

MEETING

CONSTITUTION, ETHICS AND PROBITY COMMITTEE

DATE AND TIME

THURSDAY 17TH MARCH, 2016

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 MA (Hons)

Vice Chairman: Councillor Melvin Cohen LLB

Richard Cornelius

Alison Moore

Joan Scannell

Dr Devra Kay

Barry Rawlings

Substitute Members

Anthony Finn

Ammar Naqvi

Sachin Rajput

Alan Schneiderman

Peter Zinkin

Claire Farrier

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Monday 14 March at 10AM. Requests must be submitted to Kirstin Lambert 020 8359 2177 kirstin.lambert@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: Kirstin Lambert 0208 359 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 Item in the name of Councillor Richard Cornelius | 11 - 14 |
| 7. | The Independent Person of the Standards Committee | 15 - 36 |
| 8. | Constitution Review | 37 - 136 |
| 9. | Committee System and Constitution Review - Summary of Outcomes | 137 - 144 |
| 10. | Any other item(s) that the Chairman decides are urgent | |

FACILITIES FOR PEOPLE WITH DISABILITIES

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Decisions of the Constitution, Ethics and Probity Committee

16 November 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 30 June 2015 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

4. REPORT OF THE MONITORING OFFICER

None.

5. PUBLIC QUESTION AND COMMENTS

None.

6. MEMBERS' ITEMS

None.

7. CONSTITUTION REVIEW

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

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

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

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

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

| App No. | Section | Changes contained in the report to Constitution, Ethics and Probity Committee | Changes recommended to Full Council |
|---------|------------------------------|---|---|
| | | and charges above inflation. | |
| C | Council Procedure Rules | <p>Full Council Procedure Rules currently state, in section 1. (j) “To agree the Council Calendar of meetings including for ordinary meetings of the Council”</p> <p>Reserving approval of the calendar of meetings as a function of Annual Council means that Council do not formally approve the calendar of meetings until the beginning of the new municipal year. This can have implications for: i) Members in terms of planning holidays and other commitments; and ii) officers in terms of planning projects and other matters which will require committee decisions. Officers have consulted legislation and regulations and ascertained that there is no legal requirement for Annual Council to approve the calendar of meetings. It is therefore proposed that this becomes a function of Full Council instead in order that the calendar can be approved at any point during the year.</p> | <p>Agreed as per addendum. Delete from section 1 (Annual Meetings of the Council) the following wording: ‘To agree the Council Calendar of meetings including for ordinary meetings of the Council’ and add to Section 2 (Ordinary Meetings) Part 1 – Statutory Formalities / Announcements. Renumber all subsequent sections</p> |
| C | Full Council Procedure Rules | <p>Council Procedure Rules – Part 4, 14 is misleading in that it states that ‘the motion debated will be determined by Council if there is more than one submitted: subject to: the opposition motion debated will be determined by the opposition if there is more than one debated’. For consistency and fairness it should be clarified that if the opposition submits more than one motion the opposition would determine which one is debated, and if the administration submits more than one motion the administration would determine which one is debated</p> | Agreed as per report |
| C | Full Council | N/A | Delete section 26.2 and |

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

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

| App No. | Section | Changes contained in the report to Constitution, Ethics and Probity Committee | Changes recommended to Full Council |
|---------|---------------------|---|-------------------------------------|
| | | <p>responsibility should be within the remit of the relevant Theme Committee/ Planning/ Licensing Committees, and reported to Policy and Resources Committee, which was subsequently incorporated into the Constitution (Responsibility for Functions, Annex A). Updates to Finance Regulations are required to reflect this change, and to clarify that 'significantly different from inflation' means above inflation by 2% or more.</p> <p>Further amendments are recommended to clarify that:</p> <ol style="list-style-type: none"> 1) Policy and Resources Committee approval is required for all capital additions to the capital programme. Capital additions should also be included in the quarterly budget monitoring report to Performance and Contracts Committee for noting. 2) In the area of Budget Monitoring – all forecasted overspends/additions must, following reporting to the Chief Finance Officer (section 151 officer), be submitted to the Policy and Resources Committee for approval. | |
| F | Finance Regulations | <p>For clarity, it is recommended that Financial Regulations include reference to the Assurance Assistant Director and CAFT authorised powers to:</p> <ol style="list-style-type: none"> i) Act as 'Enforcement Officers' as defined and set out within the requirements of the Disabled Persons Parking Badges Act' 2013. ii) Request and share information obtained under the | Agreed as per report |

| App No. | Section | Changes contained in the report to Constitution, Ethics and Probity Committee | Changes recommended to Full Council |
|---------|---------|--|-------------------------------------|
| | | 'Prevention of Social Housing Fraud Act' 2013 for the purposes of housing fraud investigation. | |

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

The Monitoring Officer presented the report.

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

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

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

RESOLVED that the results from the survey be noted.

9. THE STANDARDS REGIME

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

RESOLVED that:

1. **The Monitoring Officer be requested to amend the “Protocol – Complaints against Members” as follows:**
 - i) **Revise section 7.1 include wording which enables the Monitoring Officer to determine whether to take no further action**
 - ii) **Create a new section 7.2 to state that the “...where the Monitoring Officer decides to take no further action, the Monitoring Officer will inform the person making the allegation and the Member who is the**

subject of the complaint of her decision and of the reasons for it.”

- iii) **Create a new section 12 as follows: “The Monitoring Officer will submit a report to the Standards Committee at six monthly intervals to inform the Constitution, Ethics and Probity Committee about complaints which have been received and not investigated under paragraphs 5.3 or 5.6 of this Protocol, and complaints which have been investigated but not reported to the Standards Committee under paragraph 7.1”**

2. The Committee recommend to Full Council:


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

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

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

None.

The meeting finished at 8.00 pm

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|  | <p>AGENDA ITEM 6</p> <p>Constitution Ethics and Probity Committee</p> <p>17 March 2016</p> |
| <p>Title</p> | <p>Member's Item in the name of Councillor Richard Cornelius</p> |
| <p>Report of</p> | <p>Head of Governance</p> |
| <p>Wards</p> | <p>All</p> |
| <p>Status</p> | <p>Public</p> |
| <p>Enclosures</p> | <p>None</p> |
| <p>Officer Contact Details</p> | <p>Kirstin Lambert, Governance Team Leader Email: kirstin.lambert@barnet.gov.uk Tel: 020 8359 2177</p> |

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| <p>Summary</p> |
| <p>The report informs the Constitution Ethics and Probity Committee of a Member's Item and requests instructions from the Committee.</p> |

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| <p>Recommendations</p> |
| <p>1. That the Constitution Ethics and Probity Committee's instructions in relation to this Member's item are requested.</p> |

1. WHY THIS REPORT IS NEEDED

- 1.1 Councillor Richard Cornelius has requested that a Member's Item be considered on the following matter:

"In this time of acute budgetary pressure the routine filling of higher paid posts needs to be carefully considered. The change to the committee system requires a clarification to the constitutional arrangements.

No vacant posts over the annual salary of £ 57000pa shall be advertised or recruited to without prior approval from GFC and all new posts over this salary shall be created by committee decision and not by delegated powers."

1. REASONS FOR RECOMMENDATIONS

- 1.1 No recommendations have been made. The Committee are therefore requested to give consideration and provide instruction.

2. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 2.1 Not applicable.

3. POST DECISION IMPLEMENTATION

- 3.1 Post decision implementation will depend on the decision taken by the Committee.

4. IMPLICATIONS OF DECISION

4.1 Corporate Priorities and Performance

- 4.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

- 4.2.1 None in the context of this report.

4.3 Legal and Constitutional References

- 4.3.1 The Council's Constitution (Meeting Procedure Rules, Section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be within the term of reference of the decision making body which will consider the item.

- 4.3.2 Constitution Ethics and Probity Committee terms of reference includes "To

have responsibility for overseeing the Council's governance arrangements. 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."

4.4 Risk Management

4.4.1 None in the context of this report.

4.5 Equalities and Diversity

4.5.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

4.6 Consultation and Engagement

4.6.1 None in the context of this report.

5. BACKGROUND PAPERS

5.1 None.

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| | <p>Constitution, Ethics and Probity Committee</p> <p>17 March 2016</p> |
| <p style="text-align: right;">Title</p> | <p>Recruitment of Independent Persons to Chair the Standards Committee</p> |
| <p style="text-align: right;">Report of</p> | <p>Monitoring Officer</p> |
| <p style="text-align: right;">Wards</p> | <p>None</p> |
| <p style="text-align: right;">Status</p> | <p>Public</p> |
| <p style="text-align: right;">Key</p> | <p>No</p> |
| <p style="text-align: right;">Urgent</p> | <p>No</p> |
| <p style="text-align: right;">Enclosure</p> | <p>Appendix 1 – The Independent Person Recruitment Pack</p> |
| <p style="text-align: right;">Officer Contact Details</p> | <p>Kirstin Lambert - Kirstin.Lambert@barnet.gov.uk, 02083592177</p> |

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| <p>Summary</p> <p>The Constitution, Ethics and Probity Committee, at its meeting of 16 November 2015, considered a report on the Standards regime, and the current arrangements in place for the investigation of and decisions on allegations of breaches of the Code of Conduct for Members. At this meeting it made recommendations to Full Council on 8 December 2015, where it was agreed to establish a new Standards Committee comprising of four members of the Council and an Independent Person (as a co-opted member of the Committee) to replace the Group Leaders Panel. Council also agreed that the Independent Person would act as the Chairman of the Standards Committee.</p> <p>The Independent Person will fulfil a statutory role in relation to Member Conduct issues. There are also statutory provisions stating that the Independent Persons will have a role in the event of a proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer.</p> <p>This report asks the Committee to take the next steps in implementing the decision of Full Council on 8 December 2015, in particular in relation to steps needed to appoint a panel of Independent Persons.</p> |
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Recommendations

That the Committee:

- 1. Agree that 4 potential Independent Persons should be selected for recommendation to Council.;**
- 2. Approve the recruitment pack for advertisement and agree how/where to advertise, as per paragraph 1.5 below;**
- 3. Determine the appropriate option for the composition of the Interview Panel, as per paragraph 1.6 below ;**
- 4. Determine what level of remuneration to recommend to Council to pay the Independent Person, as per paragraph 1.8 below;**
- 5. Determine the period of appointment for the Independent Person, from the options in paragraph 1.9 below and;**
- 6. Delegate authority to the Monitoring Officer to finalise the recruitment pack and make the necessary arrangements to advertise the positions and schedule the interviews for the Independent Persons, in consultation with the Chairman of Constitution, Ethics and Probity Committee.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 27 of the Localism Act 2011 imposes a duty on the council to “promote and maintain high standards of conduct by members and co-opted members” of the council. The council is required to adopt a code dealing with the conduct that is expected of Members and co-opted Members of the council when they are acting in that capacity, and must have in place arrangements under which allegations that a member has failed to comply with the code of conduct can be investigated, and arrangements under which decisions on allegations can be made. Those arrangements must include the appointment of at least one “independent person”, whose views must be sought, and taken into account, before any decision on an allegation which has been investigated is taken.
- 1.2 The council has delegated to the Standards Committee the function of investigating and determining any allegations of a breach of the Code of Conduct by individual members. The Standards Committee comprises of four members of the council and an Independent Person, who will chair the committee as a non-voting member of the committee, because a member who has not been elected does not have a vote unless specifically given one by legislation.
- 1.3 The Independent Member will also have a role in the event of the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer. There is a statutory requirement to invite 2 independent members to sit on a disciplinary panel in this respect.
- 1.4 It is suggested that an interview panel selects 4 potential Independent Members for recommendation to full Council. They will chair the Standards committee as a non-voting member and will be called on in the event of the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with their statutory role. The committee is asked to approve the recruitment pack for advertisement, agree how/where to advertise and determine the appropriate option for the composition of the

Interview Panel. The committee is also asked to delegate authority to the Monitoring Officer to finalise the recruitment pack and make the necessary arrangements to advertise the positions and schedule the Interviews for the independent persons, in consultation with the Chairman of CEP Committee.

Options for advertisement

1.5 The committee is asked agree how and where to advertise. Options are provided below:

- a) **Option 1:** To place an advertisement in the local press, details of the circulation are attached in Appendix 2. This advert will appear in the Hendon & Finchley Times, Edgware & Mill Hill Times, Barnet & Potters Bar Times, Borehamwood & Elstree Times and will appear online for 30 days thus gaining maximum exposure to about 224,399 people. The advertisement in the local press will be accompanied by a short advert on the Barnet e-newsletter which goes out to local residents and will also be signposted on the Barnet Twitter and Facebook media pages. There is a cost of £1086 + VAT
- b) **Option 2:** To place an advert on the Barnet e-newsletter and signpost on the Barnet Twitter and Facebook media pages. The e-newsletter is sent out to about 1,900 individuals who have signed up to receive notification from the council. There is no cost associated with this option

Composition of the Interview Panel

1.6 The committee is asked agree the composition of the Interview Panel from the following options:

- a) **Option 1.** The Monitoring Officer and a member each from the Administration and Opposition of the Standards Committee.
- b) **Option 2.** The Monitoring Officer, the Chairman of CEP Committee and a member of the Standards Committee.
- c) **Option 3.** The Monitoring Officer, a member of the Standards Committee and a member of CEP Committee.
- d) **Option 4:** Other composition that the committee deems appropriate.

Options for remuneration for the Independent Chairman

1.7 At present under the Members Allowance Scheme 2016/17 an allowance of £127 is paid to Independent and co-opted Members of Council Committees for each meeting that they attend. CEP Committee is asked to determine whether to recommend to Council to pay an additional allowance to the Independent Person to take into account their additional role as Chairman.

Previously CEP Committee, at its meeting on 28 March 2013, agreed to pay the Independent Member of the Group Leaders Panel a fee of £100.00 for a simple case on which the Independent Person's views had been sought. For more complex cases, for example, where the complaint is referred to a Group Leaders Panel, a fee of £200.00 could be paid. Complexity of a case will be determined by the Council's Monitoring Officer. In comparison, other authorities at that time paid an annual flat rate as below:

- Harrow Council - £445 per year
- Enfield Council; £500 per year

1.8 The Committee is asked to consider and approve one of the following options for remuneration:

- a) **Option 1:** a payment of £127 for each committee they attend and Chair
- b) **Option 2:** a flat rate payment comparable to our neighbouring authorities
- c) **Option 3:** a payment on case by case basis (approach as previously utilised by the Group Leaders Panel).
 - A fee of £127 where the views of the Independent Person have been sought but the case is not progressed to Committee;
 - A fee of £200 where the views are sought and the case is referred to Standards Committee;
 - A fee of £250 where the Independent Person has to sit as Chairman of a Standards Committee meeting

Period of appointment

1.9 The Committee is asked to express a preference regarding the appropriate period of appointment for the Independent Persons for recommendation to the recruitment panel from the following options:

- a) **Option 1** - All four Independent Persons being appointed for a fixed term of four years – this will provide a balanced approach to the term of office, but carries a risk that any cases which occur at the end of the four year term might be investigated or chaired by a relatively inexperienced independent person
- b) **Option 2** - Two Independent Persons being appointed for a fixed term of two years with the remaining two Independent Persons being appointed for a fixed term of four years – this will ensure that an experienced independent person is retained in the system to cover periods where new independent persons are being recruited and trained, but this approach could be perceived to be unbalanced by those appointed as Independent Persons. It will also mean that there will be recruitment costs incurred every 2 years, rather than every 4 years as in Option 1.

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 is the next step

in implementing the decision of Council on 8 December 2016 for appointing an Independent Persons to Chair the Standards Committee.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None in the context of this report.

4. POST DECISION IMPLEMENTATION

4.1 The Monitoring Officer will execute the decisions, as authorised by the Committee.

4.2 Following the Committee decision on remuneration under section 1.8, if necessary, a report will be produced for Council recommending the adoption of the allowance for the Independent Person.

4.3 Following interviews the successful candidates will be formally appointed at the subsequent Council meeting for a period as agreed under section 1.9.

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. The Council is required to appoint at least 1 Independent Person.

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

5.2.1 The cost of the advertising and recruitment process will be met from Members Allowances budget.

5.2.2 The 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 (if option 1 as outlined in paragraph 1.8 is agreed). Any other option recommended by CEP Committee would require an amendment to the Members Allowance Scheme, which would need to be approved by Council. 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 are as follows: *“To have responsibility for overseeing the Council's governance arrangements. 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. 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.”

5.3.2 The steps requested in this report fall within ‘*To have responsibility for overseeing the Council’s governance arrangements*’.

5.3.3 By S28 Localism Act 2011 the Council is required to appoint at least one Independent Person to give a view on complaints against members, including whether to investigate a complaint for alleged breach of the Council’s Code of Conduct. The Council may call upon the services of an Independent Person from another Council if necessary.

5.3.4 By S28(8)(b) of the Localism Act the Council may not appoint a person (or close associate of a person) who has been an officer, member or co-opted member of the Council within the 5 years prior to the appointment.

5.3.5 By S28(8)(c) of the Localism Act appointment of an Independent Person must be approved by Full Council.

5.3.6 As a result of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the independent person will also have a role in relation to the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer. At least 2 independent persons must be invited to join any disciplinary panel in this respect. The council may not pay the independent person more money in respect of this role than is paid in relation to their Member conduct role.

5.3.7 There is a statutory requirement to ensure that the post is brought to the attention of the public – S 28(8)(c)(i).

5.3.8 There is no statutory limit on the term of appointment.

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, is enshrined within the constitution, need to be transparent and accessible to all sectors of the community .The recruitment will be carried out in accordance with the Council’s equal opportunities policy,

5.6 Consultation and Engagement

5.6.1 None

6. BACKGROUND PAPERS

- 6.1 Report to Constitution, Ethics and Probity Committee at its meeting of 28 March 2013 on the Remuneration for Independent Persons
<http://barnet.moderngov.co.uk/documents/s8057/Remuneration%20for%20Independent%20Persons%20-%20Draft%202.pdf>
- 6.2 Report to Constitution, Ethics and Probity Committee at its meeting of 16 November 2015, item 9
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=589&MId=8391&Ver=4>
- 6.3 Report to Council at its meeting of 8 December 2015, item 12.3
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8341&Ver=4>

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Recruitment Pack

London Borough of Barnet Standards Committee Independent Person

Independent Person

Recruitment Pack Index

1. Introductory Letter
2. Role Profile
3. Person Specification
4. Application Form
5. [London Borough of Barnet Members' Code of Conduct](#)
6. [Localism Act 2011 Part 1 Chapter 7](#)

APPOINTMENT OF INDEPENDENT PERSON

Thank you for your interest in becoming an Independent Person on the London Borough of Barnet's Standards Committee. I hope that this pack provides you with useful information to assist you in completing the application form.

Would you like to play an important role for the council by contributing towards maintaining high standards of behaviour in public life in Barnet council?

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
- 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.

Barnet is seeking to appoint four Independent Persons who will be available to serve as Chairman of the Standards Committee. An Independent Person will sit as chairman as and when the Standards Committee meets to assist the Council in discharging its duty to promote and maintain high standards of conduct by Elected Members and Co-opted Members of the London Borough of Barnet. Their views will be sought, and taken into account in assessing complaints of alleged Member or co-opted Member misconduct and deciding on a course of action. The Independent Person may also be consulted by the Member about whom an allegation has been made.

It is also part of the role of an Independent Person to be a member of a panel considering any proposal to dismiss the Chief Executive, Chief Finance Officer or the Monitoring Officer (all statutory officers of the Council), and together with the other members of the panel, to make a recommendation on this to full Council.

The role as an Independent Person requires someone who...

- is either a resident of the London Borough of Barnet or, works in, or, has strong links with the area
- can demonstrate that they can remain independent in their thinking and decision making
- has some experience of chairing meetings or hearings
- has some experience of managing and maintaining high ethical standards
- is able to make judgements based on evidence or information presented
- has questioning skills

- can be assertive
- is able to work within an area of public life which is open and transparent
- can attend appropriate training sessions and hearings meetings, when required
- can demonstrate full independence from the Council and a keen interest in standards in public life
- wishes to serve the local community and uphold local democracy
- has demonstrably high standards of personal integrity objectivity, independence, impartiality and political awareness
- has experience in handling sensitive and confidential information
- has strong analytical skills, ability to reason and make balanced judgements

You cannot be an Independent Person if you are...

- currently a Councillor, co-opted Member or employee of the London Borough of Barnet or held these positions within the last five years.
- a relative or close friend of anyone who is a Councillor, co-opted Member or employee of the London Borough of Barnet
- or have been in the last five years, an active member of any political party
- or have been in the last five years, had a public profile in relation to political activities; including having been involved, in a lead or prominent role, in a significant contentious issue involving the Council.

People who have been Independent Members of the council's Standards Committee or Group Leaders Panel during the past five years may not apply for the post.

An allowance will be payable to the Independent Person whilst engaged on this work plus the cost of travel and subsistence for attending hearings. Details of the period of appointment is to be determined by the Council.

To apply for the position of Independent Person, please complete the application form which can be accessed via the link below and submit to : Sarah Koniarski, Governance Officer, London Borough of Barnet, North London Business Park, Oakleigh Road South, London N11 1NP. E-mail: Sarah.Koniarski@Barnet.gov.uk Tel: 020 8359 7574.

Information and an application form is also available on Barnet Council's website <https://jobs.barnet.gov.uk/>

Closing Date: Close of business on **XX**
Interviews are scheduled for the week commencing **XX**

Barnet Council is committed to promoting equality, challenging discrimination and developing community cohesion. We welcome applications from all sections of the community.

Appointment Process:

If you would like to be considered for the position of Independent Person, please complete the form and return it by noon on **XX**

Your application will then be considered and all short-listed candidates will be notified of the interview date. It is anticipated that interviews will take place the week commencing **XX** and will be held at the North London Business Park (address as above).

The successful candidates will be recommended to the next appropriate Council meeting for formal appointment.

If you have any queries about the post please contact: Sarah Koniarski, Governance Officer, London Borough of Barnet, North London Business Park, Oakleigh Road South, London N11 1NP. E-mail: Sarah.Koniarski@Barnet.gov.uk
Tel: 020 8359 7574.

ROLE PROFILE

Responsible to: The Monitoring Officer and the Council

Liaison with: Members and co-opted Members and Officers of Barnet Council.

Competencies and Responsibilities:

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of the Council and in particular to uphold the code of conduct adopted by the Council and the principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness, leadership, respect for others, duty to uphold the law and stewardship.
2. To be consulted by the Council through the Monitoring Officer in relation to an allegation before it is investigated or reported to the Standards Committee.
3. To be available for consultation by the Monitoring Officer and/or the Standards Committee both before a decision is taken as to whether to investigate a complaint, or to seek local resolution of the same or to consider an appeal against decisions taken.
4. To be available for consultation by any elected or co-opted Member who is subject to a standards complaint.
5. To be an effective chairman, ensuring that the business of the meeting is completed while allowing a fair and balanced debate and any professional advice to be taken into account.
6. To ensure that the meeting is run correctly from a procedural point of view and that decisions made are accurately recorded.
7. As the Chairman, the Independent Person is responsible for keeping order and adjourning meetings where necessary. They should also have a good level of assertiveness. It is also their responsibility to ensure that members of the public and press leave the meeting when a private report is being considered
8. To develop and apply knowledge of the Code of Conduct in relation to any and all matters relating to standards, including the assessment and determination of allegations of member misconduct under the Code of Conduct.

9. To analyse and exercise fair and impartial judgement and decision making on conduct issues.
10. To consult, liaise and maintain a professional working relationship with the council's Monitoring Officer, his / her appointed deputies and other officers of the Council.
11. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Council's area.
12. To participate in any forum established for Independent Persons.
13. To be a Member of a Panel considering the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer of the Council, which would make a recommendation on this to Full Council
14. To undertake such other responsibilities as the Monitoring Officer considers reasonably commensurate with the position.

BARNET COUNCIL
PERSON SPECIFICATION
INDEPENDENT PERSON (Localism Act 2011 – Standards)

| | Essential | Desirable | How Measured |
|-----------------------------------|--|---|---------------------------|
| Localism Act 2011 criteria | Applicants must comply with the definition of an Independent Person as detailed in the Localism Act 2011, Part 1, Chapter 7, Section 28 (8) and (10) | | Application |
| Experience | Over 18 years of age. | Experience of serving in or working for local or national government and/or legal system, tribunals or other quasi-judicial bodies. | Application and Interview |
| Education/Training | No specific qualifications required. | | |
| Skills/ Knowledge | <p>Commitment to public service.</p> <p>Ability to act as the chair of an assessment or review sub-committee or a determination hearing</p> <p>Leadership qualities, particularly in respect of exercising sound judgment</p> <p>Ability to critically assess written and oral evidence to reach a balanced and objective decision.</p> <p>Ability to absorb key information from complex reports.</p> | <p>Knowledge of how local government operates and an awareness of the role of elected members and statutory officers.</p> <p>General understanding of the principles of the Members' code of conduct.</p> <p>Knowledge of rules of natural justice.</p> <p>Ability to write reports if necessary.</p> | Application and Interview |

| | | | |
|-----------------------------|---|---|---------------------------|
| | <p>Ability to communicate effectively with a wide range of people, councillors and council officers.</p> <p>Demonstrate excellent listening, problem solving and evaluation skills.</p> <p>Demonstrate tact, diplomacy and impartiality.</p> | | |
| Personal Qualities | <p>Personal Integrity.</p> <p>Commitment to upholding high standards.</p> <p>Independence of mind – ability to form a view on the basis of facts and not to be swayed by others and act objectively.</p> <p>Commitment to confidentiality in appropriate circumstances.</p> <p>Ability and willingness to work with other members of other councils, their committees/panels and officers.</p> <p>Reliable and committed.</p> | <p>Exercise persuasion and influence.</p> <p>Think logically, seeking and receiving advice where appropriate.</p> | Application and interview |
| Working Arrangements | <p>Need to attend various meetings with fluctuating frequency and sometimes at short notice.</p> <p>Need to be available for and</p> | <p>Ability to identify potential conflicts of interest during working role.</p> | Application and interview |

| | | | |
|--|---|--|--|
| | <p>respond to consultation as and when required, and sometimes at short notice</p> <p>Attend training events and other forums as and when required.</p> | | |
|--|---|--|--|

You should demonstrate in your application how you meet the above criteria as this will assist the short listing process.

**APPLICATION FOR THE POSITION OF
INDEPENDENT PERSON**

Individuals who wish to be considered for appointment as an Independent Person of the London Borough of Barnet are requested to provide the following information to support their application. All information provided will be treated in confidence and will only be used for the purposes of selecting Independent Persons. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS:

Name:

Address:

Postcode:

National Insurance Number:

Contact details:

Daytime Telephone Number:

Evening Telephone Number:

Mobile Telephone Number:

E-mail Address(es):

Please provide details or how you meet the criteria in the Person Specification and Role Profile?

Please provide any additional information you may wish to give in support of your application:

References will be taken up for all applicants who are invited for an interview

| | |
|-----------------|-----------------|
| 1. Name: | 2 Name: |
| | |
| Address: | Address: |
| | |
| | |
| | |
| | |
| | |
| | |
| Telephone no.: | Telephone no.: |
| | |
| E-mail address: | E-mail address: |
| | |

I wish to apply to be an Independent Person of the London Borough of Barnet.

In submitting this application, I declare that: -

1. I am not now, nor have been during the last five years, a Member, co-opted Member or officer of the London Borough of Barnet;
2. I am not closely associated with anyone who is now, nor has been in the last five years, a Member,, co-opted Member or officer of the London Borough of Barnet;
3. I am not now, nor have been during the last five years, an active member of any political party;
4. I have not now, nor have had in the last five years, a public profile in relation to political activities; including having been involved, in a lead or prominent role, in a significant contentious issue involving the Council.

Signed

Date

| | |
|---|--|
| | <p>Constitution, Ethics and Probity Committee</p> <p>17 March 2016</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 9 Appendix B: Responsibility for Functions Appendix C: Responsibility for Functions, Annex A Appendix D: Responsibility for Functions, Annex B Appendix E: Meetings Procedure Rules</p> |
| <p>Officer Contact Details</p> | <p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p> |
| <p>Summary</p> | |
| <p>This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.</p> | |

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

1. WHY THIS REPORT IS NEEDED

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

- June – July 2014;

- September – December 2014;
- January – March 2015; and
- April – May 2015
- June – July 2015

- September – December 2015

1.2 At the Committee meetings held on 2 September 2014, 25 November 2014, 31 March 2015, 30 June 2015 and 16 November 2015 a number of changes were proposed to ensure the smooth running of committees most of which were approved for referral to Council. These changes to the constitution were adopted by Council on 23 September 2014, 16 December 2014, 14 April 2015, 28 July 2015, and 8 December 2015 respectively.

1.3 Since the November 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 |
|-----|------------------------------|------------|---|---|
| 1 | Responsibility for Functions | Page 55-60 | <p>The current wording of paragraph 6.2 of Responsibility for Functions currently states that the Chairman of an Area Committee 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." As currently drafted it is not clear that a Chairman of an Area and/or Area Planning Committee is required to give reasons when using his / her authority to refer a matter to another committee and this is contrary to Article 10.2 which states that: All decisions of the Council will be made in accordance with the following principles...(g) the giving of reasons for the decision and the proper recording of those reasons." It would be best practice to specify that a reason should be given, consistent with the requirement for Committees to give reasons when referring a matter up.</p> | <p>Amend paragraph 6.2 of Responsibility for Functions to add:</p> <p>'The report on the referral to Full Council or the relevant Committee to which the Committee or Sub-Committee reports shall set out the reasons given for the referral.'</p> |
| 2 | Responsibility for Functions | Page 55-60 | <p>Members have proposed that an amendment be made to Section 6 of Responsibility for Functions (Members Rights to Refer Matters to Parent Body) to enable Area Committee Chairmen to have the ability to refer applications to the Area Committee Budget to relevant Theme Committee (Environment Committee for environment related schemes or Community Leadership Committee for community related projects). The proposed amendment would provide Chairmen with the flexibility and discretion to ensure that Area Committees achieve an appropriate balance between environment and community based projects when allocating funds via the Area Committee Budget.</p> | <p>Amend Responsibility for Functions to add a new paragraph 6.3:</p> <p>"A Chairman of an Area Committee may refer applications to the Area Committee Budget to the relevant Theme Committee (Environment Committee for environment related schemes or Community Leadership Committee for community related projects). The report to the relevant Committee to which the Area Committee refers the application shall set out the reasons given for the referral."</p> <p>Renumber subsequent sections.</p> |

| No. | Section | Reference | Issue Identified | Changes Made |
|-----|---|------------|--|--|
| | | | | <p>Amend Responsibility for Functions, Annex A, to add to Environment Committee and Community Leadership Committee terms of reference:</p> <p>“Determining applications to the Area Committee Budget referred by Area Committees.”</p> |
| 3 | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards) | Page 61-99 | Audit Committee terms of reference does not contain anything about ability to ‘refer’ or ‘recommend’ matters of concern to bring them to the attention of the relevant Committee for attention (frequently recently this has concerned contract compliance or performance issues by CSG or Re, but should equally encompass the ability to raise concerns regarding internal delivery units) | Amend Responsibility for Functions Annex A to add to Audit Committee terms of reference: ‘To make recommendations to the relevant Committee for consideration of audit assurance matters of significant concern’ |
| 4 | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards) | Page 61-99 | It is recommended that performance and contract monitoring information be reported to Theme Committees in addition to Performance and Contract Management Committee to close a gap. It is suggested this be added to the terms of reference of each of the Theme Committees, and clarification provided from officers as to how this will work in practice. | Amend Responsibility for Functions Annex A to add to all Theme Committee terms of reference: ‘To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee’ |
| 5 | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards) | Page 61-99 | The terms of reference of the Performance and Contract Management Committee note that the committee has a responsibility regarding Monitoring of Performance ‘against targets’. It has been noted that the committee monitors against KPIs and should be able to raise any matter regarding performance. | Amend Responsibility for Functions, Annex A to delete the words ‘against targets by’ from paragraph 2 and add the word ‘of’. |
| 6 | Responsibility for | Page 61-99 | General Functions Committee terms of reference still | Amend Responsibility for Functions Annex A to |

| No. | Section | Reference | Issue Identified | Changes Made |
|-----|--|---------------------------------------|--|--|
| | Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards) | | includes that GFC recommends calendar of meeting dates to Annual Council. This changed in October 2015 and it is now Council and not Annual Council which has the authority to approve | remove the word 'Annual' from the relevant paragraph in General Functions Committee terms of reference. |
| 7 | <p>Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards)</p> <p>And</p> <p>Meeting Procedure Rules</p> | <p>Page 61-99</p> <p>Page 125-136</p> | <p>The rules regarding the process for changing committee meeting dates require clarification. Currently the process involves:</p> <ol style="list-style-type: none"> 1. Consult with Chairman of the General Functions Committee and Group Leaders (as per decision of Council on 26 January 2016); and 2. Consult with relevant Committee Chairman. Date to be amended subject to a majority of committee members being in agreement (in accordance with Meeting Procedure Rules 4.2) <p>It is also noted that General Functions Committee has within its terms of reference 'Agreeing mid-year adjustments to the approved Calendar of Meetings'. It is noted that in practice the involvement of GFC Committee in agreeing changes to individual meeting dates is does not occur, as there has been earlier involvement of the Chairman of GFC, the Group Leaders and the Chairman and committee members, who will have agreed a change.</p> <p>It is recommended that to avoid confusion this provision be deleted from GFC Committee terms of reference and that instead Meeting Procedure Rules are amended to clarify the process agreed by Council on 26 January of ensuring that the Chairman of GFC Committee and</p> | <p>Amend Responsibility for Functions, Annex A, terms of reference of General Functions Committee to delete 'Agreeing mid-year adjustments to the approved Calendar of Meetings'</p> <p>Amend Meeting Procedure Rule 4.2 to clarify that the process for changing a meeting date additionally requires consultation with the Chairman of GFC Committee and Group Leaders</p> |

| No. | Section | Reference | Issue Identified | Changes Made |
|-----|---|--------------------------------|--|--|
| | | | Group Leaders are also consulted on proposed changes to dates. | |
| 8 | Responsibility for Functions Annex B (Scheme of Delegated Authority to Officers); and Article 9 | Page 101-123 Page 49-53 | It is proposed that the post of Strategic Director for Commissioning position be deleted. This decision is due to be considered by General Functions Committee on 21 March. Subject to GFC's decision, it is recommended that references to the position and relevant delegated authority be deleted from the Constitution. To note, the position's delegated authority would transfer to the CE who has the authority 'To make any decision delegated to another officer'. | Amend Responsibility for Functions Annex B to delete the reference to the Delegated Authority to the Strategic Director for Commissioning: Amend Article 9 to delete references to the post in 9.01 b and 9.01 d. |
| 9 | Meeting Procedure Rules | Page 125-136 | The current rules relating to Members' Items only allow Members to submit a Members Item to a committee or sub-committee to which they have been appointed to. The revised arrangements for Area Committee Budgets (being reported to the Community Leadership Committee on 9 March 2016) recommend that any Member should be able to sponsor an application to the Area Committee Budgets via a Members Item. Section 6 of Meetings Procedure Rules has been amended to give effect to this proposal. | Amend Meetings Procedure Rules to include a new Section 6.4 as follows: "Any Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is sponsoring an application to an Area Committee Budget. Members' Items sponsoring an application to the Area Committee Budget must be submitted 12 clear working days before the meeting. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent." |
| 10 | Meeting Procedure Rules | Page 125-136 | The Council's Constitution is currently silent in the event that a MP or GLA Member, or elected member from another neighbouring council makes a request to give an oral representation at a Planning Committee. Currently the following Meetings Procedures Rules may be referred to: | Amend Meeting Procedure Rules, paragraph 8.5 to add a new paragraph 8.5.3, as follows: The following arrangements applies in the case of Planning Committees: '8.5.3 MPs, GLA Members and Members from neighbouring councils may request to address |

| No. | Section | Reference | Issue Identified | Changes Made |
|-----|------------------------------|------------|---|--|
| | | | <p>“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.</p> <p>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.”</p> <p>However this has been challenged as:</p> <ol style="list-style-type: none"> 1. Invoking Meeting Procedure Rule 4.3 contradicts Public Participation rule 4.3 which states “In respect of planning committees only, there can be a maximum of two speakers in favour or against an application” 2. It is inaccurate to describe an elected member as having ‘particular expertise’. Also, invariably they will not have been invited by the Chairman, but instead have requested to speak. <p>It is currently not clear whether or not the ‘external’ elected representatives should be treated as members of the public for the purposes of Public Participation and Engagement Rules’ (currently in practice they are not).</p> | <p>a Planning or Area Planning meeting on a matter which affects their constituency or ward. Any such Member should give notice to the Chairman of the meeting before the start of the meeting. Any such Member would be allowed up to 3 minutes.’</p> |
| 11 | Responsibility for Functions | Page 55-60 | <p>In order to increase the visibility of statutory role of the Lead Member for Children’s Services (LMCS), the Commissioning Director for Children’s Services has requested that a Member Role Profile for the LMCS be created and posted on the council’s website and that explicit reference is made to the role profile in the</p> | <p>Amend Section 1.19 of Responsibility for Functions as follows:</p> <p>Appointing the Lead Member for Children's Services, who will have the responsibilities as set out in the Role Profile for the Lead Member</p> |

| No. | Section | Reference | Issue Identified | Changes Made |
|-----|---|------------|---|---|
| | | | Constitution. The role profile will be updated on a regular basis to reflect changes to regulations / government guidance and reflect best practice. | for Children's Services published on the Council's website which will reflect relevant Regulations and Government guidance |
| 12 | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards) | Page 61-99 | As part of a number of improvements to children's governance arrangements, it is proposed that the constitution includes a specific responsibility in the terms of reference of the Children, Education, Libraries & Safeguarding Committee to receive and consider reports from the Corporate Parenting Advisory Panel. The purpose of the proposed amendment is to improve the linkages between the Panel and the Committee. | Amend Responsibility for Functions, Annex A to include in the terms of reference of the Children, Education, Libraries & Safeguarding Committee: To receive and consider reports as appropriate from the Corporate Parenting Advisory Panel |
| 13 | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards) | Page 61-99 | To strengthen the role of the Lead Member for Children's Services, it is proposed to enable the LMCS to present an annual report on critical children's issues to the Children, Education, Libraries & Safeguarding Committee | Amend Responsibility for Functions, Annex A to include in the terms of reference of the Children, Education, Libraries & Safeguarding Committee: Receive an annual report from the Lead Member for Children's Services covering key matters. |
| 14 | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committee and Partnership Boards) | Page 61-99 | The Commissioning Director for Children's & Young People has identified that the current arrangements for the Children's Trust Board are not facilitating the statutory duty to cooperate (as required by Section 10 of the Children's Act 2004). It is proposed that the current terms of reference of the Children's Trust Board be deleted and updated including: i) updated terms of reference; and ii) a proposal that the Board meets as an Annual Children and Young People's Conference | Delete the previous terms of reference of the Children's Trust Board and update as set out in tracked changes amendments |
| 15 | Meetings Procedure | Page 125 - | To strengthen the role of the Lead Member for Children's | Create a new section 8.4 of Meetings |

| No. | Section | Reference | Issue Identified | Changes Made |
|-----|--------------------------|----------------|--|---|
| | Rules | 136 | Services, it is proposed that the he/she be given additional rights to address committees, sub-committees or partnership boards which consider matters relating to children and young people | <p>Procedure Rules as follows:</p> <p>The Lead Member for Children’s Services has a right to make an untimed speech at a meeting of Committee, Sub-Committee or Partnership Board which is considering matters which relate children and young people, subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent.</p> <p>Renumber all subsequent sections.</p> |
| 16 | Meetings Procedure Rules | Page 125 - 136 | To strengthen the role of the Lead Member for Children’s Services, it is proposed that the he/she be given additional rights to present Members Items to committees, sub-committees or partnership boards of which they are not a Member when those bodies are considering matters relating to children and young people | <p>Create a new section 6.3 of Meetings Procedure Rules as follows:</p> <p>The Lead Member for Children’s Services is permitted to have one matter only (with no-sub items) on the agenda for a meeting of a Committee, Sub-Committee or Partnership Board on which s/he does not serve when that body is considering an item which relates to children and young people</p> <p>Renumber all subsequent sections.</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 4 April 2016 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 In April 2013, the Department for Education has issued statutory guidance on the role of the Lead Member for Children's Services:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271429/directors_of_child_services_stat_guidance.pdf

5.3.3 Section 19 of the Children Act 2004 details the statutory duty to appoint a Lead Member for Children's Services.

5.3.4 Section 10 of the Children Act 2004 details the statutory duty to co-operate to improve well-being.

5.4 Risk Management

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

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

5.5 Equalities and Diversity

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

5.6 Consultation and Engagement

5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

6.1 None

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Article 9 – Chief Officers

9.01 Management Structure

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

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

Chief Executive (Head of Paid Service)
Chief Operating Officer (Section 151 Officer)

~~Strategic Director for Commissioning~~

Commissioning Director, Children and Young People
Commissioning Director, Growth and Development
Commissioning Director, Adults and Health
Commissioning Director, Environment
Assurance Director (Monitoring Officer)

Public Health Commissioner (Director of Public Health)

The Assurance Director will have reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution.

(c) Statutory Officers

The Council will designate the following posts as shown:

| Post | Statutory Designation |
|---|---|
| Chief Executive | Head of Paid Service (works with Members and the Strategic Commissioning Board to deliver the council's themes) |
| Assurance Director | Monitoring Officer |
| Chief Operating Officer | Chief Finance Officer Section 151 Officer |
| Commissioning Director, Children and Young People | Director of Children's Services |
| Commissioning Director, Adults and Health | Director for Adult Social Services |
| Deputy Chief Operating Officer | Deputy Section 151 Officer |
| Public Health Commissioner | Director of Public Health |

(d) Other Chief Officers

| Post |
|---|
| Strategic Director for Commissioning |
| Commissioning Director, Growth and Development |
| Commissioning Director, Environment |

Such posts will have the functions described in Article 9.02-9.07 below.

9.02 Functions of Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restriction of functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.
References:
Section 4 and 5, Local Government and Housing Act 1989
- (c) The Head of Paid Service has authority over all other chief officers so far as is necessary for efficient management and for carrying out the Council's functions.

9.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Operating Officer, the Monitoring Officer will report to the full council if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Constitution, Ethics and Probity Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution, Ethics and Probity Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct or appoint Officers or others to conduct investigations into allegations of breach of the Member Code of Conduct. Then s/he or they will make reports and recommendations in respect of such allegations to the Group Leaders Panel.

- (g) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the council, in particular through the provision of legal advice and advice on probity and good administration.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- (j) **Register of Members Interests.** The Monitoring Officer will keep and maintain the Register of Members Interests and ensure its availability to the public.

References:

(Section 5), Local Government and Housing Act 1989

Sections 60, 64-66, Local Government Act 2000

Chapters 8 and 9, DETR Guidance

Part 10, sections 183 to 203 of the Local Government and Public Involvement in Health Act 2007

Section 29(1), Localism Act 2011

9.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.
- (b) **Estimates and resources.** In accordance with the Local Government Act 2003 to advise on robustness of estimates and level of resources.
- (c) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.
- (d) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- (e) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (f) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

9.05 Functions of the Director of Children's Services

- (a) The Council as a children's services authority is required by the Children Act 2004 to appoint an officer to be known as the Director of Children's Services. The Commissioning Director, Children and Young People will fulfil the role of the Director of Children's Services.
- (b) The Director of Children's Services is responsible for the delivery of the Council's education and social services functions for children, and any health functions for children delegated to the Council by an NHS body.

9.06 Functions of the Director of Adult Social Services

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

9.07 Functions of the Director of Public Health (DPH)

- (a) The DPH is responsible for writing the Annual Report on the health of the local population.
- (b) The DPH is responsible for all of the local authority's duties to take steps to improve public health.
- (c) The DPH is responsible for exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health.
- (d) The DPH is responsible for exercising the local authority's role in co-operating with the Police, the Probation Service and the Prison Service to assess the risks posed by violent or sexual offenders.
- (e) The DPH is responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.
- (f) The DPH is responsible for exercising the local authority's duties to ensure plans are in place to protect their population including through screening and immunisation.

9.08 Other Chief Officers

The other Chief Officers as referred to in 9.01 (d) will discharge the statutory functions detailed in Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers).

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

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

9.10 Conduct

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

9.11 Employment

The recruitment, selection and dismissal of officers will comply with the Human Resources (HR) Regulations as set out in this Constitution.

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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 in the Role Profile for the Lead Member for Children's Services published on the Council's website which will reflect 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. The report on the referral to Full Council or the relevant Committee to which the Committee or Sub-Committee reports shall set out the reasons given for the referral.

6.3 A Chairman of an Area Committee may refer applications to the Area Committee Budget to the relevant Theme Committee (Environment Committee for environment related schemes or Community Leadership Committee for community related projects). The report to the relevant Committee to which the Area Committee refers the application shall set out the reasons given for the referral.

6.4 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 |
| 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.

Exceptions

6.5 The first exception is that a report may not be referred up unless it is key. A key 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 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 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 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 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 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 Section 6 shall not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committee and Chief Officer Appointment Panel.

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.

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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" data-bbox="418 981 1050 2072"> <tbody> <tr> <td data-bbox="418 981 743 1144"> <ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement </td> <td data-bbox="750 981 1050 1144"> <ul style="list-style-type: none"> • Strategic Partnerships </td> </tr> <tr> <td data-bbox="418 1153 743 1532"> <ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion </td> <td data-bbox="750 1153 1050 1532"> <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="418 1541 743 1695"> <ul style="list-style-type: none"> • Internal Transformation programmes </td> <td data-bbox="750 1541 1050 1695"> <ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery </td> </tr> <tr> <td data-bbox="418 1704 743 1756"> <ul style="list-style-type: none"> • Write off of debt </td> <td data-bbox="750 1704 1050 1756"> <ul style="list-style-type: none"> • Insurance </td> </tr> <tr> <td data-bbox="418 1765 743 1883"> <ul style="list-style-type: none"> • Treasury Management Strategy </td> <td data-bbox="750 1765 1050 1883"> <ul style="list-style-type: none"> • Information Technology provision </td> </tr> <tr> <td data-bbox="418 1892 743 2072"> <ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes </td> <td data-bbox="750 1892 1050 2072"> <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) | | | | | | | | | | | | | |
| <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 | | | | | | | | | | | | | |

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

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

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

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

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

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

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

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

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

| | | |
|--|---|---|
| | <p>accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To receive reports on the issuance of grants below £5000 by Officers in accordance with their delegated authority.</p> <p>(12) 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 of 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</p> | <p>11</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality</p> |

| | | | | |
|---|---|---|---|--|
| | <p>functions within the Council:</p> <table border="1" data-bbox="418 197 1045 324"> <tr> <td data-bbox="418 197 732 324"> <ul style="list-style-type: none"> Risk Management </td> <td data-bbox="732 197 1045 324"> <ul style="list-style-type: none"> Treasury Management Performance </td> </tr> </table> <p>(6) Note the Annual Report of the Barnet Group Ltd.</p> <p>(7) To consider reserved matters of the Joint Venture Company (JVCO).</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with Meeting Procedure Rules.</p> <p><u>(11) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</u></p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p> | <ul style="list-style-type: none"> Risk Management | <ul style="list-style-type: none"> Treasury Management Performance | |
| <ul style="list-style-type: none"> Risk Management | <ul style="list-style-type: none"> Treasury Management Performance | | | |
| <p>Children, Education, Libraries and Safeguarding Committee</p> | <p>1) Specific responsibilities include:</p> <ul style="list-style-type: none"> Planning the adequate provision of school places in the Borough Investment in educational infrastructure to meet the needs of the Borough's learners Development and enhancement of the Library Service | <p>9</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council. Requirement to have a Lead Member for Children's Services.</p> | | |

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| | <ul style="list-style-type: none"> • 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>(2) Lead the Council’s responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul style="list-style-type: none"> • Oversee effective support for young people in care; and enhance the Council’s corporate parenting role • Oversee the multi-agency Youth Offending Team • Oversee the effective provision of support across partners for the wellbeing of vulnerable families - including the Troubled Families programme <p>(3) Approve the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> • Education • Inclusion • Child Poverty • Early Intervention and Prevention <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(5) To ensure that the Council’s safeguarding responsibilities are taken into account.</p> <p>(6) To receive and consider reports as appropriate from the Children’s Trust Board.</p> <p>(7) To approve Fees and Charges for those areas under the remit of the Committee.</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the</p> | <p>Committee to be made up in accordance with proportionality</p> <p><u>Co-Opted Members</u></p> <p>The following co-opted members will be appointed. They may speak on all matters but cannot vote.</p> <p>Three Voluntary Aided School Representatives - to provide a faith perspective on education matters (Church of England; Roman Catholic; and Jewish Voluntary Aided representatives).</p> <p>One representative from the Standing Advisory Committee on Religious Education</p> <p>Two Parent governor representatives (PGRs) elected by other parent governors to represent the views of all parents and hold the authority to account by consulting with and feeding back to parents on discussions and decisions relating to education.</p> |
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| | <p>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 Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p><u>(13) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</u></p> <p><u>(14) To receive and consider reports as appropriate from the Corporate Parenting Advisory Panel.</u></p> <p><u>(15) Receive an annual report from the Lead Member for Children's Services (Chairman of Children Education Libraries and Safeguarding Committee) covering key matters.</u></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> | |
| Adults and Safeguarding Committee | <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>9 Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with</p> |

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| | <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 data-bbox="395 539 1050 624" style="border: 1px solid black; padding: 5px;"> <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>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources</p> | <p>proportionality</p> |
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| | <p>Committee.</p> <p><u>(12) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</u></p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p> | |
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| <p>Environment Committee</p> | <p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 264 1050 1774"> <tr> <td data-bbox="438 264 740 465"> <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads </td> <td data-bbox="745 264 1050 465"> <ul style="list-style-type: none"> Parking provision and enforcement </td> </tr> <tr> <td data-bbox="438 472 740 524"> <ul style="list-style-type: none"> Road Safety </td> <td data-bbox="745 472 1050 524"> <ul style="list-style-type: none"> Street Lighting </td> </tr> <tr> <td data-bbox="438 530 740 909"> <ul style="list-style-type: none"> Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan </td> <td data-bbox="745 530 1050 909"> <ul style="list-style-type: none"> Refuse and recycling </td> </tr> <tr> <td data-bbox="438 916 740 1003"> <ul style="list-style-type: none"> Street Cleaning </td> <td data-bbox="745 916 1050 1003"> <ul style="list-style-type: none"> Waste Minimisation </td> </tr> <tr> <td data-bbox="438 1010 740 1097"> <ul style="list-style-type: none"> Waterways </td> <td data-bbox="745 1010 1050 1097"> <ul style="list-style-type: none"> Allotments </td> </tr> <tr> <td data-bbox="438 1104 740 1249"> <ul style="list-style-type: none"> Parks and Open Spaces </td> <td data-bbox="745 1104 1050 1249"> <ul style="list-style-type: none"> Fleet Management </td> </tr> <tr> <td data-bbox="438 1256 740 1384"> <ul style="list-style-type: none"> Trees </td> <td data-bbox="745 1256 1050 1384"> <ul style="list-style-type: none"> Cemetery and crematorium and Mortuary </td> </tr> <tr> <td data-bbox="438 1391 740 1608"> <ul style="list-style-type: none"> Trading Standards </td> <td data-bbox="745 1391 1050 1608"> <ul style="list-style-type: none"> Contaminated land and all statutory nuisances. </td> </tr> <tr> <td data-bbox="438 1615 740 1774"> <ul style="list-style-type: none"> Flood Risk Management (scrutiny aspect) </td> <td data-bbox="745 1615 1050 1774"></td> </tr> </table> <p>(2) Council highways functions (including highways use and regulation, access to the countryside, arrangements and extinguishment of public rights of way) which are limited to:</p> <ul style="list-style-type: none"> approving the annual programme of highways and footways works | <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads | <ul style="list-style-type: none"> Parking provision and enforcement | <ul style="list-style-type: none"> Road Safety | <ul style="list-style-type: none"> Street Lighting | <ul style="list-style-type: none"> Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan | <ul style="list-style-type: none"> Refuse and recycling | <ul style="list-style-type: none"> Street Cleaning | <ul style="list-style-type: none"> Waste Minimisation | <ul style="list-style-type: none"> Waterways | <ul style="list-style-type: none"> Allotments | <ul style="list-style-type: none"> Parks and Open Spaces | <ul style="list-style-type: none"> Fleet Management | <ul style="list-style-type: none"> Trees | <ul style="list-style-type: none"> Cemetery and crematorium and Mortuary | <ul style="list-style-type: none"> Trading Standards | <ul style="list-style-type: none"> Contaminated land and all statutory nuisances. | <ul style="list-style-type: none"> Flood Risk Management (scrutiny aspect) | | <p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p> |
| <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads | <ul style="list-style-type: none"> Parking provision and enforcement | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Road Safety | <ul style="list-style-type: none"> Street Lighting | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan | <ul style="list-style-type: none"> Refuse and recycling | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Street Cleaning | <ul style="list-style-type: none"> Waste Minimisation | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Waterways | <ul style="list-style-type: none"> Allotments | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Parks and Open Spaces | <ul style="list-style-type: none"> Fleet Management | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Trees | <ul style="list-style-type: none"> Cemetery and crematorium and Mortuary | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Trading Standards | <ul style="list-style-type: none"> Contaminated land and all statutory nuisances. | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Flood Risk Management (scrutiny aspect) | | | | | | | | | | | | | | | | | | | | |

- creating, stopping up and diverting footpaths and bridleways
- asserting and protecting public rights to use highways
- removing things deposited on highways which cause nuisance

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

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

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

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

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

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

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

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

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| | <p><u>(11) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</u></p> <p><u>(12) Determining applications to the Area Committee Budget referred by Area Committees.</u></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 Strategy • Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates • Promote skills and enterprise and approve a Skills Enterprise and Employment Strategy (having regard to the views of the Lead Member for Children’s Services on relevant matters) • Engagement with the business community and measures to support local business • Oversee major regeneration schemes- including those of key social housing estates • Town Centre regeneration programmes • Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council <p>(2) To approve fees and charges for those areas under the remit of the Committee.</p> <p>(3) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(4) Discussion of transformation schemes not</p> | <p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p> |

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| | <p>in service plans but not outside the Council's budget or policy framework.</p> <p>(5) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p><u>(9) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</u></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 | <p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p> |

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| | <p>Health</p> <ul style="list-style-type: none"> • 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 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p><u>(9) To receive reports on relevant performance information on Delivery Units providing services under the remit of the</u></p> | |
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| | <p><u>Committee.</u></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>(3) To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti flytipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.</p> <p>(4) To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.</p> <p>(5) Provide scrutiny aspect of Community Safety.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</p> | <p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality.</p> |

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| | <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(12) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p><u>(13) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</u></p> <p><u>(14) Determining applications to the Area Committee Budget referred by Area Committees.</u></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 | 3 Community Leadership Committee Chairman, |

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| | Right to Bid) when there is no scheduled meeting of the full Committee which falls within the eight week statutory deadline for determining applications | Vice-Chairman and Opposition Spokesperson Membership to be appointed by Community Leadership Committee |
| Area Committees | <p>In relation to the area covered by the Committee:</p> <p>(1) Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors.</p> <p>(2) Discharge any functions, within the budget and policy framework agreed by Policy and Resources, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to:</p> <ul style="list-style-type: none"> • <i>Town Centre Regeneration and Management</i> • <i>Sewers, drainage, public conveniences, 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>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>(6) Consider petitions which receive between 25 and 1,999 signatures.</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</p> | <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> |

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| | outside the budget and policy framework. | |
| 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</p> |
| Licensing Sub-Committee | <p>All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p> | <p>3</p> <p>Chairman appointed at each meeting of a Sub-Committee.</p> |
| Audit Committee | <p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <ol style="list-style-type: none"> To consider the annual internal audit opinion and plan. - To consider summaries of specific | <p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Committee to be made up in accordance with proportionality. The membership should also include two independent, non-voting Members with a period of appointment of four years.</p> <p>The Chairman should preferably be a member of an opposition party. Additionally, the</p> |

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| | <p>internal audit reports as requested.</p> <ol style="list-style-type: none"> 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. 10. To approve revisions to the Internal Audit Charter. 11. To approve decisions relating to the appointment and removal of the Chief Audit Executive <u>12. To make recommendations to the relevant Committee for consideration of audit assurance matters of significant concern.</u> <p><u>Anti-Fraud Activity</u></p> <ol style="list-style-type: none"> 12. To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT). 13. To consider the anti-fraud strategy, annual anti-fraud work plan and CAFT Annual Report. 14. To consider regular anti-fraud progress reports and summaries of specific fraud issues and investigation outcomes. 15. To monitor the Council's Counter Fraud framework and policies within and recommend their application across the | <p>Chairman should not be permitted to serve in that role for more than 4 consecutive years.</p> |
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| | <p>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> | |
| <p>Planning Committee</p> | <p>Take action under Town and Country Planning, and associated legislation including Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>The following functions are reserved to the Committee and cannot be discharged by an Area Sub-committee or officer.</p> <ul style="list-style-type: none"> • planning applications which involve a significant departure from the statutory development plan; • planning applications on behalf of the Council or where the Council has a significant interest in the development; • planning applications within the categories of development which must be referred to the Mayor of London; and • matters of significance to the entire borough or where major issues extend | <p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> |

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| | <p>across boundaries of committees or across local government boundaries.</p> <p>(Reports on all the matters reserved to the Committee shall be made direct to the Committee and not through an area - committee).</p> <p>Commons registration and town and village greens including powers of protection and enforcement although in practice these specific functions will be discharged by officers.</p> <p>(Which may include considering the recommendations of a non-statutory inquiry chaired by an independent person).</p> <p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning and considering Neighbourhood Development Orders.</p> <p>To approve building control and land charges fees and charges for those areas under the remit of the Committee</p> <p>Recommending the creation of Conservation Areas to Full Council</p> <p>Approve Article 4 Directions for consultation</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 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</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 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:</p> |

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| | <p>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. 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>East Finchley West Finchley Woodhouse Childs Hill Finchley Church End, Garden Suburb Golders Green</p> <p>Hendon Area Planning Committee</p> <p>7 (One Councillor representing the following wards:</p> <p>Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill</p> |
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| | 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.) | |
| General Functions Committee | <p>All other Council functions that are not reserved to Full Council including</p> <ul style="list-style-type: none"> • Appointing representatives on outside bodies • Nominating local authority representatives to School Governing bodies • Staff matters (i.e. salaries and conditions of service) other than those within the remit of Chief Officer Appointment Panel • Polling Stations • Ward Boundaries • Request a ward boundary review by the Local Government Boundary Commission for England • Elections in general • Health and safety • Carry out functions in relation to approving premises for marriages and the formation of civil partnerships under the Marriage Act 1949, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 • Determine Members requests for non-committee information as specified in the Members Information Management Policy • Endorsing the calendar of meetings prior to Annual Council approval • Agreeing mid-year adjustments to the approved Calendar of Meetings • Agreeing the Members Diary and Year Book <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>Collective Disputes - In accordance with the Council's Trade Union and Employee Engagement Framework, certain disputes may be referred to the</p> | <p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> |

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| | <p>General Functions Committee.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(e) Consider reports on restructure in line with the HR Regulations.</p> <p>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:</p> <p>Decide on and report back to Council on</p> <ol style="list-style-type: none"> a. Chief Officer salary packages b. Salary packages to be offered of £100,000 or more c. Severance packages per individual of | |
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£100,000 or more. (Severance package will consist of redundancy pay, pay in lieu of notice, any holiday pay the employee is contractually entitled to and any pension lump sum the employee is entitled to in accordance with the Local Government Pension Scheme).

Responsibilities

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

- a. To develop the annual pay policy statement for full Council approval and be responsible for the publication of the annual statement, which will include:
 - The level and elements of 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
- b. To review annually remuneration, as defined above

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| | <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> <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 | |
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| | <p>analysis</p> <ul style="list-style-type: none"> • 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 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</p> | <p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> |

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| | Code of Conduct for Members; and (iii) on ethical standards in general across the authority. | |
| Standards Committee | 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. | 5 (2 Members each from the Administration and the Opposition, and an Independent Member Chairman) 2 Substitute Members each from the Administration and the Opposition. |
| Pension Fund Committee | <p>To approve and act in accordance with the following statutory Pension Fund documents:-</p> <ul style="list-style-type: none"> • Statement of Investment Principles • Funding Strategy Statement • Governance Policy Statement • Pension Administration Strategy • Communication Policy Statement <p>To review the above documents at least triennially, or more frequently if advised by the Chief Finance Officer of the need to do so (e.g. change in statutory guidance on what these documents should cover).</p> <p>To meet review and approve the Pension Fund Statement of Accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be)</p> <p>To receive and approve the Pension Fund Annual Report.</p> <p>To invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled/admitted body) to meetings of the committee. These representatives are appointed to advise the committee on behalf of the interests they represent, but are not to have any voting rights. Further invites to scheduled/admitted bodies to be decided by the chairman of the committee.</p> <p>To appoint independent investment advisors.</p> <p>To appoint Pension Fund investment managers.</p> <p>To appoint Pension Fund actuaries.</p> | 7 Chairman, Vice Chairman, Members and substitutes appointed by Council. |

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| | <p>To appoint a performance management company.</p> <p>To appoint custodians.</p> <p>To review and challenge at least quarterly the Pension Fund investment managers' performance against the Statement of Investment Principles in general and investment performance benchmarks and targets in particular. One of these meetings to be the annual review, at which the representative from the council's performance management organisation attends to comment on the relative performance of the fund managers.</p> <p>To consider actuarial valuations and their impact on the Pension Fund.</p> <p>To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.</p> <p>To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.</p> <p>To determine the appropriate course of action on any matter not specifically listed above that pertains to the leadership and/or strategic management of the Pension Fund, in particular any matter which could materially affect its financial performance or long-term standing.</p> <p>To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate</p> <p>To require that all voting members receive adequate training on matters relating to the operation of the Local Government Pension Scheme to enable the committee to fulfil its fiduciary responsibilities in a satisfactory manner.</p> | |
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| <p>Local Pension Board</p> | <p>The Board is responsible for assisting with:</p> <ul style="list-style-type: none"> ○ securing compliance with Local Government Pension Scheme (LGPS) Government regulations and any other legislation relating to the governance and administration of the LGPS ○ securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator. ○ such other matters that the LGPS regulations may specify <p>Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund</p> <p>Ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; pensions administration strategy; Pension Fund annual report and accounts; statement of investment principles</p> <p>Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually</p> <p>Review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS</p> <p>Review the Pension Fund's performance in complying with the requirements of the Pension Regulator</p> <p>Annually submit a proposed work plan for the forthcoming financial year, to the Pension Fund Committee</p> <p>To carry out any other activities relating to the efficient governance and administration of the Pension Fund.</p> <p>The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other than duties which are the responsibility of the Administering Authority (refer to Pension Fund Committee</p> | <p>5 Members comprising:</p> <p>2 employers side representatives (one councillor and one employer representative from an admitted body</p> <p>2 employee side representatives (one active member and one deferred member)</p> <p>1 independent member/advisor</p> |
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| | <p>terms of reference)</p> <p>The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.</p> | |
| Chief Officer Appointment Panel | To deal with Chief Officer Appointments, Discipline and Capability matters. | <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 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</p> | <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Three Members of the Council</p> <p>Director of Public Health, Barnet and Harrow</p> <p>Commissioning Director for Children & Young People</p> <p>Commissioning Director for Adults & Health</p> <p>Barnet Clinical Commissioning Group-Board members x 3</p> <p>Barnet Clinical Commissioning Group-Chief OfficerBarnet</p> |

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| | <p>Care Fund; and Section 75 partnership agreements between the NHS and the Council.</p> <p>(4) To consider all relevant commissioning strategies from the CCG and the NHS England and its regional structures to ensure that they are in accordance with the JSNA and the HWBS and refer them back for reconsideration.</p> <p>(5) To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients.</p> <p>(6) To directly address health inequalities 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>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> |
| <p>Health Overview and Scrutiny Committee</p> | <p>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.</p> <p>2. To make reports and recommendations to</p> | <p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by Council</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>6. Appointment of Members to any such Committees established can only be made by Full Council.</p> | |
| Urgency Committee | To consider any item of business which needs a decision as a matter of urgency and where a meeting of the relevant Committee is not scheduled to take place within the time period within which the decision is required. | 3 Appointed by Council. |
| Residents Forums <u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards. | <p>Residents Forums provide an opportunity for any resident to raise local matters. Local matters are any matters which are relevant to the Council except for matters relating to specific planning or licensing applications.</p> <p>Items and questions must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents</p> | A Chairman and Vice-Chairman of each appointed by the Council. |

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| <p><u>Hendon Residents Forum</u> Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards</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>Forums take place.</p> <p>The Forum Chairman has the discretion to accept items and questions with less than five days notice if they deem the matter to be urgent. Responses to urgent matters will be responded to by officers at the Forum meeting.</p> <p>The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.</p> <p>The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.</p> <p>The Chairman will determine issues in the following way:</p> <ol style="list-style-type: none"> 1. Residents will have the opportunity to discuss the issue raised 2. Chairman, Chief Officers or other relevant officers may respond to the issues raised 3. Having considered the issues the Chairman can take the following actions: <ul style="list-style-type: none"> - note the issue and take no action - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response - instruct that Ward Members are notified of the issue. - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee <p>When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.</p> | |
| <p>Local Strategic Partnership (Barnet Partnership Board)</p> | <p>(a) A Local Strategic Partnership is an advisory committee which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively</p> | <p>Leader of the Council Other Council representatives to be appointed by Annual Council Senior representatives</p> |

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| | <p>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 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,</p> | <p>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> |
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| | <p>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 Partnership 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. Section 10 of the Children Act 2004 places a duty on Local Authorities and other specific agencies to co-operate and improve the well being of children in relation to the five every child matters outcomes:</p> <ul style="list-style-type: none"> • Be healthy • Stay safe • Enjoy and achieve • Make a positive contribution • Achieve economic wellbeing <p>The Children's Trust Board (CTB) provides inter-agency governance to ensure that partners in Barnet are working effectively together to improve the well being of children and young people.</p> <p>The Children's Trust Board is an essential channel to ensure that a shared set of better outcomes for children and families are delivered by a range of partners. It is leading the development of inter agency arrangements to support families with complex needs, through the expansion of the Intensive Family Focus Programme. Partners are being asked to invest in the scheme in proportion to the proven cost savings through effective intervention.</p> <p>The Children's Trust Board is responsible for</p> | <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 Barnet • Barnet and Southgate College • Metropolitan Police • Primary, Secondary and Special Schools |

the following:

- ~~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 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.~~

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

The Children's Partnership is not a separate organisation. Each partner retains its own functions and responsibilities within the wider partnership framework.

Representatives from member organisations make up the Barnet Children's Partnership Board which keeps a strategic oversight of the Children and Young People's Plan. Each organisation has agreed to be responsible for implementing this plan

The legal framework underpinning Barnet's Children's Partnership Board arrangements is the 'duty to cooperate' and improve the well-

being of children across the Borough, set out in S10 of the Children Act 2004.

Responsibilities and Functions

The Children's Partnership Board is accountable for the following:

- Ensuring the voice of children and young people is heard in Barnet
- Developing and delivering the Children & Young People's Plan.
- Ensuring that the collective resources of the partners are being used to the best effect to meet the priorities in the Children & Young People's Plan.
- Resolving issues that block progress against the priorities.
- Signing off all Plans and Strategies relating to Children and Young People in Barnet prior to presentation to executive groups (eg CELS, HWBB)

This includes shared responsibility for:

- Meeting the priorities in the Children & Young People's Plan.
- Jointly developing, delivering and resourcing strategies and action plans necessary to meet the priorities,
- Addressing barriers to meeting the priorities and to identifying future needs, including communication, information and data sharing.
- Keeping Children's workforce informed and involved, providing clear direction, development and training as necessary.
- Releasing staff to develop and attend network events.
- Clarifying and simplifying governance structures and decision-making.
- Ensuring that children, young people and families have a voice in decision making that affects them.
- Monitoring performance towards agreed outcomes and taking remedial action where necessary.
- Building upon good practice and developing an evidence-based approach to what works.

The Board's remit includes the needs of all children and young people in Barnet under the

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| | <p><u>age of 19, young people up to the age of 25 leaving care and young people up to the age of 25 with disabilities and/or learning difficulties. These responsibilities include effective transition arrangements, where necessary.</u></p> <p><u>The Board will meet as a Annual Children and Young People’s Conference.</u></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</p> |

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

i. POWERS DELEGATED TO OFFICERS

General Powers

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

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

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

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

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

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

Recording of delegated powers to Officers

- 1.6 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
 - The service of formal notice
 - Awarding a contract or incurring expenditure which, in either case, materially affects the Council's financial position
 - The fixing of fees and charges which are broadly in line with or lower than inflation to be levied by the Council
 - Authorisations and acceptances in accordance with the Contract Procedure Rules
 - Land or property transactions
 - The exercise of specific powers pertaining to finance, borrowing and investments
 - The issue or defence of legal proceedings
 - Granting a permission or licence
 - Affect the rights of an individual (i.e. to change an individual's legal rights)
 - Or taking other actions or decisions that are significant in the context of service delivery and/or organisation or upon individuals, external bodies or the public
- 1.7 Recording/publishing of most decisions will be in summary form and will set out the principal matters that are relevant to the decision. Detailed reporting/publishing of individual decisions (Delegated Powers Report) will be by way of exception and only when there is a clear need to do so.
- 1.8 Where formal reporting is not required, the officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant Directorate.

Each Directorate will keep its own central record of all delegated decisions. Proper administrative decision making requires that: -

- Decisions are properly made
- Appropriate reasons are given to those affected
- Decisions are fully recorded

1.9 All Directors and Chief Officers will draw up an up-to-date list of specific powers delegated which must be in accordance with the overall scheme of delegation, is updated annually and is published on the internet.

Specific Powers

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

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

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

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

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

The only exception to these Specific Powers is where:

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

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

1.11 The following Officers also have the powers indicated:

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

Restrictions and Conditions

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

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

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

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

2 OFFICER DELEGATIONS

This scheme sets out those delegations made to the Chief Executive and Chief Officers (as listed in Article 9) whether by the Council (refers to the 63 Councillors meeting as a body) or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

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

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

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

3. DELEGATION OF POWERS

3.1 In exercising delegated powers officers must:

- a. Comply with any strategy, policy, plan or direction directed by Members of the Council;
 - i. Comply with the Council's Financial Regulations, Contract Procedure Rules and Human Resources Regulations in force at the time;
- b. Only incur expenditure within approved limits/estimates;
- c. Refer to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major changes where custom and practice or initial consultation with elected Members should have taken place;
- d. Ensure compliance with the law and all policies, regulations, orders, codes, protocols and similar documents approved by the Council or one of its Committees;
- e. Inform members with specific functional responsibilities and Ward members about the exercise of powers;
- f. Consult with other relevant officers with proper regard to any advice given;

- h. Authorise another officer or officers to exercise those powers when they are absent or cannot be notified;
 - i. Keep appropriate records and registers of decisions and report to Council, or Committee if required;
 - j. Be accountable to the Council and Members or Committee, from which those powers derive;
 - k. Be subject to decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power;
 - l. Operate under the terms of officers holding politically restricted posts.
- 3.2 Where appropriate the Chief Executive may exercise any function delegated to any other officer, unless prohibited by law.
- 3.3 Chief Officers may exercise any function delegated to any other officer within their Scheme of Delegation, unless prohibited by law.
- 3.4 In the event of any dispute as to the delegated powers of any senior officer the Chief Executive shall have the power to determine which officer is to exercise the power.
- 3.5. Where a function is delegated to a Chief Officer or Director, he/she may sub-delegate the function to another senior officer where any function is sub-delegated in this way, the Chief Officer retains the power to recall any matter for decision, unless prohibited by law.
- 3.6 Officers exercising delegated powers may make decisions that were not anticipated within the budget or Service Plan but nevertheless relate to everyday business.
- 3.7 Responsibility for monitoring that specific Council strategies and plans are focused on the commissioning and delivery of services to achieve the best outcomes for the people of Barnet and the delivery of outstanding customer service across all services.
- 3.8 The use of Delegated Power Reports (DPR) will be by exception and only when there is a clear need to do so.
- 3.9 There are limitations upon all delegated powers. In particular there is no delegation of power to officers of:
- a. Matters reserved specifically to Members by resolution of Council;
 - b. Approval to exceed the provision in the revenue or capital budgets for their service responsibilities;
 - c. Decisions on permanent savings in the budget to achieve the Council's policies;
 - d. The right to determine a major employee re-organisation;

Scheme of Delegated Authority to Officers - ~~December 2015~~ March 2016

- 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:

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| 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 |
| Co-ordination, direction and monitoring of the Council's initiatives to achieve efficiency and best value in the delivery of its functions. | Council |
| Taking any action necessary to ensure the effective and efficient management and operations of the Council. | Council |
| Reporting to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. | Section 4, Local Government Act and Housing Act (1989) |
| Taking any action necessary to ensure the effective development and delivery of the Council's key strategies and services. | Council |
| To make any decision delegated to another officer. | Council |
| The appointment, promotion and dismissal of staff including the forming, varying and ending of contracts of employment for Officers below Chief Officer as set out in the Council's Human Resources Regulations. | Section 4-12 of the Local Government and Housing Act and Section 112 of the Local Government Act 1972 |
| Appointment of officers to deliver the statutory functions of the Council and authorise them to do so under relevant legislation. | Council |
| Exercise the powers of the Council in relation to general power of competence | Section 1 Localism Act 2011 |
| Discharge of the functions of the Electoral Registration Officer and, where required, the Returning Officer | Council |

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| 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:

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| To be the Council's statutory Chief Finance Officer and S151 Officer | Section 151, Local Government Act 1972) |
| Ensuring that the Council operates within required financial policies and procedures to ensure the efficient and appropriate use of public money. | Section 151, Local Government Act 1972) |
| The proper administration of the financial affairs of the Council which responsibilities shall include all arrangements covering financial planning, financial control, banking, accounts, income, insurances, investments, binds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds, the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities. | Section 115 (2), Local Government Act 1972 |
| Make any statutory declaration in connection with the transfer of securities. | Section 146, Local Government Act 1972 |
| Responsibility for the provisions of the Accounts and Audit Regulations in respect of the need to maintain an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with proper internal audit practices. | Accounts and Audit Regulations 2003 |
| Exercising the functions of the Council relating to procurement. | Council |
| To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Chief Operating Officer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified with expenditure consistent with performance management plans. | Council |
| To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments. | Council |
| To write off debt amounts up to and including £5,000 in consultation with HB Public Law. | Council |
| Authority to write off overpayments of salary allowances | Section 30, Local |

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

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

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

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

Responsibility for functions including:

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| To be the Council's statutory Monitoring Officer with responsibility for ensuring that the Council meets its legal and statutory obligations in relation to issuing appropriate guidance to member and officers in the undertaking of their roles. | Section 5 and 5a, Local Government and Housing Act (1989) |
| All democratic processes for the Council. | Council |
| Ensuring that the Council meets the highest standards of governance, risk management and probity and that sound governance principles are embedded across the organisation and its partners. | Council |
| Reporting on the contravention or likely contravention of an enactment or rule of law and any maladministration or injustice where an Ombudsman has carried out an investigation. | Section 5 and 5a, Local Government and Housing Act (1989) |
| Maintenance of the Register of Members' Interests, Gifts and Hospitality | Sections 29 and 30, Localism Act (2011), The Relevant Authorities (disclosable pecuniary interests) Regulations (2012) |
| Advice to Members on the Members Code of Conduct | Members Code of Conduct |
| Key role in the framework for local determination of complaints | Sections 28-34, Localism Act (2011) |
| Advice to Members on Compensation or remedy for maladministration | Section 92, Local Government Act (2000) |
| The provision of advice on the scope of powers and authorities to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors. | Council |
| Holding of any reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution subject to the Inter Authority Agreement between the London Boroughs of Barnet and Harrow | |
| The maintenance of the Constitution and its availability to | Council |

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| members, officers and the public. Authority to amend the Constitution to give effect to decisions of Council and changes of fact and law. | |
| Power to conduct or appoint officers or others to conduct investigations into allegations of breach of the Code of Conduct. | Council |
| Authority to stop a proposal or decision being implemented if it is considered that any proposal, decision or omission would give rise to unlawfulness or maladministration. | Council |
| To authorise payments of up to £5,000 in settlement of maladministration before any finding by the Ombudsman, in accordance with Section 92 of the Local Government Act 2000. | Council |
| Considering requests for and where appropriate granting dispensations under section 33 of the Localism Act 2011, with any dispensation granted being reported to the Committee where the dispensation is being granted. | Council |

LEGAL SERVICES

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

Responsibility for functions including:

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| 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:

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

DELEGATED AUTHORITY TO THE STRATGIC DIRECTOR FOR COMMISSIONING

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| 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:

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| Those duties conferred on or exercisable in its capacity as a local education authority. | Section 18 (3), Children Act 2004 |
| Powers to take all necessary action to ensure that the Council’s duties are properly and effectively discharged in child protection and care cases | Section 18 (3), Children Act 2004 |
| Exercise all functions, powers and duties of a Children’s Services Authority under all relevant legislation, but not limited to, Education, Social Services and Health functions. | Local Authorities Social Services Act 1970 and Section 75, National Health Service Act 2006 |
| Functions relating to looked after children | Section 18 (23c - 24d) Children’s Act 1989 and Section 18, Children Act 2004 |
| Duty to make and sustain arrangements to promote co-operation between the Council and its partner organisations to improve the well-being of the children within the authority | Section 10 Children Act 2004 |
| Duty to make arrangements to ensure the Council’s functions are discharged having regard to the need to safeguarding and promote the welfare of children | Sections 11 and 18, Children Act 2004 |
| Duty to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members’ activities for the purpose of safeguarding | Sections 13, 14, 15, 16, Children Act 2004 |

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| and promoting the welfare of children in the Council's area. | |
| Establish and maintain information databases in relation to the well-being and safeguarding of children. | Section 12 and 18, Children Act 2004 |
| Preparation and publication of a Children's and Young People Plan | Sections 17 and 18, Children Act 2004 |
| Duty to promote the educational achievement of looked after children. | Children's Act 1989 (as amended) |
| Duty to provide the Secretary of State , if so directed, with information on individual children | Children's Act 1989 (as amended) |
| Any function under section 75 of the National Health Act 2006 on behalf of an NHS body as far as those results relate to children. | Section 18, Children Act 2004 |
| Responsibility for any additional functions as the authority consider appropriate | Section 18, Children Act 2004 |
| Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of early years, schools, family support, youth services, libraries, children's safeguarding and children's social care | Council |

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR ADULTS & HEALTH (DIRECTOR OF ADULT SOCIAL SERVICES)

Responsibility for functions including:

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

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

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR GROWTH AND DEVELOPMENT

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| 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 |
| Authority, in consultation with the Chairman of the Performance and Contract Management Committee, to fulfil the Council's obligations with respect to meeting contractual requirements, which have to be made in a timely way, in the Joint Venture Agreement. These decisions would be reported retrospectively to the Performance and Contract Management Committee | Council |

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR ENVIRONMENT

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| 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:

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| Write and publish the Annual Report on the health of the local population | Section 73B (5) & (6) of The NHS Act 2006, inserted by section 31 of the 2012 Act). (Directors of Public Health in Local Government: i. Roles, responsibilities and context (Oct. 2012, p.9., para. 3.2.) |
| All of the local authority's duties to take steps to improve public health | Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act, Directors of Public Health in Local Government: i. Roles, responsibilities and context Oct. 2012, p.9., para. 3.3 |
| Exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health | Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act. |
| Responsibility for the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders | Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act. |
| Responsibility for the local authority's public health response as a responsible authority in areas such as making representations about licensing applications | The Licensing Act 2003 and regulations made under section 73A (1) of the 2006 Act, inserted by section 30 of the Health and Social Care Act 2012. Sections 5 (3), 13 (4), 69 (4) and 172B (4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act. |
| Duty to ensure plans are in place to protect the population including through screening and immunisation. Provide independent scrutiny and challenge of the plans of the NHS Commissioning Board (CB), Public Health and Environment (PHE) and | National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5. |

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| 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.” | |
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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) | 2 |
| Licensing Sub-Committee | 3 | All other members of the Licensing committee | All three Members must be present for the meeting to proceed |
| Audit Committee | 7 | 6 (3 for each political group) | 3 |
| Chief Officer Appointment Panel | 5 | 2 (1 for each political group) | 3 |
| Performance and Contract Management Committee | 11 | 6 (3 for each political group) | 3 |
| Children, Education, Libraries and Safeguarding Committee | 9 | | |
| Adults and Safeguarding Committee | 9 | | |
| Environment Committee | 11 | | |
| Assets, Regeneration | 9 | | |

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|--|----|--------------------------------|--|
| and Growth Committee | | | |
| Housing Committee | 9 | | |
| Community Leadership Committee | 11 | | |
| Health Overview and Scrutiny Committee | 9 | | |
| Policy and Resources | 12 | 6 (3 for each political group) | 3 |
| General Functions Committee | 7 | 6 (3 for each political group) | 3 |
| Pension Fund Committee | 7 | 6 (3 for each political group) | 3 |
| Health and Well-Being Board | 12 | 3 (1 for each Member) | 3 This must include at least one elected Councillor |
| Community Leadership Committee Sub-Committee | 3 | 3 (1 for each Member) | 2 |

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, and consulting with the Chairman of General Functions Committee and Group Leaders.-
- 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 Urgency Committee and Licensing Sub-Committees. A referral from Full Council will not count as a Member's item for the purposes of this rule.
The only exceptions to this rule are detailed in 6.4 and 6.5 below.
- 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.
- 6.4 The Lead Member for Children's Services is permitted to have one matter only (with no-sub items) on the agenda for a meeting of a Committee, Sub-Committee or Partnership Board on which s/he does not serve when that body is considering an item which relates to children and young people.
- 6.5 Any Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is sponsoring an application to an Area Committee Budget. Members' Items sponsoring an application to the Area Committee Budget must be submitted 12 clear working days before the meeting. 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 Lead Member for Children's Services has a right to make an untimed speech at a meeting of Committee, Sub-Committee or Partnership Board which is considering matters which relate children and young people, subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent.

- 8.5 The following arrangements apply in the case of Licensing Committees:

- 8.5.1 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.
- 8.6 The following arrangements applies in the case of Planning Committees
- 8.6.1 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.
- 8.5.3 MPs, GLA Members and Members from neighbouring councils may request to address a Planning or Area Planning meeting on a matter which affects their constituency or ward. Any such Member should give notice to the Chairman of the meeting before the start of the meeting. Any such Member would be allowed up to 3 minutes
- 8.5 Where an Area Planning Committee has referred an item up to a relevant committee, the Chairman of the Committee will have a right to attend and speak at the meeting of the Committee where the referral is being considered.

9. Disorderly Conduct

- 9.1 If the Chairman considers that a Member is behaving improperly or offensively they reserve the right to prevent the Member from speaking (but not voting) at the meeting. If the disorderly conduct continues the Chairman may require the Member be removed from the meeting. When a Member is removed, they must leave for the entire remaining part of the meeting.
- 9.2 If a member(s) of the public or press interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

Motions and Amendments

10. Validity of Motions and Amendments

- 10.1 Every motion, amendment or question shall be relevant to matters within the Committee, Sub-Committee or panel's terms of reference and to the agenda for the meeting. The Chairman of the meeting shall, if need be, give a ruling as to whether the motion is relevant.
- 10.2 An amendment must be relevant to the motion and shall be to either:-
- 10.2.1 refer a subject of debate to another Committee for consideration or re-consideration; or
 - 10.2.2 change the words (including leaving out words or adding words);
- but such changes must not merely have the effect of negating the motion before the Committee.
- 10.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 10.4 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. This is known as the substantive motion.
- 10.5 If the amendment is lost further amendments may be proposed on the original motion.
- 10.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 10.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

11. Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except motions:-

- 11.1 to amend the motion;
- 11.2 to adjourn the meeting;
- 11.3 to adjourn the debate;

- 11.4 that the question be now put;
- 11.5 by the Chairman
- that a Member be prevented from speaking;
 - that a Member must leave the meeting;
- 11.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Decisions

12. After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and published on the Council's website and will be made available in paper format on request.
- 13. Reports of Committees to Council or parent body**
- 13.1 There are a number of ways Committees and Sub-Committees may refer reports to their parent bodies, other Committees or Council which are set out in Paragraph 6 of the Responsibility for Functions section of the Constitution. Where a referral is made under that paragraph, the Officer's report to the Committee and any recommendations of the Committee or Sub-Committee will be submitted to the next meeting of the Council or the Committee concerned.
- 14. Reports of Sub-Committees and Panels**
- 14.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-
- 14.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
 - 14.1.2 any Sub-Committee or panel by agreement or majority vote has agreed to suspend a decision on a particular item until the parent Committee has considered the matter.
 - 14.1.3 a Chairman of an Area Committee has referred the decision up under paragraph 12.1(2), in which case the Sub-Committee's recommendation will be referred up to the parent committee.
 - 14.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.

14.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.

15. Performance and Contract Management Committee / Sub-Committee – Call-in Procedure

15.1 The following procedure applies after a decision has been made by the West London Economic Prosperity Board (a Joint Committee in accordance with section 102 of the Local Government Act 2000).

15.2 Paragraph 24.4 of the Function and Procedure rules of the West London Economic Prosperity Board read as follows

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

15.3 Where a decision is made by the Board the decision shall be published. Once the decision is published then it may be implemented on the expiry of 7 working days after publication unless 10 members of the Council wish to call it in.

15.4 The notice seeking to invoke the call-in procedure must be communicated to the Head of Governance who will then notify the West London Economic Prosperity Board.

15.5 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

- (a) Inadequate consultation with stakeholders prior to the decision;
- (b) The absence of adequate evidence on which to base the decision;
- (c) The action is not proportionate to the desired outcome;
- (d) A potential human rights challenge;
- (e) Insufficient consideration of legal and financial advice;
- (f) The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework of the Council;

15.6 A meeting of the Performance and Contract Management Committee (or Sub-Committee of the Committee created for this purpose), will be convened within 7 clear working days of the request for call-in.

If such a meeting is called the decision of the West London Economic Prosperity Board may not be implemented until the decisions of the sub-committee meeting are known.

15.7 The Performance and Contract Management Committee or Sub-Committee may:

- (a) Take no action,
- (b) Refer the matter back to the West London Economic Prosperity Board for reconsideration

The Performance and Contract Management Committee or Sub-Committee may not refer the call-in to Council.

15.8 The call-in procedure set out above shall not apply where the decision being taken by the West London Economic Prosperity Board is urgent. For the purposes of this call-in procedure a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the West London Economic Prosperity Board and the interests of Barnet. Reports to the West London Economic Prosperity Board must state that the report is urgent and provide the reasons for urgency.

15.9 The Chairman of the Performance and Contract Management Committee must agree that the decision proposed should be treated as a matter of urgency

15.10 In the absence of the Chairman of the Performance and Contract Management Committee the consent of the Mayor is required.

15.11 The Performance and Contract Management Committee when considering a call-in shall consider the following business:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) The call-in request for which the meeting is convened.

15.12 Decisions taken as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Performance and Contract Management Committee, together with the reasons.

16. Suspension of business at Committee and Sub-Committee meetings

16.1 No business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void. At 10 pm and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.

16.2 At any meeting of the Council, Planning Committee and Area Planning Committees, the Chairman at their sole discretion may extend the period for the

- transaction of business to 10.30pm. This will be recorded in the Committee's decisions.
- 16.3 Residents Forums will meet at 6.30pm and will conclude their business by 8.30pm at the latest, followed by the Area Committee on the same night and same venue at 7.00pm or on the conclusion of the Residents' Forum, whichever is later.
 - 16.4 If any items remain on the agenda to be dealt with, the Committee or Sub-Committee may decide to call a special meeting or refer the remaining items to the next ordinary meeting.

Voting and recording of votes

17. Voting at meetings


- 17.1 The mode of voting at all meetings of the Council, its Committees, Sub-Committees or panels shall be determined by a show of hands except where otherwise provided by law or in these standing orders.
- 17.2 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 17.3 The Chairman will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided s/he has voted when the motion or amendment was first put to the vote.

18. Vote to be recorded

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

19. Filming and Recording of Meetings

- 19.1 Discreet, unlit, non-disruptive filming and recording of Council and Committee meetings by members of the public from the public gallery is allowed.

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|  | <p>Constitution, Ethics and Probity Committee</p> <p>17 March 2016</p> |
| <p>Title</p> | <p>Committee System and Constitution Review – Summary of Outcomes</p> |
| <p>Report of</p> | <p>Monitoring Officer</p> |
| <p>Wards</p> | <p>None</p> |
| <p>Status</p> | <p>Public</p> |
| <p>Enclosures</p> | <p>None</p> |
| <p>Officer Contact Details</p> | <p>Kirstin Lambert, Governance Team Leader 0208 359 2177, kirstin.lambert@barnet.gov.uk</p> <p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p> |
| <p>Summary</p> | |
| <p>This report summarises the outcomes of the Committee System and Constitution Review undertaken from July to December 2015 including:</p> <ul style="list-style-type: none"> • Constitutional changes made and proposals developed for Constitution, Ethics & Probity Committee and Full Council consideration • Matters identified for possible future review following the next local elections • Planned work to strengthen systems and processes as a result of findings of the review | |

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| <p>Recommendations</p> |
| <p>That the Committee note the outcomes of the review.</p> |

1. WHY THIS REPORT IS NEEDED

1.1 The Council introduced a Committee System of governance in June 2014. A commitment was made at that time to review the Committee System 12

months post-implementation. This review, which included a review of the Council's constitution and decision making process generally, took place from July – December 2015.

1.2 A report on a survey of member and officers views was considered and noted by Constitution, Ethics and Probity (CEP) Committee at its 16 November meeting. It was noted review findings did not provide a mandate for significant change. Key findings noted by CEP Committee at that time were that:

- there was no mandate for significant change
- there were differences of opinion between Members and officers in relation to the delegation of powers;
- improvements needed to be made by officers with Ward Member engagement;
- consideration needed to be given to the reporting of performance information and whether this should go to theme committees as well as the Performance & Contract Management Committee; and
- there was scope to revise the approach to pre-meetings and call-overs depending on the preferences of Members who sat on those committees

1.3 This report now sets out the actions taken following the review. In summary these are:

- i. Some minor amendments to the Constitution have been recommended to CEP Committee in the standing report item on 'Constitution Review'.
- ii. Some areas of focus have been flagged as matters for possible future consideration. A report could be presented to a future CEP Committee meeting at an appropriate time (e.g. following the next local elections).
- iii. Officers have identified that there is opportunity to address some concerns via training / dissemination of information to officers, and work to effect a change in behaviours. The aim would be to ensure there is a consistent understanding of responsibilities, expectations and best practice, and seek to ensure this is implemented in practice.

1.4 The table below sets out the key areas of consideration and actions arising.

| Item | Status/ next steps |
|---------------------------------|---|
| Level of delegation to officers | <p>CEP Committee noted there were differences of opinion between members and officers in relation to the delegation of powers. The Committee also noted that improvements needed to be made by officers with Ward Member engagement.</p> <p>This has been identified as an area for future consideration following the next local elections. In the interim, work is planned to address concerns by some Members that there is inadequate consultation with Ward Members. This includes communications and development sessions with officers on the importance of early and meaningful engagement where there is significant change proposed or there is a high local interest, and updates to</p> |

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| | <p>support materials such as report template guidance. It is hoped that ensuring there is effective communications with, and involvement of, Members as part of the decision making process will increase Member confidence in the delegated decision arrangements and decision-making more generally.</p> |
| Where should performance information be reported? | <p>CEP Committee noted that consideration needed to be given to the reporting of performance information and whether this should go to theme committees as well as the Performance & Contract Management Committee.</p> <p>Proposals recommending Theme Committee receive relevant performance information reports are included in the Constitution Review Report to also be considered on 17 March 2016.</p> |
| Is the current system of pre-meetings and call-overs essential? | <p>CEP Committee noted there was scope to revise the approach to pre-meetings and call-overs depending on the preferences of Members who sat on those committees.</p> <p>Officers will be liaising with Chairmen and Committee Members to implement changes as appropriate, seeking to reduce the number of pre-meetings and call-overs where practicable. This is likely to be a tailored approach bearing in mind Member preferences and advice on the size and significance of agendas / timing of reports.</p> |
| Standards Regime | <p>The review encompassed all aspects of the Committee System and Constitution and some feedback related to the council's standards regime (then the Group Leaders Panel). However, as it had previously been acknowledged that there was Member dissatisfaction with the Group Leaders Panel which needed to be addressed this was given a greater level of focus in a separate report.</p> <p>CEP Committee considered a report on 'The Standards Regime' at its meeting in November 2015. Recommendations arising from this report were considered and agreed by Council on 8 December 2015. Further appointments to the new Standards Committee were agreed by Council on 26 January.</p> <p>CEP Committee is due to consider further recommendations relating to the appointment of an Independent Chairman to the committee at its 17 March 2016 meeting.</p> |
| Governance in Children's Safeguarding | <p>Some feedback in the review related to governance arrangements to support children's safeguarding, particularly the role of and support to the Corporate Parenting Advisory Panel (CPAP). The Monitoring Officer, Commissioning Director for Children & Young People and Head of Governance have considered recommendations made following a CPAP self-assessment reported in December 2015.</p> |

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| | <p>Specific recommendations arising from this are included in the Constitution Review report also being considered by CEP Committee on 17 March 2016.</p> |
| <p>Health & Well-Being Board terms of reference</p> | <p>Some feedback in the review related to arrangements for the Health and Wellbeing Board's Financial Planning Sub-Group. Following discussion with the CCG and officers, the Sub-Group has been reconstituted as a Health and Well-Being Joint Commissioning Executive Group. There has been a clarification around the decision-making authority of the Sub-Group and the revised terms of reference were reported to the Health and Well-Being Board in January 2016.</p> |
| <p>Do committees have clear terms of reference</p> | <p>The survey asked about the terms of reference for Full Council and each committee. Many respondents made it clear they could comment only in respect of committees they had had experience of. The highest proportion of disagreement was in respect of the Performance & Contract Management Committee (31% of Members did not agree that it has clear terms of reference) and the Area Committees (with 29% of Members disagreeing).</p> <p>Officers are currently not proposing any amendments to Area Committees as a result of the review. It is noted that Area Committees and Residents Forums could be an area for further consideration by CEP Committee at a future date.</p> |
| <p>Do meetings work well?</p> | <p>The survey invited responses for Full Council and for each committee separately. It was noted that Residents Forums are the meetings which work least well from both Members' and officers' perspective, 37% of Members disagreeing that they work well. 34% of Members also consider that meetings of Full Council do not work well, although no officers share that view.</p> <p>Officers are not currently proposing any action regarding the way in which these meetings operate as a result of the review. It is noted that Residents Fora could be an area for further consideration at a future date, alongside consideration of Area Committees.</p> |
| <p>Opportunities for public participation and engagement</p> | <p>The survey asked about public questions, comments and petitions. Responses indicated the majority of both Members and officer respondents consider the current system is about right, though some Members were critical of the current system for dealing with petitions.</p> <p>Officers are not currently proposing any amendments regarding these mechanisms as a result of the review. It is noted that petitions may be an area for further consideration at a future date.</p> |

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| <p>Holding the administration to account</p> | <p>The survey results on the referral up mechanism, Member questions at Full Council, Members' items, and Motions to Full Council indicated that the majority of respondents appear to consider the current system is about right, with the referral up mechanism being the area where there is the greatest divergence of views.</p> <p>Officers are not proposing any further amendments regarding these mechanisms as a result of the review. It is noted that the referral up mechanism may be an area for future consideration.</p> |
| <p>Are there too many committees?</p> | <p>Most Members (60%) agreed that the current system is about right, though about 30% said that there are too many committees and there is scope for some to be merged. 75% of officer respondents said that there are too many committees, with the rest saying that the current system is about right.</p> <p>Officers are not proposing any specific action to reduce the number of committees at this time as a result of the review. However, it is noted that the Monitoring Officer advised the CEP meeting of 16 November 2015 that Full Council had approved print and courier savings of £50,000 and staff savings of £200,000 in the Assurance Group and to achieve these, fewer meetings needed to take place. The Group Leaders undertook to provide group spokespersons to discuss possible savings options with the officer. A list of savings options is being produced to discuss with the lead members.</p> |
| <p>Are Council Procedure Rules clear?</p> | <p>44% of Members and 41% of officers surveyed thought that the Council Procedure Rules are clear and helpful, outweighing by a small margin those who think that they are confusing or unclear.</p> <p>Officers do not propose any action to change Council Procedure Rules at this time as a result of the review.</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. This report notes out a summary of findings and actions taken following the review, to ensure the smooth running of the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Changes recommended, and those not recommended at this time, as a result of the review are outlined in the table above.

4. POST DECISION IMPLEMENTATION

- 4.1 Where amendments to the Constitution have been recommended they have been included in the standing business item 'Constitution Review' report which considers adjustments to the Constitution based on identification of issues or discrepancies identified by Members, Officers or HB Public Law. Post decision implementation is outlined in that report.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

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

5.3 Legal and Constitutional References

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

5.4 Risk Management

- 5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee referring proposed amendments to full council for approval ensures that the proposals are developed through Member participation and consideration.

5.5 Equalities and Diversity

- 5.5.1 The decision making processes of the Council, as enshrined within the

Constitution, need to be transparent and accessible to all sectors of the community.

5.6 Consultation and Engagement

5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

6.1 None

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