

MEETING

CONSTITUTION, ETHICS AND PROBITY COMMITTEE

DATE AND TIME

TUESDAY 30TH JUNE, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF CONSTITUTION, ETHICS AND PROBITY COMMITTEE (Quorum 3)

Chairman: **Councillor John Marshall**
Vice Chairman: **Councillor Melvin Cohen**

Melvin Cohen
Richard Cornelius

Dr Devra Kay
Alison Moore

Barry Rawlings
Joan Scannell

Substitute Members

Councillor Anthony Finn
Councillor Ammar Naqvi

Councillor Sachin Rajput
Councillor Alan Schneiderman

Councillor Peter Zinkin
Councillor Claire Farrier

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Kirstin Lambert 020 8359 2177 kirstin.lambert@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	1 - 10
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Question and comments (If any)	
6.	Members' Items (If any)	
7.	Constitution Review	11 - 162
8.	The Standards Regime	163 - 170
9.	Any other item(s) that the Chairman decides are urgent	

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Decisions of the Constitution, Ethics and Probity Committee

31 March 2015

Members Present:-

AGENDA ITEM 1

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 24 November 2014 be approved as a correct record, subject to the amendment of minute item 8 as follows:

“At the invitation of the Chairman, Councillor Moore introduced her Members’ Item.

The Monitoring Officer advised the Committee that the second proposal in the Members’ Item was not required as Members who were the subject of a conduct complaint did have a right of access to the Independent Person and should not have been prevented from having access in previous cases considered by the Group Leaders Panel. On that basis, Councillor Moore agreed that the second proposal should be removed.

Having considered the request set out in the Members’ Item, the Committee voted on the two remaining proposals contained therein.

In relation to the request set out in the Members’ Item to “Reinstate a Standards Committee with an independent Chair (as well as the Independent Persons) and one representative from each of the three political groups” a Member MOVED that the wording be deleted and replaced with “A review of the Standards Committee be undertaken at the end of the 2014/15 municipal year.” The proposal was duly SECONDED. Votes were recorded as follows:

In Favour: 4
Against: 3
Abstentions: 0

RESOLVED that:

1. The Committee agree that a review of the Standards Committee be undertaken at the end of the 2014/15 municipal year.
2. The Committee instruct that any councillor subject to a complaint under the Code of Conduct is allowed legal representation.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. CONSTITUTION REVIEW

The Head of Governance introduced the report and accompanying addendum report.

Councillor Melvin Cohen MOVED an amendment to Responsibility for Functions Annex A (Committees Membership and Terms of Reference) to clarify that theme committees, the Planning Committee and Licensing Committee have responsibility for developing (above inflation) fees and charges for implementation, and that these be reported to Policy and Resources Committee for noting.

Upon being put to the VOTE the proposal was CARRIED. Votes were recorded as follows:

In Favour	4
Against	0
Abstentions	3

Following consideration of the report and addendum report the Committee

RESOLVED –

- 1. That the Committee recommend to Council amendments to Responsibility for Functions, Annex A (Committees Membership and Terms of Reference) to:**

- a. Clarify that theme committees have responsibility for developing (above inflation) fees and charges for implementation, and that these be reported to Policy and Resources Committee for noting
 - b. Clarify that the Planning Committee has responsibility to approve land charges fees and charges for those areas under the remit of the Committee
2. That the Committee recommend to Council an amendment to Protocols for Member Officer Relations, 14.3 to add “safeguarding concerns” to the list of issues Members have a duty to raise.
 3. 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 L.
 1. That further work be undertaken to advise the Committee whether further changes to Protocols for Member Officer Relations be recommended taking into account the Council’s new arrangements with external delivery units.

No.	Section	Changes contained within document	Recommendation on to Full Council
1	Article 9, Chief Officers	<p>Amend section 9.01 (b) to reflect the new senior officer structure</p> <p>Updating titles of statutory officers in section 9.01 (c)</p> <p>Create a new section 9.01 (d) to include ‘Other Officers’ in the classification of Chief Officers</p> <p>Amend section 9.05 to reflect new officer responsible for the discharge of statutory functions.</p> <p>Amend section 9.06 to reflect new officer responsible for the discharge of statutory functions.</p> <p>Create a new section 9.08 to enable chief officers (other than those with statutory officer designations) to discharge the statutory functions that sit within their portfolio of responsibility.</p>	Agreed as per report
2	Responsibility for Functions, Annex B, Scheme of Delegated	<p>Amend section 1.11 to reflect new officer post title.</p> <p>Amend section 1.13 to clarify wording around different</p>	Agreed, subject to adding “Having regard to Section 3 (Delegation of Powers)...” before the description of functions delegated to the

No.	Section	Changes contained within document	Recommendation on to Full Council
	Authority to Officers	<p>categories of delegated decisions. Amend delegated authority to the Chief Executive to reflect changes to the Strategic Commissioning Board.</p> <p>Delete responsibilities of Strategic Director for Communities.</p> <p>Create responsibilities for the Strategic Director of Commissioning with authority to discharge any of the functions delegated to the Commissioning Directors.</p> <p>Designate the Commissioning Director for Children & Young People as the statutory Director of Children's Service and include additional responsibilities as approved in the Commissioning Restructure.</p> <p>Designate the Commissioning Director for Adults & Health as the statutory Director of Children's Service and include additional responsibilities as approved in the Commissioning Restructure.</p> <p>Add new sections detailing the responsibilities of the Commissioning Director for Environment and the Commissioning Director for Growth & Development.</p> <p>Delete the responsibilities of the Strategic Director for Growth & Environment.</p> <p>Amend the post title of the Director of Public Health to accord with the new title designated in the Commissioning Restructure.</p>	Strategic Director for Commissioning and the Commissioning Directors.

No.	Section	Changes contained within document	Recommendation on to Full Council
3.	Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers	Amend section 1.6 to add the officer decisions prescribed in the regulations to the list of matters where formal reporting of officer decisions will take place	Agreed as per report
4.	Responsibility for Functions, Pension Fund Compliance Statement	<p>Amended section 1.2 of the Pension Fund Compliance Statement to include a reference to the Local Pension Board</p> <p>Add to new section 2.3 to include the council's responsibilities in relation to the Local Pension Board. Once the preferred option has been agreed by the General Functions Committee, two of the three options will need to be deleted.</p> <p>Add a new section 2.4 to detail the responsibilities of the Local Pension Board.</p>	Agreed as per report
5.	Responsibility for Functions, Annex A	<p>Amend the terms of reference of Residents Forums to include the requested changes.</p> <p>Amend the wording relating to post-Forum responses to clarify that further written responses will be provided only where the Forum Chairman has undertaken to provide these.</p> <p>Amend wording to include a provision for Chairmen to accept urgent items at their discretion.</p> <p>Amended wording to give discretion to the Forum Chairman to stipulate when a further written response should be provided to the issue(s) raised.</p>	Agreed as per report
6.	Public Participation & Engagement Rules	Amend section 5.2 to remove the restriction around submitting comments/ questions at the Licensing Committee.	Agreed as per report

No.	Section	Changes contained within document	Recommendation on to Full Council
7.	Public Participation & Engagement Rules	Move section 2.3 and create new expanded section 1.4 to outline how public comments and questions will be structured at committees	Not approved. Agreed that this issue should be added to the matters for future consideration by the Constitution, Ethics and Probity Committee.
8.	Full Council Procedure Rules	Amend section 1 (e)	Agreed, subject to an amendment to 1 (e) to replace the proposed wording with “Noting the appointment of the Deputy Leader of the Council”
9.	Responsibility for Functions, Annex A	Amend the terms of reference of the Community Leadership Committee to include this function	Agreed as per report
10.	Responsibility for Functions, Annex A	Delete ‘Health and Safety’ from the terms of reference of the Policy & Resources Committee and add to the terms of reference of the General Functions Committee	Agreed as per report
11.	Responsibility for Functions, Annex A	Amend terms of reference of theme committees, the Licensing Committee and Planning Committee to reflect the that those committees have delegated responsibility for agreeing fees and charges within their remit	Agreed amendments to theme committees terms of reference Delete approval of fees and charges for land charges from the terms of reference of the General Functions Committee and include the terms of reference of the Planning Committee Add a responsibility to the terms of reference of the Policy & Resources Committee to “To note decisions taken by theme committees, the Planning Committee and Licensing Committee on fees and charges within the remit of those committees.

No.	Section	Changes contained within document	Recommendation on to Full Council
12.	Public Participation and Engagement Rules	<p>Delete section 4.1 as requests to speak could be made on items that are no planning applications or tree preservation orders.</p> <p>Revise section 4.4 to clarify the rules as they apply to planning committees and remove references to Members rights to address committees as these are covered in Meetings Procedure Rules</p> <p>Revise subsequent sections to remove reference to planning committees</p>	Agreed as per report
13.	Meetings Procedure Rules	Add a new section 17 to detail the Council's policy in relation to recording and filming of proceedings at meetings	<p>Not approved.</p> <p>Deferred for consideration at the next meeting of the Constitution, Ethics and Probity Committee.</p>
14.	Access to Information Procedure Rules	<p>Amendments to give effect to the proposed changes</p> <p>Details of the Members Information Management Policy (agreed at the General Functions Committee on 23 March 2015) is appended for Council to note due to the direct link to the Access to Information Procedure Rules</p>	Agreed as per report
15.	Protocols for Member Officer Relations	Amendments to support the changes to the Access to Information Procedure Rules and Members Information Management Policy referred to above	Agreed, subject to an amendment to section 14.3 to add "safeguarding concerns" to the list of issues Members have a duty to raise
16.	Responsibility for Functions	Amend section 6.7 to stipulate that non-planning matters can be referred by the Planning Committee	Agreed as per report
17.	Contract Procedure	Amendments to the Contract Procedure Rules to reflect new	Agreed as per report

No.	Section	Changes contained within document	Recommendation on to Full Council
	Rules	<p>regulations</p> <p>Merge Contract Procedure Rules and Procurement Code of Practice.</p> <p>Subject to the changes being approved by the Committee, delete Procurement Code of Practice as a separately published section of the Constitution</p>	
18.	Responsibility for Functions	Amend section 6.2	Agreed as per report
19.	Responsibility for Functions, Annex A	<p>Delete from the terms of reference of the theme committees responsibility for “Grants to Voluntary Sector within the remit of the Committee.”</p> <p>Add to the terms of reference of the Community Leadership Committee responsibility for approving all grants to the voluntary sector.</p>	Agreed amendments are detailed in Responsibility for Functions, Annex A (Committees Membership and Terms of Reference) attached at Appendix C
20.	Responsibility for Functions, Pension Fund Compliance Statement	Amend the Pension Fund Compliance Statement (which includes the responsibilities of the Pension Fund Committee) to include approval of the Pension Fund Statement of Accounts	Agreed as per report
21.	Responsibility for Functions, Annex A	Merge the terms of reference of the General Functions Committee with those of the Remuneration Committee, except for functions relating to dealing with Chief Officer Appointments, Discipline and Capability matters	Agreed as per report
22.	Responsibility for Functions, Annex A	<p>No changes proposed.</p> <p>Detailed proposals for the establishment of a Community Leadership Committee Sub-Committee comprising the chairman, vice-chairman and</p>	Agreed in principle, subject to detailed proposals being reported to and agreed by the Community Leadership Committee on 14 April 2015. Details of the sub-committee to be included in the report


No.	Section	Changes contained within document	Recommendation on to Full Council
		opposition spokesperson, to convene for the purposes of considering Community Right to Bid applications in cases where there is no full meeting of the Committee scheduled which falls within the eight week statutory deadline.	on Appointment of Standing Committees and Political Proportionality at the Annual Council meeting on 13 May 2015.

8. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.00 pm

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	<p>AGENDA ITEM 7</p> <p>Constitution, Ethics and Probity Committee</p> <p>30 June 2015</p>
<p>Title</p>	<p>Constitution Review</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>Appendix A: Article 7 – Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership</p> <p>Appendix B: Responsibility for Functions</p> <p>Appendix C: Responsibility for Functions, Annex A – Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards</p> <p>Appendix D: Responsibility for Functions, Annex A – Scheme of Delegated Authority to Officers</p> <p>Appendix E: Meetings Procedure Rules</p> <p>Appendix F: Public Participation and Engagement Rules</p> <p>Appendix G: Financial Regulations</p> <p>Appendix H: Contract Procedure Rules</p> <p>Appendix I: HR Regulations</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>

Recommendations

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 I.

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 four full cycles of committee meetings:
- June – July 2014;
 - September – December 2014;
 - January – March 2015; and
 - April – May 2015
- 1.2 At the Committee meetings held on 2 September 2014, 25 November 2014 and 31 March 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 and 14 April 2015 respectively.
- 1.3 Since the March 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.

1.4 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
A	Article 7 (Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership)	Page 25	It is proposed to amend Article 7 to make it explicit that any motion proposing to establish a sub-committee must include a reference to the powers that will be delegated by the parent committee and proposals for the membership composition of the sub-committee.	Amend Article 7 as outlined
B	Responsibility for Functions, Members Rights to Refer Matters to Parent Body	Page 27	<p>Section 6 of Responsibility for Functions refers to Members Rights to Refer Matters to Parent Body. Paragraphs 6.3 to 6.8 of the Responsibility for Functions provides that a specified number of Members of a committee or sub-committee may refer a decision to Full Council or the relevant committee. Reasons for the referral should be specified.</p> <p>As currently drafted, the referral mechanism does not take into account whether a decision is urgent or significant. Changes are proposed to include an urgency provision and limitation on the types of decisions that can be referred to Full Council or the relevant committee.</p>	<p>Added a new section 6.5 and re-numbered subsequent sections</p> <p>Added a new section 7.1 and re-numbered subsequent sections</p>
B	Responsibility for Functions, Pension Fund Compliance Statement Responsibility for	Page 27	The Pension Fund Compliance Statement currently sits within the Responsibility for Functions, the format of which is inconsistent with other committee's terms of reference (which are set out in Annex A of Responsibility for Functions). It is proposed to include the responsibilities of the	<p>Delete Pension Fund Compliance Statement from Responsibility for Functions</p> <p>Add responsibilities of the Pension Fund Committee and Local Pension Board to</p>

No.	Section	Reference	Issue Identified	Changes Made
C	Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards)	Page 37	There has been a lack of clarity in the new Committee System regarding which committee (Environment Committee or Area Committees) is responsible for approving the annual programme of highways and footways works, it is proposed that the terms of reference of the Environment Committee be amended to clarify that the responsibility sits within their remit.	Add wording in the terms of reference of the Environment Committee in Responsibility for Functions, Annex A to clarify that the committee is responsible for approving the annual programme of highways and footways works
C	Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards)	Page 37	<p>Following a review of processes relating to Residents Forums and Area Committees, it has become evident that, in line with the current constitutional provision that a further response will be given in 20 days, forum chairmen and residents often expect updates on issues discussed at the forum.</p> <p>It is proposed that more authority is given to Forum chairmen to provide instruction on how issues should be managed (i.e. closed or follow-up action required)</p>	<p>Delete reference to Residents Forums dealing with petitions as petitions will be proposed to be dealt with at Area Committees.</p> <p>Delete a reference that 'Matters must not relate to planning or licensing issues' as this is referred to elsewhere in the terms of reference.</p> <p>Add text which details the powers of Residents Forum chairmen to deal with issues considered at the Forum.</p>
C	Responsibility for Functions, Annex A (Membership and Terms of Reference of	Page 37	CIPFA have recommended the removal of the requirement that Independent Members of the Audit Committee be appointed for a period co-terminus with the Council. This ensures that there would be some continuity in the membership of the committee	<p>Amend the membership column of the Audit Committee terms of reference to delete "co-terminus with Council".</p> <p>Amend the Audit Committee terms of</p>

No.	Section	Reference	Issue Identified	Changes Made
	Committees, Sub-Committees and Partnership Boards)		<p>in the event of a change in political balance, or a significant change in the membership of the committee. It would also address the issue of an independent member standing down during their term office.</p> <p>Officers are proposing a minor amendment to the terms of reference of the Audit Committee as the Audit Annual Report and Annual Internal Audit Opinion are covered by the same agenda item. It is proposed to delete reference to the Audit Annual Report.</p> <p>The Public Sector Internal Audit Standards - Attribute Standards 1110 Organisational Independence recommend including in the Audit Committee's terms of reference approving revisions to the Internal Audit Charter and approving decisions relating to the appointment and removal of the Chief Audit Executive</p>	<p>reference to delete reference to the Audit Annual Report</p> <p>Add to the Audit Committee terms of reference:</p> <ul style="list-style-type: none"> • To approve revisions to the Internal Audit Charter; and • To approve decisions relating to the appointment and removal of the Chief Audit Executive
C	Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards)	Page 37	<p>The Terms of Reference of the Health and Well-Being Board need to reflect the correct reference to the partner organisations, relevant strategies and the Better Care Fund pooled funding arrangements.</p> <p>Following the conclusion of the Council's Senior Management Review, council officer post titles have been updated in the membership column of the Board's terms of reference.</p>	Amend the Terms of Reference of the Health and Well-Being Board to reflect the partnership work undertaken, correct references to the Better Care Fund, Health & Wellbeing Strategy and NHS England and make reference to the Board's role in exploring partnership work across North Central London.

No.	Section	Reference	Issue Identified	Changes Made
			<p>It is proposed to add the wording to the terms of reference to reflect that the Board have an increasing role in exploring partnership work across North Central London where appropriate.</p> <p>The Health and Well-Being Board on 18th September 2014 resolved that Mr Chris Miller, Independent Chair of the Adults and Children’s Safeguarding Boards, be invited to attend future Health & Well-Being Board meetings as a non-voting Observer with full speaking rights.</p>	<p>Update post titles in accordance with new structure and responsibilities.</p> <p>Add to the Terms of Reference in membership column, appointment of Independent Chair of the Adults and Children’s Safeguarding Boards as a non-voting Member of the Health and Well-Being Board.</p>
C G	Responsibility for Functions, Annex A Financial Regulations	Page 37 Page 113	<p>Following approval by the Constitution, Ethics & Probity Committee (30 March 2015) and Full Council (14 April 2015) that the approval of fees and charges should be the responsibility of theme committees and not the Policy & Resources Committee further minor amendments are required to theme committees terms of reference (Responsibility for Functions, Annex A) and the Financial Regulations to remove reference to fees and charges.</p>	<p>Delete from theme committees terms of reference in Responsibility for Functions, Annex A the following wording: “...fees and charges proposals and...”</p> <p>Amend section 4.4.1 of the Financial Regulations</p>
D	Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers)	Page 73	<p>The Deputy Chief Operating Officer has authority to approve grants to the voluntary sector up to £5,000. The Edward Harvist Trust Charity allows grants to be awarded to individuals as well as the voluntary sector. It is proposed to make a minor change to the authority delegated to the Deputy Chief</p>	<p>Amend the delegated authority to the Deputy Chief Operating Officer as follows:</p> <p>“Approving the issuance of grants to the voluntary sector and individuals for amounts £5,000 and below”</p>

No.	Section	Reference	Issue Identified	Changes Made
			Operating Officer to enable him/her to approve grants to individuals as well as voluntary sector organisations	
F	Public Participation and Engagement Rules	Page 107	Following a review of processes relating to Residents Forums and Area Committees, officers are proposing that petitions which receive between 25 and 2,000 signatures be reported directly to an Area Committee rather than a Residents Forum. The proposed revisions will enable petitions to be debated in a cross-party committee which has decision-making powers. This ensures that petitions are debated in a decision-making committee and provide clarity on decision routes.	Delete section 6.6 and 6.7 of the Public Participation and Engagement Rules. Amend section 6.8. Re-number subsequent sections.
E	Meetings Procedure Rules	Page 97	Amend quorum of Urgency Committee to reduce from 3 to 2.	Amend Meetings Procedure Rules to reduce quorum of Urgency Committee from 3 to 2
E	Meetings Procedure Rules	Page 97	In quorum section, change current reference to 'Remuneration Committee' and replace with 'Chief Officer Appointment Panel'	Amend Meetings Procedure Rules as stated
E	Meetings Procedure Rules	Page 97	In order to ensure that Meetings Procedure Rules are compliant with the Openness Regulations 2014, it is proposed to add the following wording, agreed by Council on 12 July 2011, to the Rules: "Council agreed to allow discreet, unlit, non-disruptive filming and recording of Council and Committee meetings by members of the public, from the public gallery"	Create new section in Meetings Procedure Rules to include the wording agreed by Council

No.	Section	Reference	Issue Identified	Changes Made
F	Public Participation and Engagement Rules	Page 107	When public questions are submitted and members of the public do not state which agenda item the question refers to, it can be difficult for the committee chairman and officers to ascertain which agenda item the question(s) relate to. It is proposed to add wording to require the member of the public submitting the question(s) to specify which agenda item it relates to.	Add the following wording to section 2.1: "Questions must outline which agenda item they are in connection with."
F	Public Participation and Engagement Rules	Page 107	Due to the short timescales for receiving and processing public questions, officers are suggesting a minor amendment to the deadline for submitting questions. It is proposed that the deadline be brought forward to 10am on the second clear working day before the meeting, in line with the rules which apply to the publication of committee agendas (i.e. 5-clear working days before the meeting)	Revise sections 2.2 and 3.2 to include "clear" before "working day".
G	Financial Regulations	Page 113	<p><u>Making changes to the Budget</u> Additional words have been added to further clarify the requirements on approval for virements (4.4.3). This has been added to eliminate the possibility of any misunderstanding and to mitigate the queries and questions that arise and cause unnecessary delays.</p> <p><u>Central Contingency</u> Allocations from Central Contingency (4.4.9, 4.4.10, 4.4.11) have been updated to change the approvals</p>	<p>Amend section 4.4.3</p> <p>Update sections 4.4.9, 4.4.10 and 4.4.11 to delete "Performance & Contract</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>over £250K by Performance and Contracts Management Committee to the Policy and Resources Committee. This change is required because the Performance and Contracts Management Committee do not have any decision-making authority over financial matters as this is within the remit of the Policy and Resources Committee.</p> <p><u>Balances and Reserves</u> A paragraph has been added to clarify the responsibilities of the section 151 officer in relation to the movements of reserves. These responsibilities have always been in place, but have not been explicitly itemised in the Financial Regulations.</p> <p><u>Assets</u> The council's de minimis threshold for assets changed to £50,000 six years ago as evidenced in the accounting policies of the council (published in the Statement of Accounts each year). The incorrect amount of £10,000 still appears in the Financial Regulations</p>	<p>Management Committee” and replace with “Policy and Resources Committee”</p> <p>Add new sections 4.4.12 and 4.4.13 and re-number subsequent sections</p> <p>Amend section 5.6.4</p>
H	Contract Procedure Rules	Page 139	The procedure for accepting contracts for individual placements for Children / Adults is currently not clear enough. Both Children’s and Adults have an accepted framework of providers who they look to for individual placements; this is not mentioned in	Add a paragraph at 11.2 in the Contract Procedure Rules

No.	Section	Reference	Issue Identified	Changes Made
			<p>the Contract Procedure Rules. This change would provide an accurate mechanism to award individual placements for Children / Adults.</p>	
I	HR Regulations	Page 157	<p>Following a senior management review, Lead Commissioner posts were deleted and replaced with Commissioning Directors. Post titles have been updated to reflect this.</p> <p>Council on 14 April 2015 agreed that the functions of the Remuneration Committee be merged with the functions of the General Functions Committee, except for the appointment of Chief Officers via a Chief Officer Appointment Panel. The HR Regulations have been updated to reflect these changes.</p> <p>The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 introduced new arrangements for dealing with disciplinary cases involving the council's three statutory officers – the Head of Paid Service, the Monitoring Officer and Chief Finance Officer. The council are required to amend their standing orders to reflect the new regulations.</p>	<p>Delete old post titles and replace with new titles.</p> <p>Delete reference to the Remuneration Committee and replace with General Functions Committee or Chief Officer Appointment Panel.</p> <p>Amend section 2.1.7 to comply with the new regulations.</p>

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 28 July 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”.
- 5.3.2 The Openness of Local Government Bodies Regulations 2014 provides new rights for people to record and film council meetings. It is proposed to amend the Council's Constitution to comply with these rights.

5.3.3 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 introduced new arrangements for dealing with disciplinary cases involving the council's three statutory officers – the Head of Paid Service, the Monitoring Officer and Chief Finance Officer. The council are required to amend their standing orders to reflect the new regulations.

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 Public Sector Internal Audit Standards: <http://www.cipfa.org/policy-and-guidance/standards/public-sector-internal-audit-standards>

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Article 7 - Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership

7.01 Committees

The Council will appoint the committees set out in the tables under Responsibility for Council Functions in this Constitution to discharge the functions described in those tables.

Sub-Committees and Panels

7.02 Following the Annual Meeting of the Council, standing committees shall appoint:

7.02.1 sub-committees and/or panels and, if appropriate, agree their terms of reference

7.02.2 a Chairman and, if considered necessary, a Vice-Chairman and substitute members

Additional Sub-Committees and Panels

7.03 Any Committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Such bodies' terms of reference and the delegation of powers to them shall be explicit and within the appointing committee's terms of reference. Any motion proposing to establish a sub-committee must include a reference to the powers that will be delegated by the parent committee and proposals for the membership composition of the sub-committee.

Appointment of Members to Committees, Sub-Committees and Panels

7.04 The Council (in the case of Standing Committees) or the parent committee (in the case of Sub-Committees or Panels) will appoint the members, Chairman and Vice Chairman to serve on the Committee, Sub-Committee or Panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

Area Committees and Forums and Local Strategic Partnerships

7.05 Area Committees and Forums

The Council may appoint Area Committees and Forums as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

7.06 Form, composition and function

A table setting out the form, composition and function of Area Committees and Forums can be found in the Responsibility for Functions section of this Constitution.

7.07 Local Strategic Partnership

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. Details of its form, composition and functions are set out in the Responsibility for Functions section.

Responsibility for Functions

PREFACE

This part of the Constitution explains who is responsible for the various functions of the Council.

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by law. It may also delegate many of those functions to a Committee, a Sub-committee or Officer. In this Part, the term “full Council” refers to the Council exercising functions itself, as opposed to acting through Committees, Sub-committees or Officers.

1. FUNCTIONS OF FULL COUNCIL

Only the full Council will exercise the following functions:

- 1.1 Approving the strategic financing of the Council, upon recommendations of the Policy and Resources Committee, including:
 - 1.1.1 Determination of the financial strategy;
 - 1.1.2 Approval of the Budget;
 - 1.1.3 Approval of the capital programme;
 - 1.1.4 Setting the Council Tax;
 - 1.1.5 Determination of fees and charges where authority to set these has not been delegated; and
 - 1.1.6 Determination of borrowing limits.
- 1.2 Adopting and changing the Constitution, except where otherwise provided in the Constitution or by resolution of the Council.
- 1.3 Approving and adopting the Policy Framework (as described in Article 4).
- 1.4 Approving matters which require a decision that represents a significant departure from any existing strategy, policy or budget previously agreed by the Council.
- 1.5 Receiving reports and recommendations from the Health Overview and Scrutiny Committee and any other Committee.
- 1.6 All policy matters and new proposals relating to significant partnerships with external agencies and local authority companies.
- 1.7 Agreeing and amending the terms of reference of Committees, deciding on their composition and making appointments to them.
- 1.8 Appointing representatives to outside bodies (including school governing bodies) where an urgent decision is required before the next scheduled General Functions Committee, unless that appointment has been delegated by the Council.

- 1.9 Delegating significant functions to other local authorities or their executives and deciding whether or not to accept such a delegation from another local authority.
- 1.10 Adopting a Members Allowance Scheme.
- 1.11 Changing the name of the Borough.
- 1.12 Electing Chairmen and Vice-Chairmen of Committees.
- 1.13 Conferring the title of Freeman of the Borough.
- 1.14 Confirming the appointment or dismissal of the Head of Paid Service.
- 1.15 Determining any delegation to Officers which does not fall within the scope or terms of reference of any Committee.
- 1.16 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills.
- 1.17 All other matters which, by law, must be reserved to the Council.
- 1.18 Electing the Leader of the Council; and electing the Mayor.
- 1.19 Appointing the Lead Member for Children's Services, who will have the responsibilities as set out from time to time in relevant Regulations and Government guidance.
- 1.20 Approval of annual pay policy statement.

2. **FUNCTIONS DELEGATED TO COMMITTEES**

Other functions of the Council are delegated to Committees in accordance with the Terms of Reference set out in Annex A.

3. **OFFICER DELEGATIONS**

The functions delegated to Officers are set out in Annex B. Where a function has been delegated to an officer(s) ("delegated officers"), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) by another officer(s) in accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

4. **INTERPRETATION**

In this part of the Constitution:

"the 2000 Act" means the Local Government Act, 2000;

"the 2000 Regulations" means the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000;

"the 2007 Act" means the Local Government and Public Involvement in Health Act, 2007;

“the 1972 Act” means the Local Government Act, 1972.

5 LIMITATIONS ON DELEGATION TO COUNCIL COMMITTEES AND SUB-COMMITTEES

- 5.1 Committees and Sub-Committees of the Council (or the Council acting as Licensing Authority) are authorised to discharge all functions within their terms of reference with the exception of:
- Those matters referred to in the above list
 - Decisions reserved to the Council meeting in Article 4 of the Constitution
- 5.2 The Area Planning Committees can take decisions within their terms of reference provided they are not within the list of matters reserved to the Planning Committee, or contrary to Council policy or outside budget.
- 5.3 Area Committees may take decisions within their terms of reference provided they are not matters which are the responsibility of the Licensing Committee or Licensing Sub-Committee, or contrary to Council policy (or contrary to the Statement of Licensing Policy) or outside budget.

6 MEMBERS' RIGHTS TO REFER MATTERS TO PARENT BODY

- 6.1 Any Committee listed in the following schedule may decide to report on any matter to Council and any Sub-Committee may report to its parent committee. In such cases the decision is reached by the usual process, such as a majority vote. The report may make recommendations or seek instructions.
- 6.2 A Chairman of an Area and/or Area Planning Committee may refer any item that it considers with a recommendation to the relevant committee within whose Terms of reference it falls, by indicating immediately after the decision is taken that they require the decision to be referred up.
- 6.3 Subject to the exceptions set out below, a specified number of Members of a Committee or Sub-Committee (see the table below) may require that any decision of the Committee or Sub-Committee is referred up to the next practicable meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, by indicating immediately after the decision is taken that they require the decision to be referred up. The report to Full Council or the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons given for the referral.

Committee/Sub-Committee	No. of members required to support a referral	Council / reporting committee
Planning	3	Council

Committee/Sub-Committee	No. of members required to support a referral	Council / reporting committee
Area Planning Committees	2	Planning Committee (if within the Terms of Reference of the Planning Committee)
Area Committees	2	Environment or relevant Committee
General Functions Committee	3	The Council
All Other Committees	3 (where the Membership is less than 9) and 4 (where the Membership 9 or more)	Council

6.4 In such a case:-

6.4.1 for committees, the action the committee had proposed to take will be recommended to the Council;

6.4.2 for sub-committees, the action the sub-committee had proposed to take will be recommended to the committee;

6.4.3 no action shall be taken on the matter in the meantime.

Limitations Exceptions

6.5 The first exception is that a report may not be referred up unless it is significant. A significant decision is one which:

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

This exception does not apply to referrals from Area Planning Committees to the Planning Committee.

6.6 The ~~second~~^{first} exception is that no matter that has been the subject of a decision by the Council or, in the case of Sub-Committees, the parent Committee in the previous six months may be referred up.

6.7 The ~~third~~^{second} exception is Area Planning Committees, where no matter relating to the regulatory and enforcement functions of the Council relating to town and country planning and the control of buildings and new streets may be referred to the Planning Committee unless it falls within the terms of reference of the Planning Committee.

6.8 The ~~fourth~~ ~~third~~ exception is the Planning Committee, where no matter relating to town and country planning may be referred up to the Council meeting except where required by law. The Planning Committee may only refer up non-planning matters.

6.9 The ~~fifth~~~~fourth~~ exception is the Pension Fund Committee.

6.10 The sixth exception is that a report may not be referred up if it is urgent. An urgent report is one which sets out why a decision is required before the next meeting of the Council, and which the Chairman of the Committee and the Chief Executive have agreed is urgent.

6.11 ~~This Section 6 provision~~ shall not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committee and Chief Officer Appointment Panel Remuneration Committee.

7. URGENCY PROVISIONS

7.1 If a decision on an issue is required as a matter of urgency and if time allows under the provisions of the Access to Information Rules then a Committee comprising of the Leader, the Deputy Leader, and the Leader of the Opposition will be called. The decision may be within the terms of reference of another committee, but this will not invalidate the decision as the arrangements to discharge the function in cases of urgency is through a committee comprising the three specified members. The Committee must consult with the Chairman of the relevant Committee.

7.2 In cases where a decision on the issue is so urgent that there is insufficient time to call a committee, then arrangements can be made to discharge the function through the Chief Executive in consultation with the Leader or the Chairman of the relevant Committee. The decision must be reported back to the parent committee at its next meeting or if it is a general Council matter then it should be reported to the next meeting of full Council.

8 JOINT ARRANGEMENTS

8.1 The following are the joint arrangements for the discharge of functions which are the responsibility of the Council:

- London Boroughs Grants Scheme under Section 48 Local Government Act 1985.
- London Councils Transport and Environment Committee Agreement dated 13 December 2001.
- Association of London Government agreement dated 1 April 2000.

~~Pension Fund Compliance Statement~~

~~Pension Fund Governance Compliance Statement~~

~~1. Background~~

- ~~1.1 The Local Government Pension Scheme (Amendment) (No.3) Regulations 2007 require that all LGPS pension fund Administering Bodies in England and Wales prepare a Governance Compliance Statement (GCS). This GCS has been prepared in full accordance with these regulations and any guidance provided by the Secretary of State.~~
- ~~1.2 In order to ensure that the Council meets its fiduciary duties with regard to its Pension Fund, it is important governance arrangements assign roles and responsibilities that are consistent with political and organisational accountability. This GCS seeks to do this by defining four tiers of responsibilities – the Council, the Pension Fund Committee (PFC), the Local Pension Board and the Chief Finance Officer. It draws on best practice in other pension funds and guidance provided by the Secretary of State.~~
- ~~1.3 As the Pension Fund Committee is a Committee of the Council the normal provisions relating to publication of agendas, admission of press and public to meetings etc. will apply~~

~~2. Statement of Responsibilities~~

~~2.1 Responsibilities of Council in relation to the Pension Fund~~

~~2.1.1 To appoint:-~~

~~Seven elected members on a politically-balanced basis to a Pension Fund Committee (PFC), responsible for discharging the Council's leadership and strategic management responsibilities regarding its Pension Fund;~~

~~Substitute members, three from each political group.~~

~~In line with their responsibilities, only elected members (or their substitutes where appropriate) appointed to the PFC have voting rights at any PFC meeting.~~

~~2.2 Responsibilities delegated by Council to the Pension Fund Committee~~

~~2.2.1 To approve and act in accordance with statutory Pension Fund documents:-~~

- ~~● Statement of Investment Principles~~
- ~~● Funding Strategy Statement~~
- ~~● Governance Policy Statement~~
- ~~● Pension Administration Strategy~~
- ~~● Communication Policy Statement~~

- ~~2.2.2 — 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).~~
- ~~2.2.3 — 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)~~
- ~~2.2.4 — To receive and approve the Pension Fund Annual Report.~~
- ~~2.2.5 — To invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled/admitted body) to meetings of the PFC. These representatives are appointed to advise the PFC 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 PFC.~~
- ~~2.2.6 — To appoint independent investment advisors.~~
- ~~2.2.7 — To appoint Pension Fund investment managers.~~
- ~~2.2.8 — To appoint Pension Fund actuaries.~~
- ~~2.2.9 — To appoint a performance management company.~~
- ~~2.2.10 — To appoint custodians.~~
- ~~2.2.11 — 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 our performance management organisation attends to comment on the relative performance of the fund managers.~~
- ~~2.2.12 — To consider actuarial valuations and their impact on the Pension Fund.~~
- ~~2.2.13 — To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.~~
- ~~2.2.14 — To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.~~
- ~~2.2.15 — 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.~~
- ~~2.2.16 — To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate~~

~~2.2.17 — To require that all voting members receive adequate training on matters relating to the operation of the LGPS to enable the PFC to fulfil its fiduciary responsibilities in a satisfactory manner.~~

~~2.2.17 — To comply with all the rules as set out in the Meeting Procedure Rules.~~

~~2.2.18 — To conduct its business only when the number of voting members in attendance reaches or exceeds a quorum of 3.~~

~~2.3 — Responsibilities of Council in relation to the Local Pension Board~~

~~2.3.1 — To appoint:-~~

~~*Five members (two employers side (one councillor and one employer representative from an admitted body), two employee side (one active member and one deferred member) and one independent member/advisor), responsible for assisting the Pension Fund Committee in ensuring compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme*~~

~~2.4 — Responsibilities of the Local Pension Board~~

~~2.4.1 — The role of the local Pension Board, as defined by sections 5(1) and (2) of the Public Services Pension Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013.~~

~~● — To assist with:~~

- ~~○ — securing compliance with 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~~

~~● — Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund~~

~~● — 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~~

~~● — Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually~~

- ~~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~~
- ~~Review the Pension Fund's performance in complying with the requirements of the Pension Regulator~~
- ~~Annually submit a proposed work plan for the forthcoming financial year, to the Pension Fund Committee~~
- ~~To carry out any other activities relating to the efficient governance and administration of the Pension Fund.~~

~~2.4.2 The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other duties which are the responsibility of the Administering Authority (refer to Compliance statement)~~

~~2.4.3 The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.~~

~~2.3 Responsibilities Delegated to the Chief Finance Officer~~

~~2.3.1 To implement the decisions of the PFC efficiently and effectively.~~

~~2.3.2 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.~~

~~2.3.3 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.~~

~~2.3.4 To attend PFC meetings, ensuring an appropriate substitute is sent where attendance is not possible.~~

~~2.3.5 To require other relevant individuals to attend PFC meetings where appropriate.~~

~~2.3.6 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~~

~~2.3.7 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.~~

~~2.3.8 To request that the Chairman convene additional meetings where a matter arises that requires its urgent consideration.~~

~~2.3.9 — 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:-~~

- ~~● Pension Fund Annual Report~~
- ~~● Statement of Investment Principles~~
- ~~● Funding Strategy Statement~~
- ~~● Governance Policy Statement~~
- ~~● Pension Administration Strategy~~
- ~~● Communication Policy Statement~~

~~2.3.10 — To publish the documents stated in 2.3.9, upon their approval by the PFC, in a timely, accessible and cost-effective manner.~~

~~2.3.11 — To make available to scheme representatives, scheme members and any other interested bodies, 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.~~

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> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td data-bbox="421 936 740 1099"> <ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement </td> <td data-bbox="745 936 1050 1099"> <ul style="list-style-type: none"> • Strategic Partnerships </td> </tr> <tr> <td data-bbox="421 1106 740 1487"> <ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion </td> <td data-bbox="745 1106 1050 1487"> <ul style="list-style-type: none"> • Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council) </td> </tr> <tr> <td data-bbox="421 1494 740 1653"> <ul style="list-style-type: none"> • Internal Transformation programmes </td> <td data-bbox="745 1494 1050 1653"> <ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery </td> </tr> <tr> <td data-bbox="421 1659 740 1711"> <ul style="list-style-type: none"> • Write off of debt </td> <td data-bbox="745 1659 1050 1711"> <ul style="list-style-type: none"> • Insurance </td> </tr> <tr> <td data-bbox="421 1718 740 1839"> <ul style="list-style-type: none"> • Treasury Management Strategy </td> <td data-bbox="745 1718 1050 1839"> <ul style="list-style-type: none"> • Information Technology provision </td> </tr> <tr> <td data-bbox="421 1845 740 2085"> <ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes </td> <td data-bbox="745 1845 1050 2085"> <ul style="list-style-type: none"> • Mayoralty budget </td> </tr> </tbody> </table>	<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 	<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) 													
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<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes 	<ul style="list-style-type: none"> • Mayoralty budget 													

- 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 accordance with the responsibilities and

	<p>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>(13) 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>(5) Specific responsibility for the following functions within the Council:</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>

	<table border="1" data-bbox="419 120 1043 250"> <tr> <td data-bbox="419 120 730 250"> <ul style="list-style-type: none"> • Risk Management </td> <td data-bbox="730 120 1043 250"> <ul style="list-style-type: none"> • Treasury Management Performance </td> </tr> </table> <p data-bbox="395 288 986 360">(6) Note the Annual Report of the Barnet Group Ltd.</p> <p data-bbox="395 400 1031 472">(7) To consider reserved matters of the Joint Venture Company (JVCO).</p> <p data-bbox="395 510 1005 689">(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 data-bbox="395 728 1027 947">(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 data-bbox="395 985 1043 1276">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 	
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<p data-bbox="92 1337 288 1512">Children, Education, Libraries and Safeguarding Committee</p>	<p data-bbox="395 1337 887 1368">1) Specific responsibilities include:</p> <ul data-bbox="443 1375 1038 1821" 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 • To be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools) <p data-bbox="395 1859 1023 1966">(2) Lead the Council's responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul data-bbox="443 1973 1002 2078" style="list-style-type: none"> • Oversee effective support for young people in care; and enhance the Council's corporate parenting role 	<p data-bbox="1075 1337 1098 1368">9</p> <p data-bbox="1075 1391 1434 1753">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 up in accordance with proportionality</p> <p data-bbox="1075 1823 1362 1854"><u>Co-Opted Members</u></p> <p data-bbox="1075 1877 1425 2056">The following co-opted members will be appointed. They may speak on all matters but cannot vote.</p>		

	<ul style="list-style-type: none"> • 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 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</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><u>One representative from the Standing Advisory Committee on Religious Education</u></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>Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals 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> <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 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>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</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, including fees and charges proposals 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> <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>Environment Committee</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 1675 1050 2063"> <tr> <td data-bbox="438 1675 742 1883"> <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads </td> <td data-bbox="742 1675 1050 1883"> <ul style="list-style-type: none"> Parking provision and enforcement </td> </tr> <tr> <td data-bbox="438 1883 742 1939"> <ul style="list-style-type: none"> Road Safety </td> <td data-bbox="742 1883 1050 1939"> <ul style="list-style-type: none"> Street Lighting </td> </tr> <tr> <td data-bbox="438 1939 742 2063"> <ul style="list-style-type: none"> Transport and traffic management- </td> <td data-bbox="742 1939 1050 2063"> <ul style="list-style-type: none"> Refuse and recycling </td> </tr> </table>	<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- 	<ul style="list-style-type: none"> Refuse and recycling 	<p>11 Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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<ul style="list-style-type: none"> Transport and traffic management- 	<ul style="list-style-type: none"> Refuse and recycling 							

including agreement of London Transport Strategy-Local Implementation Plan	
• Street Cleaning	• Waste Minimisation
• Waterways	• Allotments
• Parks and Open Spaces	• Fleet Management
• Trees	• Cemetery and crematorium and Mortuary
• Trading Standards	• Contaminated land and all statutory nuisances.
• Flood Risk Management (scrutiny aspect)	

(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:

- [approving the annual programme of highways and footways works](#)
- 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

	<p>areas under the remit of the Committee</p> <p>(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.</p> <p>(6) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(10) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals 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> <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>	
Assets, Regeneration and Growth Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Develop and oversee a Regeneration 	<p>9</p> <p>Chairman, Vice Chairman, Members and</p>

	<p>Strategy</p> <ul style="list-style-type: none"> • 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>(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>substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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	<p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals 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> <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>(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</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>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 fees and charges proposals 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> <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>(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>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality.</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.

(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.

(5) Provide scrutiny aspect of Community Safety.

(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.

(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)

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

(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.

(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.

(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.

(12) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including ~~fees and charges proposals and~~ virements or underspends and overspends on the budget.

	<p>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	<p>3</p> <p>Community Leadership Committee Chairman, Vice-Chairman and Opposition Spokesperson</p> <p>Membership to be appointed by Community Leadership Committee</p>
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, water courses</i> • <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</i> 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>One Member and one Substitute member for each Ward.</p>

	<p><i>Conservation Areas to Environment Committee</i></p> <ul style="list-style-type: none"> • <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>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 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>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</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</p>	<p>3</p> <p>Chairman appointed at each meeting of a Sub-Committee.</p>

	delegated by the Licensing Committee.	
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 audit annual <u>internal audit opinion report, and plan, and opinion.</u> 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. 9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive. <u>10. To approve revisions to the Internal Audit Charter.</u> <u>11. To approve decisions relating to the appointment and removal of the Chief Audit Executive</u> 	<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, to <u>terminus with Council.</u></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><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 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>	
Planning Committee	Take action under Town and Country Planning, and associated legislation including Part 8 of the Anti-Social Behaviour Act 2003	11 Chairman, Vice

	<p>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>Chairman, Members and substitutes appointed by Council.</p>
<p>Area Planning Committees (3)</p>	<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</p>	<p>Chipping Barnet Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards:</p> <p>Underhill High Barnet East Barnet</p>

	<p>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 importance to the area; • 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.</p>	<p>Oakleigh Brunswick Park Coppetts Totteridge</p> <hr/> <p>Finchley and Golders Green Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards: 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: Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill</p>
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	<p>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>	
<p>General Functions Committee</p>	<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 • Appointing representatives to School Governing Bodies • Staff matters (i.e. salaries and conditions of service) other than those within the remit of Remuneration Chief Officer Appointment PanelCommittee • Polling Stations • Ward Boundaries • Request a ward boundary review by the Local Government Boundary Commission for England • Elections in general • Health and safety • Approving premises for marriages and the formation of civil partnerships • Determine Members requests for non-committee information as specified in the Members Information Management Policy <p>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.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

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

	<p>£100,000 or more</p> <p>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).</p> <p>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:</p> <p>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:</p> <ul style="list-style-type: none"> • The level and elements of 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 	
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	<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 • 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>	
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	<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 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>	
<p>Constitution, Ethics and Probity Committee</p>	<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</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>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>	
Group Leaders Panel	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>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>As set out in the Pension Fund Governance Compliance Statement appended.</p> <p><u>To approve and act in accordance with the following statutory Pension Fund documents:-</u></p> <ul style="list-style-type: none"> • <u>Statement of Investment Principles</u> • <u>Funding Strategy Statement</u> • <u>Governance Policy Statement</u> • <u>Pension Administration Strategy</u> • <u>Communication Policy Statement</u> <p><u>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).</u></p> <p><u>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)</u></p> <p><u>To receive and approve the Pension Fund Annual Report.</u></p> <p><u>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</u></p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

have any voting rights. Further invites to scheduled/admitted bodies to be decided by the chairman of the committee.

To appoint independent investment advisors.

To appoint Pension Fund investment managers.

To appoint Pension Fund actuaries.

To appoint a performance management company.

To appoint custodians.

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 fund managers.

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

To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.

To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.

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.

To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems

	<p><u>appropriate</u></p> <p><u>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.</u></p>	
<p><u>Local Pension Board</u></p>	<p><u>The Board is responsible for assisting with:</u></p> <ul style="list-style-type: none"> <u>o securing compliance with Local Government Pension Scheme (LGPS) Government regulations and any other legislation relating to the governance and administration of the LGPS</u> <u>o securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator.</u> <u>o such other matters that the LGPS regulations may specify</u> <p><u>Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund</u></p> <p><u>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</u></p> <p><u>Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually</u></p> <p><u>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</u></p> <p><u>Review the Pension Fund's performance in complying with the requirements of the Pension Regulator</u></p> <p><u>Annually submit a proposed work plan for the forthcoming financial year, to the Pension Fund Committee</u></p>	<p><u>5 Members comprising:</u></p> <p><u>2 employers side representatives (one councillor and one employer representative from an admitted body</u></p> <p><u>2 employee side representatives (one active member and one deferred member)</u></p> <p><u>1 independent member/advisor</u></p>

	<p><u>To carry out any other activities relating to the efficient governance and administration of the Pension Fund.</u></p> <p><u>The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other duties which are the responsibility of the Administering Authority (refer to Pension Fund Committee terms of reference)</u></p> <p><u>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.</u></p>	
Chief Officer Appointment Panel	To deal with Chief Officer Appointments, Discipline and Capability matters.	<p>5</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. By convention the Members comprise:</p> <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</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>Strategic Director for Commissioning (Director</p>

	<p>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 Commissioning Board 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 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>for Children's Service)Commissioning Director for Children & Young People</p> <p>Adults and Communities DirectorCommissioning 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 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>
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Health Overview and Scrutiny Committee	<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 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. 6. Appointment of Members to any such Committees established can only be made by Full Council. 	<p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by 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	Residents Forums provide an opportunity for any resident to raise local matters. Local	A Chairman and Vice-Chairman of each

<p><u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</p>	<p>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>appointed by the Council.</p>
<p><u>Hendon Residents Forum</u> Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards</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><u>Finchley and Golders Green Residents Forum</u> Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards</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><u>The Chairman will determine issues in the following way:</u></p> <ol style="list-style-type: none"> <u>1. Residents will have the opportunity to discuss the issue raised</u> <u>2. Chairman, Chief Officers or other relevant officers may respond to the issues raised</u> <u>3. Having considered the issues the Chairman can take the following actions:</u> <ul style="list-style-type: none"> - <u>note the issue and take no action</u> - <u>instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response</u> - <u>instruct that Ward Members are notified of the issue.</u> - <u>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</u> <p>Petitions on matters relevant to the Constituency only can also be presented.</p>	

	<p>Matters must not relate to Planning or Licensing Issues.</p> <p>Relevant matters raised at the Forum may be referred by the Forum Chairman onto the agenda for the related Area Committee.</p> <p>Where a Forum Chairman agrees that the Council will provide an additional response or update on a local matter, petition or consultation discussed at a Forum, the response will be provided within 20 working days.</p>	
Local Strategic Partnership (Barnet Partnership Board)	<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>(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</p>	<p>Leader of the Council</p> <p>Other Council representatives to be appointed by Annual Council</p> <p>Senior representatives from:</p> <p>Met Police</p> <p>Middlesex University</p> <p>Barnet Clinical Commissioning Group</p> <p>Community Barnet</p> <p>Brent Cross Shopping Centre</p> <p>Barnet and Southgate College</p> <p>Job Centre Plus</p>

	<p>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>	
<p>Children's Trust Board</p>	<p>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 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 	<p>The Board will be chaired by the Lead Member for Children's Services as appointed by the Council.</p> <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

	<ul style="list-style-type: none"> • 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 • 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 	<p>Barnet</p> <ul style="list-style-type: none"> • Barnet and Southgate College • Metropolitan Police • Primary, Secondary and Special Schools
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	<p>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>	
<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 leadership in this area.</p> <p>The Vice Chairman will be from the Metropolitan Police. These chairing arrangements will be reviewed and agreed at the first meeting of the</p>

		<p>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 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 Environment 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 Environment 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	Council

Registration Officer and, where required, the Returning Officer	
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 or pensions which occur as a result of the death of an	Section 30, Local Government

employee or pensioner.	(Miscellaneous Provisions) Act 1976
<p><u>Responsibilities as set out in the Pension Fund Governance Compliance Statement. In relation to the Pension Fund:</u></p> <ul style="list-style-type: none"> • <u>To implement the decisions of the Pension Fund Committee (PFC) efficiently and effectively.</u> • <u>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.</u> • <u>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.</u> • <u>To attend PFC meetings, ensuring an appropriate substitute is sent where attendance is not possible.</u> • <u>To require other relevant individuals to attend PFC meetings where appropriate.</u> • <u>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</u> • <u>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.</u> • <u>To request that the Chairman convene additional meetings where a matter arises that requires its urgent consideration.</u> • <u>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:-</u> <ul style="list-style-type: none"> ○ <u>Pension Fund Annual Report</u> ○ <u>Statement of Investment Principles</u> ○ <u>Funding Strategy Statement</u> ○ <u>Governance Policy Statement</u> ○ <u>Pension Administration Strategy</u> ○ <u>Communication Policy Statement</u> • <u>To publish the documents detailed above, upon their approval by the PFC, in a timely, accessible and cost-effective manner.</u> • <u>To make available to scheme representatives, scheme members and any other interested bodies,</u> 	Council

<u>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.</u>	
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 <u>and individuals</u> 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 members, officers and the public. Authority to amend the	Council

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 parent governor representatives to Committee	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 and promoting the welfare of children in the Council's	Sections 13, 14, 15, 16, Children Act 2004

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 allocations to eligible individuals to but care and	Council

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
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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
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	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 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."	National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5.

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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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)	3 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
Remuneration Committee Chief Officer Appointment Panel	5	<u>2</u> 4 (<u>1</u> 2 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 and Growth Committee	9		
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

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 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. Suspension of business at Committee and Sub-Committee meetings

- 15.1 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.
- 15.2 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 10.30 pm. This will be recorded in the Committee's decisions.
- 15.3 Residents Forums will meet at 6.30 pm and will conclude their business by 8.30 pm at the latest, followed by the Area Committee on the same night and same venue at 7 pm or on the conclusion of the Residents' Forum, whichever is later.
- 15.4 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

16. Voting at meetings:

- 16.1 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.
- 16.2 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.
- 16.3 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.

17. Vote to be recorded

- 17.1 A member of the body can request that his/her vote to be recorded in the minutes.

18. Filming and Recording of Meetings

- 18.1 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 ~~clear~~ second ~~clear~~ working day prior to the meeting. 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 whose 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.
- 4.9 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. Restrictions and Exceptions for Public Questions and Comments

- 5.1 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.

5.2 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

6. Petitions

- 6.1 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.
- 6.2 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.
- 6.3 Petitions will not be accepted if they are:
- vexatious or abusive
 - relate to any enactment or statutory provision
- 6.4 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.

- 6.5 Petitions will be acknowledged within 10 working days. The acknowledgement will include information on action that will be taken by the Council in respect of the petition.

~~6.6 Petitions which receive over 25 signatures will be considered as follows:~~

- ~~i) Be reported to the next available relevant Residents' Forum, if the issue raised relates to matters as defined in the Terms of Reference, contained within Responsibility for Functions, Annex A of the Constitution or~~
- ~~ii) After consideration at the Residents Forum and/or Area Committee, the relevant Director or Lead Commissioner will provide a written response to Lead Petitioner in respect of the issue(s) raised within 20 working days taking into account any discussions held at the relevant Residents Forum and/or Area Committee. The response of the Director or Lead Commissioner will be reported at the next available Residents Forum, with any action taken.~~

~~6.7 In relation to petitions considered at Residents' Forums (as referred to at 6.6 i) above), the following actions are available to the Forum:~~

- ~~i) Take no action~~
- ~~ii) Refer the issues as a relevant matter to the relevant Area Committee (which meets immediately after the Residents' Forum). The Chairman of the Forum will present the petition, outline the issues raised by the petitioner(s) and recommend a course of action, in line with the Committee's terms of reference.~~

~~6.8~~ 6.6 ~~Petitions which receive over 25 signatures will be~~ In relation to petitions referred to the relevant Area Committees ~~as relevant matters,~~ the following actions are available to the Committee:

- Note the petition
- Ask officers to present a report to a future meeting of the Area ~~sub-~~ 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)

6.97 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. The Chairman of the Committee will request that the relevant Chief Officer attend the meeting to be called to give account with regard to the issue raised. 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:
 - 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.

| 6.408 Petitions which receive 7,000 signatures or over will be considered at the next available Full Council meeting. 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

| 6.449 Any received hard copy petition will be published on the council's website via the Council's e-petition facility.

Financial Regulations

- 1 Introduction
- 2 Status of Financial Regulations
- 3 Responsibilities
- 4 Financial Management
 - 4.1 Budget Strategy
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- 5 Financial Administration
 - 5.1 Accounting
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 - 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 ~~setting of fees and charges and 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~~has a three years~~ horizon, 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 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.
- 4.3.9 Policy and Resources Committee 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 ~~from or to any~~between of the following budgets without approval of the Policy and Resource Committee; Financing charges, Rates and other taxes, Recharges and Insurances.

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:

- i) Budget transfers between projects and by year;
- ii) Funding transfers between projects and by year; and
- iii) A summary based on a template approved by the Section 151 Officer

Funding substitutions at year end in order to maximise funding are the responsibility of the Section 151 Officer.

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 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 [Performance and Contract Management 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 [Performance and Contract Management 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 [Performance and Contract Management 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 [Performance and Contract Management 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.

4.4.1214 Budget Monitoring – reporting

4.4.1315 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.

4.4.1416 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.

4.4.1517 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.

4.4.1618 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.

4.4.1719 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.

4.4.1820 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.

4.4.1921 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.

4.4.2022 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.

4.4.2123 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.

4.4.2224 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.

4.4.2325 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.

4.4.2426 Chief Officers are responsible for ensuring that they comply with all requirements for the audit of external funding where applicable.

4.4.25–27 Full year Effects

In preparing any estimates of expenditure and income, Directors and Heads of Service must give proper consideration to full year effects.

4.4.2628 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.

4.4.2729 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.

4.4.2830 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 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 ~~£1050~~£1050,000. 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).



Contract Procedure Rules

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1 INTRODUCTION

- 1.1 Procurement decisions are among the most important decisions a manager makes because the money involved is public money and the Council is concerned to ensure that as a minimum high quality supplies, works and services are provided in a timely manner. Effective and efficient use of resources in order to achieve best value is a legal duty. The Council's reputation is also important and should be safe guarded from any suggestion of dishonesty, corruption or failure to meet legal responsibilities.
- 1.2 Any Procurement activity must comply with the Law, these Contract Procedure Rules, Council policy, and the Constitution. It is a disciplinary offence to fail to comply with Contract Procedure Rules when undertaking Procurement on behalf of the Council. Council employees and third party service providers have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager for action and the Chief Internal Auditor for noting.
- 1.3 All Procurement must be undertaken with regard to high standards of probity. The Council has a commitment to transparency and it is important that the Procurement process is as transparent and open as possible.
- 1.4 These Contract Procedure Rules are to be read in conjunction with the Public Contracts Regulations 2015, Cabinet Office Procurement Policy Notes and the Council's Officer Code of Conduct.

2 APPLICATION

- 2.1 The Contract Procedure Rules provide the governance structure within which the Council may procure works, supplies and services. The aims of these rules are to:
 - ensure value for money and propriety in the spending of public money;
 - enable works, supplies and services to be delivered effectively and efficiently without compromising the Council's ability to influence strategic decisions;
 - ensure that the Council is not exposed to unnecessary risk and likelihood of challenge arising from non-compliant Procurement activity; and
 - ensure compliance with current Law
- 2.2 These Contract Procedure Rules apply to all persons who commission and or procure contracts on behalf of the Council, including external consultants or third party service providers.
- 2.3 The Policy and Resources Committee may, from time to time, recommend to the Constitution, Ethics and Probity Committee and Council that the financial thresholds set out in these Contract Procedure Rules be amended.
- 2.4 Refer to any approved Scheme of Delegation to identify any manager with the right to undertake Procurement as delegated by their Commissioning Director, Director, Assistant Director, or Head of Service. Schemes of Delegation will be maintained by the relevant

Commissioning Director. All officers must undertake Procurement in a manner which avoids any potential conflicts of interest and must follow the procedure set out in the Officer Code of Conduct.

- 2.5 The Commercial and Customer Services Director in consultation with the Chief Operating Officer shall maintain and issue the Contract Procedure Rules.
- 2.6 Unless the context otherwise requires, terms used in these Contract Procedure Rules shall have the meanings ascribed to them in section 16 (Definitions and Interpretation).

3 SCOPE

- 3.1 The Contract Procedure Rules apply to all Procurement activities, including expenditure of external funding, such as grant allocation, received by the Council from external sources.
- 3.2 The Contract Procedure Rules do not apply to Non-Procurement activities as defined in Section 16.17 (Definitions) of these Contract Procedure Rules. Payments to third parties for Non Procurement activities shall be subject to authorisation by Finance.
- 3.3 Where the Council is entering into a Contract as an agent in collaboration with another public body or organisation which is the principal or lead body in the collaboration, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the principal or lead body concerned. Where the Council is acting as principal or the lead body, these Contract Procedure Rules will take precedence.
- 3.4 Where the Council's schools have to abide by the Scheme for Financing Schools which requires them to follow Contract Standing Orders (CSO) for Schools, then the CSO for Schools shall take precedence over these Contract Procedure Rules.
- 3.5 Any interest in land, transaction in land and or lease transaction is excluded from the Contract Procedure Rules but must be authorised in accordance with the requirements set out in the Constitution and, specifically, the Management of Asset, Property and Land Rules.
- 3.6 Section 75 NHS Act 2006 arrangements are not subject to these Contract Procedure Rules

4 REGULATION & LEGISLATION

- 4.1 Customer Support Group (CSG) Procurement is responsible for ensuring Council awareness and compliance with the requirements of all relevant Law. Any significant changes to existing or new Law will be reflected in these Contract Procedure Rules.
- 4.2 The Contract Procedure Rules will be regularly reviewed and updated by CSG Procurement with any significant changes referred to the Constitution, Ethics and Probity Committee in accordance with paragraph 2.5.
- 4.3 Officers must treat suppliers equally and without discrimination and must act in a transparent and proportionate manner.

- 4.4 Before commencing a Procurement procedure officers may conduct market consultations with a view to preparing the Procurement and informing suppliers of their Procurement plans and requirements provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency. Officers may, for example, seek or accept advice from independent experts or authorities or from market participants.
- 4.5 Officers must take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of Procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all suppliers. This obligation covers any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the Procurement procedure.
- 4.6 Where a candidate or tenderer, or an undertaking related to a candidate or tenderer has advised the Council or has otherwise been involved in the preparation of the Procurement procedure, the Council shall take appropriate measures to ensure that competition is not distorted by the participation of that candidate or tenderer.
- 4.7 Such measures shall include the communication to the other candidates and tenderers of relevant information exchanged in the context of or resulting from the involvement of the candidate or tenderer in the preparation of the Procurement procedure; and the fixing of adequate time limits for the receipt of tenders. The measures taken must be documented
- 4.8 The candidate or tenderer concerned shall only be excluded from the procedure where there are no other means to ensure compliance with the duty to treat suppliers equally and prior to any such exclusion, candidates or tenderers shall be given the opportunity to prove that their involvement in preparing the Procurement procedure is not capable of distorting competition.

5 ROLES AND RESPONSIBILITIES

- 5.1 Directors, Assistant Directors, Commissioning Directors and Heads of Service are accountable for all Procurement in their respective Delivery Units/area of responsibility. Their duties in relation to all Procurement and Contract Management are to:
- 5.2 ensure compliance with the Law, Council policy and the Contract Procedure Rules;
- 5.3 identify, deliver, measure and record value for money;
- 5.4 ensure that a written pre-tender estimate of anticipated costs, calculated in accordance with Section 6 (Contract Value Calculation) of these Contract Procedure Rules, is prepared and has Budget provision;
- 5.5 identify, evaluate, record and appropriately mitigate risk e.g. provision of performance bond or parent company guarantee;
- 5.6 maintain a Scheme of Delegation in accordance with Constitutional requirements;

- 5.7 ensure that all appropriate staff comply with the provisions of the Contract Procedure Rules and have attended CSG Procurement training before undertaking Procurement and Contract Management activities;
- 5.8 take immediate action in the event of a breach of the Contract Procedure Rules within their area of responsibility;
- 5.9 ensure that all new Contracts above the published limits and planned during the forthcoming financial year are clearly identified in their Budget and Annual Procurement Forward Plan;
- 5.10 ensure that Contract terms and conditions to be used in a Procurement have been approved by HB Public Law or a Legal Advisor approved by the Monitoring Officer
- 5.11 ensure that an original signed Contract is provided to the Deeds Officer and a digital copy of the signed version, together with Acceptance and Authorisation documents and any waiver of these Contract Procedure Rules are placed in the Council's contract repository and a version approved by the supplier is prepared for publication;
- 5.12 ensure that proper records of all Contracts and tenders are kept on the Council's approved Electronic Procurement Portal, which may be inspected and kept for the period specified in the Council's Records Retention and Disposal Policy;
- 5.13 ensure that the appropriate Procurement process set out in Section 8 of these Contract Procedure Rules is followed;
- 5.14 keep a register of all Contracts with total values of £5,000 or over, which may be inspected and will support the annual Budget review. CSG Procurement will keep and publish a consolidated register of all Contracts with total values of £10,000 or over, subject to commercial confidentiality and data protection requirements;
- 5.15 ensure that all Contract Management is carried out in accordance with Section 13 (Contract Management) of these Contract Procedure Rules;

6 CONTRACT VALUE CALCULATION

- 6.1 Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax over the entire Contract period including any form of options or extensions of the Contract.
- 6.2 Where the Contract term is not fixed the estimated value of the Contract must be calculated by multiplying the monthly spend value by 48 in accordance with Regulation 6 of the Public Contracts Regulations 2015.
- 6.3 Contracts must not be artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of Contract Procedure Rules or the Law.
- 6.4 In the case of Framework Agreements or Dynamic Purchasing Systems the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts

envisaged for the total term of the Framework Agreement or the Dynamic Purchasing System.

7 AUTHORISATION

- 7.1 Any Procurement, including extensions and variations to Contracts (permitted within the existing Contract) submitted in the Annual Procurement Forward Plan and approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value.
- 7.2 Any Procurement which has not been Authorised as set out in 7.1 must be Authorised in accordance with Table A in Appendix 1 of these Contract Procedure Rules.

8 PROCUREMENT METHOD

- 8.1 Where a Procurement will result in a Framework Agreement, Dynamic Purchasing System or Contract refer to Table A in Appendix 1 of these Contract Procedure Rules to determine the Procurement process that should be used. If any further clarification is required refer to the CSG Procurement Team.
- 8.2 All tender opportunities for works, goods or services, over £10,000 (except for Social Care Placements, Special Educational Needs listed in 8.8 and Non-Procurement activities defined in 16.17) must be advertised using the CSG e-procurement portal and in accordance with Appendix 1, Table A and be subject to Tender Review.
- 8.3 All Procurements for goods and services over £25,000 must be advertised on Contracts Finder within 24 hours of the time when the Procurement is advertised in any other way. Procurement over the EU financial threshold must be advertised in the OJEU first and then on Contracts Finder. A Contract award notice must also be published on Contracts Finder.
- 8.4 Commissioners may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots. They must document the main reasons for their decision not to subdivide into lots.
- 8.5 Where the Procurement is carried out in accordance with 8.1 above and results in a Framework Agreement or Dynamic Purchasing System, any subsequent call-offs must be carried out in accordance with the rules laid down in the Framework Agreement or the Dynamic Purchasing System.
- 8.6 Where the Council accesses an existing Framework Agreement, the Framework Agreement terms and conditions of contract must be used, amended as appropriate as permitted by the Framework Agreement. Before entering into a Framework Agreement due diligence checks must be carried out to demonstrate that the Council can lawfully access the Framework Agreement and that it is fit for purpose and provides value for money.
- 8.7 Where a performance bond or guarantee is required to ensure Contract performance and/or to protect the Council, the requirement must be pre-notified and the bond or guarantee must be in place before Contract signature.

- 8.8 For Non-Procurement activity that results in a contractual obligation for social care placements and special education needs (SEN) where the decision has been made on the Council's behalf (such as court directed order, personal budget/statement request or an individual's specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision making framework is contained within the Responsibility for Functions as set out in the Constitution.
- 8.9 Procurement activity for Contracts for certain health, social, community, educational and cultural related services whose value is equal to or over the threshold of €750,000 must be tendered and awarded in compliance with Chapter 3, Section 7, of the Public Procurement Regulations 2015. Refer to the CSG Procurement Team to advise on the procedures to be applied in connection with the award of these Contracts which will take into account the specificities of the services in question
- 8.10 For Procurements below the EU financial threshold only Suitability Assessment Questions can be asked. This means there can be no PQQ stage.
- 8.11 the award of Contracts will be based on the most economically advantageous tender assessed from the Council's point of view. That tender shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the Contract in question.
- 8.12 shall require tenderers to explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, supplies or services

9 SINGLE TENDER ACTION

- 9.1 A single tender action or commitment is not allowed unless it is in compliance with the Law and approved in advance by the Commercial and Customer Services Director. Single tender action is the awarding of a Contract to a contractor without undertaking a competitive tendering exercise. Single tender actions are permitted under Regulation 32 of The Public Contracts Regulations 2015 in the following exceptional circumstances:
- where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the Contract are not substantially altered;
 - where the works, supplies or services can be supplied only by a particular supplier for any of the following reasons:
 - i. the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
 - ii. competition is absent for technical reasons,
 - iii. the protection of exclusive rights, including intellectual property rights,

but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

- insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the Council, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with;
- in the case of goods contracts, for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance;
- in the case of works or services contracts, new works and services consisting of the repetition of similar works or services entrusted to the contractor to which the Council awarded the original Contract, provided that such works or services are in conformity with a basic project for which the original Contract was awarded following a competitive procedure under the Public Contracts Regulations 2015. The basic project must indicate the extent of possible additional works or services and the conditions under which they will be awarded. As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authority when assessing the estimated contract value.

9.2 Where a competition has been undertaken, in accordance with Section 8, and only a single bid has been received, the Commercial and Customer Services Director can approve the award of a Contract, subject to a value for money review being undertaken and an audit trail being available for inspection. The award of the Contract cannot proceed without this authorisation.

10 INFORMATION GOVERNANCE

- 10.1 When engaging a contractor to provide a service to the Council which involves the handling of personal data due diligence checks must be carried out with regards to data protection. Checks must provide sufficient guarantees that the contractor's technical and organisational security measures for the handling and protection of personal information and data are appropriate, suitable and lawful. This is a requirement under the seventh principle of the Data Protection Act.
- 10.2 Evidence of these checks, copies of policies and guarantees provided by the contractor must be retained by the officer responsible for management of the Contract and be regularly reviewed throughout the life of the Contract (at least annually). If there is any doubt as to whether the checks provide sufficient guarantees for the service provision refer to the Council's Information Management team.
- 10.3 Appropriate data protection clauses must be included in the Contract when engaging a contractor to provide a service to the Council which involves the handling of personal data. As a minimum the clauses contained in the Council's Standard Terms and Conditions of

Contract must be used. Changes must not be made without consultation with the Council's Information Management Team.

- 10.4 Refer to the Council's Data Protection Compliance Toolkit for further guidance on your data protection responsibilities, including the current Due Diligence Checklist and the How to Guide .

Appropriate Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR) clauses must be used when engaging a contractor to provide a service to the Council. The clauses contained in the Council's Standard Terms and Conditions of Contract must be used. Changes must not be made without consultation with the Council's Information Management Team. The Contract must not contain clauses which say that the Contract itself or any information held or produced etc under it are exempt from FOI or EIR. The Contract must not contain any clauses which describe which information would be exempt from disclosure under FOI or EIR.

- 10.6 Refer to the Council's FOI/EIR Toolkit for further guidance on your FOI/EIR responsibilities.

11 ACCEPTANCE

- 11.1 Acceptance of Contracts must be in accordance with Appendix 1 Table A and in all cases is subject to:

- Budget provision;
- a compliant Procurement process; and
- confirmation of acceptable financial status of the service provider

- 11.2 Acceptance of contracts with independent providers of individual placements for children or adults will in the first instance be achieved through approved frameworks or approved lists of providers. Where requirements cannot be met through approved frameworks or approved lists, authority is delegated to the relevant director of a service area as per the scheme of delegation to enter into contract with a new independent provider. Such contracts are non-procurements and are therefore not subject to procurement rules or the contract procedure rules as outlines in Appendix A.

- 11.3 Acceptance thresholds for Contract extensions and variations of all values are subject to further conditions as set out in Section 14 (Extensions and Variations) of these Contract Procedure Rules.

- 11.4 The financial evaluation of tenders will be undertaken by:

- CSG Procurement if the Contract is valued at less than £172,514 for supplies or services or less than £4,348,350 for works, or;

A Financial Officer as delegated by the Chief Finance Officer if: (a) the contract is valued at £172,514 or more, for supplies or services; or (b) the contract is valued at £4,348,350 or more for works; or (c) the contract is considered to have significant impact on the local community.

12 CONTRACT SIGNING and SEALING

- 12.1 Every Contract or Contract novation must be in a form approved by the Monitoring Officer (in consultation with HB Public Law) or delegated officer, if its value exceeds £25,000 or where appropriate to the nature of the Contract.
- 12.2 All Contracts awarded following a Procurement process with a Contract value above the EU financial threshold shall be sealed unless the Monitoring Officer or delegated officer directs otherwise.
- 12.3 Contracts, Dynamic Purchasing Systems, approved lists or Framework Agreements entered into with respect to the provision of social care to individual service users must be sealed. Call-off placements from a Framework Agreement under the EU financial threshold do not require sealing and need only be signed by the respective Director in accordance with the Scheme of Delegation.
- 12.4 Where the Monitoring Officer or delegated officer considers it desirable that a Contract should be sealed other than as specified above, then such a Contract must be sealed.

13 CONTRACT MANAGEMENT

- 13.1 During the life of the Contract Directors, Assistant Directors, Commissioning Directors and Heads of Service must ensure that the Council's approved processes for Contract Management, as set out in the Contract Management Toolkit are adhered to. In particular to ensure continuous improvement and value for money is achieved Directors, Assistant Directors, Commissioning Directors or Heads of Service must ensure that those responsible for managing contracts undergo CSG Procurement approved training to ensure:
- Contract performance and key performance indicators are monitored and any reduction in performance is acted upon and recorded;
 - compliance with specification and Contract terms; and
 - cost management including reconciliation of payments against work done, supplies or services delivered;
- 13.2 Throughout the life of the Contract, contract managers must ensure the elimination of unlawful discrimination and the promotion of equality in accordance with current Law.
- 13.3 Contract managers or owners must ensure appropriate security measures are applied to prevent the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.
- 13.4 For services or goods Contracts valued above £172,514 and works Contracts above £500,000 a Contract monitoring and review check must be performed 6 months after Contract commencement.

14 EXTENSIONS and VARIATIONS

- 14.1 Regulation 72 of the Public Contracts Regulations 2015 permits an amendment, extension or renewal of an existing Contract without triggering a new Procurement exercise in the following cases:
- a) The original Contract includes a “clear, precise and unequivocal review clause” (including a price review clause) allowing for a certain modification to be made, provided the review clause(s) clearly state(s) the scope and nature of the changes that can be made and the conditions under which such a change can be made. The overall nature of the Contract must not be altered as a result of the change;
 - b) A change of contractor cannot be realistically made for economic or technical reasons and would cause significant inconvenience or substantial duplication of the Council’s costs, and new works, services or supplies need to be purchased from the contractor. This is subject to the provision that each change does not increase the Contract’s value by more than 50 per cent as a result;
 - c) Circumstances have arisen that the Council could not reasonably have foreseen and that require an amendment to the existing Contract. The Contract’s overall nature must not be altered and the Contract’s value must not increase by more than 50 per cent as a result of any change;
 - d) A new contractor is required to replace the contractor originally party to the Contract, either because this is the result of corporate restructuring, including takeover, merger, acquisition or insolvency leading to a universal or partial succession of the original contractor, or because this change was envisaged in a review clause in the original Contract. This provision cannot be relied on if the contractor is being replaced for a different reason;
 - e) The proposed modifications are insubstantial. Modifications will not be insubstantial if they result in any of the following:
 - the Contract would become materially different;
 - the scope of the Contract would extend considerably;
 - the outcome of the initial Procurement procedure would have been different had the modification been implemented at that time. For example, other tenders would have been accepted or other candidates would have been admitted;
 - the economic balance would shift in favour of the contractor; or
 - a new contractor would replace the original contractor in a circumstance not provided for in d) above.
 - f) The value of the modification is both below the EU procurement financial threshold and less than 10 per cent of the initial Contract value (where the contract is for supplies or services) or less than 15 per cent of the initial Contract value, in the case of a works contract. More than one change can be made under this provision provided the cumulative value of the modifications do not exceed the EU procurement financial threshold.

- 14.2 Commissioners must consult CSG Procurement to confirm that any of the circumstances set out in section 14.1 above apply, permitting a Contract amendment, extension or renewal and Commissioners must also comply with the Authorisation and Acceptance Thresholds in Appendix 1
- 14.3 Placement Agreements for individuals in Social Care or Educational Needs may be varied or extended without reference to the Variation or Extension Acceptance levels and documentation set out in Appendix 1 Table A.
- 14.4 The value referred to in Appendix 1 Table A in the column headed 'Variation or extension Acceptance' is the total value of the original Contract value plus the addition of the value of any extensions and/or variations i.e. the total value of the extended or varied Contract.
- 14.5 Contracts may only be extended or varied if all of the following conditions have been met:
- the initial Contract was based on a Contract Procedure Rules compliant competitive tender or quotation process;
 - the value of the extension or variation added to the value of the original Contract does not exceed the original Authorisation threshold as defined in Appendix 1, Table A;
 - the extension or variation has an approved Budget allocation;
 - the extension or variation is in accordance with the terms and conditions of the existing Contract;
 - if the initial Contract was subject to an EU regulated tender procedure, that the extension option was declared within the OJEU contract notice and the original Acceptance report (Delegated Powers Report/relevant Committee Report); and
 - the Contract has not been extended before;
- 14.6 Where the Procurement results in a Contract which includes a provision for an extension, any Acceptance of that extension needs to be in accordance with Appendix 1 Table.
- 14.7 If any of the conditions at 14.4 or 14.6 cannot be met, then a new Procurement exercise must be commenced.
- 14.8 Where a variation or extension moves the total value of the Contract into a higher threshold, then acceptance must be sought in accordance with Appendix 1, Table A.
- 14.9 A Contract Variation Notice needs to be sent to OJEU in the case of contract variations permitted and made in accordance with paragraphs b) and c) of section 14.1 above.

15 **WAIVERS**

- 15.1 If the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, Commissioning Directors and Heads of Service may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

- 15.2 Directors, Assistant Directors, Commissioning Directors and Heads of Service may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) in consultation with the Chairman of Policy and Resources Committee providing they report to the next available Policy and Resources Committee, setting out the reasons for the emergency waiver. A copy of the relevant Policy and Resources Committee report must be provided to CSG Procurement and stored on the Councils contract repository.
- 15.3 Inadequate planning and organisation of resources does not constitute an acceptable justification for a waiver.
- 15.4 Any waiver can only be granted for a maximum period of 12 months.
- 15.5 Waivers cannot be granted where this would breach the Law

16 DEFINITIONS and INTERPRETATION

- 16.1 **“Acceptance”** is the authorisation to enter into a Contract with a particular supplier(s) on the terms, conditions and at the price(s) as set out in the Contract documents.
- 16.2 **“Annual Procurement Forward Plan”** means the annual report compiled by the Council setting out their planned contractual Procurements for the forthcoming financial year and submitted to the Policy and Resources Committee for authorisation.
- 16.3
- 16.4 **“Approved Officer”** means the Director, Assistant Director, Service Lead, Commissioning Director or Head of Service in accordance with the Scheme of Delegation who has responsibility for all Contracts tendered and let by their respective area of responsibility including Contract monitoring and Contract Management once Contract is in place.
- 16.5 **“Authorisation”** is the approval required to enable any Procurement to occur.
- 16.6 **“Budget”** is the annually agreed budget and supporting plans and strategies for each Delivery Unit.
- 16.7 **“Contract”** means a formal written agreement between the Council and the provider of any goods, services or works, including terms and conditions approved by HB Public Law.
- 16.8 **“Contract Management”** is the process of managing contracts to achieve optimal goods, works and services at optimal cost in accordance with the Council’s Contract Management Toolkit
- 16.9 **“Contracts Finder”** means a web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015 by or on behalf of the Cabinet Office;
- 16.10 **“DPR”** means Delegated Powers Report. Templates and guidance for completion are available from the Assurance Group (Governance).
- 16.11 **“Dynamic Purchasing System”** is appropriate for commonly used purchases the characteristics of which, as generally available on the market, meet the Council’s requirements. The rules for using it are set out in regulation 34 of the Public Contracts Regulations 2015.

- 16.12 **“Emergency”** where immediate action is needed to protect life or property or to maintain a critical service. Decisions that were not anticipated within the Budget or Budget plan but nevertheless relate to everyday business, not major changes/decisions outside the approved Budget and statutory plans.
- 16.13 **“EU”** means European Union.
- 16.14 **“Framework agreement”** is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
- 16.15 **“Law”** means any law, statute, subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of section 2 of the European Communities Act 1972, regulation, order, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements of any regulatory body with which the Council is bound to comply
- 16.16 **“Life-Cycle Costing”** shall, to the extent relevant, cover part or all of the following costs over the life cycle of a product, service or works:—
- (a) costs, borne by the Council or other users, such as:
 - (i) costs relating to acquisition, .
 - (ii) costs of use, such as consumption of energy and other resources, .
 - (iii) maintenance costs, .
 - (iv) end of life costs, such as collection and recycling costs; .
 - (b) costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs
- 16.17 **“Light Touch Regime”** refers to the contract award procedures applicable to contracts for services set out in schedule 3 of the Public Contracts Regulations 2015 which are valued at EUR 750,000 (or around £625,000) or more. These contract opportunities and contract award notices must be advertised in OJEU and Contracts Finder. CSG Procurement will advise on the Procurement procedures to apply to these Contracts which will take into account the specifics of the services in question and which will ensure compliance with the principles of transparency and equal treatment of suppliers.
- 16.18 **“Non-Procurement”** expenditure applies where the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments and recoupment.
- 16.19 **“OJEU”** means the Official Journal of the European Union.

- 16.20 **“Procurement”** means the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose. This includes any activity which includes the identification of need, options appraisal and the execution of a competitive selection process, quotation or tendering process.
- 16.21 **“Public Contracts Regulations 2015”** are the regulations implementing EU Directive 2014/24/EU of the European Parliament and Council into English Law
- 16.22 **“Purchase”** means the activity which uses a mechanism to undertake Procurement under the Council’s standard terms and conditions (Purchase Card or Purchase Order) or against an accepted contract.
- 16.23 **“Quotation”** means a priced bid for the provision of goods, a service, or supply of works.
- 16.24 **“Reasonable means of selection”** means an unbiased selection process based on the relative merits of the quotation provided and taking account of previous purchasing practices for supplies, services or works of a similar type. This process would normally involve attaining more than one quotation, audit trail of action undertaken and confirmation from the relevant approved officer that budget is available and rationale for appointment is accepted.
- 16.25 **“Suitability Assessment Question”** means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing
- 16.26 **“Works”** means building & engineering works, including capital works.

17 APPENDIX 1 - TABLE A – Authorisation and Acceptance Thresholds

	Procurement value	Authorisation to commence a procurement process	Authorisation Documentation	Procurement method	Acceptance process	Acceptance Documentation	Variation or extension Acceptance
A	Under £10,000 (Purchase Order)	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit trail	Reasonable means of selection* and evidence of having sourced and considered the local Barnet supplier market	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit Trail	Must move to next threshold if above £10,000
B	£10,001 to £25,000	Head of Service Council Officer as designated by approved Scheme of Delegation	Procurement Forward Plan	Minimum 2 written Competitive Quotations received**	Head of Service Council Officer as designated by approved Scheme of Delegation	Summary DPR	Summary DPR
C	£25,001 - £172, 514	Director/Assistant Director	Procurement Forward Plan Full Officer DPR	Minimum 2 written Competitive Quotations received No PQQ - Suitability Assessment Questions only	Council Officer as designated by approved Scheme of Delegation	Summary DPR	Summary DPR

<p>D £172,514 and over</p>	<p>Relevant Thematic Committee Procurement Forward Plan</p>	<p>Theme Committee Report Procurement Forward Plan</p>	<p>Works: Full OJEU Tender above £4,348,350 Goods: Full OJEU Tender Services: Full OJEU Tender Health, educational, cultural and social care related services: Light Touch Regime Tender above 750,000 Euro (c. £625,000)</p>	<p>If within Budget- Council Officer in consultation with Chairman of relevant theme</p> <p>Policy and Resources Committee</p>	<p>If within Budget and agreed savings target on forward plan Officer Full DPR</p>	<p>If within Budget - Relevant Thematic Committee</p>
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All Procurements above £10,000 must be advertised on the E-portal (see 8.2). All Procurements over £25,000 must be advertised on UK Contracts Finder

*Reasonable means of selection as defined in section 16.24

**Under OJEU threshold the Commercial and Customer Services Director may waive the requirement of 2 written quotes subject to a Summary DPR provided, demonstrating that the market place has been fully tested and we have obtained value for money.

HR Regulations

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

Where the following issues arise from an organisational restructure, the restructure will be considered to have major implications and a report must be submitted to General Functions Committee for approval:

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

1. The Council Establishment

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

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

2.1 Officer Employment Procedure Rules.

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

2.1.1 *Recruitment and appointment*

(a) Declarations

Rule	Action
(i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of the partner of such	All candidates must complete a code of conduct declaration of interests statement as part of the appointment process.

persons.	
(ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.	The application will be passed to the Human Resources Director for the relevant Chief Officer decision.

(b) Seeking support for appointment

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

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

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

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

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

(a) A Committee of the council will appoint Chief Officers.	Appointment of Chief Officers is a functions reserved to the <u>Chief Officer Appointments Panel</u> <u>Remuneration Committee</u> .
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2.1.5. **Other appointments**

(a) Officers below Chief Officer.

Appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.	The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions.
The Head of Paid Service will consult the Chair of the Chief Officers Appointments Panel before making an appointment of deputy Chief Officers.	The Head of Paid Service will consult the chairman of the <u>Chief Officer Appointments Panel</u> <u>Remuneration Committee</u> . Appointment of Deputy Chief Officers will be reported to <u>Remuneration Committee</u> <u>General Functions Committee</u> for information.

(b) Appointment of political assistants

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

<p>(a) Suspension: The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</p> <p>The Head of Paid Service has the power to appoint a Designated Independent Person. Where the process involves the Head of Paid Service the Monitoring Officer shall have this power</p>
<p>(b) Independent person: No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</p>
<p>(c) Councillors will not be involved in the disciplinary action against any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes within the Council's contractual Terms and Conditions are followed.</p>

2.1.7. *Dismissal*

<p>(a) Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes as allowed for within the Council's contractual Terms and Conditions are followed.</p>
<p>(b) Any decision to dismiss the Head of Paid Service, <u>Chief Finance Officer and Monitoring Officer</u> must be taken by full Council</p>	<p><u>Prior to Full Council considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, the council must set up a</u></p>

	<p><u>panel to give views, advise and make recommendations to Full Council.</u></p> <p><u>The council must invite at least two independent persons to sit on this panel.</u></p> <p><u>The panel must be appointed at least 20 working days before the relevant meeting of Full Council.</u></p> <p><u>Before the taking of a vote at the relevant meeting of Full Council, the authority must take into account: a) any advice, views or recommendations of the Panel; b) the conclusions of the investigation into the proposed dismissal; and c) any representations from the relevant officer.</u></p>
(c) Decisions to dismiss a Chief Officer shall be taken by the Remuneration Committee <u>General Functions Committee</u>	

2.2 Varying Terms and Conditions of employment

With the exception of chief officers, terms and conditions for employees will be determined by the Head of Paid Service within the agreed negotiating mechanisms. Where an Individual Market Factor Supplement is to be included for a position on grades LBB1 to LBB7, the Head of Paid Service, Directors or Assistant Directors must consult with the Chairman of the Remuneration Committee and record the results of that consultation through a Delegated Powers Report.

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

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

2.3 Leavers

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

3 Employee Records

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

4. Salaries & allowances payable to Council employees and Pensioners

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

5. Members Allowances

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

5.2 The Human Resources Director will ensure that these payments are made on an accurate and timely basis.

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

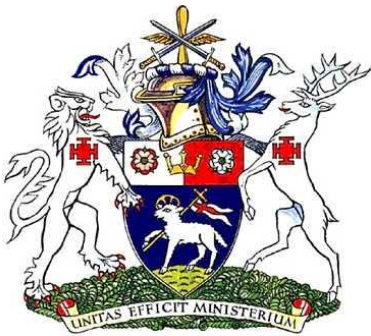
6 Pensions Administration

6.1 The Head of Paid Service through the Human Resources Director will ensure that on an annual basis that each pensioner residing overseas provides a life certificate.

6.2 The Human Resources Director will ensure that on an annual basis that the Council's discretions under Regulation 66 of LGPS (administration) regulations 2008 and LGPS (Miscellaneous) Regulations 2012 are provided to the Chief Finance Officer for agreement.

6.3 The Human Resources Director will ensure that properly authorised payments for Pensions shall be made in accordance with the Council's contractual terms and conditions and these will be made on an accurate and timely basis.

AGENDA ITEM 8



**Constitution Ethics and Probity
Committee**

30 June 2015

Title	The Standards Regime
Report of	Monitoring Officer
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Peter Large, Monitoring Officer Peter.Large@Barnet.gov.uk 02083594688

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

That the Committee consider the options set out in Section 2 of the report and decide whether to recommend one of the options to the Council.

1. WHY THIS REPORT IS NEEDED

1.1 Background

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 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.
- 1.3 The Council at its meeting on 16 December 2014 received a report from this Committee making recommendations with respect to the constitution. Councillor Alison Moore moved a motion proposing amendments to the recommendations made by the Committee which would have had the effect (inter alia) of replacing the Group Leaders Panel with a Standards Committee “with an independent Chair and on which Independent Persons form the majority, with one representative from each of the three political groups”. That motion was defeated, and Councillor Moore then advised Council that the Labour Group would be withdrawing from the Group Leaders Panel. The Labour Group has subsequently not nominated members to fill its allocated places on the Panel.
- 1.4 Of course, no single political party has the right to veto the arrangements made by the Council for dealing with complaints relating to Member conduct. However, it is the view of the Monitoring Officer that it is extremely desirable that any such arrangements have cross party support, if possible. 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.

1.5 The position with respect to Independent Members

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.

1.6 The Localism Act 2011 introduced a number of radical changes to the ethical standards regime as it existed prior to that Act.

1.7 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.

1.8 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).
- 1.11 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.
- 1.12 At its meeting on 25 November 2014, the Committee received a report which included information about arrangements made by some other London authorities for discharging the general duty to promote high standards of member conduct, and to deal with complaints. As set out in that report, some authorities do have Standards Committees which include independent members. However, in such cases either the role of the Committee is to advise the Council on ethical governance issues, rather than to deal with complaints, or the independent member is non-voting.

1.13 **Options for change**

If the Committee considers that there is a case for changing the existing arrangements, the following options could be considered:

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 further option would be to appoint more than one independent member. It would be for the Panel to determine whether the independent member took the chair, and the chairman of the Panel would not necessarily need to be the same person all the time.

If this option is agreed, it will be necessary to make arrangements to appoint an independent person(s), and it is suggested that authority to make such

arrangements and make an appointment be delegated to the Director of Assurance, in consultation with the Chairman of the Constitution, Ethics and Probity Committee.

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.

Option 3. Combine Options 1 and 2.

A further, radical, option would be to combine Options 1 and 2, to create a Panel or Committee including an independent member and with a changed and/or expanded membership.

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, following the decision by the Labour Group to withdraw from the Group Leaders Panel.

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 on 28 July 2015 for final approval.

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, there will 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 Co-optees' 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 Council, 16 December 2014, Report from Constitution, Ethics and Probity Committee – Constitution Review:

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=7816&Ver=4>

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