasises and reflects the importance of this aspect of internal audit work. Management's response to internal audit activity should lead to the strengthening of the control environment and, therefore, contribute to the achievement of the organisation's objectives.

5.2.5 Internal Audit has unrestricted access to all information (including records, computer files, property and personnel) and activities undertaken by the Council, in order to review, appraise and report on:

- the adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed;
- the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by the Council and service management and the extent of compliance with legislation and regulations, including reporting requirements of regulatory bodies;
- the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity and risk management strategies exist;
- the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
- the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
- the suitability of the organisation of the units audited for carrying out their functions, to ensure that services are provided in a way which is economical, efficient and effective;
- the follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely; and
- the operation of the Council's Governance arrangements.

5.2.6 Independence

Internal Audit should be independent of the activities that it audits to enable auditors to perform their duties in a way that allows them to make impartial and effective professional judgements and recommendations. Internal auditors should not have any operational responsibilities.

5.2.7 Audit advice and recommendations, including where Internal Audit has been consulted about significant changes to the internal control systems, are given without prejudice to the right of Internal Audit to review and make further recommendations on the relevant policies, procedures, controls and operations at a later date.

5.2.8 The status of Internal Audit should enable it to function effectively. The support of the organisation is essential and recognition of the independence of Internal Audit is fundamental to its effectiveness. The Chief Internal Auditor should have direct access to and freedom to report in his or her own name and without fear or favour to, all officers and members and particularly to those charged with governance.

- 5.2.9 The Chief Internal Auditor shall be able to meet the Chairman of the Audit Committee alone outside of the normal Audit Committee meetings.
- 5.2.10 Responsibility & Authority
Internal Audit is an integral part of the organisation and functions under the policies established by management and the Council.
- 5.2.11 The purpose, scope, authority and responsibility of the internal auditing service is defined in a formal charter. The charter makes clear the independence of the internal auditing service and emphasises that it must not be restricted when carrying out its responsibilities.
- 5.2.12 Chief Officers shall have regard to the principles of risk management, and to the Council's risk management policy. It is the responsibility of Internal Audit to review the adequacy and effectiveness of the council's arrangements for risk management.
- 5.2.13 The Chief Internal Auditor shall report to the Chairman of the Audit Committee all significant concerns that he/she may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.
- 5.2.14 Ethical Governance
The Chief Internal Auditor shall raise the profile and awareness of governance activities throughout the Council and set standards for modern, proactive and cost-effective governance in the Council.

5.3 CORPORATE ANTI-FRAUD TEAM (CAFT)

- 5.3.1 Under Section 151 of the Local Government Act 1972 the Council has a statutory obligation to ensure the protection of public funds and to have an effective system of prevention and detection of fraud and corruption. The Assurance Assistant Director has the delegated authority for providing and maintaining this service.
- 5.3.2 As part of these Regulations, Directors should ensure that there are arrangements to enable staff and the public to raise and report any issues of concern in accordance with the Council's Whistleblowing policy.
- 5.3.3 Objective & Scope
The CAFT is an independent, objective activity designed to add value and improve the Council's operations. It helps the Council achieve its objectives by bringing a systematic, disciplined approach to investigation, evaluating and improving the effectiveness of fraud prevention and detection and the subsequent prosecution of individuals and organisations where appropriate. The Council has a zero tolerance approach to fraud and other irregularity.
- 5.3.4 The objective of the CAFT is to assist officers and Members in the effective discharge of their responsibilities. To this end, the CAFT furnishes them with assurance, analysis, appraisals, recommendations, counsel, and information concerning the activities it is required to become involved with. The objective includes promoting fraud awareness across the authority.

- 5.3.5 The scope of the CAFT encompasses both the investigation and examination of the effectiveness of the council's systems of fraud control when subject to breach. In carrying out assigned responsibilities, Investigation Officers:-
- review the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information;
 - ensure there are appropriate systems for accurate reporting of any such fraud (including "Whistleblowing" and a "Fraud Hotline")
 - create and promote policies, plans, procedures, law, regulations and guidance which have a significant impact on the organisation;
 - provide an effective, efficient and value for money investigation service;
 - provide the organisation, its employees and business partners with a comprehensive guide in relevant areas such as fraud, corruption, bribery and anti money laundering and other legislation relating to the proceeds of crime.
- 5.3.6 Independence
CAFT officers are independent when they carry out their work so act freely and objectively. Independence permits Investigators to render the impartial and unbiased judgements essential to the proper investigation and conclusion of fraud.
- 5.3.7 Responsibility & Authority
The primary responsibility for the awareness, prevention, detection and deterrence of fraud, corruption, bribery or money laundering activity lies with the Chief Officers. This responsibility includes ensuring that staff and partners are aware of both the implications of fraud and money laundering and the risks of fraud and money laundering across their service area. The primary responsibility for the investigation of any suspected fraud, corruption, bribery or money laundering activity found in a service area lies with the CAFT. All details must be immediately forwarded to the CAFT, to preserve the chain of evidence linked to such investigations within the law.
- 5.3.8 All Council Members and employees are personally responsible for ensuring they (and any subordinates) are aware of the Council's Counter Fraud Framework and the procedures and policies within it. All suspected breaches must be reported to the Assurance Assistant Director, the Chief Internal Auditor or any member of the CAFT.
- 5.3.9 The Assurance Assistant Director will nominate an officer to undertake the duties of the Council's Money Laundering Reporting Officer as detailed within the Council's Anti Money Laundering Policy Statement and procedure.
- 5.3.10 The Assurance Assistant Director is the designated Whistleblowing officer for the London Borough of Barnet and shall undertake the responsibilities of the role as described within the Council's Whistleblowing Policy.
- 5.3.11 The CAFT Counter Fraud Manager – Benefit Fraud is the officer designated by the Secretary of State under the provisions of the Social Security & Administration Act 2001 to act as the Authorised Officer in the obtaining of data

prescribed within the Act which may otherwise be protected, in connection with the prevention and/or detection of a crime.

5.3.12 The Assurance Assistant Director is designated as the London Borough of Barnet's 'Senior Appropriate Officer' for the authorisation of production orders, restraint orders, customer information orders and account monitoring orders as described within the Proceeds of Crime Act 2000.

5.3.13 The Assurance Assistant Director and/or the CAFT Counter Fraud Managers are the London Borough of Barnet's responsible officers for the authorisation of arrest and prosecution of offenders including deciding on any appropriate sanction action available within the law. Those officers are responsible for ensuring that all CAFT investigations are conducted in accordance with the Criminal Procedures & Investigations Act 1996 (CPIA) the Police & Criminal Evidence Act 1984 (PACE) and the Human Rights Act 2000.

5.3.14 The Council's Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000 (RIPA) has been designated as the Monitoring Officer. The Assurance Assistant Director and the CAFT Counter-Fraud Managers are the designated officers for the authorisation of directed surveillance and use of Covert Human Intelligence Source (CHIS) as defined within the Regulation of Investigatory Powers Act 2000 (RIPA). All investigating officers granted authorisation to carry out directed surveillance or use of a covert human intelligence source by a designated officer of the Council are authorised to appear before the Magistrates Court on behalf of the Council to apply for judicial approval in accordance with the requirements of sections 37 and 38 of the Protection of Freedoms Act 2012.

5.3.15 That the Assurance Assistant Director and CAFT are authorised to act as 'Enforcement Officers' as defined and set out within the requirements of the Disabled Persons Parking Badges Act' 2013.

5.3.16 That the Assurance Assistant Director and CAFT are authorised to request and share information obtained under the 'Prevention of Social Housing Fraud Act' 2013 for the purposes of housing fraud investigation.

5.3.17 The Chief Finance Officer (section 151 officer), or other authorised representative, such as the Monitoring Officer, the Assurance Assistant Director, the Chief Internal Auditor and all CAFT Investigation Officers shall have authority to:

- Enter or visit any land, premises, offices or establishments of the Council; and carry out any necessary searches of the aforementioned.
- have unrestricted access to, search, and remove any and all records, documents and correspondence, including electronically held correspondence, documents and records, and property and assets of the Council;
- receive such explanations as are necessary concerning any matter under examination, and / or fraud investigation;

- in conjunction with the relevant Chief Officer, suspend any employee of the Council under CAFT investigation from duty: acting in accordance with the Council's disciplinary procedures; and, in cases concerning illegal working, employees may be exited from the organisation and/or may be suspended without pay pending investigation.
- require any employee of the Council to produce and surrender any cash, stores, equipment or any other Council property under his or her control
- interview any and all employees and individuals in connection with investigations including interviews in accordance with the Police & Criminal Evidence Act (on tape).

5.4 RISK MANAGEMENT

- 5.4.1 Chief Officers are responsible for ensuring that they and their staff uphold the requirements of the Corporate Risk Management Policy Statement and Framework.

5.5 BANKING ARRANGEMENTS

- 5.5.1 The Chief Finance Officer (section 151 officer) must approve all banking and card acquiring arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery.
- 5.5.2 The Chief Finance Officer (section 151 officer) will maintain a register of all bank and card acquiring contracts.
- 5.5.3 Cheques above certain financial limits set by the Chief Finance Officer (section 151 officer) shall be manually countersigned by those designated officers authorised to do so by the Chief Finance Officer (section 151 officer).
- 5.5.4 The Chief Finance Officer (section 151 officer) will be responsible for ensuring that the Council's banking arrangements are reviewed on a regular basis and that the banking contract is reviewed every three years.
- 5.5.5 Chief Officers are responsible for ensuring that the any staff in their areas that use the Procurement Cards adhere to the requirements of the LBB Purchasing Card (PCard) Guide and Terms and Conditions.

5.6 ASSETS

- 5.6.1 Chief Officers are responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service. The Chief Executive shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.
- 5.6.2 Maximum limits for cash holdings shall be set by the Chief Finance Officer (section 151 officer), which may not be exceeded without prior authority. Areas where cash is counted and held must be secure and with access restricted only to authorised staff.

- 5.6.3 Chief Officers are responsible for the sale or disposal of assets employed in their service, and for accounting for these transactions. All disposals in excess of £6,000 (or a higher figure that is consistent with capital accounting regulations) are to be notified to the Chief Finance Officer (section 151 officer).
- 5.6.4 The Council has set a *de minimis* threshold for capital expenditure at £50,000. This figure provides guidance only; the Chief Finance Officer may exercise discretion on the *de minimis* threshold.
- 5.6.5 Chief Officers are responsible for implementing a system for the maintenance of stocks and stores including regular stock checks and write offs when required.

5.7 IMPREST ACCOUNTS

- 5.7.1 The Chief Finance Officer (section 151 officer) must authorise all imprest accounts.
- 5.7.2 The imprest account holder must:
- provide a certificate showing the state of the account at the end of the financial year and additionally when requested by the Chief Finance Officer (section 151 officer);
 - only reimburse expenditure up to a limit set by the Chief Finance Officer (section 151 officer);
 - obtain receipts for all payments made, which will be proper VAT receipts;
 - properly account for VAT in all float reimbursements;
 - not allow the account to be overdrawn and shall arrange for reimbursement at regular intervals;
 - not pay any salaries, wages or allowances from the account;
 - not pay income into the account;
 - provide the Chief Finance Officer (section 151 officer) with a full account for the advance when ceasing to be the imprest account holder.

5.8 INCOME

- 5.8.1 Officers should encourage payment in advance or at point of service delivery wherever possible as per the Debt Management Policy, and minimise the amount of credit given to customers.
- 5.8.2 All records relating to income due to the Council, accounts raised, and receipts issued shall be in a format agreed by the Chief Finance Officer (section 151 officer).
- 5.8.3 Officers responsible for controlled stationery must keep it secure. Methods of payment must be agreed by the Chief Finance Officer (section 151 officer).
- 5.8.4 The Chief Finance Officer (section 151 officer), or officer nominated by the Chief Finance Officer (section 151 officer), may authorise payment by instalments if full payment cannot be obtained immediately, in accordance with the Debt Management Policy.
- 5.8.5 Officers receiving monies shall keep an accurate and chronological account of all

receipts and bankings.

- 5.8.6 Monies received must be banked on the day of receipt wherever possible, and not later than the next working day. All amounts paid in must be referenced to enable subsequent identification of the accounts to which they relate. All cheques, postal orders etc. shall be crossed with the crossing stamp provided.
- 5.8.7 No deductions may be made from monies received.
- 5.8.8 Heads of Service must notify the Chief Finance Officer (section 151 officer) of all monies due to the Council under contracts, leases or other agreements and the cessation of use or change of user affecting this income.
- 5.8.9 Invoicing & Debt Recovery
Officers responsible for raising invoices must ensure that VAT has been properly accounted for.
- 5.8.10 The Council's Debt Management Policy sets out the Council's policy and procedures in relation to the billing, collection and recovery of monies owed to the Council and is to be adopted across all services within the London Borough of Barnet.

5.9 INSURANCE

- 5.9.1 The Chief Finance Officer (section 151 officer) is responsible for maintaining the Insurance Strategy arranging adequate insurance cover for the Council and keeping comprehensive records of all risks covered.
- 5.9.2 Chief Officers must notify the Chief Finance Officer (section 151 officer) immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.
- 5.9.3 Any incident which could give rise to an insurance claim must be promptly notified to the Chief Finance Officer (section 151 officer) by the relevant officer, who shall also inform the Police if appropriate.
- 5.9.4 The Chief Finance Officer (section 151 officer) will handle all insurance claims, in conjunction with the Monitoring Officer and/or the insurance company if proceedings are issued.
- 5.9.5 Officers must consult the Chief Finance Officer (section 151 officer) and Monitoring Officer in all cases where the Council is requested to give an indemnity.
- 5.9.6 Officers in receipt of a motor vehicle allowance must produce registration documents, insurance policy, certificate of insurance and test certificate if required by the Chief Finance Officer (section 151 officer). Insurance policies must be comprehensive and cover use on official business.

5.9.7 Schools

Where funds for insurance are delegated to any school, the Council may require the school to demonstrate that cover relevant to the Council's insurable interests, under a policy arranged by the Governing Body, is at least as good as the relevant minimum cover arranged by the Council. If the Council makes such arrangements, either paid for from central funds or from contributions from schools' delegated budgets, the Council will have regard to the actual risks, which might reasonably be expected to arise at the school in question in operating this requirement rather than applying an arbitrary minimum level of cover for all schools.

5.9.8 It is the responsibility of the governing body to ensure adequate arrangements are made for insurance against risks arising from the exercise of the community facilities power, taking professional advice as necessary. Such insurance may be funded from the school budget share.

5.9.9 The Council is empowered to undertake its own assessment of the insurance arrangements made by a school in respect of community facilities, and if it judges those arrangements to be inadequate, make arrangements itself and charge the resultant cost to the school. Such costs could be charged to the school's budget share.

5.10 INVESTMENTS, BORROWING, CAPITAL FINANCING & TRUST ACCOUNTS

5.10.1 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved at a Policy and Resources Committee.

5.10.2 All securities shall be held securely by the Council's bankers, the Chief Finance Officer (section 151 officer) or custodians approved at a the Policy and Resources Committee.

5.10.3 The Chief Finance Officer (section 151 officer) shall ensure that all borrowing and, whenever applicable trust funds, are registered in the name of the Council.

5.10.4 The Chief Finance Officer (section 151 officer) will set Prudential indicators, as outlined in the Prudential Code for Capital Finance in Local Authorities, for the forthcoming and following two financial years. The Chief Finance Officer (section 151 officer) will also provide regular monitoring reports to Performance and Contract Management Committee and report any breaches or amendments of the code to Council.

5.10.5 The key objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plan of the local authorities are affordable, prudent, sustainable and in accordance with good professional practice – or, in exceptional cases, to demonstrate that there is a danger of not ensuring this, so that the authority can take timely remedial action.

5.10.6 The Chief Finance Officer (section 151 officer) will be the Council's registrar of all stocks and bonds. In addition this officer will maintain a register of all loans and investments made in the name of the Council.

5.10.7 The Chief Finance Officer (section 151 officer) shall ensure that all legislative amendments and changes in treasury or capital limits are approved at Policy and Resources Committee and where necessary full Council.

5.11 ORDERING OF SUPPLIES, WORKS & SERVICES

5.11.1 Procurement of supplies, works and services must be in accordance with Contract Procedure Rules and Procurement Code of Practice. It is a disciplinary offence to fail to comply with Contract Procedure Rules and the Procurement Code of Practice when letting contracts. Council employees have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Monitoring Officer. The procedures for initiating procurement activity, for authorising and accepting tenders and the financial limits for procurement are set out in the Contract Procedure Rules and are not repeated here.

5.11.2 With respect to third party organisations, if a supplier is awarded business in excess of 25% of their turnover, then a risk assessment needs to be carried out to ensure that the supplier is not overly dependant on the Council. Where the supplier is a consortium, the relevant figure is the combined turnover of the consortium's constituent members.

5.11.3 Chief Officers are responsible for all contracts tendered and let by their service areas. Their duties in relation to contract letting and management are:

- to ensure compliance with English Law, U.K. and EU legislation and Council policy;
- to ensure value for money and optimise risk allocation in all procurement matters;
- to ensure compliance with the Contract Procedure Rules and the Procurement Code of Practice

5.11.4 Chief Officers must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available.

5.11.5 **Creation of a purchase Order (PO):** Once the purchase has been agreed, a purchase order must be raised on the council's accounting system. **Payment of an invoice** : Authorised officers must ensure that a purchase order has been raised on the accounting system and successfully communicated to the supplier. Invoices in respect to works, supplies and services will be paid by the Central Accounts Payable Team, but only after the authorising officer has, where necessary, first receipted the supply on the accounting system.

5.11.6 All invoices must reference a valid purchase order number, otherwise the Central Accounts Payable Team reserves the right to refuse payment of an invoice.

5.11.7 Only invoices presented in an acceptable format will be passed for payment. This includes invoices that do not comply with VAT Regulations.

5.11.8 To enable the Council to comply with the Late Payment of Commercial Debts Act, no amended invoices will be accepted. Chief Officers must ensure that their

services must return an invoice to the supplier and seek a new invoice with a revised date, whenever:-

- the invoice is dated prior to receipt of supplies, works or services and this is contrary to the agreed payment terms;
- the invoice is incorrect;
- the invoice does not reference a valid Purchase Order number.

5.11.9 When certifying an invoice for payment that was initially disputed, record the date on which the invoice was actually validated.

5.11.10 The Central Accounts Payable Team will perform a three-way match against the purchase order, goods receipt and invoice, prior to making a payment. Invoices from trusted suppliers, (as advised by the Strategic Procurement Team) will only require a two-way match. Invoices that do not pass this criteria will be returned to the service for amendment.

5.11.11 **Payments in advance** : Directors, Assistant Directors, Lead Commissioners and Heads of Service, prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting. All payments in advance in excess of £100,000 must be notified to the Chief Finance Officer (section 151 officer).

5.12 SALARIES, PENSIONS & ALLOWANCES

5.12.1 Details of payroll arrangements and responsibilities are set out in the HR Regulations.

5.13 AMENITY & UNOFFICIAL FUNDS

5.13.1 Amenity or Unofficial Fund relates to all sums of money other than those which are required to be paid into the Council's General Account (or such other account so authorised by the Chief Finance Officer (section 151 officer)) or Trust Fund monies outside the authority of the Council.

5.13.2 All accounts shall be opened by the Chief Finance Officer (section 151 officer) and their names shall include the name of the Borough and the establishment concerned.

5.13.3 Provided the Chief Finance Officer (section 151 officer) approves and is satisfied with accounting and security arrangements, separate accounts need not be opened for funds of small amounts.

5.13.4 The head of each establishment which sets up such a fund shall inform the relevant Chief Officer of its existence.

5.13.5 Responsibility for the administration of the fund shall rest with the head of the establishment and with such other member(s) of staff as that person shall decide.

5.13.6 Expenditure from the fund shall be at the discretion of the establishment head in

conjunction with other member(s) of staff as felt necessary.

- 5.13.7 Cheques shall be signed and countersigned by the head and deputies of the establishment. All transactions above a limit set by the Chief Finance Officer (section 151 officer) shall be signed by at least two authorised officers.
- 5.13.8 Auditors shall be appointed by the head of the establishment and the fee (if any) shall be charged to the fund. Where the turnover of the fund exceeds an amount set by the Chief Finance Officer (section 151 officer), the fund must be audited by auditors approved by that officer. The Chief Finance Officer shall have the right to inspect the accounts.
- 5.13.9 At the end of each financial year the head shall submit an audited summary of the fund to the Chief Finance Officer (section 151 officer) (and Governing Body if appropriate).

	<p>Council</p> <p>8 December 2015</p>
<p style="text-align: center;">Title</p>	<p>Report of the Constitution Ethics and Probity Committee – The Standards Regime</p>
<p style="text-align: center;">Report of</p>	<p>Monitoring Officer</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Annex 1 – Report to Constitution Ethics and Probity Committee, 16 November 2015 Appendix A: Protocol – Complaints against Members Appendix B: Protocol – Complaints against Members (with recommended amendments as track changes)</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Davina Fiore, Monitoring Officer, 020 8359 6373, Davina.Fiore@barnet.gov.uk</p>

Summary

The Constitution, Ethics and Probity Committee at its meeting of 16 November 2015 considered a report on the Standards regime, and the current arrangements in place for the investigation of and decisions on allegations of breaches of the Code of Conduct for Members. In particular, the report considered possible options for the replacement of the Group Leaders Panel (the body which considers whether or not the behaviour complained of is a breach of the Code of Conduct) , and a draft protocol setting out how complaints that a Member has breached the Code of Conduct will be dealt with. This report sets out the recommendations made to the Council by the Committee.

Recommendations

That the Council agree:

- 1. To establish a new Standards Committee comprising four members of the Council and an Independent Person (as a co-opted member of the Committee) to replace the Group Leaders Panel.**
- 2. Not to apply the political balance requirements contained in the Local Government and Housing Act 1989 to the new Standards Committee, and that each of the two political Groups on the Council shall have two seats on the Committee (with two substitute members for each Group).**
- 3. To appoint the Independent Person as the Chairman of the Standards Committee.**
- 4. To approve the amended “Protocol – Complaints against Members” attached at Appendix 2 as the Council’s arrangements for the investigation of complaints that a Member has breached the Code of Conduct and for taking decisions on such complaints, as required by Section 28 of the Localism Act 2011.**
- 5. That the Monitoring Officer be authorised to implement and publish the consequential changes to the Constitution.**

(NOTE: To take effect, recommendation 2 must be agreed without any member of the Council voting against – Section 17(1)(b) of the Local Government and Housing Act 1989. The Independent Person will be a non-voting Chairman of the Committee.)

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 27 of the Localism Act 2011 imposes a duty on the Council to “promote and maintain high standards of conduct by members and co-opted members” of the Council. The Council is required to adopt a code dealing with the conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity, and must have in place arrangements under which allegations that a member has failed to comply with the code of conduct can be investigated, and arrangements under which decisions on allegations can be made. Those arrangements must include the appointment of at least one “independent person”, whose views must be sought, and taken into account, before any decision on an allegation which has been investigated is taken.
- 1.2 The Council has delegated to the Constitution Ethics and Probity Committee the general function of promoting and maintaining high standards of conduct by Members, and the functions of considering and making recommendations to the Council on the contents of the Code of Conduct for Members, and on ethical standards in general across the authority. It has delegated to the Group Leaders Panel the function of investigating and determining any allegations of a

breach of the Code of Conduct by individual members. The Group Leaders Panel comprises five members and, by convention, the membership includes the Leaders of the political groups. The Panel is required to take into account the views of an Independent Person when reaching its decision, but an Independent Person is not a member of the Panel.

- 1.3 It is desirable that any arrangements in place have cross party support, if possible, which they do not have at present. The duty to promote and maintain high standards of Member conduct carries with it the obligation to ensure that the system for dealing with complaints should be fair, effective, and one that has the confidence of all those potentially affected, and the public.
- 1.4 At its meeting on 16 November the Committee received a report setting out options for change to the current arrangements. The report is attached as Annex 1. The Committee resolved to recommend Option 3 set out in the report to Council. The Committee also decided to recommend that the Chairman of the new Standards Committee which Option 3 involves should be the Independent Person. This means the Chair of the Standards Committee would be a non-voting member of the Committee, because a member who has not been elected does not have a vote unless specifically given one by legislation. As the new Committee would not comply with the statutory provisions relating to political balance, its establishment requires the approval of the Council with no member voting against.
- 1.5 Who to appoint to the new Standards Committee would be a matter for the two political groups. However the intention of the Committee, and the Leaders of the two Groups, is that the appointees should be those members who have the longest continuous length of service. Two substitute members on each side will be necessary to deal with any conflicts of interest or timing issues.
- 1.6 The Committee also decided to recommend, subject to the amendments shown as tracked changes in Appendix 2, a revised Protocol setting out how complaints alleging a breach of the Code of Conduct by a member will be dealt with, for the reasons set out in the report to the Committee.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council has a duty to promote and maintain high standards of conduct by members, and to have in place arrangements for dealing with allegations that a member has breached the Code of Conduct for Members which are effective and fair. The recommendations of the Committee are designed to ensure those duties continue to be complied with.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As set out in the report to the Constitution Ethics and Probity Committee

4. POST DECISION IMPLEMENTATION

4.1 Any new complaints about member conduct, and any existing complaints which have not yet been dealt with, will be dealt with under the new agreed arrangements. The Constitution Ethics and Probity Committee will continue to keep the arrangements under review and may make further recommendations in the next municipal year.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council.

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

5.2.1 There will be a requirement to recruit and train an additional Independent Person or Persons. The Constitution Ethics and Probity Committee will receive a report on that issue at its next meeting. The Independent Person co-opted onto the Committee will receive an allowance in accordance with section 6 (Independent Members and Co-optees' Allowances) of the Members Allowance Scheme in the Constitution (£127 for each meeting). Any costs arising would be met from the existing Members Allowances budget.

5.3 Legal and Constitutional References

5.3.1 The Council's Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee terms of reference includes responsibility for promoting and maintaining high standards of conduct by members, and the functions of considering and making recommendations to the Council on the contents of the Code of Conduct for Members, and on ethical standards in general across the authority.

5.3.2 The recommendations in this report will, if agreed, meet the Council's obligations to have in place a process to deal with complaints made in relation to alleged breaches of the Councillor's Code of Conduct.

5.4 Risk Management

5.4.1 The proposals set out in this report are designed to reduce the risk of reputational damage to the Council and to individual members arising from any

perception that the Council's arrangements for dealing with complaints about member conduct are not fair or not effective

5.5 Equalities and Diversity

5.5.1 The decision making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

5.6 Consultation and Engagement

5.6.1 No public consultation has taken place in relation to the proposed change.

6. BACKGROUND PAPERS

6.1 None.

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	<p>Constitution, Ethics and Probity Committee</p> <p>16 November 2015</p>
<p>Title</p>	<p>The Standards Regime</p>
<p>Report of</p>	<p>Monitoring Officer</p>
<p>Wards</p>	<p>None</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A: Protocol – Complaints against Members</p>
<p>Officer Contact Details</p>	<p>Davina Fiore, Monitoring Officer, 020 8359 6373, Davina.Fiore@barnet.gov.uk</p>

Summary

This report asks the Committee to consider the current arrangements in place for the investigation of and decisions on allegations of breaches of the Code of Conduct for Members, and whether to recommend any change to those arrangements to the Council.

Recommendations

1. That the Committee consider the options relating to the Group Leaders Panel set out in Section 2 of the report and decide whether to recommend one of the options to the Council.
2. That the Committee consider the “Protocol – Complaints against Members” attached as Appendix A, and recommend to full Council that it be approved as the Council’s arrangements for the investigation of complaints that a Member has breached the Code of Conduct and for taking decisions on such complaints, as required by Section 28 of the Localism Act 2011

1. WHY THIS REPORT IS NEEDED

Introduction

- 1.1 At its last meeting on 30th June, the Committee received a report setting out options for changes to the Council's existing arrangements for dealing at Member level with allegations that a Member has breached the Members' Code of Conduct. The report considered the options of including a co-opted Independent Member on the Group Leaders Panel, and/or changing the membership of the Panel, whilst respecting the rules on political proportionality. The Committee resolved to defer consideration of the item until this meeting of the Committee, with further discussions to take place between the Groups, and further examination of options by the new Director of Assurance.
- 1.2 This report accordingly asks the Committee to consider the issue again.
- 1.3 In addition, the report recommends changes to the arrangements for dealing with complaints at officer (Monitoring Officer) level, to ensure that any complaints are dealt with in an appropriate, proportionate and fair way.

Background

- 1.4 As set out in the previous report to the Committee, Section 27 of the Localism Act 2011 imposes a duty on the Council to "promote and maintain high standards of conduct by members and co-opted members" of the Council. The Council is required to adopt a code dealing with the conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity, and must have in place arrangements under which allegations that a member has failed to comply with the code of conduct can be investigated, and arrangements under which decisions on allegations can be made. Those arrangements must include the appointment of at least one "independent person", whose views must be sought, and taken into account, before any decision on an allegation which has been investigated is taken.
- 1.5 It is for the Council to decide what the arrangements for investigating and taking decisions on allegations should be. The Council has delegated to this Committee the general function of promoting and maintaining high standards of conduct by Members, and the functions of considering and making recommendations to the Council on the contents of the Code of Conduct for Members, and on ethical standards in general across the authority. It has delegated to the Group Leaders Panel the function of investigating and determining any allegations of a breach of the Code of Conduct by individual members. The Group Leaders Panel comprises five members and, by convention, the membership includes the Leaders of the political groups. The Panel is required to take into account the views of an Independent Person when reaching its decision, but an Independent Person is not a member of the Panel.

- 1.6 It is desirable that any arrangements in place have cross party support, if possible, which they do not have at present. The duty to promote and maintain high standards of Member conduct carries with it the obligation to ensure that the system for dealing with complaints should be fair, effective, and one that has the confidence of all those potentially affected, and the public.

The position with respect to Independent Members

- 1.7 There are limitations upon the extent to which it is legally possible to meet an aspiration for the Group Leaders Panel, or a new Standards Committee, to have an independent Chair, and/or a majority of Independent Persons, or to operate outside the rules requiring political proportionality on Committees. The Localism Act 2011 introduced a number of radical changes to the ethical standards regime as it existed prior to that Act.
- 1.8 Prior to 2012, when the 2011 Act came into force, authorities were obligated by law to appoint a Standards Committee, containing a number of independent members.

In enacting the 2011 Act, the Department for Communities and Local Government said:

“Councillors play a crucial role in local life. The people who elect them have the right to expect the highest standards of behaviour. The Government thinks it is important to have safeguards to prevent the abuse of power and misuse of public money. Currently, all local authorities must, by law, adopt a national code of conduct and a standards committee to oversee the behaviour of their councillors and receive complaints. A central body, the Standards Board for England, regulates each of these committees.

In practice, however, this system of safeguards is ineffective. It is too easy for people to put forward ill-founded complaints about councillors’ conduct. Lengthy debates about petty complaints or deliberately harmful accusations can undermine people’s faith in local democracy and put them off standing for public office.

Through the Localism Act, the Government has abolished the Standards Board regime. Instead, local authorities will draw up their own codes and it will become a criminal offence for councillors to deliberately withhold or misrepresent a financial interest. This means that councils will not have to spend time and money investigating trivial complaints, while councillors involved in corruption and misconduct will face appropriately serious sanctions. This provides a more effective safeguard against unacceptable behaviour.”

- 1.9 The Localism Act put in place criminal sanctions for serious misconduct relating to disclosable pecuniary interests, but intended to leave less serious matters to the discretion of local authorities, removing all the prescriptive elements of the previous regime. Consistently with that approach, the Act removed the obligation to appoint a Standards Committee, and the obligation (and indeed the ability, as explained below) to appoint voting, independent

members (replacing that with the introduction of an “independent person”, whose views are to be sought before any decision is taken but who is not as such a member of any committee). Accordingly, any Committee or Panel appointed by the Council is now subject to the ordinary law as it affects local authority committees.

- 1.10 The general legal position is that when appointing a committee, the Council may appoint to the committee persons who are not elected members (section 102(3) of the Local Government Act 1972). However, subject to certain exceptions, such a person must “for all purposes be treated as a non-voting member of that committee” (Section 13(1) of the Local Government and Housing Act 1989). One of the exceptions to that rule is that a non-elected member may be a voting member of an advisory committee (and there are other exceptions in the fields of, for example, superannuation and education). Therefore it is possible to appoint an Independent member of the Group Leaders Panel, or a Standards Committee. But such a member cannot, as a matter of law, have voting rights. The reason for this rule is that otherwise the position with respect to political proportionality could be upset. An independent member can have voting rights on a committee in this context only if the committee is advisory – that is, if it cannot take decisions.
- 1.11 The Group Leaders Panel, or any replacement for it, must be constituted in accordance with the rules relating to political proportionality. Those rules provide (inter alia) that the party with a majority of seats on the Council shall have a majority of seats on each committee.
- 1.12 The rules relating to political proportionality may be waived in the case of a particular committee only in the event that a decision to that effect is taken by the full Council without any member voting against (Section 17(1)(b) of the Local Government and Housing Act 1989). This issue is discussed further in paragraph 1.16 below

Options for change in relation to the Group Leaders Panel

- 1.13 If the Committee considers that there is a case for changing the existing arrangements, the following options could be considered, as set out in the previous report:
- 1.14 **Option 1.** Include a co-opted Independent Member on the Group Leaders Panel.

The Group Leaders Panel is not an advisory Committee, so as set out in some detail above, such an independent member could not, formally speaking, be a voting member. However such a member could otherwise take a full part in the decision-making process, and indicate their views. From the point of view of public perception the Panel may appear fairer, and an independent member may indeed act as a brake, making it difficult for the Panel to take politically-partisan decisions contrary to the independent member’s views, at least in the absence of a compelling reason. It would remain necessary for the Panel to also have regard to the views of an independent person as at present, as that is a legal requirement.

A modification of this Option would involve co-opting one of the existing Independent Persons onto the Panel, or treating the Independent Person as a de facto member of the Panel. The Independent Person would attend the meeting and be treated for all practical purposes as a member of the Panel. Such an arrangement would be likely in practice to have the same effect, from the point of view of public perception and avoiding politically partisan decisions, as the co-option onto the Panel of a new independent member.

1.15 **Option 2.** Change the membership of the Group Leaders Panel.

At present, as set out above, the Panel comprises five members, by convention (as the name of the Committee suggests) including the Group Leaders.

Whilst it is necessary for membership of the Panel to respect the rules on political proportionality, one view may be that operating with a Panel comprising, or including, Group Leaders, creates a public perception that the Panel's decisions may be influenced by party political considerations rather than the merits of the individual case being considered. Such an impression may be heightened where, as in Barnet, the political balance is extremely close, even though the Panel has no power to suspend or disqualify members, or to remove them from any Committee.

Such perceptions may be unfair, but if they exist they could be addressed by adjusting the composition of the Committee, by replacing the Group Leaders with senior backbenchers from either party. It would also be possible to increase the number of members on the Panel.

1.16 **Option 3.** Combine Options 1 and 2.

A further option would be to combine Options 1 and 2, to create a Panel or Committee including an independent member or an Independent Person and with a changed and/or expanded membership.

For example, it would be possible to:

- (i) Reconstitute the Group Leaders Panel, so that it comprised a committee consisting of four members plus an Independent Person
- (ii) Re-name the new Committee the Standards Committee
- (iii) Recommend to the Council that the rules in relation to political proportionality be waived in relation to the new Standards Committee, so that the four elected members of the Committee be comprised of two members for each of the two main political Groups

Whilst the identity of the two members from each Group would necessarily be a matter for the Groups, if those members were senior and experienced "backbenchers" rather than the Group Leaders, that would obviously assist in

addressing the public perception issue identified above. It would be for the Committee itself to determine who its Chairman should be.

The Independent Person sitting on the committee would need to be independent in the sense of not having previously advised the Monitoring Officer, or the members of the committee or the Member the subject of the complaint, of his views on the complaint or how it should be dealt with. However, as the Council has more than one Independent Person, this would be possible to achieve whilst still providing access to an Independent Person for advice for the Monitoring Officer (and others) as necessary

It is the view of the Monitoring Officer that if this Option 3 were to be agreed by all members of the Council (as set out above, if the rules relating to political proportionality are to be dispensed with it requires that no member of the Council votes against) and if it were combined with the arrangements for investigating and reporting on complaints set out below, the Council would have in place arrangements which are fair, effective, and which should have the confidence of all those potentially affected, and the public.

The process for investigating complaints and reporting to the Group Leaders Panel

- 1.17 Under Section 28 of the Localism Act 2011, the Council must have in place arrangements for dealing with complaints that a Member has breached the Code of Conduct, including arrangements for the conduct of investigations, and arrangements for taking decisions.
- 1.18 The current arrangements are contained in an Appendix to the Code of Conduct. They provide for the Monitoring Officer to report on any allegation which is not frivolous or vexatious to the Group Leaders Panel, without a recommendation. That is what has happened in practice, so in the past the Monitoring Officer has had little or no input into the process beyond reporting factually that a complaint has been received. To some extent, that approach has not taken advantage of the new freedom under the Localism Act, which allows a local authority much more discretion about how complaints which do not relate to the criminal offence of not disclosing a disclosable pecuniary interest should be dealt with, and which is much less prescriptive than the previous regime – so that, for example, complaints which are trivial or malicious no longer need generate a report to committee.
- 1.19 In practice, in the past, when complaints have been referred to the Group Leaders Panel, the Panel has often referred them on to the relevant political Group to deal with. This risks creating the impression that the Council itself has not dealt with the complaint
- 1.20 The Monitoring Officer recommends changes to these arrangements, designed to

- Give effect to previous decisions of the Committee relating to legal representation at hearings, and access to the Independent Person
- Allow more discretion to the Monitoring Officer, so that complaints may be resolved informally where the conduct complained of is minor or trivial, or where investigation and reporting formally on the complaint would be disproportionate
- Ensure that when complaints are reported to the Panel, they are accompanied by an Investigation report which sets out the Monitoring Officer's conclusions and recommendations in the light of the investigation which has been carried out
- Provides for a hearing to consider the matter where necessary, and for the member the subject of the complaint to have a fair opportunity to make his/her case
- Emphasise the range of options open to the Panel when an allegation is found proved, so that not all decisions are simply referred to the relevant political group to address

1.21 The recommended new arrangements are set out in the "Protocol – Complaints about Members" which is **Appendix A**, and which would replace the existing Appendix to the Code of Conduct. The Committee is requested to approve the Protocol and to recommend the new arrangements to Council.

2. REASONS FOR RECOMMENDATIONS

2.1 The Constitution, Ethics and Probity Committee is responsible for promoting and maintaining high standards of member conduct. This report puts forward various options for changing the arrangements in place for dealing with allegations that a member has breached the Code of Conduct for Members.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The reasons for the options considered are set out in Section 2 above

4. POST DECISION IMPLEMENTATION

4.1 If the Committee agrees to recommend one of the Options set out in Section 2, the Committee's recommendations will be reported to Full Council

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council.

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

5.2.1 If the council adopts option 1, then depending on the version of Option 1 chosen there may be a requirement to recruit and train an independent member or members. Independent members will receive an allowance in accordance with section 6 (Independent Members and Cooptees' Allowances) of the Members Allowance Scheme in the Constitution. Any costs arising would be met from the existing Members Allowances budget.

5.3 Legal and Constitutional References

5.3.1 Council's Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee terms of reference includes responsibility for promoting and maintaining high standards of conduct by members, and the functions of considering and making recommendations to the Council on the contents of the Code of Conduct for Members, and on ethical standards in general across the authority.

5.4 Risk Management

5.4.1 The proposals set out in this report are designed to reduce the risk of reputational damage to the Council and to individual members arising from any perception that the Council's arrangements for dealing with complaints about member conduct are not fair or not effective

5.5 Equalities and Diversity

5.5.1 The decision making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

5.6 Consultation and Engagement

5.6.1 None

6. BACKGROUND PAPERS

6.1 None

PROTOCOL – COMPLAINTS AGAINST MEMBERS

Arrangements for dealing with allegations that a member or co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the

PROTOCOL – COMPLAINTS AGAINST MEMBERS

Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.

Standards Committee

A committee of members responsible for considering reports of the Monitoring Officer upon allegations that a Member or Co-opted Member has breached the Council's Code of Conduct.

2. The Members' Code of Conduct

- 2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

- 3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person or Persons. The person(s) appointed shall have responded to a public advertisement for the vacancy and submitted an application for the post. The appointment of the successful applicant shall be approved by a majority of the members of the Council.

- 3.2 The views of the Independent Person must be sought by the Monitoring Officer before any allegation is investigated or reported to the Standards Committee

- 3.2 The views of the Independent Person may be sought:

- (i) by the Standards Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
- (ii) by a Member or Co-opted Member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

- 4.1 An allegation that a Member or a Co-opted Member of Barnet Council has failed to comply with the Members' Code of Conduct should be

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made in writing, wherever possible, using the Complaint Form on the Council's website to:

Davina Fiore
Monitoring Officer
Barnet Council
North London Business Park
Oakleigh Road South
London
N11 1NP

Tel: 0208 8359 6373

or email:

Davina.Fiore@barnet.gov.uk

- 4.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.
- 4.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.4 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 4.5 The Monitoring Officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in her opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

5. Assessment of an allegation

- 5.1 The Monitoring Officer will review every allegation received and will consult the Independent Person before taking a decision that an allegation merits reference to the Standards Committee.
- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the

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allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.

5.3 The Monitoring Officer will use a number of criteria for assessing complaints, and may consult with the Independent Person and if necessary the appropriate party group Whips and party Leaders. The decision whether to investigate a complaint will be a proportionate response to the issues raised and likely outcomes. The Monitoring Officer may determine that an allegation does not merit any further action, where:

- (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or
- (b) It is about someone who is no longer a Member or a Co-opted Member of the Council, or
- (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or
- (d) The same or a similar allegation has been investigated and determined, or
- (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
- (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or
- (g) the complainant is considered to be vexatious.

5.4 If the complaint is dealt with under 5.3 above, the Monitoring Officer will promptly notify the complainant and the Member of the outcome, giving reasons for the decision.

5.6 The Monitoring Officer may also determine that an allegation merits no further investigation having regard to the following additional criteria:

- (a) The allegation is not considered sufficiently serious to warrant investigation, or

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- (b) The allegation appears to be motivated by malice or is ‘tit-for-tat’, or
 - (c) The allegation appears to be politically motivated, or
 - (d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.
- 5.7 Where the Monitoring Officer considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation in accordance with Section 6 below.
- 5.8 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt of the allegation. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially.

6. The Investigation

- 6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.
- 6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 6.3 The Monitoring Officer/Investigating Officer will normally write to the Member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person’s name and address from the papers given to the Member. Where disclosure of details of the allegation to the Member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the Member until the investigation has progressed sufficiently.

PROTOCOL – COMPLAINTS AGAINST MEMBERS

- 6.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee where appropriate. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Standards Committee and the Independent Person.
7. **Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.**
- 7.1 In these circumstances the Monitoring Officer will refer the matter to the Standards Committee. When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:
- (a) accept the recommendation resolve that no further action is required and dismiss the allegation, or
 - (b) remit the report to the Monitoring Officer for further consideration, or
 - (b) conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.

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7.2 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of the Independent Person.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult the Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.

8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Standards Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

9. The Pre Hearing Process and Hearing

9.1 A Member or Co-opted Member who is the subject of a complaint which proceeds to a hearing has the right to be legally represented or accompanied at the hearing.

9.2 In advance of the Hearing the Monitoring Officer (and/or her nominees) will:

- (a) agree a date for the hearing with all the relevant parties;
- (b) provide a timetable for the Member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;
- (c) establish whether the member will be represented or accompanied at the hearing;
- (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
- (e) provide information about the procedure to be used at the hearing;
- (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;

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- (g) establish whether the Investigating Officer intends to call any witnesses.
- 9.2 Wherever possible hearings conducted by the Standards Committee Sub-Committee shall take place within three calendar months of the completion of the Investigation Report.
- 9.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.
- 9.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.5 If a Member fails to attend the hearing, the Standards Committee may decide to proceed in the Member's absence and make a determination, or to adjourn the hearing to a later date
- 9.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.7 The Standards Committee, having sought and taken into account the views of the Independent Person may conclude:
- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Standards Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Standards Committee will give the member an opportunity to make representations to the Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.
10. **Action which may be taken where a member has failed to comply with the Code of Conduct**

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10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Committee may:

- (a) Publish its findings in respect of the Member's conduct;
- (b) Report its findings to Council for information;
- (c) Issue the Member with a formal censure or reprimand, a report of which may be submitted to Council
- (d) Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Instruct the Monitoring Officer to arrange training for the member;
- (f) Recommend to Council that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council
- (g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (h) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (i) Take no further action
- (j) Any other appropriate sanction which may be available to the Committee.

10.2 The Standards Committee has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.

10.3 At the end of the hearing, the Chairman shall state the decision of the Standards Committee as to whether the Member failed to comply with the Code of Conduct and as to any action which the Committee has resolved to take.

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10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chairman of the Committee, and send a copy to the person making the allegation; to the member concerned; make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

11. Appeals

11.1 There is no right of appeal for either the person making the allegation or for the Member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee

11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

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Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Standards Committee and advised to the parties

1. The Chairman shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Committee may question the Member and any witnesses.
9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.
11. The Chair shall invite the parties to withdraw to enable the Committee to deliberate upon the allegation. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

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12. The parties shall be invited to return and the Chairman shall announce the Committee's decision in the following terms:-

- (a) The Committee has determined that the Member has failed to comply with the Code of Conduct, or
- (b) The Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Committee will give reasons for its decision.

13. If the Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.

14. The Chairman shall invite the parties to withdraw to enable the Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

15. In addition to any action upon the current matter, the Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.

16. The parties shall be invited to return and the Chairman shall announce the Committee's decision

17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

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Arrangements for dealing with allegations that a member or co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the

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Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.

Standards Committee

A committee of members responsible for considering reports of the Monitoring Officer upon allegations that a Member or Co-opted Member has breached the Council's Code of Conduct.

2. The Members' Code of Conduct

2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person or Persons. The person(s) appointed shall have responded to a public advertisement for the vacancy and submitted an application for the post. The appointment of the successful applicant shall be approved by a majority of the members of the Council.

3.2 The views of the Independent Person must be sought by the Monitoring Officer before any allegation is investigated or reported to the Standards Committee

3.2 The views of the Independent Person may be sought:

(i) by the Standards Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.

(ii) by a Member or Co-opted Member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a Member or a Co-opted Member of Barnet Council has failed to comply with the Members' Code of Conduct should be

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made in writing, wherever possible, using the Complaint Form on the Council's website to:

Davina Fiore
Monitoring Officer
Barnet Council
North London Business Park
Oakleigh Road South
London
N11 1NP

Tel: 0208 8359 6373

or email:

Davina.Fiore@barnet.gov.uk

- 4.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.
- 4.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.4 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 4.5 The Monitoring Officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in her opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

5. Assessment of an allegation

- 5.1 The Monitoring Officer will review every allegation received and will consult the Independent Person before taking a decision that an allegation merits reference to the Standards Committee.
- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the

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allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.

5.3 The Monitoring Officer will use a number of criteria for assessing complaints, and may consult with the Independent Person and if necessary the appropriate party group Whips and party Leaders. The decision whether to investigate a complaint will be a proportionate response to the issues raised and likely outcomes. The Monitoring Officer may determine that an allegation does not merit any further action, where:

- (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or
- (b) It is about someone who is no longer a Member or a Co-opted Member of the Council, or
- (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or
- (d) The same or a similar allegation has been investigated and determined, or
- (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
- (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or
- (g) the complainant is considered to be vexatious.

5.4 If the complaint is dealt with under 5.3 above, the Monitoring Officer will promptly notify the complainant and the Member of the outcome, giving reasons for the decision.

5.6 The Monitoring Officer may also determine that an allegation merits no further investigation having regard to the following additional criteria:

- (a) The allegation is not considered sufficiently serious to warrant investigation, or

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- (b) The allegation appears to be motivated by malice or is ‘tit-for-tat’, or
 - (c) The allegation appears to be politically motivated, or
 - (d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.
- 5.7 Where the Monitoring Officer considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation in accordance with Section 6 below.
- 5.8 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt of the allegation. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially.

6. The Investigation

- 6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.
- 6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 6.3 The Monitoring Officer/Investigating Officer will normally write to the Member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person’s name and address from the papers given to the Member. Where disclosure of details of the allegation to the Member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the Member until the investigation has progressed sufficiently.

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- 6.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee where appropriate. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Standards Committee and the Independent Person.

7. Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.

7.1 In these circumstances the Monitoring Officer may decide (a) to take no further action or (b) to will refer the matter to the Standards Committee.

7.2 Where the Monitoring Officer decides to take no further action, the Monitoring Officer will inform the person making the allegation and the Member who is the subject of the complaint of her decision and of the reasons for it.

7.3 When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:

- (a) accept the recommendation resolve that no further action is required and dismiss the allegation, or

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- (b) remit the report to the Monitoring Officer for further consideration, or
- (b) conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.

| 7.24 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of the Independent Person.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

- 8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult the Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.
- 8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Standards Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

9. The Pre Hearing Process and Hearing

- 9.1 A Member or Co-opted Member who is the subject of a complaint which proceeds to a hearing has the right to be legally represented or accompanied at the hearing.
- 9.2 In advance of the Hearing the Monitoring Officer (and/or her nominees) will:
 - (a) agree a date for the hearing with all the relevant parties;
 - (b) provide a timetable for the Member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;

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- (c) establish whether the member will be represented or accompanied at the hearing;
 - (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
 - (e) provide information about the procedure to be used at the hearing;
 - (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
 - (g) establish whether the Investigating Officer intends to call any witnesses.
- 9.2 Wherever possible hearings conducted by the Standards Committee Sub-Committee shall take place within three calendar months of the completion of the Investigation Report.
- 9.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.
- 9.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.5 If a Member fails to attend the hearing, the Standards Committee may decide to proceed in the Member's absence and make a determination, or to adjourn the hearing to a later date
- 9.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.7 The Standards Committee, having sought and taken into account the views of the Independent Person may conclude:
- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Standards Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Standards Committee will give the member an

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opportunity to make representations to the Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Committee may:

- (a) Publish its findings in respect of the Member's conduct;
- (b) Report its findings to Council for information;
- (c) Issue the Member with a formal censure or reprimand, a report of which may be submitted to Council
- (d) Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Instruct the Monitoring Officer to arrange training for the member;
- (f) Recommend to Council that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council
- (g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (h) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (i) Take no further action
- (j) Any other appropriate sanction which may be available to the Committee.

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- 10.2 The Standards Committee has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.
- 10.3 At the end of the hearing, the Chairman shall state the decision of the Standards Committee as to whether the Member failed to comply with the Code of Conduct and as to any action which the Committee has resolved to take.
- 10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chairman of the Committee, and send a copy to the person making the allegation; to the member concerned; make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

11. Appeals

- 11.1 There is no right of appeal for either the person making the allegation or for the Member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee
- 11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

12. Reports

- 12.1 The Monitoring Officer will submit a report to the Constitution, Ethics and Probity Committee at six monthly intervals to inform the Constitution, Ethics and Probity Committee about complaints which have been received and not investigated under paragraphs 5.3 or 5.6 of this Protocol, and complaints which have been investigated but not reported to the Standards Committee under paragraph 7.1

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Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Standards Committee and advised to the parties

1. The Chairman shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Committee may question the Member and any witnesses.
9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.
11. The Chair shall invite the parties to withdraw to enable the Committee to deliberate upon the allegation. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

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12. The parties shall be invited to return and the Chairman shall announce the Committee's decision in the following terms:-

- (a) The Committee has determined that the Member has failed to comply with the Code of Conduct, or
- (b) The Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Committee will give reasons for its decision.


13. If the Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.

14. The Chairman shall invite the parties to withdraw to enable the Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.

15. In addition to any action upon the current matter, the Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.

16. The parties shall be invited to return and the Chairman shall announce the Committee's decision

17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

	<p>Council</p> <p>8 December 2015</p>
<p>Title</p>	<p>Draft North London Waste Plan Memorandum of Understanding</p>
<p>Report of</p>	<p>Commissioning Director Growth and Development</p>
<p>Wards</p>	<p>All Wards</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>Yes</p>
<p>Enclosures</p>	<p>Appendix 1: Memorandum of Understanding between the seven north London boroughs</p> <p>Appendix 2: Decisions of the North London Boroughs on the Memorandum of Understanding</p> <p>Appendix 3: Memorandum of Understanding between the North London boroughs and the LLDC</p>
<p>Officer Contact Details</p>	<p>Nick Lynch – Planning Policy Manager 0208 359 4211 Nick.lynch@barnet.gov.uk</p> <p>Mike Carless – Principal Planning Policy Officer 0208 359 4657 mike.carless@barnet.gov.uk</p>

<p>Summary</p>	
<p>The seven North London Boroughs (“the Boroughs”) are preparing a draft North London Waste Plan (NLWP). The Boroughs have revised the Memorandum of Understanding which establishes governance arrangements for joint working on the draft North London Waste Plan which will provide a planning framework for waste management decisions up to 2031.</p>	

Recommendations

- 1. That Council approve the revised Memorandum of Understanding (as set out in Appendix 1) as the formal arrangement for Barnet's continued involvement in the North London Waste Plan.**
- 2. That Council approve the Memorandum of Understanding with the London Legacy Development Corporation (LLDC) as set out in Appendix 3.**
- 3. That Council delegate authority to the relevant Chief Officer in consultation with the Chairman of Policy and Resources committee to agree such future Memoranda of Understanding which meet the strategic objectives as approved by Policy & Resources Committee at its meeting on 9 July 2015**

1. WHY THIS REPORT IS NEEDED

What is the North London Waste Plan?

- 1.1 The seven planning authorities of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (the 'NLWP'). When adopted the Plan will form part of the suite of documents that make up the Local Plan for each of the North London Boroughs.
- 1.2 The purpose of the NLWP is to ensure there will be adequate provision of waste management facilities to manage North London's waste. It will set out the waste management needs and demonstrate how these needs will be met during the plan period through the identification of suitable sites and areas for waste management facilities. It will also include a policy framework for determining planning applications for waste development.
- 1.3 The NLWP is a requirement of the EU Waste Framework Directive and National Planning Policy for Waste. The NLWP must be in general conformity with the London Plan which apportions an amount of waste to each borough for management.
- 1.4 In 2012 a previous version of the NLWP was found by a Planning Inspector to not meet the legal requirements of the Duty to Co-operate and as a result the Boroughs had to start on a new NLWP.

Memorandum of Understanding (MoU)

- 1.5 The MoU is an updated version of the document agreed by all the North London Boroughs on 26th February 2007. The MoU provides the formal basis for borough co-ordination to enable production of the NLWP. The MoU covers issues of partnership working, organisational structure, project management and dispute resolution.
- 1.6 The MoU sets out the following principles of partnership working:

- Co-operation – boroughs agree to co-operate in order to achieve most sustainable waste management solutions for North London, whilst taking into account implications for each borough;
 - Accountability – recommended actions and decisions should promote the well being of all council tax payers;
 - Transparency - boroughs will seek joint solutions to waste planning through communicating in an open and transparent manner.
- 1.7 Between 10th June and 22nd July 2015, the seven North London Boroughs each formally considered the MoU and how they will co-operate over the production of the NLWP. The revisions took account of the decision by the Boroughs to start again on the NLWP after a Planning Inspector found that the previous version of the NLWP had failed the duty to co-operate.
- 1.8 During the consideration of the MoU by the Boroughs a number of submissions from residents were made mainly about the confidentiality clauses (section 12).
- 1.9 The other north London Boroughs (Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest) all made a decision about the MoU, agreeing that the final form of the MoU be agreed under delegated power. The other north London Boroughs have all agreed the final form of the MoU, Barnet will be the last authority to approve the MoU.
- 1.10 London Borough of Barnet Policy and Resources committee 9 July 2015 agreed to recommend that full Council approve the revised Memorandum of Understanding as the formal arrangement for Barnet's continued involvement in the NLWP, subject to the wording change in Clause 12, (in consultation with HB Public Law), and receiving a briefing on all the amendments made by other Boroughs.

The decisions made by other Boroughs and amendments to Clause 12 of the MoU are set out in Appendix 2.

North London Waste Plan Memoranda of Understanding and the duty to cooperate

- 1.11 A key issue for the NLWP is the movement of waste beyond the seven boroughs, both within and outside London. Ensuring sufficient land/waste facilities outside the NLWP area will be dealt with by the 'Duty to Co-operate' which requires boroughs to engage, constructively, actively and on an on-going basis with other public bodies on strategic matters. Methods which can satisfy the duty include meetings, information exchange, agreement of common issues, statements of common ground and memorandum of understanding.
- 1.12 Policy and Resources committee has agreed the strategic objectives for future memorandum of understanding and it is recommended that full Council delegate authority to officers for future MoUs which meet those strategic objectives. The London Legacy Development Corporation (LLDC) agreement recommended for full Council approval is the type of agreement recommended

for future approval at delegated level in line with the strategic objectives in the draft NLWP.

- 1.13 Delegating decision making is considered a pragmatic approach to dealing with the practicality of having a number of MoUs with prospective partners (related to the Duty to Co-operate). The various MoU related to the Duty to Co-operate requirement will help form the content of the NLWP and should have no financial implications.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Ensuring approval of the NLWP Memorandum of Understanding will ensure that the legal basis for delivering the Waste Plan is up to date.
- 2.2 Approving the MoU with the LLDC demonstrates the type of agreement which in future will be agreed under delegated powers as part of policy process related to the NLWP in order to reduce the burden on the committee system.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Withdrawing from the NWLP would not be realistic because of the MoU which ensures Barnet's involvement until the NLWP adoption. Not adopting a waste plan would also leave the Council liable to fines. The Government wrote to waste planning authorities in January 2011 reminding them that the UK would be liable for fines (imposed by the EU) and that those fines can be passed onto any authority which caused the UK to breach its obligations.

4. POST DECISION IMPLEMENTATION

- 4.1 The MoU will be signed by each of the seven planning authorities.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The MoU will deliver a NLWP which helps to meet Corporate Plan 2015-20 strategic objectives in ensuring that Barnet is a place:-

- of opportunity, where people can further their quality of life – *the NLWP will ensure waste management facilities are appropriately planned thereby protecting residential areas from any environmental impact of new or redevelopment of existing facilities;*
- where people are helped to help themselves, recognising that prevention is better than cure – *the NLWP will ensure land is available for a range of waste management facilities which will support growth of waste recycling businesses increasing both business opportunities and opportunities for residents and businesses to recycle and utilise waste as a resource;*

- where responsibility is shared, fairly – *the NLWP will seek a network of waste sites across North London ensuring that communities take responsibility for their own waste; and.*
- where services are delivered efficiently to get value for money for the taxpayer - *the NLWP will ensure that the sites for waste management are delivered in more accessible locations helping to improve service delivery.*

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

5.2.1 The indicative costs of producing the NLWP are set out in the revised MoU. The table below sets out that the indicative total cost for the project with the bottom row the cost per borough which are allocated on an equal basis. Barnet can expect a total cost of £156,422 across the lifetime of the project. Barnet has already paid £58,713. The costs are payable to LB Camden (the lead borough) twice a year, and are currently funded by the Council's Re budgets and will be met from existing budgets.

Indicative Budget for the NLWP

	2013/14	2014/15	2015/16	2016/17	2017/18	Total
Consultant Data Study	£42,956					£42,956
Consultant Plan	£34,186	£113,302	£106,624	£73,097	£10,076	£337,284
Programme Management	£99,921	£105,372	£110,678	£87,701	£16,188	£419,860
Publicity	£2,065	£2,041	£43,200	£29,700	£12,700	£89,706
Legal	£2,500	£8,650	£10,000	£44,000	£5,000	£70,150
Examination				£135,000		£135,000
TOTAL	£181,628	£229,365	£270,502	£369,498	£43,963	£1,094,955
Per borough	£25,947	£32,766	£38,643	£52,785	£6,280	£156,422

5.2.2 Delay to the NLWP will be the principal cause of increased costs mainly through funding of the NLWP Programme Manager.

5.2.3 The budgets for the legal, consultation and examination are indicative and may be different due to demand. However, will try to be managed within the budget envelope.

5.3 Social Value

5.3.1 Social benefits will be delivered by the NLWP through ensuring waste management facilities are appropriately planned for thereby protecting

residential areas from any environmental impact of new or redevelopment of existing facilities.

5.4 Legal and Constitutional References

5.4.1 In accordance with the Council's constitution and paragraph 1.9 of Responsibility for Functions, the delegation of significant functions to other local authorities is reserved to Full Council. The Memorandum of Understanding with the Boroughs establishes Camden Council as the lead borough and as such Camden will enter into all contracts with third parties on behalf of the Boroughs (subject to consultation with the project panel).

5.5 Risk Management

5.5.1 The Memorandum of Understanding establishes protocols and commitments between the seven boroughs. It also provides contractual obligations which would result in financial penalties on any Borough defaulting from these commitments.

5.6 Equalities and Diversity

5.6.1 An Equality Impact Assessment (EQIA) has examined the impact of proposed waste management facilities and waste planning policies on the area covered by the seven boroughs.

5.7 Consultation and Engagement

5.7.1 Consultation and engagement is not required for the MoU.

5.8 Insight

5.8.1 Insight data is not relevant to the signing of the MoU.

6. BACKGROUND PAPERS

6.1 Agenda item 14: Policy and Resources committee 9 July 2015: <https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8346&Ver=4>

JOINT WASTE PLANNING IN NORTH LONDON

*This Memorandum of Understanding is made this day of 20
Between*

- (1) **THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (“Camden”) and
 - (2) **The LONDON BOROUGH OF BARNET** of Town Hall, The Burroughs, London NW4 4BG
 - (3) **THE LONDON BOROUGH OF HACKNEY** of Hackney Town Hall, Mare Street, London E8 1EA
 - (4) **THE LONDON BOROUGH OF HARINGEY** of Civic Centre, High Road, London N22 8LE
 - (5) **THE LONDON BOROUGH OF ENFIELD** of Civic Centre, Silver Street, London EN1 3XY
 - (6) **THE LONDON BOROUGH OF ISLINGTON** of 222 Upper Street, London N1 1XR.
 - (7) **THE LONDON BOROUGH OF WALTHAM FOREST** of Waltham Forest Town Hall, Forest Road, London E17 4JF
- Referred to throughout this document as the “North London Boroughs”*

I. **Background and purpose of Memorandum of Understanding**

- I. This Memorandum of Understanding is an updated version of a Memorandum of Understanding entered into by all the North London Boroughs on 26th February 2007.
- II. In order to meet EU and UK Government targets, there is a pressing need for new and expanded waste management infrastructure across London. There is a requirement on the North London Boroughs to make provision for managing more of the waste generated in the area.
- III. The policy of the Mayor’s London Plan is for the capital to become self-sufficient in managing waste by 2031. The North London Boroughs need to plan for a proportion of these facilities in order to maximise self-sufficiency and make provision for the management of north London’s waste in line with European, national and regional requirements.
- IV. The North London Boroughs recognise that the planning system has a central role to play in delivering the necessary infrastructure and to make the most of economic opportunities associated with re-use, recycling and recovery. Given the nature of waste arisings and the opportunity for shared use of infrastructure, the North London Boroughs agree that joint working on a Joint Waste Local Plan Document, hereinafter called the

North London Waste Plan (NLWP), is the most effective way to plan for future waste capacity needs of the North London Boroughs,. In any case, it is recognised that the production of a 'sound' NLWP will require neighbouring boroughs to collaborate in order to develop consistent policies and proposals.

- V. After the Planning Inspector declared in August 2012 that the previous version of the NLWP was not legally compliant because it did not meet the Duty to Co-operate, the North London Boroughs have all individually agreed to take part in a new NLWP and this Memorandum of Understanding details the ways the North London Boroughs will work together to facilitate the production of the new plan.
- VI. The North London Boroughs have individual responsibilities as Waste Collection Authorities and Waste Planning Authorities. Waste disposal functions are carried out on the North London Boroughs' behalf by the North London Waste Authority. This Memorandum of Understanding relates to the waste planning functions and responsibilities of the North London Boroughs, whilst being mindful of existing collection and disposal functions.
- VII. This Memorandum of Understanding provides guidance and records the agreement reached between the North London Boroughs in relation to the following areas:
- Status, duration and arrangements for amendment
 - Mission statement and objectives
 - Principles of partnership working
 - Organisational structure and accountability
 - Project management arrangements
 - Dispute resolution

Schedules

1. Organisational arrangements
2. Roles and responsibilities
3. Indicative costs and payment schedule

- VIII. The North London Boroughs are entering into this Memorandum of Understanding pursuant to section 1 of the Local Authority Goods and Services Act 1970.

1. Status

- 1.1. This Memorandum of Understanding is an agreement between the North London Boroughs to co-operate in the effective production of the North London Waste Plan (NLWP).

2. Duration

- 2.1. This Memorandum of Understanding applies to working arrangements during the lifetime of the production of the NLWP up until the point of adoption of the plan. From then on, a revised written agreement will need to be established to co-ordinate implementation and monitoring of the NLWP. An indicative timetable is set out in paragraph 8.7 below, but the North London Boroughs understand from experience that the timetable for the plan can be subject to extension because of events outside their control.

3. Arrangements for amendments

- 3.1. Any proposed amendments to the Memorandum of Understanding will be raised and discussed at meetings of the Planning Officer Group (“POG”) and Heads of Planning (“HOP”) Recommendations for amendments will be put to the Planning Members Group (“PMG”) for ratification (see **Schedule 2** for an explanation of the role of these groups). Changes to the Memorandum of Understanding should aim to enhance the delivery of the Mission Statement and objectives without prejudicing any of the partners. Changes to the Memorandum of Understanding will require approval by each of the North London Boroughs at the appropriate level of their organisation.

4. Mission Statement and Objectives

- 4.1. The Mission Statement agreed by the North London Boroughs is:

“To work together in a co-operative and transparent way to enable the effective production of a ‘sound’, legally compliant NLWP that meets the duty to co-operate and establishes a framework of policies and includes site allocations to meet future waste capacity needs in north London during the period 2016 - 2031.”

- 4.2. Within this, the North London Boroughs agree to the following Objectives:

- To develop a long-term vision for waste as a resource in north London.
- To co-ordinate the production of the NLWP as expeditiously as possible.

- To work closely with the North London Waste Authority as a key stakeholder to ensure integration with provisions for the collection and management of municipal waste.
- To ensure the NLWP conforms with the policies of the London Plan and the Local Plans of the North London Boroughs.
- To work together to raise awareness amongst stakeholders and promote sustainable waste management in north London.

5. Principles of partnership working

- 5.1. The North London Boroughs agree to conform to the following principles of partnership working:

Co-operation: agree to co-operate with each other with the aim of achieving the most sustainable waste management solutions for north London as a whole, whilst taking into consideration the implications for each North London Borough.

Accountability: actions and decisions recommended by the North London Boroughs should reflect the best interests of all council tax payers.

Transparency: will seek joint solutions to waste planning through communicating in an open and transparent manner.

6. Appointment of Lead Borough.

- 6.1. The London Borough of Camden (“Camden”) shall act as the Lead Borough and legal entity for the North London Boroughs and shall enter into all contracts with third parties on behalf of the North London Boroughs. All contracts shall be awarded by the Director of Culture and Environment at Camden in accordance with Camden’s Contract Standing Orders.
- 6.2 Camden will be responsible for the recruitment and management of the Programme Manager and any additional staff employed to support the work of the Programme Manager.
- 6.3 Camden will at all times act in accordance with the policies and project management arrangements set out in this Memorandum of Understanding.
- 6.4 Prior to entering into all contracts with third parties, Camden will convene a meeting of the Project Panel, which shall consist of the members of the POG, a representative of Camden’s Borough Solicitor, a representative of Camden’s Environment Procurement Hub and the Programme

Manager. All decisions to let contracts shall be made in consultation with this Project Panel.

7. Organisational structure and accountability

- 7.1. The North London Boroughs agree to work together within the organisational arrangements set out in **Schedule 1** and to undertake the detailed roles and responsibilities listed within **Schedule 2**.

8 Project management arrangements

Procurement of contracts

- 8.1. Camden will oversee the recruitment of consultants and contractual arrangements between Camden and the consultants. All procurement activities carried out by Camden will be conducted in line with UK and EU legislation.

Timing and frequency of meetings

- 8.2. Planning Officers Group meetings will be held every six weeks and the Heads of Planning and Planning Members Group meetings at key decision points in the plan-making process. More frequent meetings may be held to progress the plan at key stages. (See schedule 2 for terms of reference for these Groups)

Protocol for reporting and meetings

- 8.3. The North London Boroughs will provide one representative at the appropriate level to attend POG, HOP and PMG meetings and will use reasonable endeavours to provide consistent attendance of personnel.
- 8.4. The North London Boroughs will provide the consultants and the Programme Manager with information held which may assist with the production of the NLWP, with the understanding that non-publicly available information will remain confidential amongst partners.
- 8.5. The North London Boroughs will undertake regular internal briefings within their individual authority to maintain awareness of members and others and assist the decision-making process.
- 8.6. The North London Boroughs will carry out consultation arrangements in line with the timing and format set out in the revised Consultation Protocol, to be agreed by the PMG.

Decision-making arrangements

- 8.7. To enable the plan-making process to proceed as efficiently as possible, the North London Boroughs will aim to progress and not delay decisions. Predicted key decision points are listed below:

Key decision	Predicted timing
SA scoping report	Feb/March 2014
Regulation 18 draft Plan to be signed off	January 2015
Pre-submission Plan to be signed off	Winter 2015/16
Submission	Autumn 2016
Hearings	Winter 2016/17
Adoption	Autumn 2017

- 8.8. Heads of Planning will make recommendations on the content of the NLWP to the PMG. The PMG will meet before the key decision stages of the NLWP and at other times where recommended by the HOP. The PMG will review progress on the NLWP, the key issues arising during the production of the NLWP and other matters referred to them by the HOP.
- 8.9. The Programme Manager will provide Directors of Environment and HOP of the North London Boroughs with regular reports to keep them informed of progress.
- 8.10. Each of the North London Boroughs is required to seek ratification of the NLWP at each key decision stage. The North London Boroughs will use their reasonable endeavours to deal promptly and expeditiously with all required approvals of the plan in their own Borough including full Council as necessary.

Press and public relations

- 8.11. The emphasis will be on joint publicity arrangements for the NLWP in accordance with the agreed principles of partnership working and the Consultation Protocol. Publicity and public relations will be co-ordinated through the Programme Manager. Each North London Borough will endeavour to keep others informed of all relevant press releases to be publicised by Boroughs individually.

9. Costs

- 9.1. North London Boroughs agree to share on an equal basis (one seventh per borough) all costs associated with the Mission Statement and Objectives of this Memorandum of Understanding more specifically set out at paragraph 9.5 below (the "Costs"). An indicative budget for the NLWP is set out in Schedule 3. The North London Boroughs agree that control of expenditure on the NLWP is a priority and all appropriate steps will be taken by Camden to ensure that only necessary expenditure is incurred. Camden further agrees to pay the Costs only after consulting with the North London Boroughs and only on expenditure incurred which directly relates to its obligations as Lead Borough under this Memorandum of Understanding.
- 9.2. The Programme Manager will produce every quarter a financial report of the Costs of producing the NLWP, highlighting any variations. At the start

of every financial year, the Programme Manager will produce for HOP a project plan for the year ahead, reviewing expenditure in the past year and projecting expenditure for the financial year and the rest of the plan period, highlighting any changes to the indicative budget.

- 9.3 Camden will invoice each North London Borough for its share of the Costs twice a year. In October each North London Borough will be invoiced for expenditure incurred in the first half of the financial year. In March Camden will invoice each North London Borough for the remaining expenditure incurred in the financial year which will take into account any variation in costs detailed in the quarterly monitoring reports of the Programme Manager.
- 9.4 Where Camden seeks funds additional to the Costs in connection with the production of the NLWP, these will not be incurred without the approval of the HOP in conjunction with their PMG representative. Where this approval for additional expenditure is given, the North London Boroughs agree that Camden may undertake the additional expenditure or seek a variation of the contract with Urban Vision Partnership Limited, company number 5292634, (who have been appointed to advise and prepare the NLWP) and to give effect to such variation each of the North London Boroughs further undertakes to make payment of their proportion of the cost of such contract variation.
- 9.5. **Schedule 3** sets out a breakdown of the indicative Costs. Over a four year period the cost to each North London Borough will be approximately £159,000 or an average of approximately £39,750 per annum. The actual amount invoiced by Camden will vary depending on the stage of the NLWP.
- 9.6 In the event that any of the North London Boroughs for any reason withdraw from participation in this agreement they shall remain liable for all Costs and expenditure detailed in this clause 9 throughout the duration of this Agreement
- 9.7 All North London Boroughs shall make payment within thirty (30) days of receipt of an invoice for payment from Camden.
- 9.8. If any sum payable under this Agreement is in arrears for more than thirty (30) days after the due date, Camden reserves the right, without prejudice to any other right or remedy, to charge interest on such overdue sum on a day to day basis from the original due date until paid in full at a rate of 3% above Bank of England base lending rate in force from time to time.
- 9.9. Any North London Borough may notify Camden in writing within fourteen (14) days of receipt of an invoice if the North London Borough considers such invoice incorrect or invalid for any reason and the reasons for withholding payment failing which the North London Borough will raise

no objection to any such invoice and will make full payment in accordance with it.

10 Dispute resolution-

- 10.1 In the case of disagreement between the North London Boroughs, all efforts will be made to resolve problems and explore alternative solutions where appropriate to achieve the Mission Statement and Objectives of this Memorandum of Understanding.
- 10.2 The Programme Manager will oversee negotiations in resolving any dispute between the North London Boroughs.
- 10.3 The matter shall be referred in the first instance to the HOP who shall discuss the issue and use their reasonable endeavours to resolve the same.
- 10.4 If after discussion the matter has not been resolved, the matter relevant to the resolution shall be referred to the Directors of Environment or equivalent Chief Officer of each North London Borough who shall discuss the issue and use their respective reasonable endeavours to reach agreement. If agreement still cannot be reached the Directors of Environment or equivalent Chief Officer of the North London Boroughs may appoint an independent arbitrator who shall be a member of the Royal Town Planning Institute and whose decision shall be final and binding on the parties. All costs in connection with the appointment and services of the independent arbitrator shall be shared equally by the North London Boroughs.
- 10.5 Should disagreements between the North London Boroughs remain unresolved, all efforts will be made to maintain joint working arrangements between all North London Boroughs, with withdrawal from the agreement representing the last resort.
- 10.6 Any North London Borough may withdraw from participation in this Agreement by giving six months notice to the Programme Manager who will then notify the other North London Boroughs of this. Any North London Borough serving notice of withdrawal from the Agreement under this clause will remain liable for its share of the Costs throughout the remaining duration of the Agreement as set out in clause 9.6.
- 10.7 In the case of one or more of the North London Boroughs choosing to withdraw from joint working arrangements, the remaining North London Boroughs reserve the right to continue to work together to develop the NLWP for any remaining sub-regional area(s).

11. Further Agreements

- 11.1 The North London Boroughs agree to consider any legislative changes affecting this Agreement and shall consider whether any additional

agreements for specific services entered into by all or some of the North London Boroughs affect this Agreement in any material way and will if necessary enter into any further Agreements.

12 Confidentiality

- 12.1 The North London Boroughs shall not divulge or dispose of or part with possession, custody or control of any confidential material or information provided to the North London Boroughs pursuant to this Agreement or obtained by the North London Boroughs pursuant to the Agreement, other than in accordance with the express written instructions of the other North London Boroughs.
- 12.2. The North London Boroughs shall take all reasonable steps as from time to time shall be necessary to ensure compliance with the provisions of Clause 12 by its employees and agents.
- 12.3 Nothing in this Clause 12 shall prevent the North London Boroughs from disclosing confidential material or information where they are required to do so by judicial, administrative, governmental or regulatory process or by the application of any applicable law including but not limited to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 12.4 Clause 12 shall survive any termination of the Agreement.

13 Indemnity

- 13.1 Subject to clause 13.4 below the North London Boroughs will fully indemnify each other in respect of any and all costs, expenses and liabilities incurred directly or indirectly as a result of the performance of their obligations under this Agreement
- 13.2 Subject to clause 13.4 below the North London Boroughs will fully indemnify Camden the lead Borough in respect of all reasonable costs expenses and liabilities directly incurred with regard to the performance of all of Camden's obligations under the terms of this Agreement.
- 13.3 It is hereby agreed that none of the North London Boroughs shall be liable to indemnify each other or Camden for any costs expenses and liabilities (hereafter "costs") ,howsoever arising, if these costs are incurred as a result of the wilful misconduct or negligence of any of the North London Boroughs or Camden.
- 13.4 To avoid doubt each North London Borough's liability under this Agreement is several and not joint.

14. Intellectual Property Rights

- 14.1 Camden shall procure that it shall include a clause in any consultant's or contractor's appointment appointed to carry out services or works pursuant to Camden's role as Lead Council, requiring the consultant or contractor to grant to each of the North London Boroughs all necessary intellectual property rights to copy and make full use of any work undertaken by or on behalf of the North London Boroughs for the purpose of their appointment (including but not limited to any data, reports, drawings, specifications, designs, inventions or other material produced or acquired in the course of such work).
- 14.2 Each North London Borough (the Licensor) grants to each of the other North London Boroughs (the Licensee) an irrevocable, non-exclusive, non-terminable, royalty-free licence, to copy and make full use of any work carried out by the Licensor in any work undertaken by or on behalf of the North London Boroughs for the purpose of this Agreement.
- 14.3 The North London Boroughs together reserve the right to determine whether the result of the works shall be published and if so on what conditions.
- 14.4 The North London Boroughs acknowledge and agree that any proposal by one member to grant a licence to a third party to use the documents and materials described in 14.1, shall be subject to the agreement of all the other North London Boroughs.
- 14.5 Any changes or edits made to the documents and materials by any of the North London Boroughs, if made under the terms of the Agreement shall be jointly owned by the North London Boroughs. Copyright in any edits or changes made to the documents and materials at the expiration of the term shall be owned by the relevant author.

15. Third Parties

- 15.1 A person who is not a party to this Memorandum of Understanding shall have no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any of its terms.

16. Governing Law and Jurisdiction

- 16.1 This Memorandum of Understanding shall be governed by English law, and each of the parties hereby submits to the exclusive jurisdiction of the Courts of England and Wales.

17. Counterparts

- 17.1 This Memorandum of Understanding may be entered into in the form of two or more counterparts, each executed by one of the parties.

IN WITNESS whereof this document has been executed and delivered as a Deed by the parties the day and year first before written.

THE COMMON SEAL of THE)
MAYOR AND BURGESSES OF THE)
LONDON BOROUGH OF BARNET)
was hereunto affixed in the presence of:-)

Authorised Signatory

Authorised Signatory

THE COMMON SEAL of THE)
MAYOR AND BURGESSES OF THE)
LONDON BOROUGH OF CAMDEN)
was hereunto affixed in the presence of:-)

Authorised Signatory

Authorised Signatory

THE COMMON SEAL of THE)
MAYOR AND BURGESSES OF THE)
LONDON BOROUGH OF ENFIELD)
was hereunto affixed in the presence of

Authorised Signatory

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was hereunto affixed in the presence of

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LONDON BOROUGH OF WALTHAM FOREST)
was hereunto affixed in the presence of:-)

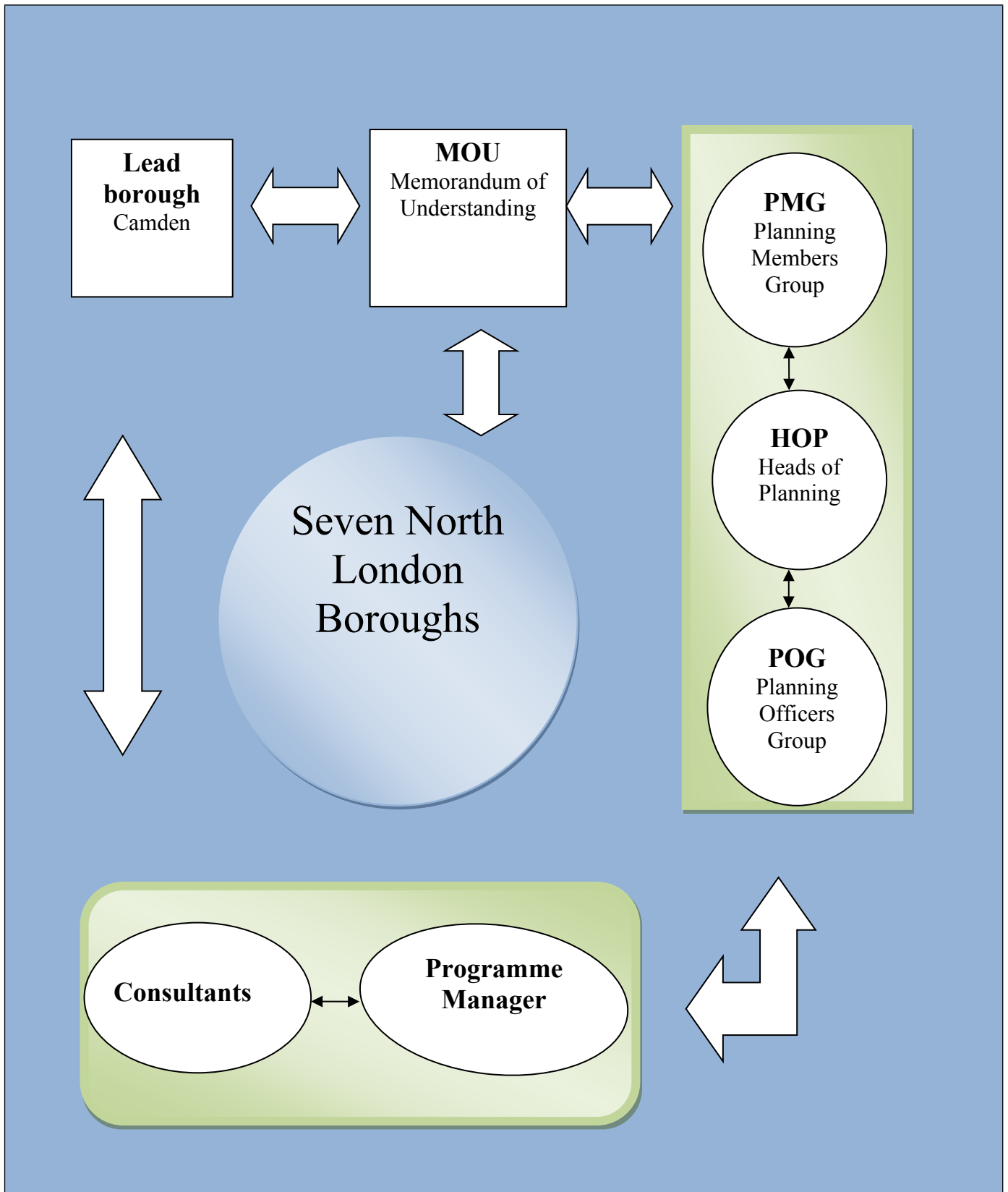
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SCHEDULE 1

Organisational arrangements

Organisational arrangements



SCHEDULE 2

Roles and responsibilities

Planning Officers Group (POG)

Role

- To take ownership of the plan preparation process through a close working relationship with the Programme Manager, the consultants, the Heads of Planning (HOP), and the Planning Members Group (PMG), and where necessary provide additional capacity as a working group.

Membership/personnel

- Each North London Borough will provide one senior level planning officer to attend the POG. Officers should currently work in forward planning, and have a good overview of the Local Plan preparation process within their Borough and a broad understanding of waste planning issues.
- There may also be a need for involvement of other appropriate officers from each Borough with a background in sustainable development, at key stages of the SA/SEA process.
- The Group will be chaired by a planner from one of the North London Boroughs in rotation.
- A programme of meetings will be organised by the Programme Manager. However if two or more North London Boroughs wish there to be a meeting outside these arrangements, they may request the Programme Manager to convene a meeting and such a meeting shall take place as soon as practicably possible

Responsibilities of POG members

- To actively participate in regular six-weekly meetings with the other boroughs and the consultants, to steer the NLWP preparation process.
- To contribute to progress reports with recommendations to be put to the HOP and PMG for joint decision-making where appropriate.
- To provide comments on the work of the consultants and on documents and proposals from the Programme Manager when requested
- To provide additional working capacity at certain stages in the process – in particular logistical arrangements during consultation stages.
- Each planning officer to take responsibility for reporting progress internally within their Borough and provide regular feedback to POG members, particularly where problems are identified.
- Each planning officer to take responsibility for arranging reporting mechanisms internally within their Borough, to enable ratification of the plan to proceed according to plan-making timetable.

Heads of Planning (HOP)

Role

- To oversee the NLWP preparation process
- To consider the recommendations of the Planning Officers Group (POG) and to make recommendations to Planning Members Group (PMG) on the content of the NLWP
- To agree the timetable, and budget of the NLWP and agree any necessary changes

Membership/personnel

- The North London Boroughs shall be represented equally by the Head of the Planning Service in each of the North London Boroughs
- Meetings will be convened by the Lead Borough, through the Programme Manager. However if two or more North London Boroughs wish there to be a meeting outside these arrangements, they may request the Programme Manager to convene a meeting and such a meeting shall take place as soon as practicably possible.

Responsibilities of HOP members

- To meet at key decision points in the preparation of the plan
- To consider whether the NLWP is in line with the Local Plan and the Sustainable Community Strategy/Corporate Plan of their own Borough and to bring to the attention of HOP any inconsistencies at the earliest opportunity
- To brief the Lead Member for Planning and the PMG member, if different, within their own Borough on the progress of the NLWP and any issues that arise
- To secure funding within own Borough for the agreed budget of the NLWP
- To ensure that any approval process required for the NLWP in each North London Borough is carried out promptly and expeditiously

Planning Members Group (PMG)

Role

- To oversee the plan preparation process and provide feedback in response to recommendations of the Heads of Planning (HOP).
- To jointly approve recommendations wherever possible and seek the approval of Borough Cabinet/Executive/Policy and Resources Committee (“executive”)¹ or Full Council approval where necessary.

Membership/personnel

- The North London Boroughs will be represented equally, with one executive member or deputy (with responsibility for planning, environment or similar) from each of the seven North London Boroughs.
- Meetings will be convened by the Lead Borough, through the Programme Manager. However if two or more North London Boroughs wish there to be a meeting outside these arrangements, they may request the Programme Manager to convene a meeting and such a meeting shall take place as soon as practicably possible.

Responsibilities of PMG members

- To meet at key decision points in the plan preparation process.
- To make arrangements for appointing the chair and vice chair(s) of the PMG.
- To make joint decisions in response to recommendations from HOP throughout the development of the plan, where Borough executive or Full Council approval is not required.
- To consider agreements with other local planning authorities relating to a jointly agreed strategy on cross boundary matters under the Duty to Co-operate.
- To provide the main link between key decisions made within individual Boroughs and decisions made through joint working on the PMG
- To report back to the executive within their respective Borough and ensure key decisions are made at executive level and fed back via the Programme Manager.
- To report to Full Council and help to ensure approval is made at the Submission and Adoption stages. To report this back via the Programme

¹ Camden, Enfield, Hackney, Haringey and Waltham Forest have a Cabinet. Islington has an Executive. Barnet has a Policy and Resources Committee.

Manager.

- To use information provided by the HOP to promote progress on the development of the NLWP within their respective Borough decision-making machinery.

Programme Manager

Role

- To lead in co-ordinating activity and ensuring progress on all aspects of the plan-making process, and to provide the main point of contact for all parties.

Membership/personnel

- The Programme Manager will be a full time post suitable for a Senior Officer to be recruited externally or provided by one of the North London Boroughs, and managed and accommodated within one of the Borough's offices by Camden.

Responsibilities of Programme Manager

- To lead and take responsibility for the project programme, ensuring necessary outputs are produced by all partners at key stages of the process.
- To oversee the NLWP budget, and report on financial arrangements, ensuring Boroughs are informed of payment requirements.
- To act as the main representative for the North London Boroughs in communicating with external organisations, in particular the Greater London Authority and London Councils at key points in the process and to represent the North London Boroughs in discussions with key stakeholders.
- Take a lead on co-ordinating all aspects of consultation, in conjunction with the consultants and key external stakeholders such as the North London Waste Authority.
- To lead on the responsibilities of the North London Boroughs on the Duty to co-operate and to make responses on behalf of the North London Boroughs on relevant correspondence, plans and programmes of other organisations.
- To report recommendations from the POG to HOP and from HOP to PMG at key points in the process and report back to all bodies on all decisions made.
- To co-ordinate the production of progress reports to Directors of Environment and Heads of Planning of the North London Boroughs
- To maintain regular liaison with North London Borough Cabinet members to enable key decisions to be reported back to HOP and POG.
- To manage the contract and maintain regular liaison with the consultants

outside scheduled meetings in relation to progress, logistical arrangements etc.

- To provide members of the POG with 3-4 months notice of each ratification stage of the plan-making process, to enable reporting mechanisms to be arranged within each North London Borough in accordance with the plan-making timetable.
- To provide support to the North London Boroughs outside POG meetings in order to facilitate the plan-making process e.g. training programmes for officers and members.
- To oversee negotiations in the case of any dispute between the North London Boroughs.
- To report to the POG, HOP and PMG and act upon agreements made
- To manage additional NLWP staff

SCHEDULE 3

Indicative costs and payment schedule

Indicative Budget for the NLWP

	2013/14	2014/15	2015/16	2016/17	2017/18	Total
Consultant Data Study	£42,956					£42,956
Consultant Plan	£34,186	£113,302	£106,624	£73,097	£10,076	£337,284
Programme Management	£99,921	£105,372	£110,678	£87,701	£16,188	£419,860
Publicity	£2,065	£2,041	£43,200	£29,700	£12,700	£89,706
Legal	£2,500	£8,650	£10,000	£44,000	£5,000	£70,150
Examination				£135,000		£135,000
TOTAL	£181,628	£229,365	£270,502	£369,498	£43,963	£1,094,955
Per borough	£25,947	£32,766	£38,643	£52,785	£6,280	£156,422

All costs are shared equally by the boroughs. The indicative budget for the NLWP is based on the following assumptions

- Procurement of the NLWP data study contract
- Procurement of the NLWP consultancy support contract
- Employment of Programme Manager to end of project
- Employment of Principal Planner up to September 2016 (end of hearings)
- The NLWP goes through the following stages: Regulation 18, Regulation 19, Examination and Adoption
- Costs associated with consultation at all stages
- Provision of legal advice
- Costs of holding examination including employment of Programme Officer

Decisions of the North London Boroughs on the Memorandum of Understanding (MoU)

Recommendation of Policy and Resources Committee

Barnet Policy and Resources Committee 9 July 2015 agreed to recommend to full Council the approval of the revised Memorandum of Understanding, subject to a change to Clause 12. This should be in consultation with HB Public Law, and on the basis of reporting all the amendments made by the other North London Boroughs (as set out below), this would serve as the formal arrangement for Barnet's continued involvement in the NLWP.

Actions of other North London Boroughs

With the exception of Barnet six North London Boroughs have agreed the MoU and have set out arrangements for agreeing any further changes.

- Camden noted the MoU and will agree final version under delegated authority
- Enfield, Hackney, Haringey, Islington and Waltham Forest agreed the MoU subject to further changes being agreed under delegated power

Pinkham Way Alliance

The **Pinkham Way Alliance** made representations to Camden, Barnet and Enfield about the MoU.

- Removal of secrecy clause 12 because of its excessive nature (clause 12.1) and because it is not justified
- Project manager (sic) to put minutes of meetings on website by reasonable time (suggested addition to clause 8.3)
- Organisational Arrangements chart: add "NLWP Principal Planning Officer"

Clause 12

Clause 12 in the MoU relates to confidentiality. Some Boroughs considered the MoU with clause 12.1 in and some without. On receipt of the legal advice suggesting the removal of 12.1 and the apparent agreement from other boroughs to do so, some boroughs considered an amended version of the MoU:

- LBs Camden, Enfield and Islington considered an unamended MoU with the original clause 12.1
- LBs Barnet, Hackney, Haringey and Waltham Forest considered an amended MoU with 12.1 taken out

This is not an issue because the recommendation is to remove 12.1 and boroughs have delegated power to agree changes or the final form of the MoU.

In line with legal advice the proposal is to

- Delete clause 12.1
- Insert new clause (as proposed by LB Enfield) which states that Boroughs are bound by Freedom of Information Act and Environmental Information Regulations.
- Consequent renumbering of clauses

The proposed revised text is set out below.

Key: ~~Deleted text~~ and New text

12 Confidentiality

~~12.1 The North London Boroughs shall keep confidential any information obtained by reason of this Agreement and shall not without the consent of all of the other North London Boroughs during the period of the agreement or any time thereafter make use of for its own purposes (except for the purposes of carrying out any obligations under this Agreement), or disclose to any person (except as may be required by law including without limitation pursuant to the Freedom of Information Act 2000), the Agreement or any information contained therein or any material provided pursuant to the Agreement, all of which information shall be deemed to be confidential.~~

12.12 The North London Boroughs shall not divulge or dispose of or part with possession, custody or control of any confidential material or information provided to the North London Boroughs pursuant to this Agreement or obtained by the North London Boroughs pursuant to the Agreement, other than in accordance with the express written instructions of the other North London Boroughs.

12.23. The North London Boroughs shall take all reasonable steps as from time to time shall be necessary to ensure compliance with the provisions of Clause 12 by its employees and agents.

12.3 Nothing in this Clause 12 shall prevent the North London Boroughs from disclosing confidential material or information where they are required to do so by judicial, administrative, governmental or regulatory process or by the application of any applicable law including but not limited to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

12.4 Clause 12 shall survive any termination of the Agreement.

Planning and Compulsory Purchase Act, Section 33A – Duty to Co-operate

Memorandum of Understanding (“MoU”) providing a framework for co-operation between London Legacy Development Corporation (“Legacy Corporation”) and the North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest (“North London Boroughs”) undertaking the North London Waste Plan (“NLWP”).

Background

1 The North London Boroughs are working together as waste planning authorities (“WPAs”) to prepare the NLWP. The NLWP will set out the planning framework for waste management in the North London Boroughs for the next 15 years. It will identify sites for waste management use and set out policies for determining waste planning applications. Adoption of the NLWP is expected to be in early 2017.

2 The Legacy Corporation is a Mayoral development corporation, established in March 2012 with responsibility for securing the regeneration of an area of London focused on the former Olympic Park. The Legacy Corporation’s area includes parts of the London Boroughs of Newham, Waltham Forest, Hackney and Tower Hamlets (“Host Boroughs”). The London Boroughs of Hackney and Waltham Forest are both members of the North London Boroughs.

3 By virtue of article 3 of the London Legacy Development Corporation (Planning Functions) Order 2012 (“2012 Order”) and section 7A of the Town and Country Planning Act 1990, the Legacy Corporation is the planning authority for the defined “*development area*”¹ for the purposes of Part 3 of the Town and Country Planning Act 1990 and Parts 2 and 3 of the Planning and Compulsory Purchase Act 2004. As a result it is responsible for all development management decisions and development plan preparation including waste planning within the Legacy Corporation’s area. In August 2014, the Legacy Corporation published its draft local plan for statutory consultation (“Local Plan”). The draft Local Plan carries forward and develops growth ambitions for the Legacy Corporation’s area that are set out in the London Plan 2011 and builds on the Host Borough development plan documents that were adopted at the time that the Legacy Corporation received its planning powers.

4 The London Plan has a strategy for London to achieve net self-sufficiency in managing waste arising in London by 2026.. Under the London Plan, each London borough including each of the North London Boroughs is given an apportionment of waste arisings for which it should plan waste management provision. The North London Boroughs are planning to meet their combined apportionment targets through the NLWP. The London Plan does not include a waste apportionment for the Legacy Corporation planning authority area, which includes parts of Hackney and Waltham Forest from the North London Boroughs. A formal working relationship is required between the Legacy Corporation and the North London Boroughs in securing the delivery of an effective waste plan for North London.

Proportion of North London Boroughs within Legacy Corporation area

5 The proportion of each borough area that falls within the Legacy Corporation Boundary is set out within Table 1 below.

¹ Defined in Article 2 to the Order as meaning the area of land described as a Mayoral development area, and in relation to which a Mayoral development corporation is established, by the London Legacy Development Corporation (Establishment) Order 2012

Table 1 Proportion of Legacy Corporation Area by Borough

LB Newham	63%
LB Tower Hamlets	16%
LB Hackney	16%
LB Waltham Forest	5%

6 Approximately seventy six percent (76%) of the projected growth in the Legacy Corporation's draft Local Plan is expected to come forward within the boundary of the London Borough of Newham. Just over a further eighteen percent (18%) is expected in the London Borough of Tower Hamlets, and the remaining six percent (6%) is expected to come forward within the London Borough of Hackney. None is planned within the London Borough of Waltham Forest as this portion comprises the Lea Valley Hockey and Tennis Centre at Eton Manor and Chobham Academy school playing fields which have open space/MOL designation, and the established Temple Mills Bus Depot site, designated as a Locally Significant Industrial Site.

Existing Frameworks for Co-operation

7 A formal memorandum of understanding governing co-operation in plan making (amongst other activities) between the Legacy Corporation and the London Boroughs of Hackney and Waltham Forest was agreed in 2013. Co-operation is already taking place between the Legacy Corporation and the London Boroughs of Hackney and Waltham Forest in terms of plan-making. This includes attendance of borough officers representing Hackney and Waltham Forest at the established Planning Policy Forum Meetings.

8 A further formal memorandum of understanding exists between the seven North London Boroughs as the basis of working collaboratively on the NLWP. It establishes the lead borough, sets out how contracts will be let and creates terms of reference for the inter-borough grouping. The memorandum of understanding between the seven North London Boroughs describes how disputes will be resolved. It sets out the timetable and budget for the NLWP and how costs will be shared.

9 The North London Boroughs have prepared a Duty to Co-operate Protocol which will be used as the basis of co-operation; principally with other WPAs who receive significant quantities of waste from north London.

Co-operation between Legacy Corporation and the North London Boroughs

10 The North London Boroughs and Legacy Corporation have co-operated in the preparation of:

- the Legacy Corporation draft Local Plan through meetings and correspondence via email and letter; and
- the NLWP through feedback on potential sites in the Legacy Corporation area provided by Legacy Corporation.

11 Co-operation will continue to take place through appropriate methods including:

- written correspondence
- exchange of information and verification of data
- meetings:
 - Attendance of borough officers representing London Boroughs of Hackney and Waltham Forest at the established Planning Policy Forum Meetings, which take place every month to six weeks in accordance with the 2013 memorandum of understanding.
 - Meetings between officers of the North London Boroughs and the Legacy Corporation at least annually and more frequently where it is agreed that such additional meetings are appropriate and necessary to the preparation or

review of relevant Development Plan Documents.

- agreement of key issues
- statement of common ground
- Memorandum of Understanding

12 The future co-operation between the Legacy Corporation and the North London Boroughs will be focused on the following areas with a view towards maximising the effectiveness of our respective plan making and securing sustainable development in accordance with our respective corporate objectives:

- policy approach to planning for waste within each local plan
- site analysis and selection within each local plan
- the further preparation, collection and updating of evidence base documents relating to waste planning
- the exchange of data (including electronically held data and GIS mapping data) relating to the evidence base for development plan documents
- the approach of the NLWP to identifying potential waste sites in North London to meet future capacity requirements in compliance with the London Plan
- the approach of the Legacy Corporation to meeting its strategic waste planning responsibilities where site capacity for waste management has not been or cannot be met by appropriate identified sites within the Legacy Corporation Local Plan for the areas of Hackney and Waltham Forest within the Legacy Corporation area

13 To secure the delivery of an effective waste plan for North London, the North London Boroughs and the Legacy Corporation agree that the areas listed in Table 2 are potentially suitable for waste management use. The North London Boroughs and Legacy Corporation have reached this conclusion after carrying out their own assessments of the areas described in evidence base documents. Acceptability of proposals for waste management uses in those locations will be determined with reference to Policy IN.2 and other relevant policies within the Legacy Corporation Local Plan and any other relevant material considerations that apply to that proposal. The North London Boroughs and the Legacy Corporation will take steps to reflect this in their respective plans.

Table 2 Areas in Hackney and Waltham Forest portions of the Legacy Corporation area potentially suitable for waste management use

Area ref	Site Name	Borough	Waste facility type: potential suitability
HAC09	Bartrip Street LSIS	Hackney	Waste transfer; Processing and recycling
HAC13	Palace Close SIL (to the west of Chapman Road)	Hackney	Waste transfer; Processing and recycling
	Temple Mills Lane LSIS	Waltham Forest	Waste transfer; Processing and recycling

14 The Legacy Corporation will decide planning applications for waste uses in its area in line with its Local Plan including Policy IN.2: Planning for waste, taking full account of the waste apportionment targets set for each Borough within the London Plan, the adopted local waste plans or waste planning policy for that Borough and the development of new or review of existing adopted waste plans for that Borough.

Resources and timescales

15 The Legacy Corporation and the North London Boroughs will use reasonable endeavours to respond in a timely manner to any request for information from the other.

16 The Legacy Corporation and the North London Boroughs officers had a preliminary agreement in place for the hearings of the Legacy Corporation Local Plan in March 2015 which will be subject to formal ratification by each North London Borough. An update to this agreement may be required in 2016 at the submission of the NLWP to the Secretary of State.

17 Both parties will inform each other of any changes in their plan making timetable.

Level of sign off -

18 The North London Boroughs will sign off agreements under the Duty to Co-operate using appropriate measures under their respective constitutions.

19 The Legacy Corporation will sign off agreements under the Duty to Co-operate using delegated powers.

Confidentiality

20 In the course of our co-operation, the Legacy Corporation and the North London Boroughs may exchange confidential information. Each organisation will treat any confidential information provided to it by the other with the same degree of care that it treats its own confidential information, and never with less than reasonable care, and shall not at any time disclose such information except:

- a) to employees, members, officers, representatives or advisers who need to know such information for the purposes of carrying out their organisation's obligations under this letter; or
- b) as may be required by law, a court of competent jurisdiction or any governmental or regulatory authority.

21 The Legacy Corporation and the North London Boroughs shall ensure that employees, officers, representatives or the advisers to whom confidential information is disclosed shall comply with the above restrictions. Neither the Legacy Corporation nor the North London Boroughs shall use the other's confidential information for any purpose other than to perform its obligations under this letter.

Monitoring

22 This Memorandum shall continue until such time as the Legacy Corporation ceases to be the local planning authority for the development area (see para 3 above) or any part thereof. The terms of this MoU will be reviewed at a meeting between officers of the Legacy Corporation and the North London Boroughs at least annually. If either the Legacy Corporation or the North London Boroughs thinks it necessary, the terms of the co-operation can be reviewed earlier on at least seven days written notice. If following any review, either the Legacy Corporation or the North London Boroughs reasonably considers that modifications to this MoU are necessary to maximise the effectiveness of our respective plan making, the Legacy Corporation and the North London Boroughs shall use reasonable endeavours to agree such modifications.

23 Neither the Legacy Corporation nor the North London Boroughs intend this MoU to create legally enforceable obligations, and nothing in this letter should be construed as conflicting with any agreement or contract involving either the Legacy Corporation or any of the North London Boroughs, or with any statutory or other legal duties of the Legacy Corporation or any of the North London Boroughs.

Signed on Behalf of the
London Borough of Barnet

Date

Signed on Behalf of the
London Borough of Camden

Date

Signed on Behalf of the
London Borough of Enfield

Date

Signed on Behalf of the
London Borough of Hackney

Date

Signed on Behalf of the
London Borough of Haringey

Date

Signed on Behalf of the
London Borough of Islington

Date

Signed on Behalf of the
London Borough of Waltham Forest

Date

Signed on Behalf of the London
Legacy Development Corporation

Date

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	<p>COUNCIL</p> <p>8 December 2015</p>
Title	Report of Head of Governance
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	Appendix A – Changes to the Calendar of Meetings 2014/15 Appendix B – Appointments to Committees and Other Bodies
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

<h3>Summary</h3>
This item presents various constitutional and administrative matters for Council's agreement. Full details are as set out in the appended reports.

<h3>Recommendations</h3>
<ol style="list-style-type: none"> 1. That Council note the changes to the Calendar of Meetings 2014-15 in Appendix A 2. That Kevin McSharry be appointed as a co-opted member of the Children Education Libraries and Safeguarding Committee, as set out in Appendix B

1. WHY THIS REPORT IS NEEDED

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

2. REASONS FOR RECOMMENDATIONS

2.1 As set out in the attached Appendices.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 N/A

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As set out in attached Appendices.

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

5.2.1 Any specific implications are set out in the attached Appendices.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Full Council Procedure Rules – that full council has responsibility for “Agreeing and amending the terms of reference of Committees, deciding on their terms of composition and making appointments to them.”

5.4 Risk Management

5.4.1 As set out in attached Appendices.

5.5 Equalities and Diversity

5.5.1 As set out in attached Appendices.

5.6 Consultation and Engagement

5.6.1 None specifically arising from this report.

6. BACKGROUND PAPERS

6.1 None.

CHANGES TO THE CALENDAR OF MEETINGS

Committee	Date of Meeting	New date of Meeting
West London Economic Prosperity Board	N/A	17 February, 1pm-3pm 8 June, 9:30am-11:30am 21 September, 9:30am-11:30am 7 December, 9:30am-11:30am
Policy and Resources Committee	8 December 2016	16 December 2016, 6.30pm
Local Pension Board	N/A	10 February 2016
Health and Well Being Board	28 January 2016	21 January 2016

RECOMMEND – That Council note the changes to the calendar of meetings contained in the table above.

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APPOINTMENT TO COMMITTEES AND OTHER BODIES

Children, Education, Libraries and Safeguarding Committee

On 28 July 2015, Full Council agreed to amend the membership of the Children, Education, Libraries and Safeguarding Committee to include a representative from Barnet's Standing Advisory Committee on Religious Education (SACRE) as a co-opted non-voting member. Officers have contacted SACRE to seek a nomination. Mr Kevin McSharry has been proposed and Council are asked to approve the nomination.

RECOMMEND that Kevin McSharry be appointed as a co-opted non-voting member on the Children, Education, Libraries & Safeguarding Committee as the representative for Barnet's Standing Advisory Committee on Religious Education (SACRE).

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Opposition Motion: Cllr Arjun Mittra

Protecting our Emergency Services

Council has serious concerns about the state of emergency services in London. Despite the recent announcement by the Chancellor of the Exchequer, previously announced budget pressures of £400 million to the Metropolitan Police that still need to be found could still result in the loss of all London's Police Community Support Officers. Barnet has already effectively lost 81 Police Officers and 121 PCSOs since 2010, with safer neighbourhood teams cut from 1 Sargeant, 2 PCs and 6 PCSOs down to just a PC and PSCO each. Current plans would leave ward safer neighbourhood teams with just one PC.

Council is also concerned about the plans to remove 13 fire appliances as the fire service is already stretched and further cuts could have more fatal consequences if it takes 13 minutes to respond to a fire instead of the target six minutes as happened during the recent fatal fire in Camden.

Council is further concerned that the London Ambulance service also continues to struggle due to funding cuts and a shortage of paramedics, with many leaving the service and posts left unfilled. Patients unable to book GP appointments are increasingly reliant on fewer ambulances and paramedics taking them to A&E departments that are full.

Council notes the announcement by the CQC that following a recent inspection of the London Ambulance Service they have rated it as Inadequate for being safe and well-led and are therefore recommending it is placed in special measures.

Council believes that cuts to public services are putting life-threatening pressures on our emergency services. After the recent tragedy in Paris, it is all the more important to recognise the importance of our emergency services and the need for faster response times.

Council therefore asks the Chief Executive to write to the Mayor of London, Boris Johnson and the Chancellor of the Exchequer to urgently reconsider the proposed cuts to emergency services in London.

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Council: Tuesday, 8 December 2015

Administration Motion: Cllr Helena Hart

AGENDA ITEM 15.2

Tackling the Growing Problem of Shisha

Council notes that the popularity and consumption of Shisha has steadily increased in the UK over recent years and that the number of premises offering the substance in London has expanded by over 600% in the last six years.

Locally, there are twenty known Shisha businesses in the borough – an increase of over 50% compared to January 2014. Council notes that young people are more likely to be drawn into Shisha smoking if there are outlets operating near their homes or schools.

Council is very concerned about this trend given the serious impact Shisha smoking can have on people's health. The average Shisha smoking session lasts about an hour, during which time the smoker can inhale up to 200 times more smoke than from a cigarette. Council notes that the health effects are similar to those of other tobacco products, including increased risk of cancer, heart disease, respiratory disease and complications during pregnancy. In addition, Council notes that by users sharing the same mouthpiece there is the further risk of transmitting infectious diseases such as Tuberculosis.

Council believes that many people are unaware of the dangers of Shisha smoking and that current regulations are not stringent enough. Council was shocked that of thirteen premises inspected by Environmental Health in the last two months, ten were found not to be compliant, but notes that previous prosecutions proved costly, time-consuming and resulted in insufficient penalties to constitute an effective deterrent.

Whilst Council is clear that it does not wish to impose a total ban on the provision of Shisha in the Borough, in view of the overriding health considerations associated with its use, Council requests the appropriate officers to urgently investigate how local residents, especially young children, can best be educated about - and protected from - the harmful effects of Shisha. Council requests these investigations centre on Borough-wide educational campaigns led by Public Health, adherence to existing and possibly additional Planning and Licencing laws and, above all, far tougher enforcement and penalties for contravention of existing legislation.

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Council: Tuesday, 8 December 2015

Administration Motion: Cllr Richard Cornelius

AGENDA ITEM 15.3

The Autumn Statement

Council notes the content of the Chancellor's recent Autumn Statement and Spending Review and welcomes both the strengthened financial outlook and the measures outlined to enhance our economic and national security.

Council notes that growth forecasts have once again been revised up, showing that the UK is continuing to build on the solid foundations of stability provided by the government. Council further notes that in Barnet unemployment has fallen another 8% in the last year and that average incomes in the borough are up over 17% on 2012.

With higher growth and tax receipt forecasts and reduced interest rates on debt, the Chancellor will be able to deliver a budget surplus by 2019/20, whilst avoiding cuts to tax credits, protecting police budgets and increasing investment in defence and security to keep us safe. Council welcomes these decisions.

Council also welcomes the government's reaffirmation of £97m in funding for the new Thameslink Station at Brent Cross and notes their support for our plans to deliver 7,500 new homes as part of the redevelopment. Council believes that measures on housing outlined in the Autumn Statement, such as funding for new starter homes for first time buyers and a special Help to Buy for London, will boost our already considerable efforts to deliver the new homes people desire.

Council recognises that the Spending Review reinforces the requirement to make savings to our budget. Whilst we await all the final details in the Local Government Settlement, the likely 25% further cut is in line with our expectations and the approach taken in our forward planning. Council commits to facing up to this challenge, accepting that the level of savings set out in the council's Medium Term Financial Strategy (MTFS) are required.

However, Council calls on the Leader to continue to make representations to ensure that Barnet is not treated in a harsher way than other London boroughs.

Under Full Council Procedure Rule 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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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

AGENDA ITEM 18

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