

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 4TH APRIL, 2017 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

A G E N D A



ASSURANCE GROUP

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Agenda and Timetable
Tuesday 4th April, 2017

Item	Subject	Timing	Page Nos
	Part 1 - Statutory formalities/Announcements (15 minutes)	7.00 – 7.15pm	
1.	Apologies for absence		
2.	Elect a Member to preside if the Mayor is absent		
3.	Prayer		
4.	Declarations of Interest		
5.	Minutes of the last meeting		5 - 20
6.	Official announcements		
7.	Resolution of Appreciation		
8.	Any business remaining from last meeting		
	Part 2 - Question Time (30 minutes)	7.15 – 7.45pm	
9.	Questions to the Leader (and Committee Chairmen if he/she has delegated)		
	Part 3 - Statutory Council Business (60 minutes)	7.45 – 8.00pm	
10.	Petitions for Debate (20 minutes)		
11.	Reports from the Leader		
12.	Reports from Committees		
12.1	Report of the Constitution Ethics and Probity Committee - Constitution Review		21 - 182
12.2	Report of Constitution Ethics and Probity Committee -		183 -

	Members Code of Conduct		220
12.3	Report of General Functions Committee - Approval of the Annual Pay Policy Statement		221 - 238
12.4	Report of the Environment Committee - Adoption of Section 16 of London Local Authorities and Transport for London Act 2003		239 - 252
13.	Reports of Officers		
13.1	Report of the Head of Governance		
14.	Questions to Council Representatives on Outside Bodies		
	Break (15 minutes)	8.00 – 8.15pm	
	Part 4 – Business for Debate (45 minutes)	8.15 – 9.00pm	
15.	Motions (45 minutes)		
15.1	Administration Motion in the name of Cllr John Marshall - Safety of the Ossulton Way/ Kinsley Way/A1 Junction		253 - 254
15.2	Administration Motion in the name of Cllr Dean Cohen - Mayor Khan: Tackle Illegal Air Pollution on Our Trunk Roads		255 - 256
15.3	Administration Motion in the name of Cllr Brian Gordon - Mayor Khan: Redress Barnet's Policing Deficit		257 - 258
15.4	Opposition Motion in the name of Cllr Barry Rawlings - Standing up for the right of Barnet's EU citizens to stay in the UK		259 - 260
15.5	Opposition Motion in the name of Cllr Adam Langleben - Tackling air pollution around Barnet schools		261 - 262
16.	Motions for Adjournment		

Andrew Charlwood, Head of Governance
Building 4, North London Business Park, Oakleigh Road South, N11 1NP

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Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BQ, on 7 March 2017

AGENDA ITEM 5

PRESENT:-

The Worshipful the Mayor (Councillor David Longstaff)
The Deputy Mayor (Councillor Suri Khatri)

Councillors:

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

Apologies for Absence

Councillor Rebecca Challice Councillor Zakia Zubairi

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Zakia Zubairi and Councillor Rebecca Challice.

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

The Worshipful the Mayor was present.

3. PRAYER

The Mayor's chaplain, the Revd Tristan Chapman offered prayers.

4. DECLARATIONS OF INTEREST

The Worshipful the Mayor noted that Members did not need to declare an interest in respect of any matter within the Budget Report which may only affect them in general terms. No interests were declared.

5. MINUTES OF THE LAST MEETING

The minutes of the meeting of 31 January 2017 were agreed as a correct record.

6. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor noted that Councillor Zubairi had asked him to convey her thanks for council's wishes for her speedy recovery from her recent accident, and noted she was making good progress.

The Worshipful the Mayor announced he was pleased to advise that tickets for the Mayor's gala dinner on 4 May were now available, and he hoped that as many councillors as possible would be able to attend to support his nominated charities. He noted that this year the dinner would be held under the wings of a Lancaster Bomber at the RAF Museum Hendon.

The Worshipful the Mayor noted he was also pleased to inform Council that he would be running in the 2017 London Marathon in aid of Noah's Ark Children's Hospice.

The Worshipful the Mayor noted it was with sadness he had to announce the passing of former Representative Deputy Lieutenant for the London Borough of Barnet Major Patrick O'Brien TD DL who passed away on Valentine's Day 2017 aged 86. He noted Patrick would be remembered by many as a former Officer Commanding 240 (Tank Transporter) Squadron RCT at St Albans Road, Barnet, and later as a popular and active Representative Deputy Lieutenant of the Borough for ten years until he reached mandatory retirement on his seventy-fifth birthday in 2005. Educated during the Second War at St Edmund's College, Ware, Patrick was a Roman Catholic, and his faith was a strong force in all he did. After undergoing training for the Priesthood, he decided his own calling was insufficiently loud, and after extended National Service, he found employment in the Victoria offices of the National Coal Board.

The Worshipful the Mayor noted Patrick became involved with an astonishing range of bodies and activities, both locally and farther afield. Many of those charities and associations had a military or uniformed theme, from the Army Benevolent Fund, Royal British Legion, Normandy Veterans' Association, and importantly locally, he took over the reins of Barnet War Memorials Initiative, where he was instrumental in having the Edwardian Officers' Mess at Inglis Barracks listed and so prevented its demolition. There too, he laboured to find means of having the War Memorial to the circa 12000 dead of the Middlesex Regiment re-sited on The Ridgeway opposite the former Regimental Chapel, St Paul's Church, NW7. Patrick served as President of the Finchley Society from 2007, was a Liveryman of the Carmen's Company, member of the Honourable Artillery Company, and a Knight Commander of the Order of the Holy Sepulchre. The Worshipful

the Mayor noted his funeral had taken place on 7 March, and that he was a dedicated servant of the borough.

The Worshipful the Mayor noted also that Baroness Wall of New Barnet had recently passed away on 25 January 2017. She was created a life peer in the House of Lords in 2004 and was Chair of the Labour Party from 2001 to 2002. She later served as Chairman of Barnet and Chase Farm Hospital NHS Trust from 2007, and formed part of Barnet Council's civic list.

Finally the Worshipful the Mayor announced he was sad to relay that former Barnet Councillor Mary Phillips passed away at the age of 86. He noted that Mary Philips served as a councillor for 12 years, acting as a ward councillor for East Finchley and St Paul's (now West Finchley). She was chairman of Finchley Area Planning Committee from 1990-94 and was also chairman of the Finchley Carnival, Chairman of Oak Lodge Special School and Chairman of Manor-side Primary School. She also organised the Mayor's Charity Schools Sponsored Swim at Copthall and taught at Goodwyn's private school for over 30 years. She leaves behind three sons, one daughter, eight grandchildren and three great grandchildren.

Councillor Helena Hart spoke in tribute to former Councillor Mary Phillips.

Councillor Brian Salinger spoke in tribute to former Councillor Mary Phillips and Baroness Wall.

Councillor Gill Sargeant spoke in tribute to former Councillor Mary Phillips and Major Patrick O'Brien.

Councillor Nagus Narenthira spoke in tribute to Colindale resident Lea Adri-Soejoko who was recently found murdered.

On request of The Worshipful the Mayor Council held a minute's silence.

7. ANY BUSINESS REMAINING FROM LAST MEETING

There was none.

8. THE MAYORALTY FOR THE MUNICIPAL YEAR 2017-2018

The Worshipful the Mayor called for nominations for election of Mayor of the London Borough of Barnet for 2017/18:

Conservative Group Nomination

Councillor Sachin Rajput, duly seconded by Councillor Stephen Sowerby moved that Councillor Brian Salinger be proposed for the appointment of Mayor of the London Borough of Barnet at the annual meeting of the Council on 23 May 2017.

Labour Group Nomination

Councillor Phil Cohen, duly seconded by Councillor Tim Roberts moved that the Councillor Laurie Williams be proposed for the appointment of Mayor of the London Borough of Barnet at the annual meeting of the Council on 23 May 2017.

The Worshipful the Mayor advised Council that a vote was either in favour of the Conservative Nomination, Councillor Brian Salinger, or in favour of the Labour

Nomination, Councillor Laurie Williams. Upon the nominations being put to the vote, the Conservative nomination was declared carried.

Councillor Brian Salinger was nominated as Mayor Designate.

RESOLVED – That Councillor Brian Salinger be formally proposed and seconded at the annual meeting of the council on 23 May 2017 for the appointment as Mayor of the London Borough of Barnet for the municipal year 2017/18.

Councillor Brian Salinger thanked those present for his nomination and announced that Councillor Val Duschinsky had consented to be his Deputy Mayor.

9. PETITIONS FOR DEBATE

There were none.

10. REPORTS FROM THE LEADER

There was none.

11. REPORT OF POLICY AND RESOURCES COMMITTEE - BUSINESS PLANNING 2017 TO 2020

The Worshipful the Mayor noted that an update to the Labour amendment had been tabled and directed members to refer to this updated report.

The Worshipful the Mayor moved suspension of Council Procedure Rule 26 with regards to the length of speeches on the budget, which was duly agreed by council.

RESOLVED to allow the initial speeches on the budget to be up to the following lengths:

Leader of the Council – 15 minutes

Leader of the Opposition – 10 minutes

The Leader, Councillor Richard Cornelius, moved reception and adoption of the recommendations set out in the report from the Policy and Resources Committee. Councillor Barry Rawlings moved his amendment. Councillor Jack Cohen moved his amendment. Debate ensued.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and Council Procedure Rule 15.4 requires that voting decision relating to the budget and Council Tax be recorded. In accordance with this requirement, voting on the budget decisions was as follows:

Upon being put to the vote, the Labour Alternative Budget was declared lost. Voting on the Labour Alternative Budget:

	For	Against	Not Voting	Absent
Maureen Braun		✓		
Jess Brayne	✓			

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

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

For: 28
Against: 32
Abstain: 1
Absent: 2

TOTAL: 63

Upon being put to the vote, the Liberal Democrat Alternative Budget was declared lost.
Voting on the Liberal Democrat Alternative Budget:

	For	Against	Not Voting	Absent
Maureen Braun		✓		
Jess Brayne			✓	
Rebecca Challice				✓
Pauline Coakley Webb			✓	
Dean Cohen		✓		
Jack Cohen	✓			
Melvin Cohen		✓		

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

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

For: 1
Against: 32
Abstain: 28
Absent: 2

TOTAL: 63

Upon being put to the vote the recommendations in the report of the Policy and Resources Committee were declared carried, with voting being declared as follows:

	For	Against	Not Voting	Absent
Maureen Braun	✓			
Jess Brayne		✓		
Rebecca Challice				✓
Pauline Coakley Webb		✓		
Dean Cohen	✓			
Jack Cohen		✓		
Melvin Cohen	✓			
Philip Cohen		✓		
Geof Cooke		✓		
Alison Cornelius	✓			
Richard Cornelius	✓			

	For	Against	Not Voting	Absent
Tom Davey	✓			
Val Duschinsky	✓			
Paul Edwards		✓		
Claire Farrier		✓		
Anthony Finn	✓			
Brian Gordon	✓			
Eva Greenspan	✓			
Rohit Grover	✓			
Helena Hart	✓			
John Hart	✓			
Ross Houston		✓		
Anne Hutton		✓		
Andreas Ioannidis		✓		
Devra Kay		✓		
Sury Khatri	✓			
Adam Langleben		✓		
Kathy Levine		✓		
David Longstaff	✓			
Kitty Lyons		✓		
John Marshall	✓			
Kath McGuirk		✓		
Arjun Mittra		✓		
Alison Moore		✓		
Ammar Naqvi		✓		
Nagas Narenthira		✓		
Charlie O'Macauley		✓		
Graham Old	✓			
Alon Or-Bach		✓		
Reema Patel		✓		
Bridget Perry	✓			
Wendy Prentice	✓			
Sachin Rajput	✓			
Barry Rawlings		✓		
Hugh Rayner	✓			
Tim Roberts		✓		
Gabriel Rozenberg	✓			
Lisa Rutter	✓			
Shimon Ryde	✓			
Brian Salinger	✓			

	For	Against	Not Voting	Absent
Gill Sargeant		✓		
Joan Scannell	✓			
Alan Schneiderman		✓		
Mark Shooter	✓			
Agnes Slocombe		✓		
Stephen Sowerby	✓			
Caroline Stock	✓			
Daniel Thomas	✓			
Reuben Thompstone	✓			
Jim Tierney		✓		
Laurie Williams		✓		
Peter Zinkin	✓			
Zakia Zubairi				✓

For: 32
Against: 29
Abstain: 0
Absent: 2

TOTAL: 63

RESOLVED – That Council:

- 1.1 Consider the issues that have emerged from the consultation when making their decisions. That Council are also mindful of the equalities impact assessments, including the cumulative equalities impact assessments, when making the decision below;
- 1.2 Approve the Medium Term Financial Strategy attached as Appendix A and the detailed revenue budgets in Appendices B1 and B2. The MTFS sets out all of the budget changes over the period 2017-20, including assumptions around inflation, changes to levies, pressures, savings and grant funding. It is the model around which the council's financial strategy is based. Taking the consultation responses and the equality impact assessments into consideration;
- 1.3 Approve that the budget for 2017/18 is prepared on the basis of no increase to council tax in 2017/18, other than for the increase set out below in 1.4;
- 1.4 Approve the application of a social care precept at 3% in 2017/18 – to help fund care for the elderly;
- 1.5 Note that the Chief Finance Officer, under their delegated powers in accordance with para 4.3.2 of the Financial Regulations, has calculated

139,049 (band D equivalents) as the amount for the Council Tax base for the year 2017/18 [item T in the formula in Section 31B (1) of the Local Government Finance Act 1992, as amended (the “Act”)];

1.6 Approve the following amounts calculated for the year 2017/18 in accordance with Sections 31(A) and (B), 34, 35 and 36 of the Act:

- a) £1,042,180,636 being the aggregate of the amounts which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Act;
- b) £881,620,756 being the aggregate of the amounts which the council estimated for the items set out in Section 31A(3) (a) to (d) of the Act;
- c) £160,559,880 being the amount by which the aggregate at 1.6(a) above exceeds the aggregate at 1.6(b) above, calculated by the council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula section 31A(4) of the Act);
- d) £1,154.70 being the amount at 1.6(c) above (item R), divided by Item T (Item 1.5 above), calculated by the council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year;

London Borough of Barnet Valuation Bands (£)

A	B	C	D	E	F	G	H
769.8 0	898.1 0	1,026.40	1,154.70	1,411.30	1,667.90	1,924.50	2,309.40

Being the amounts given by multiplying the amounts at 1.6(d) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in valuation band D, calculated by the council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

1.7 Approve, on the advice of the Chief Finance Officer, that the council’s basic amount of Council Tax for 2017/18 as set out in 1.6(d) above is not excessive in accordance with the principles approved under section 52ZB and 52ZC of the Local Government Finance Act 1992, set out in the Referendums Relating to Council Tax Increases (Principles)(England) Report 2017/18 - subject to any changes to that Report; which at the time of publication of this report was still in draft;

1.8 Note that for the year 2017/18 the Greater London Authority has provisionally indicated that the following amounts in precepts will be issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:

Greater London Authority Valuation Bands (£)

A	B	C	D	E	F	G	H
186.68	217.79	248.91	280.02	342.25	404.47	466.70	560.04

- 1.9 Recommend that having calculated the aggregate in each case of the amounts at 1.6(d) with the amounts at 1.8, the council, in accordance with Section 30(2) of the Local Government Finance Act 1992, sets the following amounts as the amounts of Council Tax for the year 2017/18 for each of the categories dwellings shown below:

Council Tax for Area (£)

A	B	C	D	E	F	G	H
956.48	1,115.89	1,275.31	1,434.72	1,753.55	2,072.37	2,391.20	2,869.44

- 1.10 Recommend to Council for approval the Barnet Council Tax Support Scheme, adopted in January 2015, remain unchanged except for uprating in line with Department for Work and Pension changes for housing benefit (see 1.11 below).
- 1.11 Notes that the working age non-dependent (ND) charges be uprated as set out in paragraph 1.7.13
- 1.12 Approve that in accordance with Section 38(2) of the Act the Chief Executive be instructed to place a notice in the local press of the amounts set under recommendation 1.9 above within a period of 21 days following the Council's decision;
- 1.13 Approve the capital programme as set out in Appendix C1 and C2, and the capital budget changes as set out in Appendix C3 and that the Chief Officers be authorised to take all necessary actions for implementation;
- 1.14 Approve that the Chief Finance Officer be authorised to adjust capital project budgets and financing in 2017/18 throughout the capital programme after the 2016/17 accounts are closed and the amount of slippage and budget carry forward required are known;
- 1.15 Approve the Treasury Management Strategy for 2017/18 as set out in Appendix I;
- 1.16 Note the following in relation to the Housing Revenue Account, approved by Policy and Resources Committee:
- a) The proposed rent decrease by 1% for council dwelling as set out in paragraph 1.10.3 to take effect from 1 April 2017;
 - b) The proposed increase to service charges for council dwelling as set out in paragraph 1.10.9 to take effect from 1 April 2017; and

c) The proposed rent increase of 2.2% for council garages as set out in paragraph 1.10.9 to take effect from 1 April 2017.

- 1.17 Approve the Housing Revenue Account estimates for 2017/18 as set out in Appendix D, approved by Policy and Resources Committee;
- 1.18 Note the submission of the Authority Proforma Tool in relation to the Dedicated Schools Budget as set out in Appendix E;
- 1.19 Note the charges for hire of Hendon Town Hall as detailed in Appendix F2 approved by Policy and Resources Committee and note the Adult's, Children's, Environment and Housing fees and charges that were approved at their relevant Theme Committee as detailed in Appendix F1 and F3;
- 1.20 Note the summary equality impact assessment (EIA) and cumulative assessment set out in section 5.6. Appendix H provides the cumulative impact and individual Delivery Unit assessments where significant changes to service delivery are proposed;
- 1.21 Approve the reserves and balances policy as set out in Appendix K and indicative amounts as set out in para 1.12 and the Chief Finance Officer's assessment of adequacy of reserves in section 1.12. Approve that the CFO be authorised to adjust balances in 2017/18 after 2016/17 accounts are closed and the amount of balances carry forward required are known;
- 1.22 Note the revenue budget movements as set out in para 1.14 approved by Policy and Resources Committee;
- 1.23 Note the progress of the transformation programme as detailed in Appendix J;
- 1.24 Approve the debt write offs as detailed in Appendix L and summarised in para 1.14.11;
- 1.25 Note and approve the corporate risk register as set out in Appendix M; and
- 1.26 Approve the Corporate Plan – 2017/18 addendum attached as Appendix N.

12. REPORT OF THE MONITORING OFFICER - MEMBERS ALLOWANCE SCHEME 2017-18

The Worshipful the Mayor introduced the report. Following consideration of the report the recommendations in the report were put to the vote and were unanimously carried.

RESOLVED that Council:

- 1. Having had regard to the recommendations of the Independent Panel on the Remuneration of Councillors in London as attached as Appendix A.**
- 2. Approve the Members' Allowances Scheme 2017/18 as attached as Appendix B with effect from 1 April 2017.**

13. REPORT OF THE HEAD OF GOVERNANCE

The Head of Governance introduced the report. He noted that the items set out at agenda item 12.2 detailed in-year changes to the 2016/17 calendar of meetings, an appointment to a joint committee, the appointment of a Diabetes Champion and the appointment of an employee member to the Local Pension Board. It was noted that an update to Appendix B had been published and tabled and that Members should therefore refer to Appendix B1 for the updated recommendations.

The recommendations as set out in Appendix A were put to the vote and were unanimously agreed.

The Worshipful the Mayor noted there was a contest for the appointment of a Member to the NHS North Central London (NCL) Sustainability and Transformation Plan Joint Committee. The Administration nomination of Councillor Hugh Rayner and the Opposition nomination of Councillor Phil Cohen were put to the vote and the Administration nomination was declared carried.

The recommendation for the appointment of Mr Salar Rida as Employee Representative, Active Member of the Local Pension Board was put to the vote and unanimously agreed.

The Leader spoke in support of the Opposition proposal for a joint-appointment to the position of Diabetes Champion. The joint nomination of Councillor Hugh Rayner and Councillor Agnes Slocombe was put to the vote and was declared carried.

RESOLVED – That Council

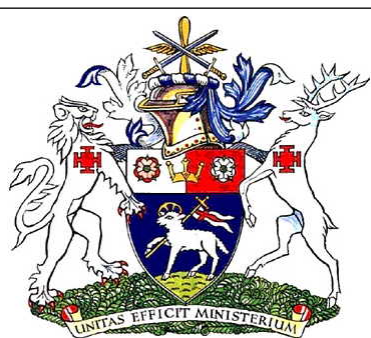
- 1. Note the changes to the Calendar of Meetings 2016/17 as attached in Appendix A.**
- 2. Approve the appointment of Councillor Hugh Rayner as member of the NHS North Central London Sustainability and Transformation Plan Joint Committee.**
- 3. Approve the appointment of Mr Salar Rida as Employee Representative, Active Member to the Local Pension Board.**
- 4. Approve the appointment of Councillor Hugh Rayner and Cllr Agnes Slocombe as joint Diabetes Champions.**

14. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

There were none.

The meeting finished at 8.40 pm

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Council
4 April 2017

<p>Title</p>	<p>Report of the Constitution Ethics and Probity Committee – Constitution Review</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>Annex 1 – Report to Constitution Ethics and Probity Committee, 16 March 2017 Annex 1A – Decisions of the Constitution Ethics and Probity Committee, 16 March 2017 Appendix A - Financial Regulations Appendix B - Article 11 - Finance Contracts Land Disposal and Legal Matters Appendix C - Public Participation and Engagement Rules Appendix D - Responsibility for Functions Appendix E - Responsibility for Functions - Annex A (CLC ToR - Area Committee Budgets) Appendix F - Meetings Procedure Rules (Area Committee Budgets) Appendix G - Contract Procedure Rules Appendix H - Responsibility for Functions - Annex A (Strategic Planning Pre-Applications) Appendix I - Members Planning Code of Practice Appendix J - Responsibility for Functions - Annex A (P&CM ToR) Appendix K - Meetings Procedure Rules Appendix L - Responsibility for Functions - Annex A (CLC ToR - Community Safety Scrutiny) Appendix M - Protocols for Member Officer Relations</p>

Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk
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Summary
The Constitution, Ethics and Probity Committee at its meeting of 16 March 2017 considered a report on the Constitution, reviewing various sections. Only Full Council may amend the Constitution and therefore Council are recommended to approve the various recommendations of the Committee that would alter the Constitution.

Recommendations
1. That Council approve the recommendations contained in the report from the Constitution Ethics & Probity Committee at Annexe 1A, and the track change versions attached at Appendix A to Appendix M.
2. That the Monitoring Officer be authorised to implement these revisions and publish a revised Constitution.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at the annual meeting on 2 June 2014 when a Committee System form of governance was introduced. At the end of 2014, during 2015 and during 2016 a number of changes were proposed to the Constitution to ensure the smooth running of committees. These were considered by the Constitution, Ethics and Probity (CEP) Committee and adopted by Full Council.
- 1.2 Following a further cycle of meetings some additional changes have been proposed to address inconsistencies and ensure correct processes are clearly set out. These were considered and agreed by CEP Committee meeting held on 16 March. The report to the Committee (Annex 1) and decisions of the Committee (Annex 1A) set out the proposed changes agreed by the Committee for recommendation to Full Council for adoption. The actual changes to the sections of the Constitution are then set out in Appendices A to M (as amended following consideration by the Committee on 16 March 2017).

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Constitution, Ethics and Probity Committee (CEP) is required under its terms of reference to proactively review and keep under review all aspects of the Constitution. The proposals contained in Appendices A to P were

discussed by that Committee and are now recommended to ensure the smooth running of the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

- 5.2.1 None.

5.3 Legal and Constitutional References

- 5.3.1 Council Constitution, Responsibility for Functions, Functions of Full Council, Paragraph 1.2: "Only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the

Council”.

- 5.3.2 Council Constitution, Responsibilities for Functions – the Constitution, Ethics and Probity Committee terms of reference includes to: “Proactively to review and keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.
- 5.3.3 Council Constitution, Chief Officers “The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public”.
- 5.3.4 Council Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee Committee’s terms of reference includes “To have responsibility for overseeing the Council’s governance arrangements”.

5.4 Risk Management

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

5.5 Equalities and Diversity

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

5.6 Consultation and Engagement

- 5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

- 6.1 None.

	<p>Constitution, Ethics and Probity Committee</p> <p>16 March 2017</p>
<p>Title</p>	<p>Constitution Review</p>
<p>Report of</p>	<p>Monitoring Officer Head of Governance</p>
<p>Wards</p>	<p>N/A</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A - Financial Regulations Appendix B - Article 11 - Finance Contracts Land Disposal and Legal Matters Appendix C - Public Participation and Engagement Rules Appendix D - Responsibility for Functions Appendix E: Appendix E - Responsibility for Functions - Annex A (CLC ToR - Area Committee Budgets) Appendix F - Meetings Procedure Rules (Area Committee Budgets) Appendix G - Contract Procedure Rules Appendix H - Responsibility for Functions - Annex A (Strategic Planning Pre-Applications) Appendix I - Members Planning Code of Practice Appendix J - Responsibility for Functions - Annex A (P&CM ToR) Appendix K - Meetings Procedure Rules Appendix L - Responsibility for Functions - Annex A (CLC ToR - Community Safety Scrutiny) Appendix M - Protocols for Member Officer Relations</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>
<p>Summary</p>	
<p>This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.</p>	

Recommendations
<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 M.</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 been in operation for over two municipal years.
- 1.2 The Constitution, Ethics and Probity Committee has met regularly over that period to ensure that they discharge their responsibility to proactively 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.
- 1.3 Since the Committee last met on 16th November 2016 a number of changes have been identified to ensure that the Constitution is updated in accordance with new legislative requirements and best practice.

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	Financial Regulations	Section 4.4 – Budget Management and Monitoring	<p>Following the adoption of the Committee System, it was recognised that some financial and budget management functions had incorrectly been moved to be within the remit of the Performance and Contract Management. The reason for this is that those functions had been transposed from the terms of reference of the Cabinet Resources Committee, a body which had executive decision making powers. In June 2015 the Constitution, Ethics and Probity Committee agreed that reference to financial and budget functions be deleted and replaced with Policy and Resources Committee.</p> <p>It has transpired that Section 4.4.3 of the Financial Regulations currently states the Performance and Contract Management</p>	<p>Amend section 4.4.3 of the Financial Regulations to delete ‘Performance and Contract Management’ and replace with ‘Policy & Resources Committee’. Amended section to read as follows:</p> <p>Capital Virements Policy & Resources Committee approval is required for all capital budget and funding virements and yearly profile changes (slippage or accelerated spend) between approved capital programmes i.e. as per the budget book. The report must show the proposed:</p> <ul style="list-style-type: none"> i) Budget transfers between projects and by year; ii) Funding transfers between projects and by year; and iii) A summary based on a template approved by the Section 151 Officer

No.	Section	Reference	Issue Identified	Changes Made
			approval is required for all capital budget and funding virements and yearly profile changes. This requires amendment to align with the changes made to the Financial Regulations in June 2015.	
2	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	11.04 – Authentication of Documents; and 11.05 – Common Seal of the Council	Following a review of current arrangements officers are recommending that the sealing procedure detailed in Article 11 be revised to: increase threshold for sealing documents to be consistent with the thresholds in the Contract Procedure Rules; and revise the sections relating to Authentication of Documents and Common Seal of the Council to reflect current practice and improve clarity	Delete sections 11.04 and 11.05 and replace with: “Any legal document concerning property and any contract with a value exceeding the EU threshold currently £164,176, entered into on behalf of the local authority shall be made in writing made under the Common Seal of the Council attested by at least two Chief Officers or their duly authorised deputies. This is in relation to the Contract Procedure Rules. An item that requires the Common Seal of the Council may be: <ul style="list-style-type: none"> • All Contracts awarded following a Procurement process with a Contract value above the EU financial threshold shall be sealed (unless the Monitoring Officer or delegated officers direct otherwise) • Contracts, Dynamic Purchasing Systems, approved lists or Framework Agreements • All property documents (i.e. sales, purchases, leases, licences etc.) • A contract which the Monitoring Officer or officer with authority considers it desirable should be sealed, other than as specified above

No.	Section	Reference	Issue Identified	Changes Made
				<p>Where it becomes apparent to an Officer involved in the sealing or execution of documents that they have a personal interest in a matter to which the document relates a declaration of the existence and nature of that interest should be made as soon as possible.</p> <p>An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made within the Electronic Sealing Logging System to be provided for the purpose.</p> <p>Sealing usually involves the Assurance Director/Monitoring Officer and the Head of Governance, or one of their nominated deputies for the purpose of authentication. In their absence, the Chief Executive, the Head of Legal or Chief Officer concerned with the matter to which the document relates can be called on to seal documents. The aforementioned officers can authorise in writing for another officer to deputise for them in their absence.</p> <p>Authentication, for this purpose, means the evidence that a document has been properly approved by full council, a committee or an officer with the appropriate delegated authority.</p> <p>The Records Officer will present the relevant documents to the proper officer for sealing, marked with the Common Seal of the Council, for authentication and signing by the two signatories. Alongside the Common Seal two lines should be clearly marked with the term 'Authorised Signatory' for the purpose of sealing.</p> <p>Supporting documentation is required to seal a document, including a sealing note and evidence of authentication.</p>

No.	Section	Reference	Issue Identified	Changes Made
				<p>One copy document may be sealed if clearly designated "counterpart" on the cover page.</p> <p>An item can be rejected from sealing if there is insufficient evidence in the sealing note that the document has been properly authenticated.</p> <p>Once sealing has been completed, the names of the Officers which sealed will be listed on the Electronic Sealing Logging System which is maintained and retained by the Records Officer."</p> <p>Renumber subsequent section.</p>
3	Public Participation and Engagement Rules	Section 6 – Restrictions and Exceptions	The Public Participation and Engagement Rules as currently drafted do not restrict persons subject to the Unreasonably Persistent Complainants Policy from submitting questions and comments at committee meetings or items / questions at residents' forums. It is proposed to add a restriction in this regard to prevent persistent complainants from bypassing the council's complaints procedure.	<p>Amend section 6 as follows:</p> <p>"6. Restrictions and Exceptions</p> <p>Public questions, comments and items/questions to residents' forums are not permitted:...</p> <ul style="list-style-type: none"> • If they relate to a matter submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy."

No.	Section	Reference	Issue Identified	Changes Made
4	Responsibility for Functions	Section 6 – Members’ Rights to Refer Matters to the Parent Body	As part of the Business Planning 2017 – 2020 proposals the Policy & Resources Committee are recommending to Full Council the deletion of the non-CIL element of the Area Committee Budgets to contribute to revenue savings. If agreed by Full Council on 7 March 2017, deletion of the funding stream will require updates to various sections of the Constitution which deal with this funding stream.	<p>Responsibility for Functions, Section 6.3 – delete existing text and replace with:</p> <p>“The Chairman of an Area Committee may refer applications to the Area Committee Budget to the Environment Committee. When referring the application the Chairman shall provide reasons for the referral.”</p> <p>Amend section 6.4 to remove reference to Area Committees being able to refer matters to a ‘relevant committee’ by deleting ‘...or relevant...’ in the table.</p>
5	Responsibility for Functions, Annex A – Terms of Reference of Committees, Sub-Committees and Partnership Boards	Terms of Reference of the Community Leadership Committee	As per item 4 above.	<p>Amend the terms of reference of the Community Leadership Committee to delete the following:</p> <p>“(14) Determining applications to the Area Committee Budget referred by Area Committees.”</p>

No.	Section	Reference	Issue Identified	Changes Made
6	Meetings Procedure Rules	Section 6 – Members’ Items for the Agenda	As per item 4 above.	Amend Meetings Procedure Rules to remove reference to “...sponsoring an application...” and changing the deadline for submitting items from 12 days to 10 days. Revised wording to read: “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 proposing a drawdown from the Area Committee Budget. Members’ Items submitted for these purposes must be submitted 10 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	Contract Procedure Rules	Section 4 – Regulation and Legislation	Added a new sentence to section 4.5 to add a requirement that officers complete a conflict of interest form to ensure compliance with an audit recommendation for all projects	Section 4.5 – add a new final sentence as follows: “A conflict of interest form is to be issued to all officers, and retained for all officers involved with a procurement exercise.”
8	Contract Procedure Rules	Section 5 – Roles and Responsibilities	Amend section 5.1.8 to include the limit of £10,000 to provide clarity regarding which contracts are required to be included on the Annual Procurement Forward Plan	Amend section 5.1.8 as follows: “Ensure that all new Contracts above the published limits, £10,000 , and planned during the forthcoming financial year are clearly identified in their Budget and Annual Procurement Forward” Plan (APFP);

No.	Section	Reference	Issue Identified	Changes Made
9	Contract Procedure Rules	Section 8 – Procurement Method	Amend section 8.10 to remove reference to PQQ (Pre-Qualification Questionnaire) and replace with reference to SQ (Selection Questionnaire) following an update to regulations	Amend section 8.10 as to read as follows: “For Procurements below the EU financial threshold only Suitability Assessment Questions can be asked. This means there can be no SQ stage.”
10	Contract Procedure Rules	Section 9 – Single Tender Action	Insert a new section 9.3 to clarify application of single tender action threshold for works requirements	Insert a new Section 9.3 as follows: “Single tender actions for contract awards above the EU financial threshold will only be agreed where one or more of the circumstances set out in rule 9.1 apply. Otherwise approval for single tender actions is only likely to be granted for contracts, including works contracts, below the financial threshold for services and supplies contracts (currently £164,176).”
11	Contract Procedure Rules	Section 14 – Contract Management	Insert new sections to the Contract Management requirements to highlight: 1. Insurance terms and conditions requirements following an insurance audit; 2. Emergency planning, business continuity requirements for contract delivery; and	Add new sections 14.4 – 14.6 as set out below and renumber subsequent sections: “14.4 On each and every procurement the Contract Manager must ensure the agreement has: a) wording in which the contractor agrees to indemnify the Council for all claims proceedings, actions and other matters relating to the contract, except where the Council is found to be legally liable; and b) a clause in which the contractor agrees to certain service levels while dealing with claims arising from service failures; and

No.	Section	Reference	Issue Identified	Changes Made
			<p>3. Development requirements for support to local community and supply chain</p>	<p>c) a clause requiring the full range of relevant insurances and minimum levels to be provided by the contractor.</p> <p>Advice on relevant insurances must be obtained from the London Borough of Barnet Insurance Team.</p> <p>It should be noted the minimum level of required insurances of contractor is not directly related to the value of the contract. Using a risk based approach the Contract Manager and London Borough of Barnet Insurance Team will agree appropriate levels but as a guide, minimum levels, subject to amendment are as follows:-</p> <ol style="list-style-type: none"> 1) public liability £5,000000; 2) employer's liability £5,000,000 (statutory minimum); 3) officials indemnity/professional negligence (if required) £1,000,000; 4) and any other insurance required by law or agreed in the contract. <p>The Contract Manager must obtain from the contractor reasonable proof of the required insurance as set out in the contract before work commences, a broker letter will often be sufficient.</p> <p>If the required insurances expire before the contract end date, the Contract Manager must obtain from the contractor reasonable proof that the insurance has been renewed on expiring terms and conditions. If the insurance policy terms and conditions have changed, such changes must be</p>

No.	Section	Reference	Issue Identified	Changes Made
				<p>brought to attention of the Contract Manager and discussed with the London Borough of Barnet Insurance Team.</p> <p>14.5 For all contracts, in excess of £25,000, business continuity must be discussed and a business continuity plan confirmed as part of contract delivery.</p> <p>14.6 All contracts to be managed to ensure development and delivery of support to the local community and SME supply chain through the contract arrangement. This is to be monitored as a performance target to enable review reports.”</p>
12	Contract Procedure Rules	Section 17 – Definitions and Interpretations	To ensure compliance with the Public Contract Regulations 2015 a new section 17.26 to be inserted to refer to the Selection Questionnaire	<p>Add new section 17.26 as follows:</p> <p>“17.26 “SQ” means Selection Questionnaire in accordance with Procurement Policy Note (PPN) 8/16 regarding OJEU procurements. Accessibility to the form will be via the procurement portal with expectation that suppliers complete and submit online. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide support documents at point of proceeding to contract award.”</p>
13	Contract Procedure Rules	Section 17 – Definitions and Interpretations	To ensure compliance with the Public Contract Regulations 2015 section 17.27 requires additional wording to be included.	<p>Amend section 17.27 as follows:</p> <p>“Suitability Assessment Question” means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing. In accordance with Public Contract Regulations</p>

No.	Section	Reference	Issue Identified	Changes Made
				2015 these questions are to be in the form of declarations with successful contractor to provide at point of proceeding to contract award.
14	Contract Procedure Rules	Section 17 – Definitions and Interpretations	Insertion of a new definition to support clause 14.6 to relating to supporting the local community and supply chain	Add a new section 17.28 as follows: 17.28 “Support to Local Community” refers to support through contract delivery to the communities which exist within London Borough of Barnet and delivery of benefit to these communities. Benefit to include consideration and provision of internships; apprenticeships; long term unemployed returning to work opportunities and support to local schools/community groups.”
15	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Terms of Reference of the Planning Committee	Members have given instruction that the Strategic Planning Pre-Application process should be discontinued which necessitates various Constitution amendments	Amend the terms of Reference of the Planning Committee to delete the following function: “To receive and comment on any Strategic Planning Pre-Application Briefing.”
16	Members Planning Code of Practice	Section 4 – Predisposition, Pre-Determination	As set out at 15. above.	Delete section 4.6 as follows and renumber subsequent sections: 4.6 “This distinction is particularly important in the context of the Council’s practice of facilitating presentations to Planning

No.	Section	Reference	Issue Identified	Changes Made
		and Bias		<p>Committee by developers of schemes at the pre-application stage. After these presentations, the Committee Members question details of the development so that they have the opportunity to input into the design of these strategic developments. They will therefore express views on aspects of the development (such as its external appearance, impact on neighbours or transport network implications) which will often display predisposition around these elements. What the Members of the Committee should not do at this stage is to express a firm view on the development as a whole, as this could amount to predetermination. Such a view should only be formed at the end of the process when all the material considerations are available to the Members of the Committee to consider and weigh up before finalising their view.”</p>
17	Members Planning Code of Practice	Section 7 – Pre-Application Discussions	As set out at 15. above.	<p>Amend section 7.1 to delete the following text:</p> <p>“However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. For this reason the Council have developed pre-application processes that enables engagement at the pre-application stage.”</p> <p>Delete section 7.2 as follows:</p> <p>“For major strategic applications the Council offers a service to potential applicants to present their schemes to the Council’s Planning Committee. Details of this are set out in the Planning Committee Procedure Rules. This is the way in which Planning Committee Councillors engage with these schemes and there</p>

No.	Section	Reference	Issue Identified	Changes Made
				<p>should therefore be no need to attend any other meeting with potential applicants or their agents/representatives.”</p> <p>Amend section 7.3 to delete the following wording: “In other cases...”</p> <p>Amend section 7.4 to delete the following wording: “..., but not subject to pre-application committee presentations,...”</p>

Items subject to a proposed use of the delegation to the Monitoring Officer to make minor amendments to the Constitution:

No.	Section	Reference	Issue Identified	Changes Made
1	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Terms of Reference of Performance & Contract Management Committee	Since 1 April 2016 Education and Skills services have been delivered by Cambridge Education. The terms of reference of the Performance & Contract Management Committee need to be amended to include reference to Cambridge Education as a Delivery Unit within the remit of the Committee.	<p>Amend the terms of reference of the Performance & Contract Management Committee as follows:</p> <p>“Monitoring of Performance against targets by Delivery Units and Support Groups including Customer Support Group; Re: The Barnet Group (including Barnet Homes and Your Choice Barnet); HB Public Law; NSL (Parking Contractor); Adults & Communities; Family Services; Education & Skills (including Cambridge Education); Street Scene; Public Health; Commissioning Group; and Assurance.”</p>

No.	Section	Reference	Issue Identified	Changes Made
2	Meetings Procedure Rules	Rule 17.3	Residents' Forum and Area Committee Chairmen have agreed to separate meetings of the Residents' Forums and Area Committees thereby removing the requirement to prescribe start and finish times for the Forums.	Delete Rule 17.3 and renumber the subsequent section.
3	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Terms of Reference of the Community Leadership Committee	For clarity it is recommended that the terms of reference of the Community Leadership Committee be amended to include a reference to the legislation which supports Community Safety Scrutiny	Amend the terms of reference of the Community Leadership Committee as follows: “(5) Provide scrutiny aspect of Community Safety in accordance with the provisions of the Police and Justice Act 2006. ”
4	Protocol for Member Officer Relations	Section 1.2	Code lists previous chief executive and previous leader of the Labour Group	Update to reflect current post holders as follows: John Hooton, Chief Executive Barry Rawlings, Leader of the Labour Group

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 Subject to the committee's approval, the recommendations will form part of a report to Full Council on 4 April 2017 to make final approval.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

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

5.3 Legal and Constitutional References

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

5.4 Risk Management

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

5.5 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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Decisions of the Constitution, Ethics and Probity Committee

16 March 2017

Members Present:-

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

Councillor Richard Cornelius	Councillor Barry Rawlings
Councillor Dr Devra Kay	Councillor Peter Zinkin (In place of Councillor Joan Scannell)
Councillor Ross Houston	

Apologies for Absence:

Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 16 November 2016 be approved as a correct record.

2. ABSENCE OF MEMBERS

An apology for absence had been received from Councillor Joan Scannell who was substituted for by Councillor Peter Zinkin.

An apology for late arrival had been received from Councillor Ross Houston.

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

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

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	Financial Regulations	Page 45	Amend section 4.4.3 of the Financial Regulations to delete 'Performance and Contract Management' and replace with 'Policy & Resources Committee'.	Agreed as per report
2	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Pages 65 – 68	Delete the current sections 11.04 and 11.05 and replace with revised sections as detailed in the report to the Committee.	Agreed as per report
3	Public Participation and Engagement Rules	Pages 71 – 72	<p>Amend section 6 to include the following restriction:</p> <p>“Public questions, comments and items/questions to residents’ forums are not permitted:...</p> <p>If they relate to a matter submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy.”</p>	Agreed as per report
4	Responsibility for Functions	Page 79 – 80	<p>Responsibility for Functions, Section 6.3 – delete existing text and replace with:</p> <p>“The Chairman of an Area Committee may refer applications to the Area Committee Budget to the Environment Committee. When referring the application the Chairman shall provide reasons for the referral.”</p>	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			Amend section 6.4 to remove reference to Area Committees being able to refer matters to a 'relevant committee' by deleting '...or relevant...' in the table.	
5	Responsibility for Functions, Annex A – Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 84	Amend the terms of reference of the Community Leadership Committee to delete the following: “(14) Determining applications to the Area Committee Budget referred by Area Committees.”	Agreed as per report
6	Meetings Procedure Rules	Page 89	Amend Meetings Procedure Rules to remove reference to “...sponsoring an application...” and changing the deadline for submitting items from 12 days to 10 days. Revised wording to read: “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 proposing a drawdown from the Area Committee Budget. Members’ Items submitted for these purposes must be submitted 10 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.”	Agreed as per report
7	Contract Procedure Rules	Page 105	Section 4.5 – add a new final sentence as follows: “A conflict of interest form is to be issued to all officers, and	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			retained for all officers involved with a procurement exercise.”	
8	Contract Procedure Rules	Page 105	Amend section 5.1.8 as follows: “Ensure that all new Contracts above the published limits, £10,000 , and planned during the forthcoming financial year are clearly identified in their Budget and Annual Procurement Forward Plan (APFP);”	Agreed as per report
9	Contract Procedure Rules	Page 108	Amend section 8.10 as to read as follows: “For Procurements below the EU financial threshold only Suitability Assessment Questions can be asked. This means there can be no SQ stage.”	Agreed as per report
10	Contract Procedure Rules	Page 109	Insert a new Section 9.3 as follows: “Single tender actions for contract awards above the EU financial threshold will only be agreed where one or more of the circumstances set out in rule 9.1 apply. Otherwise approval for single tender actions is only likely to be granted for contracts, including works contracts, below the financial threshold for services and supplies contracts (currently £164,176).”	
11	Contract Procedure Rules	Pages 112 – 113	Add new sections 14.4 and 14.5 as per the report to the Committee	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
12	Contract Procedure Rules	Pages 118	<p>Add new section 17.26 as follows:</p> <p>“17.26 “SQ” means Selection Questionnaire in accordance with Procurement Policy Note (PPN) 8/16 regarding OJEU procurements. Accessibility to the form will be via the procurement portal with expectation that suppliers complete and submit online. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide support documents at point of proceeding to contract award.”</p>	Agreed as per report
13	Contract Procedure Rules	Pages 118 – 119	<p>Amend section 17.27 as follows:</p> <p>“Suitability Assessment Question” means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide at point of proceeding to contract award.”</p>	Agreed as per report
14	Contract Procedure Rules	Page 119	<p>Add a new section 17.28 as follows:</p> <p>17.28 “Support to Local Community” refers to support</p>	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			through contract delivery to the communities which exist within London Borough of Barnet and delivery of benefit to these communities. Benefit to include consideration and provision of internships; apprenticeships; long term unemployed returning to work opportunities and support to local schools/community groups.”	
15	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 124	Amend the terms of Reference of the Planning Committee to delete the following function: “To receive and comment on any Strategic Planning Pre-Application Briefing.”	Agreed as per report
16	Members Planning Code of Practice	Page 129	Delete section 4.6.	Agreed as per report
17	Members Planning Code of Practice	Page 134	Amend section 7.1, delete section 7.2 and amend wording of section 7.3 as set out in the report to the Committee.	Agreed as per report

RESOLVED that the Committee note the Monitoring Officers use of delegated authority to make minor amendments to the Constitution as set out in the report.

8. CODE OF CONDUCT ALLEGATIONS 2016/17

RESOLVED that the Committee note the update as set out in Appendix A.

9. MEMBERS CODE OF CONDUCT

The Monitoring Officer presented a report which set out a revised Members Code of Conduct which was intended to clarify the circumstances in which Members need to declare interests.

RESOLVED that the Committee recommend the revised Members Code of Conduct as set out in Appendix B be recommended to full Council for adoption, subject to:

- i) Adding a new section 2 (f) to introduce a duty to report safeguarding concerns**
- ii) References to 'City Council' being amended to 'Council'; and**
- iii) Additional text being included after the definitions of pecuniary and non-pecuniary interests as follows: "In the event that Members are unsure as to whether they have an interest and/or the type of interest are advised to consult with the Monitoring Officer."**

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

None.

The meeting finished at 7.52 pm

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Financial Regulations

- 1 Introduction
- 2 Status of Financial Regulations
- 3 Responsibilities
- 4 Financial Management
 - 4.1 Budget Strategy
 - 4.2 Medium Term Financial Strategy
 - 4.3 Annual Budget Setting
 - 4.4 Budget Management and Monitoring
 - 4.5 Closing of Accounts and Statement of Accounts
 - 4.6 Treasury Management Framework
 - 4.7 Pension Fund Management
- 5 Financial Administration
 - 5.1 Accounting
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 - 5.8 Income
 - 5.9 Insurance
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 - 5.11 Ordering of Supplies, Works and Services
 - 5.12 Salaries, Pensions and Allowances
 - 5.13 Amenity and Unofficial Funds

The Financial Regulations should be read in conjunction with the Budget and Policy Framework and Procedure Rules.

1. Introduction

- 1.1 The Financial Regulations govern the way the Council undertakes financial forward planning, annual budget setting, budget monitoring and closing of the accounts. These aspects are set out in section 4: Financial Management.
- 1.2 The Financial Regulations also govern the way day to day financial administration is conducted and financial controls are exercised. These aspects are set out in section 5: Financial Administration.

2. Status of Financial Regulations

- 2.1 Financial regulations apply to every member and officer of the authority and anyone acting on its behalf. All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 2.2 The responsibilities of the Chief Finance Officer are discharged by the Chief Operating Officer. Thus this post is responsible for the proper administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972 (and all subsequent amendments). This includes responsibility for producing and updating these Financial Regulations.
- 2.3 The Scheme for Financing Schools governs School Governors, Headteachers and school staff of Maintained schools with delegated budgets. In these cases the Financial Regulations do not apply.
- 2.4 Where applicable consultants or agencies acting for the Council will be bound by these procedures and it should be a condition of their employment or engagement that they do so.
- 2.5 This should be used in conjunction with other points of the constitution, legal requirements and other codes of practice.
- 2.6 Chief Officers are responsible for ensuring that all staff in their departments are made aware of the existence and content of the authority's Financial Regulations and other internal regulatory documents, and that they comply with them. They must also ensure that either hard or electronic copies are available for reference within their departments.
- 2.7 Substantial breaches of Financial Regulations shall be reported to the Chief Finance Officer (section 151 officer) by the relevant Chief Officer and may be treated as disciplinary offences. Where the Chief Finance Officer (section 151 officer) considers it appropriate he/she will report to the next meeting of the Audit Committee any substantial breach of these Regulations that is identified.
- 2.8 These Financial Regulations shall not override any statutory provisions that apply.

- 2.9 The Chief Finance Officer (section 151 officer) shall be responsible for ensuring that the Council's continuing compliance with the Accounts and Audit Regulations 2011 and all relevant Accounting Codes of Practice and Auditing Standards.
- 2.10 These procedures shall be reviewed regularly by the Chief Finance Officer (section 151 officer) but at least every three years. The Constitution, Ethics and Probity Committee approve all amendments and summaries of changes resulting from the review. Relevant financial thresholds (e.g. write-offs, petty cash payments) should additionally be reviewed against inflation on an annual basis wherever possible.
- 2.11 The Chief Finance Officer (section 151 officer) is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the authority are required to follow.
- 2.12 Each Chief Officer is required to maintain a scheme of financial delegation in accordance with the minimum standards as determined by the Chief Finance Officer (section 151 Officer) or Nominated Deputy, and which accords to the financial limits included within the overall scheme of delegation and contract rules.

3. Responsibilities

- 3.1 Section 151 of the Local Government Act 1972 states that each local authority "shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".
- 3.2 The "arrangements" include the Council's Financial Regulations, Contract Procedure Rules and the Scheme of Delegation (so far as it relates to financial matters). In approving those arrangements, Members are bound by the general principles of administrative law. The Council has an appointed Chief Finance Officer (Section 151 Officer). In performing his/her functions as the appointed officer, he/she shall seek to ensure that the management of the Council's financial affairs accord with the arrangements approved by Council subject to his overarching statutory duties. The Chief Finance Officer (section 151 officer) owes a fiduciary duty to the public to carry out those duties effectively and these cannot be overridden by the Council.
- 3.3 The responsibilities of the Council and Committees are set out in the Constitution: Responsibility for Functions.

4. FINANCIAL MANAGEMENT

4.1 BUDGET STRATEGY

- 4.1.1 The Budget Strategy, approved by Full Council, sets out the Council's approach on a range of issues, including:

- the way in which corporate service priorities are considered as part of the Council's capital and revenue budget processes;
- the level of balances and reserves (having taken account of advice from the Chief Finance Officer (section 151 officer));
- the management of financial risks

The Council's policies for the recovery of debt, which do not form part of the budget strategy are separately approved by the Policy and Resources Committee. The setting of fees and charges which do not form part of the budget strategy are separately approved by the relevant thematic committee.

4.1.2 The Budget Strategy and Medium Term Financial Strategy will normally be recommended by the Policy and Resources Committee to Full Council for approval at the start of each financial year.

4.2 MEDIUM TERM FINANCIAL STRATEGY

4.2.1 The Chief Finance Officer (section 151 officer), in consultation with the Chairman of the Policy and Resources Committee, will maintain a Medium Term Financial Strategy that covers a period of at least three financial years, including the current financial year.

4.2.2 The Medium Term Financial Strategy will be produced and reported in conjunction with the annual budget, council tax and rent proposals to the Policy and Resources Committee and Council before 11 March of the preceding financial year. Further updates on the Medium Term Financial Strategy may be reported during the year.

4.2.3 The Financial Forward Plan will cover revenue and capital budgets, and will highlight how resources are being re-directed to address Corporate Plan priorities.

4.2.4 In respect to resources, the Medium Term Financial Strategy will take account of the following:

- forecasts of formula and specific grants;
- increases in fees and charges, and the introduction of new charges;
- interest earnings;
- levels of reserves and balances;
- increased income from rents and council tax;
- capital receipts and grants.

4.2.5 In respect to expenditure, the Medium Term Financial Strategy will take account of the following:

- full year effects of previous decisions;
- changes in responsibility arising from new or amended legislation or regulations, net of increased income from new fees and charges;
- re-direction of resources to achieving Corporate Plan priorities and targets and away from non priority areas;

- forecast changes in service demand;
- forecasts of inflation, pay awards and interest rates;
- efficiency savings;
- planned service reductions;
- prudential borrowing;
- financial risks.

4.2.6 In that the Medium Term Financial Strategy spans a number of years , it is to be expected that figures in later years will often be preliminary estimates and/or aspirations of future decisions and changes in council policy.

4.3 ANNUAL BUDGET SETTING

4.3.1 The Council will publish a draft budget for consultation. Arrangements for budget consultation will be determined by the Council.

4.3.2 The Chief Finance Officer (section 151 officer) will set the council tax base for tax-setting purposes before 31 January of the preceding financial year, and notify precepting and levying bodies of this figure by this date. The Chief Finance Officer (section 151 officer) will, at the same time, notify all Council Members.

4.3.3 The Policy and Resources Committee will finalise its recommendations to Council on the revenue budget, council tax, capital programme and rent levels taking account of the results of budget consultation. This will normally be in February, following announcement of the Final Local Government Finance Settlement. Theme Committees will work up proposals for consideration by the Policy and Resources Committee.

4.3.4 Policy and Resources Committee's recommendations to Council must be made in time for Council to set the capital and revenue budget and council tax before 11 March of the preceding financial year.

4.3.5 The budget and capital programme that Policy and Resources Committee recommends to Council must be based on reasonable estimates of expenditure and income, and take account of:

- outturn forecasts for the current year;
- guidance from the Chief Finance Officer (section 151 officer) on the appropriate level of reserves, balances and contingencies;
- financial risks associated with proposed budget developments, reductions and ongoing projects;
- forecasts of capital receipts;
- affordability of prudential borrowing over the period of the council's financial forward plan;
- recommendations from the external auditor on matters such as the level of reserves and provisions.

4.3.6 The Chief Finance Officer (section 151 officer) shall advise the Council whether s/he is able to certify that the draft Budget contains robust estimates and reserves for the purpose of Section 25 of the Local Government Act 2003.

4.3.7 Fees and Charges

The budget recommended by Policy and Resources will incorporate the latest projection of income from fees and charges.

4.3.8 For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes to fees and charges that are above inflation by 2% or more, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

4.3.9 Changes to fees and charges approved by theme Committees, Planning Committee and Licensing Committee must be reported to Policy and Resources Committee for noting.

4.3.10 Chief Officers may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.

4.3.10 Alternative Budget Motions

Any member proposing to put forward to Council any amendment to the draft Budget or any alternative Budget should provide a copy thereof to the Chief Finance Officer (section 151 officer) at least 5 clear days before the Council meeting, so that he/she may advise Council whether the resulting amended or alternative Budget would provide robust estimates and reserves for the purpose of Section 25 of the Local Government Act 2003.

4.3.11 The alternative budget motion must set out the appropriate changes to the Policy and Resources Committee's recommendations as they affect the budget for the forthcoming year and any element of the Financial Forward Plan (e.g. balances, full year effects, council tax levels). The Chief Finance Officer (section 151 officer) may also require further information to be included if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.

4.3.12 Any Member proposing to put an alternative budget motion to Council is responsible for ensuring it is received by the Head of Governance by the date set by the Head of Governance. It is also their responsibility to ensure they give the Chief Finance Officer (section 151 officer) sufficient time to fully validate their alternative budget proposals.

4.3.13 The Chief Finance Officer (section 151 officer) is responsible for validating any alternative budget motions put forward by Members. The Chief Finance Officer (section 151 officer) may require further information to be included in the proposal if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.

4.4 **BUDGET MANAGEMENT & MONITORING**

4.4.1 Latest Approved Budget

The latest approved budget for a service or capital project is the budget determined by Council prior to the start of the year, as amended subsequently by approved variations in budget and capital financing throughout the year.

4.4.2 The Chief Finance Officer (section 151 officer) is responsible for maintaining the latest approved revenue and capital budget in accordance with the scheme of revenue and capital virement as set out below.

4.4.3 Making changes to the budget

Amendments to the revenue budget can only be made with approval as per the scheme of virement table below:

Virements for allocation from contingency for amounts up to £250,000 must be approved by the Section 151 Officer in consultation with appropriate Chief Officer
Virements for allocation from contingency for amounts over £250,000 must be approved by Policy and Resources Committee
Virements within a service that do not alter the bottom line are approved by Service Director
Virements between services (excluding contingency allocations) up to a value of £50,000 must be approved by the relevant Chief Officer
Virements between services (excluding contingency allocations) over £50,000 and up to £250,000 must be approved by Chief Officer and Chief Finance Officer in consultation with the Chairman of the Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee
Virements between services (excluding contingency allocations) over £250,000 must be approved by Policy and Resources Committee

No revenue virement is allowed between the following budgets without approval of the Policy and Resource Committee;
Financing charges, Rates and other taxes, Recharges and Insurances.

Amendments to the capital budget can only be made with approval as per the table below

Capital Virements
Performance and Contract Management <u>Policy & Resources Committee</u> approval is required for all capital budget and funding virements and yearly profile changes (slippage or accelerated spend) between approved capital programmes i.e. as per the budget book. The report must show the proposed: <ul style="list-style-type: none"> i) Budget transfers between projects and by year; ii) Funding transfers between projects and by year; and iii) A summary based on a template approved by the Section 151 Officer
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.
Funding substitutions at year end in order to maximise funding are the responsibility of the Section 151 Officer.

4.4.4 Budget Monitoring

4.4.5 Chief Officers are required to notify the Chief Finance Officer of all underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify restrictions on their use which make this inappropriate or the under spend, additional income or other financial benefits are to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the chief officer is responsible for notifying the Chief Finance Officer that this is to occur.

4.4.6 Budget Monitoring – Revenue

4.4.6.1 Chief Officers should ensure that their revenue cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision. Chief Officers have no authority to overspend revenue budgets, or under-recover income budgets under their control, and are responsible for monitoring their budgets to ensure this situation does not arise.

4.4.6.2 It is the responsibility of Chief Officers to notify the Chief Finance Officer (section 151 officer) of forecast revenue budget or capital project overspends regardless of whether offsetting savings or additional income have been identified.

4.4.6.3 Having notified the Chief Finance Officer (section 151 officer) of a forecast revenue budget overspend, the Chief Officer must submit proposals to the Chief Finance Officer (section 151 officer) for offsetting the forecast overspend, together with an assessment of the impact these corrective actions will have on service delivery and performance targets. Approval to these budget variations will be in line with the scheme of virement.

4.4.6.4 When notifying the Chief Finance Officer (section 151 officer) of such a situation, Chief Officers must advise if the problem relates solely to the current financial year or needs to be addressed within the financial forward plan as well.

4.4.6.5 Chief Officers are required to notify the Chief Finance Officer (section 151 officer) of all revenue underspends, over-recovery of income or other financial benefits arising within their revenue budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the Chief Officer is responsible for notifying the Chief Finance Officer (section 151 officer) that this is to occur.

4.4.7 Budget Monitoring – Capital

4.4.7.1 Forecast overspends on approved capital projects must be communicated to the Chief Finance Officer immediately. Having notified the Chief Finance Officer (section 151 officer), the Director or Head of Service must submit options to the Chief Finance Officer (section 151 officer) for offsetting the forecast overspend (e.g. by reducing the project specification, or budget for other projects) and/or identifying additional funding.

4.4.7.2 All forecasted overspends/additions must then be submitted to the Policy and Resources committee for approval.

4.4.7.3 Due to the uncertainty around the generation and timing of capital receipts, and the impact that delays could have on the level of prudential borrowing, capital project managers must obtain the prior approval of the Chief Finance Officer (section 151 officer) before entering into any individual capital commitment on an approved capital project over £1m.

4.4.8 Central Contingency

The Chief Finance Officer (section 151 officer) will determine which budget developments are to be held within the central contingency.

4.4.9 Allocations from the central contingency relating to planned developments will be approved by the Chief Finance Officer (section 151 officer), in consultation with the Chairman of the Policy and Resources Committee, following the receipt from a Chief Officer of a fully costed proposal to incur expenditure that is in line with planned development (including full year effect). Where there is a significant increase in the full year effect, the contingency allocation must be approved by the Policy and Resources Committee.

4.4.10 Allocations from the central contingency for unplanned expenditure, including proposals to utilise underspends previously generated within the service and returned to central contingency, will be approved by the Chief Finance Officer in consultation with the Chairman of Policy and Resources Committee. Where there are competing bids for use of under spends, additional income or windfalls previously returned to central contingency, priority will be given to the service(s) that generated that return.

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4.4.11 Allocations for unplanned expenditure over £250,000 must be approved by Policy and Resources Committee.

4.4.12 Balances and Reserves.

Full Council, sets out the Council's approach on the level of balances and reserves, having taken account of advice from the Chief Finance Officer (section 151 officer) as stated in 4.1.1

Allocation to and from the balances and reserves will be the responsibility of the Chief Finance Officer (section 151 officer) in line with the principles that Full Council have agreed.

4.4.13 Any significant change in the planned use of a reserve must be approved by the Policy and Resources Committee.

4.4.14 Budget Monitoring – reporting

4.4.15 The Chief Finance Officer (section 151 officer) will report in detail to Performance and Contract Management Committee at least four times a year, at the end of each quarter, on the revenue and capital budgets and wider financial standing.

4.4.16 Reports on the revenue budget will normally include:

- a revised forecast outturn including details as part of which, Chief Officers will inform Performance and Contract Management Committee:
 - i) of those cost centres for which they are responsible that are projecting net overspends or underspends either over £100,000 or over £50,000 where the cost centre's gross budget is less than £1m; and
 - ii) of the actions proposed to ensure that these overspends or underspends are not realised.
- advice from the Chief Finance Officer (section 151 officer) on whether action is required to address any diminution in reserves and, if necessary, proposals and/or options for action that needs to be taken.

4.4.17 These reports will make recommendations for varying the approved budget (revenue and capital) in the following circumstances:

- allocations from the central contingency for unplanned expenditure over £250,000, or for planned expenditure where there are significant full year effects;
- underspends and windfall benefits returned to the centre;
- increases in service revenue budgets where overspends are considered unavoidable and cannot be contained within the overall budget managed by a Chief Officer;
- variations in capital project budgets;
- additions to the capital programme outside of the main budget cycle.

4.4.18 Authorisation of Non-Budgeted Expenditure

In cases of urgency or emergency, the Chief Finance Officer (section 151 officer) may approve revenue or capital expenditure in excess of the latest approved budget.

4.4.19 The Chief Finance Officer (section 151 officer) may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:

- the expenditure is wholly reimbursable to the Council; or
- compensatory savings have been identified; and
- there are no significant full year effects.

In all circumstances, the expenditure must be consistent with the Corporate Plan and management agreements and should be reported to the next Performance and Contract Management Committee meeting.

- 4.4.20 Chief Officers, in consultation with the Chief Finance Officer (section 151 officer), should be encouraged to explore all feasible options that maximise external funding available to the Council. External funding covers bids to Government and other organisations that are offering funding for projects that meet certain criteria. It also covers contributions being sought from participating organisations and individuals, from either public or private sources.
- 4.4.21 Chief Officers must provide the Chief Finance Officer (section 151 officer) with details of all bids for external funding. Bids will follow the requirements of the Council's investment appraisal process. In particular, the following information must be provided:-
- how the bid supports achievement of Corporate Plan targets;
 - whether the bid is for capital and/or revenue funding;
 - revenue and capital matched funding contributions required from the Council, and how these will be identified;
 - revenue and capital matched funding contributions required from other organisations and individuals, how these amounts will be secured, and the risks associated with them;
 - an 'exit strategy', which sets out how budgets will be adjusted after the grant expires;
 - where the bid is for revenue funding:-
 - whether this is to support existing levels of activity or enhanced / new activities;
 - proposals for reducing the activity OR incorporating it in the base budget once the external funding is exhausted;
 - where the bid is for capital funding :-
 - whether an asset will be created, and if so, how this fits in with the Council's Asset Management Strategy;
 - how the ongoing cost of maintaining the asset will be funded;
 - whether the asset can / will be disposed of at a later date.
- 4.4.22 Chief Officers must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed, unless approval has been given by the Chief Finance Officer (section 151 officer). Decisions to proceed ahead of confirming external funding will be taken after assessing all relevant risks. The Chief Finance Officer (section 151 officer) has the right to refer the decision to the Policy and Resources Committee.
- 4.4.23 Chief Officers must advise the Chief Finance Officer (section 151 officer) of all grant and subsidy notifications as soon as they are received. Where the amount notified is greater than the budget, the excess will be deemed a windfall and should in the first instance be returned to the central contingency unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where the amount notified is less than the budget, the Director or Head of Service must notify the Chief Finance Officer (section 151 officer) of options for containing any potential overspend.

- 4.4.24 Where external funding is applied for, it is the responsibility of the Chief Officer to ensure that the monies are received from the paying body and, wherever possible, received ahead of the planned expenditure being incurred by the Council.
- 4.4.25 Chief Officers must ensure that all conditions associated with external funding are met and that information and evidence required to complete grant and subsidy claims are provided on time.
- 4.4.26 Chief Officers are responsible for ensuring that they comply with all requirements for the audit of external funding where applicable.
- 4.4.27 Full year Effects
In preparing any estimates of expenditure and income, Directors and Heads of Service must give proper consideration to full year effects.
- 4.4.28 Annual Governance Statement
Chief Officers must support the work on corporate risk management led by the Monitoring Officer, contributing to the production of the Annual Governance Statement that has to be published alongside the Statement of Accounts. Details of this are set out in the Code of Corporate Governance.
- 4.4.29 Partnership Working
Before entering into a partnership with another organisation that involves pooling some of the Council's revenue and/or capital budgets, the Chief Officer must ensure that adequate financial controls are in place. A financial risk assessment must also be prepared and monitored over time.
- 4.4.30 General Requirements
Chief Officers must consult the Chief Finance Officer (section 151 officer) at an early stage on any current or future matter or decision that has financial implications that are not incorporated in the Financial Forward Plan or could impact on the Medium Term Financial Strategy.

4.5 CLOSING OF ACCOUNTS & STATEMENT OF ACCOUNTS

- 4.5.1 The Chief Finance Officer (section 151 officer) is responsible for making arrangements for closing the accounts and producing the annual Statement of Accounts, as well as all matters relating to their audit and public inspection.
- 4.5.2 Chief Officers are responsible for ensuring that they and their staff adhere to the timetable and requirements set out by the Chief Finance Officer (section 151 officer) for the closing of accounts, and provide any information and evidence required in relation to this.
- 4.5.3 The Statement of Accounts will be prepared in accordance with the CIPFA Code of Accounting Practice, which includes the deadline for their production and the requirement to include an Annual Governance Statement (AGS).

- 4.5.4 Chief Officers must provide on time any information and evidence the Chief Finance Officer requires to close the accounts and complete all grant and subsidy claims.
- 4.5.5 In closing the accounts, the Chief Finance Officer (section 151 officer) may amend the originally approved funding of revenue and capital services and projects if this is to the Council's financial benefit.
- 4.5.6 The Annual Audit Letter includes the external auditor's report and opinion on the audit of the accounts, as well as comments and recommendations on whether the Council provides Value for Money. This will be reported each year to the Audit Committee, together with an appropriate action plan.

4.6 TREASURY MANAGEMENT FRAMEWORK

- 4.6.1 The Council adopts the key recommendations contained in "The Prudential Code for Capital Finance in Local Authorities – fully revised second edition (CIPFA, 2009), "Treasury Management in the Public Services: Code of Practice and cross sectoral guidance notes (CIPFA, 2009) and any subsequent recommended good practice by CIPFA.
- 4.6.2 Adherence to Prudential Code
The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services Code of Practice, as described in Section 4 of that code.
- 4.6.3 Policy and Resources Committee will create and maintain a Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities.
- 4.6.4 The Chief Finance Officer (section 151 officer) will create and maintain suitable Treasury Management Practices, setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 4.6.5 The Performance and Contract Management Committee will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, and an annual report after its close in the form prescribed in the Treasury Management Practices. These reports will incorporate the prudential borrowing limits and performance indicators.
- 4.6.6 The Chief Finance Officer (section 151 officer) has the delegated authority to undertake long term borrowing on behalf of the Authority and will issue a Delegated Powers Report immediately after this power is exercised to inform Members in consultation with the Chairman of the Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee.
- 4.6.7 The Council delegates responsibility for the implementation and the monitoring of its treasury management policies and practices to Performance and Contract Management Committee and the updating of the Treasury Management Practices, and for the execution and administration of treasury management

decisions to the Chief Finance Officer (Section 151 officer), who will act in accordance with the organisation's policy statement and Treasury Management Practices and CIPFA's Standard of Professional Practices on Treasury Management.

4.7 PENSION FUND MANAGEMENT

The Chief Finance Officer (section 151 officer) is responsible for, or responsible for delegating authority for:

- approving early payment of deferred benefits under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations
- exercising discretion on compassionate grounds not to actuarially reduce deferred benefits paid early under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations;
- exercising the power to accept late applications (made more than 30 days after return to work or, if does not return to work, 30 days after the date of leaving) from a member who wishes to pay optional contributions for a period of absence (Regulation 22 of the Administration Regulations);
- informing a member, who is entitled to a pension or retirement grant under two or more provisions, which provision shall apply (Regulation 34 of the 1997 Regulations);
- determining that late applications to convert scheme AVCs into a membership credit will be accepted provided such a late claim is not made within one year of attaining NRD or six months after leaving service whichever is the later (Regulation 26 of the Administration Regulations).
- determining (for Barnet Council Employees only) whether to accept any request for the inwards transfer of pension rights made more than 12 months after the member joined the Scheme (Regulation 83 of the Administration Regulations).
- determining (for Barnet Council employees only) whether to accept any request
- for joining previous Scheme membership (either with this Employer and/or with another scheme employer) made more than 12 months after the member rejoined the Scheme (Regulation 16 of the Administration Regulations).
- exercising absolute discretion in determining the recipient(s) of any death grant payable from the Scheme (Regulations 23, 32 and 35 of the Benefits Regulations);
- deciding whether to treat education or training as continuous despite a break for the purpose of determining eligibility for a child's pension (Regulation 26 of the Benefits Regulations);
- communicating with other employers that are scheduled or admitted bodies as appropriate

5. FINANCIAL ADMINISTRATION

5.1 ACCOUNTING

- 5.1.1 All accounting arrangements across the council shall be in a manner approved by the Section 151 Officer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and national guidance.
- 5.1.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.
- 5.1.3 All accounting should occur on the Council's Accounting System and any exceptions must be specifically authorised by the Chief Finance Officer (section 151 officer).

5.2 INTERNAL AUDIT

- 5.2.1 Under the Accounts and Audit Regulations 2011 the Council has a statutory obligation to have an adequate and effective system of internal audit. The Chief Internal Auditor has the delegated authority for providing and maintaining this service.
- 5.2.2 The Chief Internal Auditor is responsible for providing an internal audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS). He / she is also responsible for providing an opinion, in support of the Annual Governance Statement, on how the Council's risk management processes identify, evaluate, monitor and report that controls are operating effectively within the Council. The Chief Internal Auditor helps the Chief Finance Officer discharge his/her responsibilities under section 151. Irrespective of the organisational position of internal audit, this officer should have the right to report on matters concerning internal audit and internal control directly to the Chief Executive and the Audit Committee.
- 5.2.3 Internal Audit is an assurance function that provides 'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.'
- 5.2.4 Management are responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. Internal Audit plays a vital part in advising the organisation that these arrangements are in place and operating properly. The annual internal audit opinion, which informs the Annual Governance Statement, both emphasises and reflects the importance of this aspect of internal audit work. Management's response to internal audit activity should lead to the strengthening of the control environment and, therefore, contribute to the achievement of the organisation's objectives.

5.2.5 Internal Audit has unrestricted access to all information (including records, computer files, property and personnel) and activities undertaken by the Council, in order to review, appraise and report on:

- the adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed;
- the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by the Council and service management and the extent of compliance with legislation and regulations, including reporting requirements of regulatory bodies;
- the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity and risk management strategies exist;
- the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
- the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
- the suitability of the organisation of the units audited for carrying out their functions, to ensure that services are provided in a way which is economical, efficient and effective;
- the follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely; and
- the operation of the Council's Governance arrangements.

5.2.6 Independence

Internal Audit should be independent of the activities that it audits to enable auditors to perform their duties in a way that allows them to make impartial and effective professional judgements and recommendations. Internal auditors should not have any operational responsibilities.

5.2.7 Audit advice and recommendations, including where Internal Audit has been consulted about significant changes to the internal control systems, are given without prejudice to the right of Internal Audit to review and make further recommendations on the relevant policies, procedures, controls and operations at a later date.

5.2.8 The status of Internal Audit should enable it to function effectively. The support of the organisation is essential and recognition of the independence of Internal Audit is fundamental to its effectiveness. The Chief Internal Auditor should have direct access to and freedom to report in his or her own name and without fear or favour to, all officers and members and particularly to those charged with governance.

- 5.2.9 The Chief Internal Auditor shall be able to meet the Chairman of the Audit Committee alone outside of the normal Audit Committee meetings.
- 5.2.10 Responsibility & Authority
Internal Audit is an integral part of the organisation and functions under the policies established by management and the Council.
- 5.2.11 The purpose, scope, authority and responsibility of the internal auditing service is defined in a formal charter. The charter makes clear the independence of the internal auditing service and emphasises that it must not be restricted when carrying out its responsibilities.
- 5.2.12 Chief Officers shall have regard to the principles of risk management, and to the Council's risk management policy. It is the responsibility of Internal Audit to review the adequacy and effectiveness of the council's arrangements for risk management.
- 5.2.13 The Chief Internal Auditor shall report to the Chairman of the Audit Committee all significant concerns that he/she may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.
- 5.2.14 Ethical Governance
The Chief Internal Auditor shall raise the profile and awareness of governance activities throughout the Council and set standards for modern, proactive and cost-effective governance in the Council.

5.3 CORPORATE ANTI-FRAUD TEAM (CAFT)

- 5.3.1 Under Section 151 of the Local Government Act 1972 the Council has a statutory obligation to ensure the protection of public funds and to have an effective system of prevention and detection of fraud and corruption. The Assurance Assistant Director has the delegated authority for providing and maintaining this service.
- 5.3.2 As part of these Regulations, Directors should ensure that there are arrangements to enable staff and the public to raise and report any issues of concern in accordance with the Council's Whistleblowing policy.
- 5.3.3 Objective & Scope
The CAFT is an independent, objective activity designed to add value and improve the Council's operations. It helps the Council achieve its objectives by bringing a systematic, disciplined approach to investigation, evaluating and improving the effectiveness of fraud prevention and detection and the subsequent prosecution of individuals and organisations where appropriate. The Council has a zero tolerance approach to fraud and other irregularity.
- 5.3.4 The objective of the CAFT is to assist officers and Members in the effective discharge of their responsibilities. To this end, the CAFT furnishes them with assurance, analysis, appraisals, recommendations, counsel, and information concerning the activities it is required to become involved with. The objective includes promoting fraud awareness across the authority.

5.3.5 The scope of the CAFT encompasses both the investigation and examination of the effectiveness of the council's systems of fraud control when subject to breach. In carrying out assigned responsibilities, Investigation Officers:-

- review the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information;
- ensure there are appropriate systems for accurate reporting of any such fraud (including "Whistleblowing" and a "Fraud Hotline")
- create and promote policies, plans, procedures, law, regulations and guidance which have a significant impact on the organisation;
- provide an effective, efficient and value for money investigation service;
- provide the organisation, its employees and business partners with a comprehensive guide in relevant areas such as fraud, corruption, bribery and anti money laundering and other legislation relating to the proceeds of crime.

5.3.6 Independence

CAFT officers are independent when they carry out their work so act freely and objectively. Independence permits Investigators to render the impartial and unbiased judgements essential to the proper investigation and conclusion of fraud.

5.3.7 Responsibility & Authority

The primary responsibility for the awareness, prevention, detection and deterrence of fraud, corruption, bribery or money laundering activity lies with the Chief Officers. This responsibility includes ensuring that staff and partners are aware of both the implications of fraud and money laundering and the risks of fraud and money laundering across their service area. The primary responsibility for the investigation of any suspected fraud, corruption, bribery or money laundering activity found in a service area lies with the CAFT. All details must be immediately forwarded to the CAFT, to preserve the chain of evidence linked to such investigations within the law.

5.3.8 All Council Members and employees are personally responsible for ensuring they (and any subordinates) are aware of the Council's Counter Fraud Framework and the procedures and policies within it. All suspected breaches must be reported to the Assurance Assistant Director, the Chief Internal Auditor or any member of the CAFT.

5.3.9 The Assurance Assistant Director will nominate an officer to undertake the duties of the Council's Money Laundering Reporting Officer as detailed within the Council's Anti Money Laundering Policy Statement and procedure.

5.3.10 The Assurance Assistant Director is the designated Whistleblowing officer for the London Borough of Barnet and shall undertake the responsibilities of the role as described within the Council's Whistleblowing Policy.

5.3.11 The CAFT Counter Fraud Manager – Benefit Fraud is the officer designated by the Secretary of State under the provisions of the Social Security & Administration Act 2001 to act as the Authorised Officer in the obtaining of data

prescribed within the Act which may otherwise be protected, in connection with the prevention and/or detection of a crime.

- 5.3.12 The Assurance Assistant Director is designated as the London Borough of Barnet's 'Senior Appropriate Officer' for the authorisation of production orders, restraint orders, customer information orders and account monitoring orders as described within the Proceeds of Crime Act 2000.
- 5.3.13 The Assurance Assistant Director and/or the CAFT Counter Fraud Managers are the London Borough of Barnet's responsible officers for the authorisation of arrest and prosecution of offenders including deciding on any appropriate sanction action available within the law. Those officers are responsible for ensuring that all CAFT investigations are conducted in accordance with the Criminal Procedures & Investigations Act 1996 (CPIA) the Police & Criminal Evidence Act 1984 (PACE) and the Human Rights Act 2000.
- 5.3.14 The Council's Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000 (RIPA) has been designated as the Monitoring Officer. The Assurance Assistant Director and the CAFT Counter-Fraud Managers are the designated officers for the authorisation of directed surveillance and use of Covert Human Intelligence Source (CHIS) as defined within the Regulation of Investigatory Powers Act 2000 (RIPA). All investigating officers granted authorisation to carry out directed surveillance or use of a covert human intelligence source by a designated officer of the Council are authorised to appear before the Magistrates Court on behalf of the Council to apply for judicial approval in accordance with the requirements of sections 37 and 38 of the Protection of Freedoms Act 2012.
- 5.3.15 That the Assurance Assistant Director and CAFT are authorised to act as 'Enforcement Officers' as defined and set out within the requirements of the 'Disabled Persons Parking Badges Act' 2013.
- 5.3.16 That the Assurance Assistant Director and CAFT are authorised to request and share information obtained under the 'Prevention of Social Housing Fraud Act' 2013 for the purposes of housing fraud investigation.
- 5.3.17 The Chief Finance Officer (section 151 officer), or other authorised representative, such as the Monitoring Officer, the Assurance Assistant Director, the Chief Internal Auditor and all CAFT Investigation Officers shall have authority to:
- Enter or visit any land, premises, offices or establishments of the Council; and carry out any necessary searches of the aforementioned.
 - have unrestricted access to, search, and remove any and all records, documents and correspondence, including electronically held correspondence, documents and records, and property and assets of the Council;
 - receive such explanations as are necessary concerning any matter under examination, and / or fraud investigation;

- in conjunction with the relevant Chief Officer, suspend any employee of the Council under CAFT investigation from duty: acting in accordance with the Council's disciplinary procedures; and, in cases concerning illegal working, employees may be exited from the organisation and/or may be suspended without pay pending investigation.
- require any employee of the Council to produce and surrender any cash, stores, equipment or any other Council property under his or her control
- interview any and all employees and individuals in connection with investigations including interviews in accordance with the Police & Criminal Evidence Act (on tape).

5.4 RISK MANAGEMENT

- 5.4.1 Chief Officers are responsible for ensuring that they and their staff uphold the requirements of the Corporate Risk Management Policy Statement and Framework.

5.5 BANKING ARRANGEMENTS

- 5.5.1 The Chief Finance Officer (section 151 officer) must approve all banking and card acquiring arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery.
- 5.5.2 The Chief Finance Officer (section 151 officer) will maintain a register of all bank and card acquiring contracts.
- 5.5.3 Cheques above certain financial limits set by the Chief Finance Officer (section 151 officer) shall be manually countersigned by those designated officers authorised to do so by the Chief Finance Officer (section 151 officer).
- 5.5.4 The Chief Finance Officer (section 151 officer) will be responsible for ensuring that the Council's banking arrangements are reviewed on a regular basis and that the banking contract is reviewed every three years.
- 5.5.5 Chief Officers are responsible for ensuring that the any staff in their areas that use the Procurement Cards adhere to the requirements of the LBB Purchasing Card (PCard) Guide and Terms and Conditions.

5.6 ASSETS

- 5.6.1 Chief Officers are responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service. The Chief Executive shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.
- 5.6.2 Maximum limits for cash holdings shall be set by the Chief Finance Officer (section 151 officer), which may not be exceeded without prior authority. Areas where cash is counted and held must be secure and with access restricted only to authorised staff.

- 5.6.3 Chief Officers are responsible for the sale or disposal of assets employed in their service, and for accounting for these transactions. All disposals in excess of £6,000 (or a higher figure that is consistent with capital accounting regulations) are to be notified to the Chief Finance Officer (section 151 officer).
- 5.6.4 The Council has set a *de minimis* threshold for capital expenditure at £50,000. This figure provides guidance only; the Chief Finance Officer may exercise discretion on the *de minimis* threshold.
- 5.6.5 Chief Officers are responsible for implementing a system for the maintenance of stocks and stores including regular stock checks and write offs when required.

5.7 IMPREST ACCOUNTS

- 5.7.1 The Chief Finance Officer (section 151 officer) must authorise all imprest accounts.
- 5.7.2 The imprest account holder must:
- provide a certificate showing the state of the account at the end of the financial year and additionally when requested by the Chief Finance Officer (section 151 officer);
 - only reimburse expenditure up to a limit set by the Chief Finance Officer (section 151 officer);
 - obtain receipts for all payments made, which will be proper VAT receipts;
 - properly account for VAT in all float reimbursements;
 - not allow the account to be overdrawn and shall arrange for reimbursement at regular intervals;
 - not pay any salaries, wages or allowances from the account;
 - not pay income into the account;
 - provide the Chief Finance Officer (section 151 officer) with a full account for the advance when ceasing to be the imprest account holder.

5.8 INCOME

- 5.8.1 Officers should encourage payment in advance or at point of service delivery wherever possible as per the Debt Management Policy, and minimise the amount of credit given to customers.
- 5.8.2 All records relating to income due to the Council, accounts raised, and receipts issued shall be in a format agreed by the Chief Finance Officer (section 151 officer).
- 5.8.3 Officers responsible for controlled stationery must keep it secure. Methods of payment must be agreed by the Chief Finance Officer (section 151 officer).
- 5.8.4 The Chief Finance Officer (section 151 officer), or officer nominated by the Chief Finance Officer (section 151 officer), may authorise payment by instalments if full payment cannot be obtained immediately, in accordance with the Debt Management Policy.
- 5.8.5 Officers receiving monies shall keep an accurate and chronological account of all

receipts and bankings.

- 5.8.6 Monies received must be banked on the day of receipt wherever possible, and not later than the next working day. All amounts paid in must be referenced to enable subsequent identification of the accounts to which they relate. All cheques, postal orders etc. shall be crossed with the crossing stamp provided.
- 5.8.7 No deductions may be made from monies received.
- 5.8.8 Heads of Service must notify the Chief Finance Officer (section 151 officer) of all monies due to the Council under contracts, leases or other agreements and the cessation of use or change of user affecting this income.
- 5.8.9 Invoicing & Debt Recovery
Officers responsible for raising invoices must ensure that VAT has been properly accounted for.
- 5.8.10 The Council's Debt Management Policy sets out the Council's policy and procedures in relation to the billing, collection and recovery of monies owed to the Council and is to be adopted across all services within the London Borough of Barnet.

5.9 INSURANCE

- 5.9.1 The Chief Finance Officer (section 151 officer) is responsible for maintaining the Insurance Strategy arranging adequate insurance cover for the Council and keeping comprehensive records of all risks covered.
- 5.9.2 Chief Officers must notify the Chief Finance Officer (section 151 officer) immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.
- 5.9.3 Any incident which could give rise to an insurance claim must be promptly notified to the Chief Finance Officer (section 151 officer) by the relevant officer, who shall also inform the Police if appropriate.
- 5.9.4 The Chief Finance Officer (section 151 officer) will handle all insurance claims, in conjunction with the Monitoring Officer and/or the insurance company if proceedings are issued.
- 5.9.5 Officers must consult the Chief Finance Officer (section 151 officer) and Monitoring Officer in all cases where the Council is requested to give an indemnity.
- 5.9.6 Officers in receipt of a motor vehicle allowance must produce registration documents, insurance policy, certificate of insurance and test certificate if required by the Chief Finance Officer (section 151 officer). Insurance policies must be comprehensive and cover use on official business.

5.9.7 Schools

Where funds for insurance are delegated to any school, the Council may require the school to demonstrate that cover relevant to the Council's insurable interests, under a policy arranged by the Governing Body, is at least as good as the relevant minimum cover arranged by the Council. If the Council makes such arrangements, either paid for from central funds or from contributions from schools' delegated budgets, the Council will have regard to the actual risks, which might reasonably be expected to arise at the school in question in operating this requirement rather than applying an arbitrary minimum level of cover for all schools.

5.9.8 It is the responsibility of the governing body to ensure adequate arrangements are made for insurance against risks arising from the exercise of the community facilities power, taking professional advice as necessary. Such insurance may be funded from the school budget share.

5.9.9 The Council is empowered to undertake its own assessment of the insurance arrangements made by a school in respect of community facilities, and if it judges those arrangements to be inadequate, make arrangements itself and charge the resultant cost to the school. Such costs could be charged to the school's budget share.

5.10 INVESTMENTS, BORROWING, CAPITAL FINANCING & TRUST ACCOUNTS

5.10.1 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved at a Policy and Resources Committee.

5.10.2 All securities shall be held securely by the Council's bankers, the Chief Finance Officer (section 151 officer) or custodians approved at a the Policy and Resources Committee.

5.10.3 The Chief Finance Officer (section 151 officer) shall ensure that all borrowing and, whenever applicable trust funds, are registered in the name of the Council.

5.10.4 The Chief Finance Officer (section 151 officer) will set Prudential indicators, as outlined in the Prudential Code for Capital Finance in Local Authorities, for the forthcoming and following two financial years. The Chief Finance Officer (section 151 officer) will also provide regular monitoring reports to Performance and Contract Management Committee and report any breaches or amendments of the code to Council.

5.10.5 The key objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plan of the local authorities are affordable, prudent, sustainable and in accordance with good professional practice – or, in exceptional cases, to demonstrate that there is a danger of not ensuring this, so that the authority can take timely remedial action.

5.10.6 The Chief Finance Officer (section 151 officer) will be the Council's registrar of all stocks and bonds. In addition this officer will maintain a register of all loans and investments made in the name of the Council.

5.10.7 The Chief Finance Officer (section 151 officer) shall ensure that all legislative amendments and changes in treasury or capital limits are approved at Policy and Resources Committee and where necessary full Council.

5.11 ORDERING OF SUPPLIES, WORKS & SERVICES

5.11.1 Procurement of supplies, works and services must be in accordance with Contract Procedure Rules and Procurement Code of Practice. It is a disciplinary offence to fail to comply with Contract Procedure Rules and the Procurement Code of Practice when letting contracts. Council employees have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Monitoring Officer. The procedures for initiating procurement activity, for authorising and accepting tenders and the financial limits for procurement are set out in the Contract Procedure Rules and are not repeated here.

5.11.2 With respect to third party organisations, if a supplier is awarded business in excess of 25% of their turnover, then a risk assessment needs to be carried out to ensure that the supplier is not overly dependant on the Council. Where the supplier is a consortium, the relevant figure is the combined turnover of the consortium's constituent members.

5.11.3 Chief Officers are responsible for all contracts tendered and let by their service areas. Their duties in relation to contract letting and management are:

- to ensure compliance with English Law, U.K. and EU legislation and Council policy;
- to ensure value for money and optimise risk allocation in all procurement matters;
- to ensure compliance with the Contract Procedure Rules and the Procurement Code of Practice

5.11.4 Chief Officers must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available.

5.11.5 **Creation of a purchase Order (PO):** Once the purchase has been agreed, a purchase order must be raised on the council's accounting system. **Payment of an invoice** : Authorised officers must ensure that a purchase order has been raised on the accounting system and successfully communicated to the supplier. Invoices in respect to works, supplies and services will be paid by the Central Accounts Payable Team, but only after the authorising officer has, where necessary, first receipted the supply on the accounting system.

5.11.6 All invoices must reference a valid purchase order number, otherwise the Central Accounts Payable Team reserves the right to refuse payment of an invoice.

5.11.7 Only invoices presented in an acceptable format will be passed for payment. This includes invoices that do not comply with VAT Regulations.

5.11.8 To enable the Council to comply with the Late Payment of Commercial Debts Act, no amended invoices will be accepted. Chief Officers must ensure that their

services must return an invoice to the supplier and seek a new invoice with a revised date, whenever:-

- the invoice is dated prior to receipt of supplies, works or services and this is contrary to the agreed payment terms;
- the invoice is incorrect;
- the invoice does not reference a valid Purchase Order number.

5.11.9 When certifying an invoice for payment that was initially disputed, record the date on which the invoice was actually validated.

5.11.10 The Central Accounts Payable Team will perform a three-way match against the purchase order, goods receipt and invoice, prior to making a payment. Invoices from trusted suppliers, (as advised by the Strategic Procurement Team) will only require a two-way match. Invoices that do not pass this criteria will be returned to the service for amendment.

5.11.11 **Payments in advance** : Directors, Assistant Directors, Lead Commissioners and Heads of Service, prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting. All payments in advance in excess of £100,000 must be notified to the Chief Finance Officer (section 151 officer).

5.12 SALARIES, PENSIONS & ALLOWANCES

5.12.1 Details of payroll arrangements and responsibilities are set out in the HR Regulations.

5.13 AMENITY & UNOFFICIAL FUNDS

5.13.1 Amenity or Unofficial Fund relates to all sums of money other than those which are required to be paid into the Council's General Account (or such other account so authorised by the Chief Finance Officer (section 151 officer)) or Trust Fund monies outside the authority of the Council.

5.13.2 All accounts shall be opened by the Chief Finance Officer (section 151 officer) and their names shall include the name of the Borough and the establishment concerned.

5.13.3 Provided the Chief Finance Officer (section 151 officer) approves and is satisfied with accounting and security arrangements, separate accounts need not be opened for funds of small amounts.

5.13.4 The head of each establishment which sets up such a fund shall inform the relevant Chief Officer of its existence.

5.13.5 Responsibility for the administration of the fund shall rest with the head of the establishment and with such other member(s) of staff as that person shall decide.

5.13.6 Expenditure from the fund shall be at the discretion of the establishment head in

conjunction with other member(s) of staff as felt necessary.

- 5.13.7 Cheques shall be signed and countersigned by the head and deputies of the establishment. All transactions above a limit set by the Chief Finance Officer (section 151 officer) shall be signed by at least two authorised officers.
- 5.13.8 Auditors shall be appointed by the head of the establishment and the fee (if any) shall be charged to the fund. Where the turnover of the fund exceeds an amount set by the Chief Finance Officer (section 151 officer), the fund must be audited by auditors approved by that officer. The Chief Finance Officer shall have the right to inspect the accounts.
- 5.13.9 At the end of each financial year the head shall submit an audited summary of the fund to the Chief Finance Officer (section 151 officer) (and Governing Body if appropriate).

Article 11 – Finance, Contracts, Land Disposal and Legal Matters

References:

Section 135, 151, 223 and 234, Local Government Act 1972

Part VIII, Local Government Finance Act 1988

11.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in the Constitution.

11.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in the Constitution.

11.03 Legal Proceedings

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

The Monitoring Officer has delegated powers to authorise officers to appear in court on the Council's behalf.

~~11.04 Authentication of Documents~~

~~Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.~~

~~Any contract with a value exceeding £75,000, entered into on behalf of the local authority shall be made in writing. Subject to the Contract Procedure Rules, such contracts must either be signed by at least two officers of the authority or made under the Common Seal of the Council attested by at least two Chief Officers (or their duly authorised deputies) in accordance with paragraph 11.05.~~

~~In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:~~

- ~~1. the Chief Executive;~~
- ~~2. the Monitoring Officer;~~
- ~~3. any Chief Officer of the Council concerned with the matter to which the document relates; or~~
- ~~4. any officer authorised in writing by such Chief Officer~~

~~11.05 Common Seal of the Council~~

~~Common Seal~~

~~The Common Seal of the Corporation shall be kept in a safe place by the Records Officer.~~

~~Sealing and Execution of Documents~~

~~The Chief Executive, the Monitoring Officer or the Head of Governance or another officer authorised in writing by any of the aforesaid chief/proper officers to act as their deputy for these purposes shall have authority:-~~

- ~~1. To jointly affix the Common Seal and execute under Seal any deed or document subject to at least two of the above named Officers of the Council (or their duly authorised deputies) being present and being signatories.-~~
- ~~2. The Officers of the Council referred to above (or their duly authorised deputies) shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.~~

~~Officer Interests~~

~~Where it becomes apparent to an Officer involved in the sealing or execution of documents, that they have a personal interest in a matter to which the document relates, a declaration of the existence and nature of that interest should be made as soon as possible.~~

~~Facsimiles of Common Seal~~

~~The following categories of documents may be authorised by a facsimile of the Common Seal of the Council and the printed names or facsimiles of the signatures of the Mayor and the Monitoring Officer. The facsimiles or printed names must be authenticated by entries in the book referred to below and initialled by the Chief Executive, the Monitoring Officer or the Head of Governance:~~

- ~~1. stock certificates and transfers;~~
- ~~2. grants of rights of burials;~~

3. ~~superannuation fund documents.~~

Record of Sealing of Documents

~~An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Chief Executive, Monitoring Officer or the Head of Governance (or their duly authorised deputies) in a book to be provided for the purpose.~~

11.04 Authentication of Documents

Any legal document concerning property and any contract with a value exceeding the EU threshold currently £164,176, entered into on behalf of the local authority shall be made in writing made under the Common Seal of the Council attested by at least two Chief Officers or their duly authorised deputies. This is in relation to the Contract Procedure Rules.

An item that requires the Common Seal of the Council may be:

- All Contracts awarded following a Procurement process with a Contract value above the EU financial threshold shall be sealed (unless the Monitoring Officer or delegated officers direct otherwise)
- Contracts, Dynamic Purchasing Systems, approved lists or Framework Agreements
- All property documents (i.e. sales, purchases, leases, licences etc.)
- A contract which the Monitoring Officer or officer with authority considers it desirable should be sealed, other than as specified above

Where it becomes apparent to an Officer involved in the sealing or execution of documents that they have a personal interest in a matter to which the document relates a declaration of the existence and nature of that interest should be made as soon as possible.

An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made within the Electronic Sealing Logging System to be provided for the purpose.

Sealing usually involves the Assurance Director/Monitoring Officer and the Head of Governance, or one of their nominated deputies for the purpose of authentication. In their absence, the Chief Executive, the Head of Legal or Chief Officer concerned with the matter to which the document relates can be called on to seal documents. The aforementioned officers can authorise in writing for another officer to deputise for them in their absence.

Authentication, for this purpose, means the evidence that a document has been properly approved by full council, a committee or an officer with the appropriate delegated authority.

The Records Officer will present the relevant documents to the proper officer for sealing, marked with the Common Seal of the Council, for authentication and signing by the two signatories. Alongside the Common Seal two lines should be clearly marked with the term 'Authorised Signatory' for the purpose of sealing.

Supporting documentation is required to seal a document, including a sealing note and evidence of authentication.

One copy document may be sealed if clearly designated "counterpart" on the cover page.

An item can be rejected from sealing if there is insufficient evidence in the sealing note that the document has been properly authenticated.

Once sealing has been completed, the names of the Officers which sealed will be listed on the Electronic Sealing Logging System which is maintained and retained by the Records Officer.

11.05 Disposal of land and real property

Every disposal of land and real property made by the Council will comply with the Management of Assets, Property and Land Rules set out in the Constitution.

Public Participation and Engagement

1. Introduction

- 1.1 This section relates to how members of the public can participate in the formal decision making process of the Council. There are other less formal ways that the public can engage with the Council (such as Residents Forums, consultations and other working groups) all of which form part of the governance and accountability framework.
- 1.2 There are three ways in which members of the public can participate in Committee meetings. These are:
 - By asking a public question
 - By making a public comment
 - By submitting a petition
- 1.3 The following sections outline the process by which members of the public can exercise their right to participate in formal committee meetings, as well as giving details of the rules governing the exercise of these powers.

2. Public Questions

- 2.1 Questions must relate to an item being considered on a committee agenda and be addressed to the Committee Chairman. Questions must detail which agenda item they are in connection with. Committee agendas are published on the Council's website five working days prior to the meeting. Members of the Public should state their current/business address or organisation when submitting questions.
- 2.2 Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting (for example for a committee meeting on a Thursday the deadline would be 10am on the preceding Monday; for a committee meeting on a Tuesday the deadline would be 10am on the preceding Thursday). Any questions submitted after this time will not be considered.
- 2.3 At the meeting, a time period of up to 30 minutes, is available for public questions and comments in total.
- 2.4 Written responses to public questions will be circulated to the questioner in advance, or at the meeting. If they wish, members of the public can ask the Committee Chairman one supplementary question at the Committee

meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the Chairman.

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

3. Public Comments

- 3.1 Comments must relate to an item being considered on a Committee agenda and provide members of the public with an opportunity to address Committee Members. Committee agendas are published on the Council's website five clear working days prior to the meeting.
- 3.2 Requests to speak should be submitted to the relevant Governance Officer named on the front page of the agenda and received by 10am on the third working day prior to the meeting. Any requests to make comments after this time will not be considered.
- 3.3 At the meeting, each speaker will have a time period of up to three minutes to address the Committee. Committee Members will then have the opportunity to question each speaker on the representation that they have made.
- 3.4 Comments may also be made in writing within the same deadlines as paragraph 3.2 and these will be published as an addendum to a report

4. Requests to speak at Planning Committees and Area Planning Committees

- 4.1 Details of the procedure for speaking at planning committee meetings is set out in section 7 of Meetings Procedure Rules (Planning Committee Procedure Rules)

5. Items and Questions to Resident Forums

- 5.1 Items and questions must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.
- 5.2 The Forum Chairman has the discretion to accept items and questions with less than five days' notice if they deem the matter to be urgent.

Responses to urgent matters will be responded to by officers at the Forum meeting.

- 5.3 Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forums, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman
- 5.4 The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.
- 5.5 The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.
- 5.6 At Residents Forums items and questions will be considered in order of receipt. Where a resident has submitted more than one item or question, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.
- 5.7 The Chairman will determine issues in the following way:
 1. Residents will have the opportunity to discuss the issue raised
 2. Chairman, Chief Officers or other relevant officers may respond to the issues raised
 3. Having considered the issues the Chairman can take the following actions:
 - note the issue and take no action
 - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response
 - instruct that Ward Members are notified of the issue.
 - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee

When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.

6. Restrictions and Exceptions for Public Questions and Comments

6.1 Public questions, ~~and~~ comments and items/questions to resident's forums are not permitted:

- At the Planning Committee and Area Planning Committees on Town and Country Planning applications (a separate procedure is detailed in the Planning Committee Procedure Rules in Meetings Procedure Rules). Public questions and comments are permitted at the Planning Committee on planning policy matters.

- If they are requests from or in connection with the aims and activities of a political party
- If they would result in the release of confidential information, or which may prejudice enforcement
- If they relate to a matter where this is a right of appeal against any decision of the Council
- If they are defamatory, abusive or offensive
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the General Functions Committee
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- If they relate to a matter submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy.

The Chairman of the relevant Committee or Sub-Committee, in consultation with the Head of Governance shall decide whether any particular comment or questions will be permitted.

7. Petitions

- 7.1 Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and/or the relevant Committee Chairman for information.
- 7.2 Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same.

The address of the Head of Governance is as follows:

Head of Governance

London Borough of Barnet
Building 2, North London Business Park
Oakleigh Road South
N11 1NP

- 7.3 The authority's e-petition facility can be found here:
<https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>
- 7.4 E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.
- 7.5 Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified.
- 7.6 A petition will not be accepted if:
- it is vexatious or abusive;
 - it relates to any enactment or statutory provision;
 - it relates to a safeguarding matter;
 - it does not contain the address of signatories;
 - it relates to a named individual or could reveal the identity of a person;
 - it does not relate to the functions of the council;
 - it is not clear in what it is asking the council to do;
 - it deals with an issue that has previously been resolved;
 - it is repetitive, vexatious, or requires action which is unlawful or for which another council procedure is available
- 7.7 The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.
- 7.8 In such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.
- 7.9 Petitions relating to planning or licensing applications, appeals or reviews will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. Petitions that are submitted to the Council that do relate to Planning or Licensing matters will be taken into account by the relevant service during the consideration of an application.
- 7.10 Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

7.11 Petitions will be reported to the forums below using the following procedures:

Signatures	Forum and Procedure
0-24	No action required.
25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required)
2,000 – 6,999 Signatures	<p>Where the petition relates to the functions and responsibilities of an Area Committee (as detailed in Responsibility for Functions, Annex A) it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee. Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> • Take no action • Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or • Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course

	of action
7,000 plus Signatures	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> • Lead Petitioner is given five minutes to present the petition; • Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item. • The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take

7.12 Petitions are required to be received seven clear working days (or 10 calendar days) before the Residents Forum, relevant committee meeting or Full Council.

7.13 Any hard copy petition received will be published on the Council’s website via the Council’s e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.

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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. This excludes determining planning applications that do not accord with the provisions of the development plan.
- 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 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

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 The Chairman of an Area Committee may refer applications to the Area Committee Budget to the Environment Committee. When referring the application the Chairman shall provide reasons for the referral. 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 The seventh exception is that Members Items may not be referred to the parent committee or Council.
- 6.12 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.

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

Body responsible	Functions	Membership
<p>Community Leadership Committee</p>	<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 consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality.</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>(13) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>(14) Determining applications to the Area Committee Budget referred by Area 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>	
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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		

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.
- 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, Licensing Sub-Committees, Planning Committee and Area Planning Committees, except for the Planning Committee when that committee is considering planning policy matters. 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 proposing a drawdown from the an~~ Area Committee Budget. Members' Items ~~sponsoring an application to the Area Committee Budget~~ submitted for these purposes must be submitted 12-10 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. Planning Committee Procedure Rules

7.1 For Planning Committees for any planning application where there has been a written request from a single Member of the Council setting out the planning reasons for the matter to be referred to the relevant Planning Committee the application will be referred to the relevant Planning Committee for determination. In that event the report will clearly identify that the item has been 'called in' and therefore the planning reasons will be set out.

7.2 The following process should be followed at all Planning Committee and Area Planning Committee meetings.

Officers Presentation
Questions to officers if applicable
Speaking Arrangements
Questions to speakers
Questions to Officers
Committee consideration and comments
Planning Officer and Chairman sum up
Decision making process (see section 7.17 – 7.20)

7.3 The relevant senior Planning Officer may circulate an addendum to the application/report. In this event this shall be circulated on the day of the meeting to all Committee Members before the start time of the meeting.

7.4 **Requests to speak at Planning Committees and Area Planning Committees**

7.5 Requests to speak should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.

7.6 A maximum of three speakers are able to address the committee on each application or item.

7.7 In respect of planning committees only, there can be a maximum of two speakers in favour or against an application. The third speaker slot is reserved for the applicant or their representative irrespective of whether the application is recommended for approval or refusal. The applicant's representation will be taken as the last speaker on an item.

7.8 Where more than two requests to speak have been received, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.

- 7.9 When registering to speak, members of the public will be asked by the Council if they consent to having their details passed on to other supporters or objectors, thus enabling them to put forward views of others who have an interest in and wish to make representations on the application or item. If a member of the public is representing the views of others, they must inform the Committee who else they are representing when making their presentation.
- 7.10 At the meeting, each speaker will have a time period of up to 3 minutes to address the Committee. Committee members will then have the opportunity to question the speaker.
- 7.11 Members of the public making comments to Committees are able to send a substitute if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of the substitution prior to the meeting commencing. It is not permissible for a substitution to be made which enables a member of the public to make two representations in respect of a single household.
- 7.12 Where an application or item being considered by a Committee is referred to its parent committee for consideration, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the parent committee. Speaking rights are also automatically transferred in the event where an application has been deferred to a future meeting of an Area Planning Committee or the Planning Committee.
- 7.13 Members may only address Area Planning Committees on applications which affect their ward or on an application which that Member has 'called-in'. 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. Ward Members rights to address the Area Planning Committee are in addition to the rights of public speakers.
- 7.14 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. Ward Members rights to address the Planning Committee are in addition to the rights of public speakers.
- 7.15 MPs and GLA Members from the borough and MPs, GLA Members and Members from neighbouring boroughs may request to address a Planning Committee or Area Planning Committee 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

- 7.16 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

7.17 Determining Planning Applications

- 7.18 When the Chairman considers that there has been sufficient debate, he/she will call for a decision. A vote may be taken on the recommendations in the report, once proposed and seconded.

- 7.19 A Member of the Committee may move a motion to alter the wording of the recommendation(s), propose the addition or removal of conditions, defer an application or propose the refusal of an application. Any such motion must be seconded and be supported by planning reasons and those reasons will be set out in the minutes.

- 7.20 If the Chairman calls for the application to be determined a vote shall be taken on the recommendation(s) of the Planning Officers. If this fails, an alternative motion may be moved by any Member of the Committee. Any such motion must be seconded and be supported by planning reasons and those reasons will be set out in the minutes.

8. Urgent Business

- 8.1 There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of a committee.
- 8.2 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

8.3 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.

9. Councillors' rights to attend and speak at Committees or Sub-Committees when they are not a Member

9.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote.

9.2 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.

9.3 Except for the committees detailed in section 9.5 below and section 7 above, 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.

9.4 The Lead Member for Children's Services has a right to make a 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.

9.5 The following arrangements apply in the case of Licensing Committees:

9.5.1 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.

10. Disorderly Conduct

10.1 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.

- 10.2 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

11. Validity of Motions and Amendments

- 11.1 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.
- 11.2 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.
- 11.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 11.4 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.
- 11.5 If the amendment is lost further amendments may be proposed on the original motion.
- 11.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 11.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

12. Motions which may be moved during debate

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

- 12.1 to amend the motion;
- 12.2 to adjourn the meeting;
- 12.3 to adjourn the debate;
- 12.4 that the question be now put;
- 12.5 by the Chairman
 - that a Member be prevented from speaking;
 - that a Member must leave the meeting;
- 12.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Decisions

13. 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.
14. **Reports of Committees to Council or parent body**
 - 14.1 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.
15. **Reports of Sub-Committees and Panels**
 - 15.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-
 - 15.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
 - 15.1.2 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.

- 15.1.3 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.
- 15.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.
- 15.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.
- 16. Performance and Contract Management Committee / Sub-Committee – Call-in Procedure**
- 16.1 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).
- 16.2 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.”
- 16.3 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.
- 16.4 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.
- 16.5 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;
- 16.6 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.

- 16.7 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.

- 16.8 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.
- 16.9 The Chairman of the Performance and Contract Management Committee must agree that the decision proposed should be treated as a matter of urgency
- 16.10 In the absence of the Chairman of the Performance and Contract Management Committee the consent of the Mayor is required.
- 16.11 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.
- 16.12 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.

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

- 17.1 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.
- 17.2 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.
- 17.3 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.
- 17.4 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

18. Voting at meetings

- 18.1 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.
- 18.2 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.
- 18.3 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.

19. Vote to be recorded

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

20. Filming and Recording of Meetings

- 20.1 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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Contract Procedure Rules

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1 INTRODUCTION

- 1.1 Procurement decisions are among the most important decisions a manager makes because the money involved is public money and the Council is concerned to ensure that as a minimum high quality supplies, works and services are provided in a timely manner. Effective and efficient use of resources in order to achieve best value is a legal duty. The Council's reputation is also important and should be safe guarded from any suggestion of dishonesty, corruption or failure to meet legal responsibilities.
- 1.2 Any Procurement activity must comply with the Law, these Contract Procedure Rules, Council policy, and the Constitution. It is a disciplinary offence to fail to comply with Contract Procedure Rules when undertaking Procurement on behalf of the Council. Council employees and third party service providers have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager for action and the Chief Internal Auditor for noting.
- 1.3 All Procurement must be undertaken with regard to high standards of probity. The Council has a commitment to transparency and it is important that the Procurement process is as transparent and open as possible.
- 1.4 These Contract Procedure Rules are to be read in conjunction with the Public Contracts Regulations 2015, The Concession Contracts Regulations 2016, Cabinet Office Procurement Policy Notes and the Council's Officer Code of Conduct.

2 APPLICATION

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

Assistant Director, or Head of Service. Schemes of Delegation will be maintained by the relevant Commissioning Director. All officers must undertake Procurement in a manner which avoids any potential conflicts of interest and must follow the procedure set out in the Officer Code of Conduct.

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

3 SCOPE

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

4 REGULATION & LEGISLATION

- 4.1 Customer Support Group (CSG) Procurement is responsible for ensuring Council awareness and compliance with the requirements of all relevant Law. Any significant changes to existing or new Law will be reflected in these Contract Procedure Rules.
- 4.2 The Contract Procedure Rules will be regularly reviewed and updated by CSG Procurement with any significant changes referred to the Constitution, Ethics and Probity Committee in accordance with paragraph 2.5.

- 4.3 Officers must treat suppliers equally and without discrimination and must act in a transparent and proportionate manner.
- 4.4 Before commencing a Procurement procedure officers may conduct market consultations with a view to preparing the Procurement and informing suppliers of their Procurement plans and requirements provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency. Officers may, for example, seek or accept advice from independent experts or authorities or from market participants.
- 4.5 Officers must take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of Procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all suppliers. This obligation covers any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the Procurement procedure. [A conflict of interest form is to be issued to all officers, and retained for all officers involved with a procurement exercise.](#)
- 4.6 Where a candidate or tenderer, or an undertaking related to a candidate or tenderer has advised the Council or has otherwise been involved in the preparation of the Procurement procedure, the Council shall take appropriate measures to ensure that competition is not distorted by the participation of that candidate or tenderer.
- 4.7 Such measures shall include the communication to the other candidates and tenderers of relevant information exchanged in the context of or resulting from the involvement of the candidate or tenderer in the preparation of the Procurement procedure; and the fixing of adequate time limits for the receipt of tenders. The measures taken must be documented
- 4.8 The candidate or tenderer concerned shall only be excluded from the procedure where there are no other means to ensure compliance with the duty to treat suppliers equally and prior to any such exclusion, candidates or tenderers shall be given the opportunity to prove that their involvement in preparing the Procurement procedure is not capable of distorting competition.

5 ROLES AND RESPONSIBILITIES

- 5.1 Directors, Assistant Directors, Commissioning Directors and Heads of Service are accountable for all Procurement in their respective Delivery Units/area of responsibility. Their duties in relation to all Procurement and Contract Management are to:
- 5.1.1 ensure compliance with the Law, Council policy and the Contract Procedure Rules;
- 5.1.2 identify, deliver, measure and record value for money;
- 5.1.3 ensure that a written pre-tender estimate of anticipated costs, calculated in accordance with Section 6 (Contract Value Calculation) of these Contract Procedure Rules, is prepared and has Budget provision;

- 5.1.4 identify, evaluate, record and appropriately mitigate risk e.g. provision of performance bond or parent company guarantee;
- 5.1.5 maintain a Scheme of Delegation in accordance with Constitutional requirements;
- 5.1.6 ensure that all appropriate staff comply with the provisions of the Contract Procedure Rules and have attended CSG Procurement training before undertaking Procurement and Contract Management activities;
- 5.1.7 take immediate action in the event of a breach of the Contract Procedure Rules within their area of responsibility;
- 5.1.8 ensure that all new Contracts above the published limits, £10,000, and planned during the forthcoming financial year are clearly identified in their Budget and Annual Procurement Forward Plan (APFP);
- 5.1.9 ensure that Contract terms and conditions to be used in a Procurement have been approved by HB Public Law or a Legal Advisor approved by the Monitoring Officer
- 5.1.10 ensure that an original signed Contract is provided to the Deeds Officer and a digital copy of the signed version, together with Acceptance and Authorisation documents and any waiver of these Contract Procedure Rules are placed in the Council's contract repository and a version approved by the supplier is prepared for publication;
- 5.1.11 ensure that proper records of all Contracts and tenders are kept on the Council's approved Electronic Procurement Portal, which may be inspected and kept for the period specified in the Council's Records Retention and Disposal Policy;
- 5.1.12 ensure that the appropriate Procurement process set out in Section 8 of these Contract Procedure Rules is followed;
- 5.1.13 keep a service area/delivery unit register of all Contracts with total values of £5,000 or over, which may be inspected and will support the annual Budget review. CSG Procurement will keep and publish a consolidated register of all Contracts with total values of £10,000 or over, subject to commercial confidentiality and data protection requirements;
- 5.1.14 ensure that all Contract Management is carried out in accordance with Section 13 (Contract Management) of these Contract Procedure Rules;

6 CONTRACT VALUE CALCULATION

- 6.1 Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax over the entire Contract period including any form of options or extensions of the Contract.
- 6.2 For Concession Contracts- the estimated value will be the total turnover of the concessionaire generated over the duration of the contract (net of value added tax) in consideration for the works and services which are the object of the concession contract and the supplies incidental to such works and services. Where the Contract term is not

fixed the estimated value of the Contract must be calculated by multiplying the monthly spend value by 48 in accordance with Regulation 6 of the Public Contracts Regulations 2015.

- 6.3 Contracts must not be artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of Contract Procedure Rules or the Law.
- 6.4 In the case of Framework Agreements or Dynamic Purchasing Systems the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged for the total term of the Framework Agreement or the Dynamic Purchasing System.

7 AUTHORISATION

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

8 PROCUREMENT METHOD

- 8.1 Where a Procurement will result in a Framework Agreement, Dynamic Purchasing System or Contract refer to Table A in Appendix 1 of these Contract Procedure Rules to determine the Procurement process that should be used. If any further clarification is required refer to the CSG Procurement Team.
- 8.2 All requirements beneath £9,999 are subject to reasonable means of selection including confirmation of budget and consideration to Barnet's local supplier base, SMEs. All tender opportunities for works, goods or services, over £10,000 (except for Social Care Placements, Special Educational Needs listed in 8.8 and Non-Procurement activities defined in 16.17) must be released using the CSG e-procurement portal and in accordance with Appendix 1, Table A and be subject to Tender Review.
- 8.3 All Procurements for goods and services over £25,000 must be advertised on Contracts Finder within 24 hours of the time when the Procurement is advertised in any other way. Procurement over the EU financial threshold must be advertised in the OJEU first and then on Contracts Finder. A Contract award notice must also be published on Contracts Finder.
- 8.4 Commissioners may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots. They must document the main reasons for their decision not to subdivide into lots.
- 8.5 Where the Procurement is carried out in accordance with 8.1 above and results in a Framework Agreement or Dynamic Purchasing System, any subsequent call-offs must be

carried out in accordance with the rules laid down in the Framework Agreement or the Dynamic Purchasing System.

- 8.6 Where the Council accesses an existing Framework Agreement, the Framework Agreement terms and conditions of contract must be used, amended as appropriate as permitted by the Framework Agreement. Before entering into a Framework Agreement due diligence checks must be carried out to demonstrate that the Council can lawfully access the Framework Agreement and that it is fit for purpose and provides value for money.
- 8.7 Where a performance bond or guarantee is required to ensure Contract performance and/or to protect the Council, the requirement must be pre-notified and the bond or guarantee must be in place before Contract signature.
- 8.8 For Non-Procurement activity that results in a contractual obligation for social care placements and special education needs (SEN) where the decision has been made on the Council's behalf (such as court directed order, personal budget/statement request or an individual's specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision making framework is contained within the Responsibility for Functions as set out in the Constitution.
- 8.9 Procurement activity for Contracts for certain health, social, community, educational and cultural related services whose value is equal to or over the threshold of £ 589,148 must be tendered and awarded in compliance with Chapter 3, Section 7, of the Public Procurement Regulations 2015. Refer to the CSG Procurement Team to advise on the procedures to be applied in connection with the award of these Contracts which will take into account the specificities of the services in question
- 8.10 For Procurements below the EU financial threshold only Suitability Assessment Questions can be asked. This means there can be no ~~PQQ~~ SQ stage.
- 8.11 The award of Contracts will be based on the most economically advantageous tender assessed from the Council's point of view. That tender shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the Contract in question.
- 8.12 Commissioners shall require tenderers to explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, supplies or services

9 SINGLE TENDER ACTION

- 9.1 A single tender action or commitment is not allowed unless it is in compliance with the Law and approved in advance by the Commercial and Customer Services Director. Single tender action is the awarding of a Contract to a contractor without undertaking a competitive tendering exercise. Single tender actions are permitted under Regulation 32 of The Public Contracts Regulations 2015 in the following exceptional circumstances:

- where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the Contract are not substantially altered;
- where the works, supplies or services can be supplied only by a particular supplier for any of the following reasons:
 - i. the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
 - ii. competition is absent for technical reasons,
 - iii. the protection of exclusive rights, including intellectual property rights, but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.
- insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the Council, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with;
- in the case of goods contracts, for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance;
- in the case of works or services contracts, new works and services consisting of the repetition of similar works or services entrusted to the contractor to which the Council awarded the original Contract, provided that such works or services are in conformity with a basic project for which the original Contract was awarded following a competitive procedure under the Public Contracts Regulations 2015. The basic project must indicate the extent of possible additional works or services and the conditions under which they will be awarded. As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authority when assessing the estimated contract value.

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

9.29.3 Single tender actions for contract awards above the EU financial threshold will only be agreed where one or more of the circumstances set out in rule 9.1 apply. Otherwise approval for single tender actions is only likely to be granted for contracts, including

works contracts, below the financial threshold for services and supplies contracts (currently £164,176).

10 CONCESSION CONTRACTS

- 10.1 The Concession Contracts Regulations 2016 (CCR) apply to the award of works Concession Contracts or services Concession Contracts above £4,104,394
- 10.2 Concession Contracts must meet the following requirements:
- The award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the works or services encompassing demand or supply risk or both.
 - The part of the risk transferred to the concessionaire involves real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible. The concessionaire shall be deemed to assume operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services which are the subject-matter of the Concession Contract
- 10.3 The same general principles that apply to other procurement rules apply to the award of Concession Contracts. In particular, the Council must treat providers equally and without discrimination and must act in a transparent and proportionate manner.
- 10.4 Seek advice from CSG Procurement and/or Legal Services if you are consider that you might want to award a Concession Contract

11 INFORMATION GOVERNANCE

- 11.1 When engaging a contractor to provide a service to the Council which involves the handling of personal data due diligence checks must be carried out with regards to data protection. Checks must provide sufficient guarantees that the contractor's technical and organisational security measures for the handling and protection of personal information and data are appropriate, suitable and lawful. This is a requirement under the seventh principle of the Data Protection Act.
- 11.2 To ensure compliance with information management requirements all procurement activity must include the completion of the information management questionnaire by the supplier. This will be made available for all activity conducted through the procurement porta. However for lower values beneath £9,999 it is the service area/delivery unit's responsibility to ensure that the questionnaire is completed by suppliers awarded contracts.
- 11.3 Evidence of these checks, copies of policies and guarantees provided by the contractor must be retained by the officer responsible for management of the Contract and be regularly reviewed throughout the life of the Contract (at least annually). If there is any doubt as to whether the checks provide sufficient guarantees for the service provision refer to the Council's Information Management team.

- 11.4 Appropriate data protection clauses must be included in the Contract when engaging a contractor to provide a service to the Council which involves the handling of personal data. As a minimum the clauses contained in the Council's Standard Terms and Conditions of Contract must be used. Changes must not be made without consultation with the Council's Information Management Team.
- 11.5 Refer to the Council's Data Protection Compliance Toolkit for further guidance on your data protection responsibilities, including the current Due Diligence Checklist and the How to Guide.
- 11.6 Appropriate Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR) clauses must be used when engaging a contractor to provide a service to the Council. The clauses contained in the Council's Standard Terms and Conditions of Contract must be used. Changes must not be made without consultation with the Council's Information Management Team. The Contract must not contain clauses which say that the Contract itself or any information held or produced etc under it are exempt from FOI or EIR. The Contract must not contain any clauses which describe which information would be exempt from disclosure under FOI or EIR.
- 11.7 Refer to the Council's FOI/EIR Toolkit for further guidance on your FOI/EIR responsibilities.

12 ACCEPTANCE

- 12.1 Acceptance of Contracts must be in accordance with Appendix 1 Table A and in all cases is subject to:
- Budget provision;
 - a compliant Procurement process; and
 - confirmation of acceptable financial status of the service provider
- 12.2 Acceptance of contracts with independent providers of individual placements for children or adults will in the first instance be achieved through approved frameworks or approved lists of providers. Where requirements cannot be met through approved frameworks or approved lists, authority is delegated to the relevant director of a service area as per the scheme of delegation to enter into contract with a new independent provider. At the point of child/adult placement the Council does not require a contract; however, once placement has been made the commissioner should instruct legal to issue a contract to the new provider.
- 12.3 Acceptance thresholds for Contract extensions and variations of all values are subject to further conditions as set out in Section 14 (Extensions and Variations) of these Contract Procedure Rules.
- 12.4 The financial evaluation of tenders will be undertaken by:
- CSG Procurement if the Contract is valued at less than £164,176 for supplies or services or less than £4,104,394 for works, or;

A Financial Officer as delegated by the Chief Finance Officer if: (a) the contract is valued at £164,176 or more, for supplies or services; or (b) the contract is valued at £4,104,394 or more for works; or (c) the contract is considered to have significant impact on the local community.

13 CONTRACT SIGNING and SEALING

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

14 CONTRACT MANAGEMENT

- 14.1 During the life of the Contract Directors, Assistant Directors, Commissioning Directors and Heads of Service must ensure that the Council's approved processes for Contract Management, as set out in the Contract Management Toolkit are adhered to. In particular to ensure continuous improvement and value for money is achieved Directors, Assistant Directors, Commissioning Directors or Heads of Service must ensure that those responsible for managing contracts undergo CSG Procurement approved training to ensure:
- Contract performance and key performance indicators are monitored and any reduction in performance is acted upon and recorded;
 - compliance with specification and Contract terms; and
 - cost management including reconciliation of payments against work done, supplies or services delivered;
- 14.2 Throughout the life of the Contract, contract managers must ensure the elimination of unlawful discrimination and the promotion of equality in accordance with current Law.
- 14.3 Contract managers or owners must ensure appropriate security measures are applied to prevent the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.

14.4 On each and every procurement the Contract Manager must ensure the agreement has:

- a) wording in which the contractor agrees to indemnify the Council for all claims proceedings, actions and other matters relating to the contract, except where the Council is found to be legally liable; and
- b) a clause in which the contractor agrees to certain service levels while dealing with claims arising from service failures; and
- c) a clause requiring the full range of relevant insurances and minimum levels to be provided by the contractor.

Advice on relevant insurances must be obtained from the London Borough of Barnet Insurance Team.

It should be noted the minimum level of required insurances of contractor is not directly related to the value of the contract. Using a risk based approach the Contract Manager and London Borough of Barnet Insurance Team will agree appropriate levels but as a guide, minimum levels, subject to amendment are as follows:-

- 1) public liability £5,000,000;
- 2) employer's liability £5,000,000 (statutory minimum);
- 3) officials indemnity/professional negligence (if required) £1,000,000;
- 4) and any other insurance required by law or agreed in the contract.

The Contract Manager must obtain from the contractor reasonable proof of the required insurance as set out in the contract before work commences, a broker letter will often be sufficient.

If the required insurances expire before the contract end date, the Contract Manager must obtain from the contractor reasonable proof that the insurance has been renewed on expiring terms and conditions. If the insurance policy terms and conditions have changed, such changes must be brought to attention of the Contract Manager and discussed with the London Borough of Barnet Insurance Team.

14.5 For all contracts, in excess of £25,000, business continuity must be discussed and a business continuity plan confirmed as part of contract delivery.

~~14.3~~14.6 All contracts to be managed to ensure development and delivery of support to the local community and SME supply chain through the contract arrangement. This is to be monitored as a performance target to enable review reports.

14.7 For services or supplies Contracts valued above £164,176 and works Contracts above £500,000 a Contract monitoring and review check must be performed 6 months after Contract commencement.

15 EXTENSIONS and VARIATIONS

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

provided the cumulative value of the modifications do not exceed the EU procurement financial threshold.

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

16 WAIVERS

- 16.1 If the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, Commissioning Directors and Heads of Service may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk.
- 16.2 Directors, Assistant Directors, Commissioning Directors and Heads of Service may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) in consultation with the Chairman of Policy and Resources Committee providing they report to the next available Policy and Resources Committee, setting out the reasons for the emergency waiver. A copy of the relevant Policy and Resources Committee report must be provided to CSG Procurement and stored on the Council's contract repository.
- 16.3 Inadequate planning and organisation of resources does not constitute an acceptable justification for a waiver.
- 16.4 Any waiver can only be granted for a maximum period of 12 months.
- 16.5 Waivers cannot be granted where this would breach the Law

17 DEFINITIONS and INTERPRETATION

- 17.1 **"Acceptance"** is the authorisation to enter into a Contract with a particular supplier(s) on the terms, conditions and at the price(s) as set out in the Contract documents.
- 17.2 **"Annual Procurement Forward Plan"** (APFP) means the annual report compiled by the Council setting out their planned contractual Procurements for the forthcoming financial year and submitted to the Policy and Resources Committee for authorisation.
- 17.3 **"Approved Officer"** means the Director, Assistant Director, Service Lead, Commissioning Director or Head of Service in accordance with the Scheme of Delegation who has responsibility for all Contracts tendered and let by their respective area of responsibility including Contract monitoring and Contract Management once Contract is in place.
- 17.4 **"Authorisation"** is the approval required to enable any Procurement to occur.
- 17.5 **"Budget"** is the annually agreed budget and supporting plans and strategies for each Delivery Unit.
- 17.6 **"Concession Contract"** means a services concession contract or a works concession contract as defined in The Concession Contracts Regulations 2016. They are contracts for pecuniary interest which consist either solely in the right to exploit the services or works that are the subject of the contract or in that right together with payment.
- 17.7 **"Contract"** means a formal written agreement between the Council and the provider of any goods, services or works, including terms and conditions approved by HB Public Law.

- 17.8 **“Contract Management”** is the process of managing contracts to achieve optimal goods, works and services at optimal cost in accordance with the Council’s Contract Management Toolkit
- 17.9 **“Contracts Finder”** means a web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015 by or on behalf of the Cabinet Office;
- 17.10 **“DPR”** means Delegated Powers Report. Templates and guidance for completion are available from the Assurance Group (Governance).
- 17.11 **“Dynamic Purchasing System”** is appropriate for commonly used purchases the characteristics of which, as generally available on the market, meet the Council’s requirements. The rules for using it are set out in regulation 34 of the Public Contracts Regulations 2015.
- 17.12 **“Emergency”** where immediate action is needed to protect life or property or to maintain a critical service. Decisions that were not anticipated within the Budget or Budget plan but nevertheless relate to everyday business, not major changes/decisions outside the approved Budget and statutory plans.
- 17.13 **“EU”** means European Union.
- 17.14 **“Framework agreement”** is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
- 17.15 **“Law”** means any law, statute, subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of section 2 of the European Communities Act 1972, regulation, order, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements of any regulatory body with which the Council is bound to comply
- 17.16 **“Life-Cycle Costing”** shall, to the extent relevant, cover part or all of the following costs over the life cycle of a product, service or works:—
- (a) costs, borne by the Council or other users, such as:
 - (i) costs relating to acquisition,
 - (ii) costs of use, such as consumption of energy and other resources,
 - (iii) maintenance costs,
 - (iv) end of life costs, such as collection and recycling costs;
 - (b) costs inputted to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs
- 17.17 **“Light Touch Regime”** refers to the contract award procedures applicable to contracts for services set out in schedule 3 of the Public Contracts Regulations 2015 which are valued at EUR 750,000 (or around £589,148) or more. These contract opportunities and contract award notices must be advertised in OJEU and Contracts Finder. CSG

Procurement will advise on the Procurement procedures to apply to these Contracts which will take into account the specifics of the services in question and which will ensure compliance with the principles of transparency and equal treatment of suppliers.

~~17.17~~17.18 **“Non-Procurement”** expenditure applies where the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments and recoupment.

~~17.18~~17.19 **“OJEU”** means the Official Journal of the European Union.

~~17.19~~17.20 **“Procurement”** means the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose. This includes any activity which includes the identification of need, options appraisal and the execution of a competitive selection process, quotation or tendering process.

~~17.20~~17.21 **“Public Contracts Regulations 2015”** are the regulations implementing EU Directive 2014/24/EU of the European Parliament and Council into English Law

~~17.21~~17.22 **“Purchase”** means the activity which uses a mechanism to undertake procurement under the Council’s standard terms and conditions (Purchase Card or Purchase Order) or against an accepted contract.

~~17.22~~17.23 **“Quotation”** means a priced bid for the provision of goods, a service, or supply of works.

~~17.23~~17.24 **“Reasonable means of selection”** means an unbiased selection process based on the relative merits of the quotation provided and taking account of previous purchasing practices for supplies, services or works of a similar type. This process would normally involve attaining more than one quotation, audit trail of action undertaken and confirmation from the relevant approved officer that budget is available and rationale for appointment is accepted. The Council requires that consideration is given to local suppliers for requirements less than £9,999

~~17.24~~17.25 **“Small Medium Enterprises” (SMEs)** means the definition the UK government use based on the EU Definition of an SME as follows:

- Micro Business = less than 10 employees & turnover under £2 million
- Small Business = less than 50 employees & turnover under £10 million
- Medium Business = Less than 250 employees & turnover under £50 million

17.26 **“SQ”** means Selection Questionnaire in accordance with Procurement Policy Note (PPN) 8/16 regarding OJEU procurements. Accessibility to the form will be via the procurement portal with expectation that suppliers complete and submit online. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide support documents at point of proceeding to contract award.

17.27 **“Suitability Assessment Question”** means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates

meet requirements or minimum standards of suitability, capability, legal status or financial standing. In accordance with Public Contract Regulations 2015 these questions are to be in the form of a declaration which the is to provide at point of proceeding to contract award.

17.28 **“Support to Local Community”** refers to support through contract delivery to the communities which exist within London Borough of Barnet and delivery of benefit to these communities. Benefit to include: consideration and provision of paid internships; apprenticeships; long term unemployed returning to work opportunities; and support to local schools/community groups.

17.29 **“Works”** means building & engineering works, construction and refurbishment, including capital works.

18 APPENDIX 1 - TABLE A – Authorisation and Acceptance Thresholds

	Procurement value	Authorisation to commence a procurement process	Authorisation Documentation	Procurement method	Acceptance process	Acceptance Documentation	Variation or extension Acceptance	Supplier Notification method and contract
A	Under £9,999 (Purchase Order)	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit trail	Reasonable means of selection* and evidence of having sourced and considered the local Barnet supplier market	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit Trail	Must move to next threshold if above £10,000	Purchase Order
B	£10,000 to £25,000	Head of Service Council Officer as designated by approved Scheme of Delegation	Procurement Forward Plan Summary DPR	Minimum 2 written Competitive Quotations received**	Head of Service Council Officer as designated by approved Scheme of Delegation	Summary DPR	Summary DPR	Purchase Order
C	£25,001 - £164,176	Director/Assistant Director	Procurement Forward Plan Full Officer DPR	Minimum 2 written Competitive Quotations received No PQQ -	Council Officer as designated by approved Scheme of Delegation	Summary DPR		Notification letter Signed low value contract up to £50k value

				Suitability Assessment Questions only			Summary DPR	Signed contract £50,001 to £164,176k
D	£164,176 and over	Relevant Thematic Committee Procurement Forward Plan	Theme Committee Report Procurement Forward Plan	Works and Concession Contracts: Full OJEU Tender above £4,104,394 Beneath threshold above £100k minimum 5 competitive quotations Goods: Full OJEU Tender Services: Full OJEU Tender Health, educational, cultural and social care related services: Light Touch Regime Tender above. £589,148)	If within Budget- Council Officer in consultation with Chairman of relevant theme Policy and Resources Committee	If within Budget and agreed savings target on forward plan Officer Full DPR If not within Budget or on Forward Plan Relevant Thematic Committee Report	If within Budget -Relevant Thematic Committee	Standstill Notification letter released following statutory officer report review Publication of report post standstill period Signed and sealed contract

All Procurements above £10,000 must be advertised on the E-portal (see 8.2). All Procurements over £25,000 must be advertised on UK Contracts Finder

*Reasonable means of selection as defined in section 16.24

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

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

Body responsible	Functions	Membership
<p>Planning Committee</p>	<p>To determine Applications for Planning Permission made under the Town and Country Planning Act 1990 where the recommendation is for approval and the development:</p> <ul style="list-style-type: none"> a. is within the categories which must be referred to the Mayor of London under the London Mayor Order; b. does not accord with the provisions of the Development Plan and, in the opinion of the Chief Planning Officer, constitutes a significant departure; or c. is by or on behalf of the Council and, in the opinion of the relevant Chief Planning Officer], it is a significant development <p>The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>The confirmation of Town and Village Green Registration Applications under the Commons Act 2006, including 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.</p> <p>Consider for approval and confirmation Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>Recommending the creation of Conservation Areas to Full Council</p> <p>Consider approving Article 4 Directions for consultation</p> <p>Take action under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>Any decision on an application that will result in the Council being liable for the payment of</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>compensation, except where that compensation is as a result of an Article 4 Direction.</p> <p>Any other planning application or planning matter referred to this Committee by relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Reports on all matters reserved to the Committee shall be made direct to the Committee and not through an Area Planning Committee.</p> <p>To receive and comment on any Strategic Planning Pre-Application Briefing.</p> <p>Any Planning Area Committee agenda item referred to this Committee for consideration and determination.</p> <p>To consider for approval fees and charges for those areas under the remit of the Committee.</p>	
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Planning Code of Good Practice

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- 6 Lobbying of and by Councillors
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1 Introduction

- 1.1 This Code has been prepared using advice in the Local Government Association's revised guidance note on good planning practice for Members and officers dealing with planning matters – Probity in Planning for Councillors and Officers (November 2013).

Key purpose of planning

- 1.2 Planning has a positive and proactive role to play at the heart of local government in the London Borough of Barnet. It helps the Council to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs of the residents of Barnet to achieve sustainable development.
- 1.3 The planning system works best when Councillors and officers involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.
- 1.4 Planning decisions are often based on balancing competing interests and making an informed judgement against a local and national planning policy framework. , Decision makers need to make fair and open decisions that are in the wider public interest on what can be controversial proposals regardless of personal or political allegiances..

Aim of this code

- 1.5 In today's place-shaping context, early Councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the places that communities need. This guidance is intended to reinforce Councillors' community engagement roles whilst maintaining good standards of probity that minimizes the risk of legal challenges.
- 1.6 Planning decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.

- 1.7 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved. Whilst Councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. Barnet Council recognises the importance of making planning decisions affecting these interests in an open and impartial way, with sound judgement and for justifiable reasons.
- 1.8 The aim of this Code is therefore to ensure that Council's processes will make sure that those participating in the decision are unbiased and that the decision itself is lawful, rational and procedurally correct.

When the Code applies

- 1.9 This code applies to Councillors at all times when they are involved in the planning process. This includes, where applicable, when part of decision making meetings of the Council, in exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications. If you have any doubts about the application of this Code to your own circumstances you should seek advice early, and preferably well before any meeting takes place, from the Monitoring Officer.
- 1.10 In this Code when the term "Councillor" or "Member" is used it means that the advice is applicable to all Members of the Council. The term "Planning Committee Member" means a Member or a substitute Member of any of the Council's Planning Committees.

Relationship to the Members' Code of Conduct

- 1.11 Councillors are reminded that this Code is designed primarily for Members of the Council's Planning Committees and Councillors who, for whatever reason, find themselves involved in the planning process. Whilst this Code interprets the Members' Code of Conduct with respect to planning matters it is subordinate to the Members' Code of Conduct and, in the event of any inconsistencies arising between this Code and the Members' Code of Conduct, the Members' Code of Conduct shall prevail.

2 ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

General roles of Councillors and officers

- 2.1 Councillors and officers have different but complementary roles. Both serve the public. Officers are responsible to the Council as a whole, whilst Members are responsible to the electorate.

- 2.2 Officers are not appointed to serve any political group and therefore advise all Members and the Council. Officers carry out the daily functions of the Council's business in accordance with Council or Committee decisions or under powers delegated to them pursuant to the Constitution. Officers are governed by the Officers Code of Conduct contained in the Constitution. In addition, planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Solicitors Regulation Authority. Officers in other professions will have corresponding codes.
- 2.3 The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a code of conduct. The Members Code of Conduct in the Constitution is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It embraces the standards central to the preservation of an ethical approach to council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff and the public. The Council's standing orders set down rules which govern the conduct of Council business.

Relationship between Councillors and officers

- 2.4 Mutual trust, respect and understanding between Councillors and officers are the keys to achieving effective local government. A successful relationship can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust that underpins it, must never be abused or compromised.
- 2.5 Planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- 2.6 Members must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a Councillor from asking questions or submitting views to an officer. These views, when received in written form, will be placed on the planning file and considered together with other material planning considerations.

3 INTERESTS: REGISTRATION AND DISCLOSURE

- 3.1 A Councillor should refer to the Members' Code of Conduct for assistance in identifying Disclosable Pecuniary Interests or any Other Interests or seek advice from the Monitoring Officer prior to attending a meeting. A failure to properly register a Disclosable Pecuniary Interest or to participate in discussion or voting in a meeting on a matter in which a Councillor or co-opted Member has a Disclosable Pecuniary Interest, are criminal offences. Ultimately, responsibility for fulfilling the requirements rests with each Councillor.

- 3.2 The provisions of the 2011 Act seek to separate interests arising from the personal and private interests of the Councillor from those arising from the Councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the Councillor's involvement would be appropriate.

Registration of interests

- 3.3 A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes.

Disclosure of interests

- 3.4 It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a particular matter to be discussed at a Planning Committee he or she should raise this with the Monitoring Officer as soon as possible.
- 3.5 If a Councillor has a Non-Disclosable Pecuniary Interest or a Non-Pecuniary Interest, he or she should disclose that interest orally at the committee meeting when it relates to an item under discussion, but then may speak and vote on that particular item. This includes being a member of an outside body; mere membership of another body does not constitute an interest requiring such a prohibition.
- 3.6 Where a Member has a Disclosable Pecuniary interest relating to an item under discussion, the Councillor may not participate (or participate further) in any discussion of the matter at the meeting or participate in any vote (or further vote) on the matter. There is no obligation for that Councillor to withdraw from the Chamber. This means that a Councillor with a Disclosable Pecuniary interest is precluded from making representations orally to the committee or from making representations on behalf of a party to the hearing.
- 3.7 A Councillor with a Disclosable Pecuniary interest can still present their views to the committee through other means. For example, the Member can:
- make written Representations in their private capacity in accordance with the Committee Consideration Criteria as set out in the Planning Committee Procedure Rules – the existence and nature of the interest should be disclosed in such representations and the Councillor should not seek preferential consideration for their representations – such written representations should be addressed to officers rather than other Members of the Authority;
 - use a professional representative to make a representation on the Councillor's behalf in circumstances where the Councillor's planning application is under consideration; and
 - arrange for another Member of the Authority (eg a fellow ward councillor) to represent the views of the Councillor's constituents on matters in which the Councillor has a Disclosable Pecuniary interest.
- 3.8 Although a Disclosable Pecuniary Interest relating to an item under discussion requires the withdrawal of the Councillor from the committee, in certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business.

4 PREDISPOSITION, PREDETERMINATION AND BIAS

- 4.1 In addition to being aware and taking appropriate action in relation to interests, Planning Committee Members need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application, on planning policies or on other planning matters, such as enforcement. Avoidance of bias or predetermination or the appearance of bias or predetermination is a principle of natural justice that the decision maker is expected to adhere to.
- 4.2 The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a “closed mind” approach and likely to leave the committee’s decision susceptible to legal challenge by Judicial Review.
- 4.3 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the material considerations presented at the committee and keep an open mind before deciding on how to exercise their vote (predisposition). The latter is acceptable, the former is not and may result in a Court quashing such planning decisions.
- 4.4 Section 25 of the 2011 Act also provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 4.5 For example, a Councillor who states “Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee” will be perceived very differently from a Councillor who states: “Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area”. The former has a closed mind and is predetermined, whereas the latter is predisposed but still has an open mind.

~~4.6—This distinction is particularly important in the context of the Council’s practice of facilitating presentations to Planning Committee by developers of schemes at the pre-application stage. After these presentations, the Committee Members question details of the development so that they have the opportunity to input into the design of these strategic developments. They will therefore express views on aspects of the development (such as its external appearance, impact on neighbours or transport network implications) which will often display predisposition around these elements. What the Members of the Committee should not do at this stage is to express a firm view on the development as a whole, as this could amount to predetermination. Such a view should only be formed at the end of the process when all the material considerations are available to the Members of the Committee to consider and weigh up before finalising their view.~~

- | 4.74.6 A Planning Committee Member who has been lobbied and wishes to support their constituents or is a Ward Councillor and wishes to campaign for or against a proposal, will need to consider whether this is likely to be regarded as amounting to bias and going against the fair determination of the planning application. If they have predetermined their position or have given that impression, they should avoid being part of the decision-making body for that application. A Planning Committee Member, could speak at a Planning Committee (in accordance with the Council's public speaking procedures) on behalf of their constituents, having declared their pre-determined position.
- | 4.84.7 Participation as a Member in a Planning Committee where a Councillor is or may be perceived to be biased, in addition to the risk of a complaint against the individual Councillor, also places the decision of the Committee at risk from legal challenge. As such, if a Planning Committee Member considers that they are or have given the impression that they are biased or predetermined they must carefully consider whether it is appropriate for them to participate in the matter.

5 APPLICATIONS SUBMITTED BY THE COUNCIL, COUNCILLORS OR OFFICERS

Applications submitted by the Council

- 5.1 Proposals for a Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for a Council's own development will be treated no differently from any other application.
- 5.2 Certain Councillors may through their other roles outside of a Planning Committee, have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Committee the Councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action if that is the case, is that the Councillor concerned may address the Committee in the applicant's speaking slot (see the Planning Committee Procedure Rules) but does not take part in its consideration and determination. It is important that the Councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

Applications submitted by Councillors or officers

- 5.3 It is perfectly legitimate for planning applications to be submitted by Councillors and officers. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination.
- 5.4 If a Councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing and/or determination. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing and/or its determination.

5.5 The 1APP planning application form requires an applicant to indicate whether they are a member of staff or an elected Member or a partner/spouse of a Member or Officer of the Council. Where decisions relate to applications made by Members of staff or an elected Member these should be reported to Committee where they relate to the following:

- Members of the Council
- Senior officers of the Council (Service Head and above)
- Officers of the Local Planning Authority.

5.6 The term “Officers of the Local Planning Authority” means officers within the Council who are closely involved in the day-to-day work of the Council’s planning function and include all external persons such as lawyers, contractors and advisors who work for the Local planning Authority.

5.7 The procedures to be followed in Committee in such circumstances are as follows:

- The consideration in Committee of an application from a Councillor may be considered a Disclosable Pecuniary interest for that Councillor and Councillors need to be mindful of their obligations in relation to Disclosable Pecuniary Interests as set out in the Members’ Code of Conduct.
- If such a Councillor does not have a Disclosable Pecuniary interest they may address the Committee as the applicant in accordance with the Council’s public speaking procedures. If however, such a Councillor has a Disclosable Pecuniary Interest they may not participate in the consideration of the matter and may therefore not speak on the matter. They would need to have a representative speak on their behalf.
- The Members of the Committee must consider whether the nature of any relationship means that they have a Disclosable Pecuniary Interest in relation to the matter and if so, they may not participate in the consideration of that matter.

5.8 The principle in the final bullet point also applies to applications submitted by officers when they are considered in Committee.

6 LOBBYING OF AND BY COUNCILLORS

6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their Ward Councillor or to a Member of the Planning Committee.

6.2 As the Nolan Committee’s 1997 report stated: “It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves”.

6.3 Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.

Lobbying of Councillors

- 6.4 A Planning Committee Member should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the Committee's decision making if they are asked to express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing. Planning Committee Members should ensure that it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant information during the sitting of the determining Committee.
- 6.5 Planning Committee Members should therefore:
- suggest to lobbyists that they write to the Planning Service in order that their views can be included in the officer reports prepared for determination under delegated powers or by Committee;
 - pass on any lobbying correspondence received (including plans, data, correspondence etc in respect of an application) to the Planning Service as soon as practicably possible so that it can be taken into account and included in the report on the application;
 - remember that their overriding duty is to the whole community not just to the residents and businesses within their ward and that they have a duty to make decisions impartially and should not improperly favour, or appear to improperly favour, any person, company, group or locality;
 - not accept gifts or hospitality from any person involved in or affected by a planning proposal, but if a degree of hospitality is unavoidable (eg refreshments at a meeting), ensure that they comply with the provisions in the Members' Code of Conduct on gifts and hospitality; and
 - inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up where necessary.
- 6.6 Planning Committee Members should note that, subject to the requirements to ensure that Members comply with the Members' Code of Conduct and the rules regarding bias and pre-determination and ensure that they take appropriate action in relation to Disclosable Pecuniary Interests, they are not precluded from:
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to predetermination and they make clear they are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.
- 6.7 In the interest of openness, it is recommended that Planning Committee Members declare any lobbying to which they have been subject.

- 6.8 It is very difficult to convey every nuance of these situations and to get the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual Councillor.

Lobbying by Councillors

- 6.9 Planning Committee Members should not become a member of, lead or represent a national or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Member does, he/she may appear to be biased. Whilst they may be able to address the Committee as a Ward Councillor or an objector, they are not able to participate or vote on any matter in respect of which they have a Disclosable Pecuniary interest unless they have received a dispensation for this purpose from the Monitoring Officer.
- 6.10 Planning Committee Members can join general groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, but they should disclose a personal interest where that organisation has made representations on a particular proposal. A Planning Committee Member should make it clear to that organisation and the Committee that they have reserved judgement and the independence to make up their own mind on each separate proposal.
- 6.11 Councillors should not excessively lobby Planning Committee Members regarding their concerns or views on a planning application, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- 6.12 Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity. Nor should they request officers to speed up or delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.
- 6.13 Call-in procedures, whereby Ward Councillors can require a proposal that would normally be determined under officers' delegated authority, to be determined by a planning committee, require the reasons for call-in to be recorded in writing and to refer solely to material planning considerations. The procedures for this are set out in the Committee Consideration Criteria in the Planning Committee Procedure Rule.
- 6.14 Planning Committee Members should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so.
- 6.15 As previously outlined, Councillors must always be mindful of their responsibilities and duties under their Code of Conduct. These responsibilities and duties apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this Code.

7 PRE-APPLICATION DISCUSSIONS

7.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. ~~However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. For this reason the Council have developed pre-application processes that enables engagement at the pre-application stage.~~

~~7.2 For major strategic applications the Council offers a service to potential applicants to present their schemes to the Council's Planning Committee. Details of this are set out in the Planning Committee Procedure Rules. This is the way in which Planning Committee Councillors engage with these schemes and there should therefore be no need to attend any other meeting with potential applicants or their agents/representatives.~~

~~7.37.2~~ In other cases Potential applicants may seek to meet Councillors. For minor or household applications these can be treated as a form of lobbying and Councillors, including Planning Committee Members, should follow the advice set out above.

~~7.47.3~~ Where the application is more substantial, ~~but not subject to pre-application committee presentations~~, these meetings will be subject to the following procedures:

- No private meeting involving a member or substitute member of the main Planning Committee or Area Planning Committees shall be convened without the presence of a Council planning officer for the entire duration of the meeting.
- Both this Code and the Members' Code of Conduct will apply when attending such meetings.
- Any Planning Committee Member involved in such a meeting, who sits on the Committee that subsequently considers any resulting application, should declare their attendance at the meeting in the same way as lobbying would be declared.
- Officers (and any Councillor, if present) should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- Any advice given should be consistent and in accordance with the Development Plan and officers should agree, prior to any meeting, on a consistent interpretation of Development Plan policies as applied to the particular proposal.
- Councillors should not become drawn into any negotiations, which should be done by officers (keeping interested Councillors up to date) to ensure that the authority's position is co-ordinated.
- A contemporaneous note of the meeting should be prepared by the planning officer attending wherever possible and a copy sent to all parties for their agreement.
- The final version of the note of the meeting will form part of the planning file and should a planning application subsequently be received, it will thereby be open to public inspection.

~~7.57.4~~ Although the term 'pre-application' has been used, the same considerations should apply to any discussions which occur before a decision is taken.

7.67.5 Planning Committee Members should not attend pre-application meetings that are not organised through officers.

8 POST-SUBMISSION DISCUSSIONS

- 8.1 A Planning Committee Member should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.
- 8.2 In limited circumstances Planning Committee Members may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers and run under the same procedural rules as pre-application discussions.
- 8.3 If a Planning Committee Member is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. A Councillor should report to the Chief Planning Officer any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them, so that it can be recorded on the planning file.
- 8.4 Planning Committee Members should not attend post-submission meetings that are not organised through officers.

9 PLANNING APPEALS

- 9.1 Appeals into the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Councillors are able to attend. Councillors are encouraged to attend such hearings, as they can be a good learning experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.
- 9.2 If a Councillor wishes to attend a public inquiry or informal hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the Chief Planning Officer to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge.
- 9.3 A Member of a Planning Committee cannot attend an appeal on behalf of the Council's Planning Committee, even if they sat on the Committee that made the decision, unless this is as part of the Council's case as decided by the Chief Planning Officer. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.

9.4 Where the appealed decision was contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

10 PLANNING ENFORCEMENT

10.1 It is perfectly legitimate for Councillors to bring to the attention of the Planning Service suspected breaches of planning control so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the Chief Planning Officer.

10.2 The Council's planning enforcement service operates to a priority system so that those breaches that cause the most harm are dealt with first. This priority system is designed to produce a fair and responsive enforcement service.

11 COUNCILLOR TRAINING

11.1 Councillors may not participate in decision making at meetings of the Council's Planning Committees unless they have attended mandatory training. This will be provided by the Council's planning and legal services and will cover the principles of planning and probity in planning.

11.2 Whilst all new Members of the Council's Planning Committees and new substitute Members have to attend this training before they can participate in the Council's Planning Committees, all other Planning Committee Members and substitute Members are encouraged to attend the training so that they can ensure that they keep up-to-date on these matters.

11.3 All Planning Committee Members should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, policy, procedures, and good practice, which will assist them in carrying out their role properly and effectively.

11.4 Training provided on planning related matters is aimed at Planning Committee Members but is open to any Councillor with an interest to attend.

12 AMENDMENTS/VARIATION

12.1 Where amendments/variation to this Code are necessary due to legislative changes, the Head of Governance may make such consequential changes to this Code as are necessary to comply with the law.

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

Body responsible	Functions	Membership		
<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 including, but not limited to, targets 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 <u>(including Cambridge Education)</u>; Street Scene; Public Health; Commissioning Group; and Assurance.</p> <p>(3) Receive and scrutinise contract variations and change requests in respect of external delivery units.</p> <p>(4) To make recommendations to Policy and Resources and Theme Committees on relevant policy and commissioning implications arising from the scrutiny of performance of Delivery Units and External Providers.</p> <p>(5) Specific responsibility for the following functions within the Council:</p> <table border="1" data-bbox="419 1440 1043 1570" style="margin-left: 40px;"> <tr> <td style="text-align: center;">• Risk Management</td> <td style="text-align: center;">• 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</p>	• Risk Management	• Treasury Management Performance	<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>
• Risk Management	• Treasury Management Performance			

	<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>(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>(11) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
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Meetings Procedure Rules

NOTE ON THE CONDUCT OF LICENSING HEARINGS

Notwithstanding the following procedure rules for Council Committees and Sub-Committees, all hearings relating to the Authority's functions under the Licensing Act 2003, will be conducted within the framework and requirements of the Hearings Regulations made by the Secretary of State under that Act.

PROCEDURE RULES FOR COUNCIL COMMITTEES AND SUB-COMMITTEES

1. Membership and Quorum

- 1.1 The following table outlines Committee and Sub-Committee Membership arrangements:

Committee	Membership	Substitute Members	Quorum
Planning Committee	11	6 (3 for each political group)	3
Area Planning Committees:			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3
Area Committees			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3

Committee	Membership	Substitute Members	Quorum
Licensing Committee	11	Not applicable	3
Constitution, Ethics and Probity Committee	7	6 (3 for each political group)	3
Group Leaders Panel	5	4 (2 for each Political Group)	3
Urgency Committee	3	3 (1 for each Member)	2
Licensing Sub-Committee	3	All other members of the Licensing committee	All three Members must be present for the meeting to proceed
Audit Committee	7	6 (3 for each political group)	3
Chief Officer Appointment Panel	5	2 (1 for each political group)	3
Performance and Contract Management Committee	11	6 (3 for each political group)	3
Children, Education, Libraries and Safeguarding Committee	9		
Adults and Safeguarding Committee	9		
Environment Committee	11		
Assets, Regeneration	9		

and Growth Committee			
Housing Committee	9		
Community Leadership Committee	11		
Health Overview and Scrutiny Committee	9		
Policy and Resources	12	6 (3 for each political group)	3
General Functions Committee	7	6 (3 for each political group)	3
Pension Fund Committee	7	6 (3 for each political group)	3
Health and Well-Being Board	12	3 (1 for each Member)	3 This must include at least one elected Councillor
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.
- 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, Licensing Sub-Committees, Planning Committee and Area Planning Committees, except for the Planning Committee when that committee is considering planning policy matters. 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. Planning Committee Procedure Rules

- 7.1 For Planning Committees for any planning application where there has been a written request from a single Member of the Council setting out the planning reasons for the matter to be referred to the relevant Planning Committee the application will be referred to the relevant Planning Committee for determination. In that event the report will clearly identify that the item has been 'called in' and therefore the planning reasons will be set out.
- 7.2 The following process should be followed at all Planning Committee and Area Planning Committee meetings.

Officers Presentation
Questions to officers if applicable
Speaking Arrangements
Questions to speakers
Questions to Officers
Committee consideration and comments
Planning Officer and Chairman sum up
Decision making process (see section 7.17 – 7.20)

- 7.3 The relevant senior Planning Officer may circulate an addendum to the application/report. In this event this shall be circulated on the day of the meeting to all Committee Members before the start time of the meeting.
- 7.4 **Requests to speak at Planning Committees and Area Planning Committees**
- 7.5 Requests to speak should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.
- 7.6 A maximum of three speakers are able to address the committee on each application or item.
- 7.7 In respect of planning committees only, there can be a maximum of two speakers in favour or against an application. The third speaker slot is reserved for the applicant or their representative irrespective of whether the application is recommended for approval or refusal. The applicant's representation will be taken as the last speaker on an item.
- 7.8 Where more than two requests to speak have been received, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.

- 7.9 When registering to speak, members of the public will be asked by the Council if they consent to having their details passed on to other supporters or objectors, thus enabling them to put forward views of others who have an interest in and wish to make representations on the application or item. If a member of the public is representing the views of others, they must inform the Committee who else they are representing when making their presentation.
- 7.10 At the meeting, each speaker will have a time period of up to 3 minutes to address the Committee. Committee members will then have the opportunity to question the speaker.
- 7.11 Members of the public making comments to Committees are able to send a substitute if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of the substitution prior to the meeting commencing. It is not permissible for a substitution to be made which enables a member of the public to make two representations in respect of a single household.
- 7.12 Where an application or item being considered by a Committee is referred to its parent committee for consideration, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the parent committee. Speaking rights are also automatically transferred in the event where an application has been deferred to a future meeting of an Area Planning Committee or the Planning Committee.
- 7.13 Members may only address Area Planning Committees on applications which affect their ward or on an application which that Member has 'called-in'. 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. Ward Members rights to address the Area Planning Committee are in addition to the rights of public speakers.
- 7.14 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. Ward Members rights to address the Planning Committee are in addition to the rights of public speakers.
- 7.15 MPs and GLA Members from the borough and MPs, GLA Members and Members from neighbouring boroughs may request to address a Planning Committee or Area Planning Committee 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

- 7.16 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

7.17 Determining Planning Applications

- 7.18 When the Chairman considers that there has been sufficient debate, he/she will call for a decision. A vote may be taken on the recommendations in the report, once proposed and seconded.

- 7.19 A Member of the Committee may move a motion to alter the wording of the recommendation(s), propose the addition or removal of conditions, defer an application or propose the refusal of an application. Any such motion must be seconded and be supported by planning reasons and those reasons will be set out in the minutes.

- 7.20 If the Chairman calls for the application to be determined a vote shall be taken on the recommendation(s) of the Planning Officers. If this fails, an alternative motion may be moved by any Member of the Committee. Any such motion must be seconded and be supported by planning reasons and those reasons will be set out in the minutes.

8. Urgent Business

- 8.1 There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of a committee.
- 8.2 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

8.3 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.

9. Councillors' rights to attend and speak at Committees or Sub-Committees when they are not a Member

9.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote.

9.2 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.

9.3 Except for the committees detailed in section 9.5 below and section 7 above, 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.

9.4 The Lead Member for Children's Services has a right to make a 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.

9.5 The following arrangements apply in the case of Licensing Committees:

9.5.1 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.

10. Disorderly Conduct

10.1 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.

- 10.2 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

11. Validity of Motions and Amendments

- 11.1 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.
- 11.2 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.
- 11.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 11.4 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.
- 11.5 If the amendment is lost further amendments may be proposed on the original motion.
- 11.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 11.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

12. Motions which may be moved during debate

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

- 12.1 to amend the motion;
- 12.2 to adjourn the meeting;
- 12.3 to adjourn the debate;
- 12.4 that the question be now put;
- 12.5 by the Chairman
 - that a Member be prevented from speaking;
 - that a Member must leave the meeting;
- 12.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Decisions

13. 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.
14. **Reports of Committees to Council or parent body**
 - 14.1 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.
15. **Reports of Sub-Committees and Panels**
 - 15.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-
 - 15.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
 - 15.1.2 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.

- 15.1.3 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.
- 15.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.
- 15.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.
- 16. Performance and Contract Management Committee / Sub-Committee – Call-in Procedure**
- 16.1 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).
- 16.2 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.”
- 16.3 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.
- 16.4 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.
- 16.5 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;
- 16.6 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.

- 16.7 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.

- 16.8 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.
- 16.9 The Chairman of the Performance and Contract Management Committee must agree that the decision proposed should be treated as a matter of urgency
- 16.10 In the absence of the Chairman of the Performance and Contract Management Committee the consent of the Mayor is required.
- 16.11 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.
- 16.12 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.

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

- 17.1 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.

- 17.2 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.

~~17.3 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.~~

- 17.3 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

18. Voting at meetings

- 18.1 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.
- 18.2 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.
- 18.3 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.

19. Vote to be recorded

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

20. Filming and Recording of Meetings

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

Body responsible	Functions	Membership
<p>Community Leadership Committee</p>	<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 <u>in accordance with the provisions of the Police and Justice Act 2006.</u></p> <p>(6) To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality.</p>

	<p>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>(13) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>(14) Determining applications to the Area Committee Budget referred by Area 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>	
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PROTOCOLS FOR MEMBER-OFFICER RELATIONS

1. WHY PROTOCOLS

- 1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government. The government has stated that without such high standards, local government's powers will not be extended.
- 1.2 Each Group Leader and the Chief Executive has endorsed this code as setting the standard for the conduct of officers and Members in Barnet.

~~Andrew Travers~~ John Hooton
Chief Executive

Barry Rawlings ~~Alison Moore~~ Richard Cornelius
Leader of the Leader of the
Labour Group Conservative Group

- 1.3 The Nolan Committee report lays down ten principles of public life.

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.

- 1.4 These protocols seek to establish the roles and responsibilities of Members and Officers to avoid confusion and misunderstanding. Both Officers and Members need to understand the pressures both sides are under. Most problems between Members and Officers arise not from disagreements about policy but from a failure to understand the pressures that each other face when trying to make and implement policy.

2 THE ROLE OF MEMBERS

- 2.1 Members are elected democratically. It is their policies, ideas and decisions which people vote for. Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability,

ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of the people in their wards.

- 2.2 The Council meets as a body when all its Members are summoned to attend a Council meeting. This meeting has responsibility for specific functions. The Council can delegate authority to committees and sub-committees of Members (and co-opted members in some circumstances) and to Officers. So when Members meet as a committee or sub-committee they can take decisions and act on behalf of the Council, within that body's terms of reference and delegated powers, again subject only to the law.
- 2.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other Members, Officers and people outside the Council, to help the Council develop policies and deliver services.
- 2.4 Members may have different roles:-
 - the policy making role - deciding the broad direction of Council policy and how those policies are to be delivered in practice
 - the scrutiny role - holding the committees and officers and other local public services to account for their decisions and actions
 - the ward member role - representing the interests of individual residents or residents groups within their ward, in the overall public interest.
- 2.5 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and the public. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.

3. **SUPPORT SERVICES FOR MEMBERS**

- 3.1 The Council provides a range of support services for Members. These include computer hardware and software, telephones, stationery and office equipment which can be selected by the individual member, subject to a maximum cost allowance for each Member, the use of photocopying facilities and postage. Each political group has its own office, and the Council employs two political assistants (Labour and Conservative) to help Members of that group in their work.
- 3.2 The only basis on which the Council can provide support services of this kind to Members, is to assist them discharge their role as Members of the Council. They are for use on Council business and to help Members in their roles as advocates for their local communities. They should not be used in connection with party political campaigning. Each Member wishing to use these support services is asked to sign detailed protocols as to their use. These cover the operation of the notional allowance, the mail room, the need to avoid using the facilities for party political purposes or for campaigning, the use of unavoidable spare capacity, the processes for ordering, maintaining, insuring and returning equipment personal taxation issues, authority to use software licences and data protection.

3.3 The Chief Executive will from time to time arrange training programmes for Members. These might involve induction for new members, presentations and discussions on particular topics, and training in specialist areas of the Council's work, for example planning. Sometimes training may be a requirement before a Member can take part in a specialist committee. Training may be for all members of the Council or targeted at members of particular committees.

3.4 The Council runs a mayoral car with a chauffeur and a second car for use on official business when the mayoral car is unavailable or inappropriate. These vehicles can only be used by members or officers for official Council purposes.

4. **MEMBERS' RIGHTS TO INFORMATION NOT RELATING TO COMMITTEES AND COUNCIL MEETINGS**

4.1 Barnet has adopted a policy of Open Local Government. This means information will be provided to members of the public and Members of the Council unless it falls within a list of items which are exempt or confidential or for other legal reasons. Members' rights of access to other information held by the Council are set out in the Members' Information Management Policy.

- 4.2

4.3 Unless specifically authorised to do so, a member of the Council shall not:

4.7.1 issue any order for any work which is being carried out by or on behalf of the Council or

4.7.2 claim by virtue of his/her membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

4.4 Officers should keep Ward Members informed about local matters affecting their wards to enable them to effectively represent the views of their communities. Where it has been indicated that information provided to Ward Members is of a confidential nature, the local Ward Member must not make public nor make personal use of any information or material supplied to them.

5. **THE ROLE OF OFFICERS**

5.1 Officers can also have a variety of roles.

- They must advise Members to help them to take decisions;

- Some Officers have personal statutory powers and duties, for example, the officers designated as Head of Paid Service (Chief Executive), the Chief Finance Officer, the Monitoring Officer, Director of Adult Social Services and Director of Children's Service. Others, such as the Registrars of Births, Deaths and Marriages or Health and Safety at Work Inspectors, work under special statutory regimes;
 - The Council has given delegated powers to Directors and Chief Officers so that they can act and take decisions on behalf of the Council in many areas, provided they follow the rules of delegation and Members have access to their decisions; and
 - The Council is a very large organisation, and officers have a role to play within the organisation itself.
- 5.2 The organisational role of Officers has two important dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.
- 5.3 Professional Officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' what appears to be a performance failure or inconsistency. Their task is facilitated by clear political guidance and policy.
- 5.4 In addition, Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no Member involvement in implementation issues, but rather a set of understandings which both parties can agree to.
- 5.5 Officers service the whole Council. They work to the instructions of their Director/Assistant Director, Lead Commissioner or Head of Service or the Chief Executive - not individual Members of the Council, whatever office the Member might hold.
- 5.6 Officers should always know that they must:-
- pursue every known lawful policy of the Council
 - implement the decisions of Council, committees and sub-committees
 - inform Members immediately of any decision that they cannot fully implement
 - be helpful and respectful to Members
 - behave in a professional manner
 - serve all Members, not just those of the Administration group(s)
 - maintain confidentiality
 - deal with Member enquiries efficiently
 - strive continually to comply with the Council's performance management and scrutiny processes

- support Members in their role as ward Councillors.

6. **THE COUNCIL AS EMPLOYER**

6.1 Officers are employed by the Council (there are a few exceptions in special cases) and both they and the Council are governed by their contracts of employment and the Council's personnel procedures.

6.2 In making employment decisions, the key principles to follow (derived from the Nolan report) are:-

- Members should not gain financially or personally, nor should their family or friends
- Members have a duty to declare any private interest, and to protect the public interest
- Members should therefore have no involvement in employment or recruitment cases in which they have a personal interest of this kind
- In making public appointments or recommending people for rewards or benefits, Members must make choices on merit, using objective criteria
- Members should be open about, and are accountable for, the decisions they make in the role of employer. However, some employment matters should be dealt with in confidence.

6.3 Members should remember that, although the Council has an open access to information policy, there is no automatic right to information about:-

- any individual applicant to become an employee, or
- any individual who is an employee (this includes details of grade and pay, and any disciplinary, grievance or other employment issue that involves a particular employee), or
- consultation or negotiations over any labour relations matter

6.4 When acting as employer, Members are bound by the complete framework of national and European employment law and may be personally liable for decisions which discriminate on the basis of race, gender or disability. The Council is an equal opportunity employer and members should be guided by this principle in all their relationships with staff.

6.5 In addition under the Constitution,

- Members must not solicit a job with the Council for any person (but may give them a written testimonial)
- Canvassing support for a candidate for a job with the Council disqualifies the candidate from that job.

6.6 Political activities and affiliations may only be taken into account in recruitment in relation to the specific posts of political assistant. These are subject to special legal rules.

- 6.7 Members will be involved in individual staffing matters if they are a member of a Committee or Panel set up for that purpose. The Constitution sets out the role of relevant committees for Chief Officer Appointments, and for disciplinary and grievance processes relating to the Chief Executive, Directors and Chief Officers.
- 6.8 In other circumstances, however, Members must not become embroiled in the management of the Council (for example, all other disciplinary, capability or grievance processes are officer-only affairs). They must not engage in activities which might undermine the management line of command or adherence to Council personnel procedures, or try to influence the recruitment process.
- 6.9 Likewise, Officers must not raise directly with Members any personal matter to do with their jobs, or relating to any potential appointment.

7. **MONITORING THE PERFORMANCE OF OFFICERS**

- 7.1 Members set the policy framework of the Council. Officers are responsible for running services within the agreed budget and policy framework and guaranteeing that strong scrutiny and performance management systems are in place.
- 7.2 Members have a right to criticise reports or the actions taken by Officers, but they should always:-
- avoid personal attacks on Officers
 - ensure that criticism is well founded.
- 7.3 Complaints about officers or Council services should be made to the Director/Assistant Director/Lead Commissioner or Head of Service where a Member feels the fault lies or to the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.
- 7.4 Members should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to 'answer back' or defend themselves against criticism in a public forum.

8. **MEETINGS**

- 8.1 Both Members and Officers should take proper account of pressures each is under when arranging meetings particularly at short notice.
- 8.2 Ward members cannot always expect Officers to attend meetings arranged by them without prior consultation.

9. **OFFICER ADVICE/POLITICAL NEUTRALITY OF OFFICERS**

- 9.1 There is statutory recognition for party groups and sometimes consultation is required with committee chairmen. It is common practice for meetings to give

preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body or officers under delegated powers. .

9.2 The extent to which it is appropriate for Officers to attend meetings of this kind depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent facilities are available to all political groups represented on the Council if they so request.

- Officers, apart from political assistants, should not attend party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.
- Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive who would be responsible for advising the other groups who could then ask for the same briefing.
- Officers may attend briefing meetings with the Leader of the Council, Chairmen and Vice-Chairmen, either on a specific topic or prior to a formal meeting or the like.
- Officers may meet Chairmen prior to consulting them formally as a precondition to exercising delegated powers.
- Officers may attend for briefing with the Leader and Lead Members of all political parties on the Council in their offices.
- The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend, in accordance with the following principles.

9.3 Certain points must however be understood by all those participating in this type of process, Members and Officers alike. In particular:-

- (a) Officer support in these circumstances should not extend beyond providing information and advice in relation to matters of Council business, and Officers should not be expected to be involved in advising on matters of party business.
- (b) Such meetings, whilst they may form part of the preliminaries to decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions, and should not be interpreted as such.
- (c) Similarly, where Officers provide information and advice to such meetings in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant body when the matter in question is considered.

9.4 Special care needs to be exercised if Officers are involved in providing information and advice to a party group meeting which includes persons who

are not Members of the Council. Such persons will not be bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the code.

- 9.5 Officers must respect the confidentiality of any discussions at which they are present with Members. If officers receive information which, although confidential, they have a duty to disclose elsewhere, they must indicate that this is the case.
- 9.6 Any particular case of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).
- 9.7 Officers must never allow their own personal or political opinions to interfere with their work. Officers should not take part and Members should not ask officers to take part in any activity which could be seen as influencing support for a party. Members should raise with the Chief Executive any concerns about the political neutrality of an officer.
- 9.8 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.
- 9.9 The protocols governing the duties of political assistants are summarised below:-
 - They are Council employees and subject to Council contracts of employment, *the Council Constitution* and staff instructions.
 - They cannot stand in for Members at events or decision-making bodies, although they can attend as non-speaking observers, but not as representatives.
 - Each group has appointed a group officer to direct day to day work.
 - They cannot be required to breach the Council Constitution, the terms of their contract of employment or the legal restrictions on them.
 - They must respect confidentiality regarding the party, group and individual Members.
 - The Chief Executive deals with appointment, induction, discipline and grievances. The representatives of the Groups will conduct the appraisals. The Chief Executive will ensure the appraisals are undertaken by the Groups.
 - Council Officers will not require the assistant to divulge confidential information regarding the group, its dealings or its members.

- The assistant's normal contact points are members of Service Management Teams, Policy Officers and Governance Service. In making contact the assistant must be careful not to misrepresent the intentions of the group, and must clarify whether they are representing the whole group or individual members.
- The existence of assistants should not detract from normal Member/officer relationships.
- They cannot access files that a Councillor cannot access, unless the Councillor has demonstrated the need to know.
- In external relationships, they must make it clear that they are acting on group instructions, not for the whole Council. They must not speak to a public audience on terms which might create the impression that they are speaking as a representative of their political party.

10. **PERSONAL RELATIONSHIPS**

- 10.1 Good working relationships between Officers and Members are at the heart of good local government.
- 10.2 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

24. "Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other Councillors and Officers".

- 10.3 The Nolan report provides the following quote to illustrate its view of the correct spirit of Member-Officer relations:

"I do not think it is part of the proper relationship between Officers and Councillors if Officers are somehow seen in public as people who can be appropriately harangued or criticised or told that they do not know what they are doing. I think that the best relationship between Officers and councillors is much more a partnership relationship"
 - Gerry Stoker, Professor of Government, University of Strathclyde.

- 10.4 However there is potential for improper behaviour if the normal professional relationship becomes either too cosy or too combative.

11. **EXCESSIVE FAMILIARITY**

- 11.1 Members and Officers will often work closely together and develop good relationships. This can be beneficial, but there are limits and risks for all concerned in this area and it is not enough to avoid actual impropriety. Members and Officers should at all times avoid any situation which can give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between employees and individual councillors.
- 11.2 Members must declare to their Group Leader and to the Chief Executive any relationship with an Officer which might be seen as influencing their work as a Member. This includes any family, business or sexual relationships. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.
- 11.3 Members must not sit on or participate in decisions by any Council committee or other Council body which directly affects an employee to whom they are:-
- the partner
 - otherwise closely related such as sisters, brothers, parents and grandparents
 - in any other relationship which would jeopardise the work of the Council or make their attendance improper under the National Code of Local Government Conduct.

This is a simplification of the requirements under the law and National Code of local Government conduct and members should refer to other more detailed guidance.

12. **COMBATIVENESS AND PRESSURE**

- 12.1 In line with the National Code's reference to 'mutual respect', it is important that any dealings between Members and Officers both written and oral should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 12.2 Members must remember that Officers cannot respond to personal criticism in the same way that politicians can and should make their comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff. Members and Officers should be aware that problems often arise in informal situations, where Members and Officers are sometimes prone to lose their inhibitions. This should not prevent reasonable criticism of the work of Officers by Members.
- 12.3 Members should not put pressure on an Officer on matters which have been delegated for Officer decision. This might lead Officers to make decisions that:
- are not objective and cannot be accounted for
 - favour unfairly one member of the public over another.

12.4 Nor should they bring undue influence to bear on an Officer to take any action which is against procedure or policy, such as

- a breach of personnel procedures
- a conflict with the Council Constitution
- conflict with planning procedures and policies.

12.5 Members must declare any special relationships with constituents when dealing with Council Officers. Although Members are elected to represent the interest of their constituents, they should not seek special treatment for any individual.

13. **RELATIONS BETWEEN OFFICERS AND CHAIRMEN**

13.1 It is especially important that there should be a close working relationship between the Chairmen and Vice Chairmen of committees and other bodies, Directors, Assistant Directors, Lead Commissioners, Heads of Service and other Senior Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups.

13.2 Whilst the Chairmen will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that the Director, Assistant Director, Lead Commissioner or Head of Service will always be fully responsible for the contents of any report submitted in his/her name and the Chief Executive for preparing the agenda. Members must not seek to influence an officer to limit or modify recommendations put forward or withhold information which s/he should properly report.

13.3 Officers within a service are accountable to their Director, Assistant Director, Lead Commissioner or Head of Service. Whilst Officers should always seek to assist Members they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director, Assistant Director, Lead Commissioner or Head of Service, and should not be expected to do so.

14. **WHISTLEBLOWING**

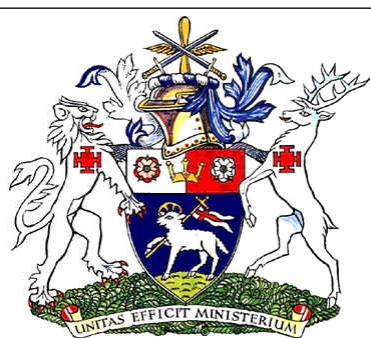
14.1 The Council has adopted a Whistleblowing Policy and Procedure. This sets out the process under which Officers can raise concerns with the Whistleblowing Officer, or, with the Monitoring Officer. It sets out how this works, and the responsibilities of the people concerned.

14.2 The Council neither tolerates improper conduct by its employees or Members, nor the taking of reprisals against those who come forward to disclose such conduct. It is committed to the highest possible standards of openness, probity and the aims and objectives of the Public Interest Disclosure Act 1998. As such all Members have a duty to comply with the Council's Whistleblowing policy and;

- promptly raise with the council's Whistleblowing Officer, Monitoring Officer or Chief Executive any irregularities and matters which they feel have been dealt with improperly

- provide them with all the evidence or relevant information they have.
- 14.3 In particular, Members have a duty to raise any issues they have reason to think might involve fraud, corruption, bribery, money laundering activity or safeguarding issues.
- 14.4 In accordance with the Whistleblowing Policy, any person who makes a report in good faith will be protected from victimisation or reprisal.
- 14.5 No action will be taken against any person if a report has been made in good faith, but is not confirmed by the investigation.
- 14.6 Conversely, any person should not make a report, which they do not reasonably believe to be true, or which is malicious. Disciplinary proceedings may be taken against any workers who makes false allegations maliciously or with a view to personal gain.
- 14.7 The provisions of this code are in addition to the right of any Member or employee to raise an issue of concern with an appropriate body outside the Council.

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Council
4 April 2017

Title	Report of the Constitution Ethics and Probity Committee – Revised Members Code of Conduct
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	Annex 1 – Report to Constitution Ethics and Probity Committee, 16 March 2017 Appendix A – Current Member Code of Conduct Appendix B – Revised Member Code of Conduct
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Summary

The Constitution, Ethics and Probity Committee at its meeting of 16 March 2017 considered a report on proposed revisions to the Members Code of Conduct, and resolved to **recommend to full Council that the amended Code be adopted as the Council’s Members Code of Conduct**. Only Full Council may amend the Constitution and therefore Council are recommended to approve the revised Code.

Recommendation

That the amended Members Code of Conduct as set out at Appendix B be adopted as the Council’s Members Code of Conduct.

1. WHY THIS REPORT IS NEEDED

1.1 As set out in the report to Constitution, Ethics and Probity Committee.

2. REASONS FOR RECOMMENDATIONS

2.1 The Constitution, Ethics and Probity Committee (CEP) is required under its terms of reference to proactively review and keep under review all aspects of the Constitution. The proposals contained in Appendices B were discussed by that Committee and are now recommended to ensure the smooth running of the Council.

2.1.1 The reasons for the recommendations are as set out in the report to Constitution, Ethics and Probity Committee at Annex 1.

2.1.2 The Constitution, Ethics and Probity Committee made the following decision at their meeting on 16 March 2017:

“RESOLVED that the Committee recommend the revised Members Code of Conduct as set out in Appendix B be recommended to full Council for adoption, subject to:

- i) Adding a new section 2 (f) to introduce a duty to report safeguarding concerns
- ii) References to ‘City Council’ being amended to ‘Council’; and
- iii) Additional text being included after the definitions of pecuniary and non-pecuniary interests as follows: “In the event that Members are unsure as to whether they have an interest and/or the type of interest are advised to consult with the Monitoring Officer”

The revised Members Code of Conduct attached at Appendix B has been amended to take into account the amendments detailed above.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The reasons for the proposals as set out in the report to Constitution, Ethics and Probity Committee.

4. POST DECISION IMPLEMENTATION

4.1 The Monitoring Officer will make arrangements for any changes agreed to be actioned, together with minor drafting and housekeeping changes. The revised Constitution will be published online and for existing hard copies issued to be revised and replaced.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council.

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

5.2.1 None.

5.3 Legal and Constitutional References

5.3.1 As set out in section 5.1.1

5.3.2 Council Constitution, Responsibility for Functions, Functions of Full Council, Paragraph 1.2: "Only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the Council".

5.4 Risk Management

5.4.1 As set out in the report to Constitution, Ethics and Probity Committee.

5.5 Equalities and Diversity

5.5.1 As set out in the report to Constitution, Ethics and Probity Committee.

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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	<p>Constitution, Ethics and Probity Committee</p> <p>16 March 2017</p>
<p>Title</p>	<p>Members Code of Conduct</p>
<p>Report of</p>	<p>Monitoring Officer</p>
<p>Wards</p>	<p>None</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A: Existing Members Code of Conduct Appendix B: Revised Members Code of Conduct</p>
<p>Officer Contact Details</p>	<p>David Tatlow, Interim Monitoring Officer, 020 8359 2786 david.tatlow@barnet.gov.uk</p>

<p>Summary</p>
<p>This report considers the content of the Code of Conduct, transforms the Code into a straightforward format in plain English and recommends changes designed to improve its provisions.</p>

<p>Recommendations</p>
<p>That the Committee consider the revised Members Code of Conduct shown at Appendix B and recommend to full Council that the amended Code be adopted as the Council’s Members Code of Conduct.</p>

1. WHY THIS REPORT IS NEEDED

Introduction

- 1.1 It would appear timely to consider whether any changes to the content of the Code of Conduct itself should be considered, in the light of the experience of the operation of the Code in practice since its introduction in 2012.
- 1.2 In some respect the Code as written is complex and not easy to follow. Accordingly the Code has been re-written in a more straightforward way and in plain English. The changes are intended primarily to clarify the circumstances in which Members need to declare interests.

Background

- 1.3 As set out in previous reports to the Committee, Section 27 of the Localism Act 2011 imposes a duty on the Council to “promote and maintain high standards of conduct by members and co-opted members” of the Council. The Council is also required by Section 28 of the Act 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 such a Code must include the provisions the Council considers appropriate in respect of the registration and disclosure of Pecuniary and Non-Pecuniary interests.
- 1.4 For the most part it is a matter for the Council to decide what the contents of its Code should be. However that part of the standards regime introduced by the 2011 Act which relates to pecuniary interests is statutory. The Act, or Regulations made under the Act, define pecuniary interests, require their registration and disclosure, and create criminal offences if the statutory provisions are not complied with. The Code sets out and reflects these statutory provisions.
- 1.5 However, it is for the Council to decide what other provisions to include in the Code. The current Code does so in Section 10, which deals with “Other interests”, which are referred to as non-disclosable pecuniary interests or non-pecuniary interests.
- 1.6 Section 10 of the current Code causes difficulty in practice for two reasons:
 - Firstly, the terminology is extremely confusing. “Non-disclosable pecuniary interests or non-pecuniary interests” must in fact be declared under the Code, which makes the term “non-disclosable” inappropriate. The Code does not provide any different treatment for pecuniary interests compared to non-pecuniary interests, so it is unclear why such terms are used.
 - Secondly, the Code requires only the declaration of these “other interests”, and has no provision requiring a Member to withdraw from decision-making even where the “other interest” is a financial one and would clearly be perceived by a member of the public as one likely to affect the Member’s judgment of the public interest, or one such as to give the appearance of

bias so that a decision may be liable to successful challenge if the Member does participate in decision-making. The Code has no provisions preventing decision-making in any circumstances other than those where a Member has a pecuniary interest as statutorily defined.

- 1.7 Examples of a situation not catered for by the current Code can be provided. Any interest in land or property in Barnet owned by a Member or his/her spouse or partner is a pecuniary interest as defined by the Act. It would therefore be an offence for such a Member to participate in decision-making with respect to (for example) a planning application relating to such a property.
- 1.8 However, the statutory definition of a pecuniary interest would not include land or property owned by someone living next door to the the Member. Unless the Code contains provisions dealing with the matter, therefore, it is open to a Member with such an interest to participate in decision-making in respect of their neighbour's property. Under the current Code, a Member would be required to declare an interest, but would not be required to absent him or herself from the meeting to determine the neighbour's planning application. If this were to actually occur it is likely to affront the public's sense of fairness and justice.

Proposed Amendments

- 1.9 In order to address these issues, it is proposed that the Code should be revised so as to include personal interests defined as interests which would affect the wellbeing or financial interests of a Member in the list of pecuniary interests.
- 1.11 Other changes have been made to ensure consistency of language and style throughout the Code.
- 1.12 The recommended changes are set out in the version of the Code contained at Appendix B.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Constitution, Ethics and Probity Committee is responsible for promoting and maintaining high standards of member conduct. This report puts forward proposals for amending the Members Code of Conduct to assist in fulfilling that duty.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The reasons for the proposals are set out in Section 2 above.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Committee agrees the recommendation, it will be reported to Full Council for approval.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council.

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

5.2.1 None.

5.3 Legal and Constitutional References

5.3.1 As set out in Section 2 above.

5.3.2 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 proposals set out in this report are designed to reduce the risk of reputational damage to the Council and to individual members arising from any perception that the Council's arrangements for dealing with complaints about member conduct are not fair or not effective.

5.5 Equalities and Diversity

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

5.6 Consultation and Engagement

5.6.1 None.

6. BACKGROUND PAPERS

6.1 None.

BARNET COUNCIL
MEMBERS CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to **you** as a Member of London Borough of Barnet.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:
- "meeting" means any meeting of:-
- (a) the Council;
- (b) any of the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees;
- "Member" includes a Co-opted member and an Appointed Member.
- (5) As a Member or Co-opted Member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.
- (6) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority:-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Scope

2. (1) You must comply with this Code whenever you are acting in your capacity as a Member of the council.

General obligations

3. (1) You must:-
- (a) treat others in a manner which is consistent with the obligations set out in paragraphs 1 (5) and 1 (6) above.
 - (b) treat others with respect.
- (2) You must not:-
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not:-
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You:-

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the Council's Chief Finance Officer; or

(b) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7. When reaching decisions you should:-

(a) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and

(b) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

PART 2

INTERESTS

Disclosable Pecuniary Interests

8.1 A pecuniary interest is a "Disclosable Pecuniary Interest" if it is of a

description specified in Appendix 1 and either:

- (a) it is the interest of you as a Member or
- (b) it is an interest of:
 - (i) the Member's spouse or civil partner
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners,

and the Member is aware that the other person has that interest.

- 8.2 If you are in any doubt as to whether you should continue to participate in any matter, you should take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.
- 8.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of one or more of the Council's committees.
- 8.4 You should not seek, or accept, membership of any committee, if that would involve you in disclosing an interest so often that you could be of little value to the committee, or if it would be likely to weaken public confidence in the duty of the committee to work solely in the general public interest.

Effect of disclosable pecuniary interests on participation

- 9.1 Where you are present at a meeting of the Council and you are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, then:
- (a) if the interest is not entered on the Council's register of interests you must (subject to the provision relating to sensitive interests) disclose the interest to the meeting, and
 - (b) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date of disclosure and
 - (c) (i) (subject to any current dispensation) may not participate (or participate further) in any discussion of the matter at the meeting or
 - (ii) participate in any vote (or vote further) taken on the matter at the meeting
 - (iii) and must leave the room in which the meeting is being held

Other Interests

- 10.1 In addition to the above requirements, if you attend a meeting at which an item of business is to be considered and you are aware that you have a "non disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

- 10.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
 - (b) it relates to or is likely to affect any of the interests listed in the Table in Appendix 1 of this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and
- that interest is not a disclosable pecuniary interest.
- 10.3 You must declare any personal interests, both pecuniary and non-pecuniary, including your membership of any Trade Union that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming to the procedures set out in section 12 below.

Gifts and Hospitality

- 11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality offered with a value in excess of £25 which you have accepted or declined as a member from any person or body other than the Council.
- 11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 11.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

- 12.1 You must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 12.2 In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act

in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

- 12.3 If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.
- 12.4 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 12.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You should leave the room.
- 12.6 In cases where a member has a disclosable pecuniary interest, they may still be able to participate and vote at a meeting if they have obtained a dispensation from the Monitoring Officer in accordance with the provisions set out below:

There are 5 circumstances in respect of which a dispensation may be granted, namely:

- (a) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would 'impede the transaction of the business;
 - (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area; or
 - (e) That the authority considers that it is otherwise appropriate to grant a dispensation
- 12.7 Each Member will be required to apply for a dispensation from the Monitoring Officer in writing. The Monitoring Officer will be required to report to each Committee the dispensations granted where it is relevant to that Committee.

Sensitive information

13. Where you have a personal or declarable pecuniary interest and you and the Monitoring Officer consider that it is of such a nature that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation then:
 - (a) if the interest is entered on the Council's Register, copies that are made available for inspection and any published version of the Register must not include details of the interest but may state that you have an interest details of which are withheld under this provision.
 - (b) if by virtue of this Code you are required to disclose an interest at a meeting then that requirement shall be amended to only require disclosure that such an

interest exists in respect of the matter concerned, but not the terms of that interest.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Council's Monitoring Officer asking that the information be included in the Council's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

DISCLOSABLE PECUNIARY INTERESTS

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner. The duties to register, disclose and not to participate in respect of any matter in which a Member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out duties as a member, or towards the election expenses of a Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
Contracts	Any contract which is made between you, or your spouse or civil partner (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which you, or your spouse or civil partner has within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) which you, or your spouse or civil partner, holds to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to a Member's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which you, or your spouse or civil partner has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to a Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Arrangements for dealing with allegations that a member or co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Barnet Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.

Independent Person	A person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.
Standards Committee	A committee of members responsible for considering reports of the Monitoring Officer upon allegations that a Member or Co-opted Member has breached the Council's Code of Conduct.

2. The Members' Code of Conduct

2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person or Persons. The person(s) appointed shall have responded to a public advertisement for the vacancy and submitted an application for the post. The appointment of the successful applicant shall be approved by a majority of the members of the Council.

3.2 The views of the Independent Person must be sought by the Monitoring Officer before any allegation is investigated or reported to the Standards Committee

3.2 The views of the Independent Person may be sought:

- (i) by the Standards Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
- (ii) by a Member or Co-opted Member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a Member or a Co-opted Member of Barnet Council has failed to comply with the Members' Code of Conduct should be made in writing, wherever possible, using the Complaint Form on the Council's website to:

Davina Fiore
Monitoring Officer
Barnet Council
North London Business Park

Oakleigh Road South
London
N11 1NP

Tel: 0208 8359 6373

or email:

Davina.Fiore@barnet.gov.uk

- 4.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.
- 4.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.4 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 4.5 The Monitoring Officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in her opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

5. Assessment of an allegation

- 5.1 The Monitoring Officer will review every allegation received and will consult the Independent Person before taking a decision that an allegation merits reference to the Standards Committee.
- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.
- 5.3 The Monitoring Officer will use a number of criteria for assessing complaints, and may consult with the Independent Person and if necessary the appropriate party group Whips and party Leaders. The decision whether to investigate a complaint will be a proportionate response to the issues raised and likely outcomes. The Monitoring Officer may determine that an allegation does not merit any further action, where:
 - (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or

- (b) It is about someone who is no longer a Member or a Co-opted Member of the Council, or
 - (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or
 - (d) The same or a similar allegation has been investigated and determined, or
 - (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
 - (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or
 - (g) the complainant is considered to be vexatious.
- 5.4 If the complaint is dealt with under 5.3 above, the Monitoring Officer will promptly notify the complainant and the Member of the outcome, giving reasons for the decision.
- 5.6 The Monitoring Officer may also determine that an allegation merits no further investigation having regard to the following additional criteria:
- (a) The allegation is not considered sufficiently serious to warrant investigation, or
 - (b) The allegation appears to be motivated by malice or is 'tit-for-tat', or
 - (c) The allegation appears to be politically motivated, or
 - (d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.
- 5.7 Where the Monitoring Officer considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation in accordance with Section 6 below.
- 5.8 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt of the allegation. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially.

6. The Investigation

- 6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.
- 6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 6.3 The Monitoring Officer/Investigating Officer will normally write to the Member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the Member. Where disclosure of details of the allegation to the Member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the Member until the investigation has progressed sufficiently.
- 6.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee where appropriate. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Standards Committee and the Independent Person.
7. **Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.**
- 7.1 In these circumstances the Monitoring Officer may decide (a) to take no further action or (b) to refer the matter to the Standards Committee.

- 7.2 Where the Monitoring Officer decides to take no further action, the Monitoring Officer will inform the person making the allegation and the Member who is the subject of the complaint of her decision and of the reasons for it.
- 7.3 When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:
- (a) accept the recommendation resolve that no further action is required and dismiss the allegation, or
 - (b) remit the report to the Monitoring Officer for further consideration, or
 - (b) conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.
- 7.4 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of the Independent Person.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

- 8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult the Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.
- 8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Standards-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

9. The Pre Hearing Process and Hearing

- 9.1 A Member or Co-opted Member who is the subject of a complaint which proceeds to a hearing has the right to be legally represented or accompanied at the hearing.
- 9.2 In advance of the Hearing the Monitoring Officer (and/or her nominees) will:
- (a) agree a date for the hearing with all the relevant parties;
 - (b) provide a timetable for the Member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;

- (c) establish whether the member will be represented or accompanied at the hearing;
 - (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
 - (e) provide information about the procedure to be used at the hearing;
 - (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
 - (g) establish whether the Investigating Officer intends to call any witnesses.
- 9.2 Wherever possible hearings conducted by the Standards Committee Sub-Committee shall take place within three calendar months of the completion of the Investigation Report.
- 9.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.
- 9.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.5 If a Member fails to attend the hearing, the Standards Committee may decide to proceed in the Member's absence and make a determination, or to adjourn the hearing to a later date
- 9.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.7 The Standards Committee, having sought and taken into account the views of the Independent Person may conclude:
- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Standards Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Standards Committee will give the member an opportunity to make representations to the Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.
- 9.9 In the event that votes are tied on a finding on a complaint the Committee will determine that the Member has not breached the Code of Conduct and the allegation will be dismissed.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Committee may:

- (a) Publish its findings in respect of the Member's conduct;
- (b) Report its findings to Council for information;
- (c) Issue the Member with a formal censure or reprimand, a report of which may be submitted to Council
- (d) Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Instruct the Monitoring Officer to arrange training for the member;
- (f) Recommend to Council that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council
- (g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (h) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (i) Take no further action
- (j) Any other appropriate sanction which may be available to the Committee.

10.2 The Standards Committee has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.

10.3 At the end of the hearing, the Chairman shall state the decision of the Standards Committee as to whether the Member failed to comply with the Code of Conduct and as to any action which the Committee has resolved to take.

10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chairman of the Committee, and send a copy to the person making the allegation; to the member concerned; make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

11. Appeals

11.1 There is no right of appeal for either the person making the allegation or for the Member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee

11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

12. Reports

12.1 The Monitoring Officer will submit a report to the Constitution, Ethics and Probity Committee at six monthly intervals to inform the Constitution, Ethics and Probity Committee about complaints which have been received and not investigated under paragraphs 5.3 or 5.6 of this Protocol, and complaints which have been investigated but not reported to the Standards Committee under paragraph 7.1

Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Standards Committee and advised to the parties

1. The Chairman shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Committee may question the Member and any witnesses.
9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.
11. The Chair shall invite the parties to withdraw to enable the Committee to deliberate upon the allegation. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.
12. The parties shall be invited to return and the Chairman shall announce the Committee's decision in the following terms:-
 - (a) The Committee has determined that the Member has failed to comply with the Code of Conduct, or

- (b) The Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Committee will give reasons for its decision.

13. If the Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.
14. The Chairman shall invite the parties to withdraw to enable the Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Committee shall seek and take into account the views of the Independent Person.
15. In addition to any action upon the current matter, the Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.
16. The parties shall be invited to return and the Chairman shall announce the Committee's decision
17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

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LONDON BOROUGH OF BARNET

Code of Conduct for Members & General Guidance

Introduction and interpretation

1. (1) This Code applies to Councillors (Members) of the London Borough of Barnet and also to co-opted committee members.
- (2) It is the responsibility of Councillors and co-opted Members to comply with the provisions of this Code.

Scope

2. (1) You must comply with this Code whenever you:
 - (a) conduct the business of Barnet Council; or
 - (b) act, claim to act or give the impression you are acting as a representative of Barnet Council; or
 - (c) act as a representative of Barnet Council.and references to your official capacity are construed accordingly.
- (2) In addition to having effect in relation to conduct in your official capacity, this Code has effect, at any other time, where conduct constitutes a criminal offence for which you have been convicted or received a Police Caution.

General obligations

3. (1) Councillors (Members) and Co-Optees are committed to behaving in a manner that is consistent with the following principles of Public Life:

Selflessness — Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity — Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity — Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

Openness — Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement — Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others — Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law — Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship — Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership — Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(2) Do:

- (a) Follow the Code of Conduct when you are representing your authority.
- (b) Be aware of what pecuniary and non-pecuniary interests are – refer to the Monitoring Officer if you are unsure.
- (c) Keep your register of interests up-to-date.
- (d) Treat others with respect.
- (e) Register gifts and hospitality, received in your role as a Member, worth more than £25.
- (f) Report a safeguarding issue to the appropriate authority

(3) Don't:

- (a) Bring your authority or office into disrepute.

- (b) Use the Council's resources which includes the Council's address and email address for any personal, party political or non-Council purposes.
- (c) Compromise the impartiality of people who work for your authority.
- (d) Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
- (e) Bully, intimidate or attempt to intimidate others.
- (f) Use your position improperly for personal gain or to advantage your friends or close associates.
- (g) Participate in meetings or be involved in decision-making where you have a pecuniary interest – except when speaking when the general public are also allowed to do so.
- (h) Disclose confidential information, other than in exceptional circumstances – refer to the Monitoring Officer if you are unsure.
- (i) Prevent anyone getting information they are entitled to.

Disclosure of Pecuniary and Non-Pecuniary Interests

4. (1) Subject to the paragraph 5 below (Sensitive Interests), you must within 28 days of this Code being adopted or election or appointment to office, and within 28 days of becoming aware of any new pecuniary or non-pecuniary interest or of any change to your registered interests, notify the Monitoring Officer on the form provided – or if only a 'change' in your interests then notification by email will suffice.
- (2) If a pecuniary or non-pecuniary interest arises from any business to be discussed at any committee or joint committee meeting of the Council then you must declare this interest either at the start of the meeting or immediately before the item is discussed.
- (3) An interest to be disclosed at a meeting is either your interest or that of your husband, wife or civil partner or that of a person with whom you are living as husband or wife or as civil partners.
- (4) If you declare a pecuniary interest then you must not take part in any discussion of the matter at the meeting, and you must not vote on the matter. You need not withdraw from the meeting but any participation by yourself at the meeting in respect of the matter in which you have a pecuniary interest is a criminal offence for which you may be prosecuted as well as referred to the Standards Committee.

- (5) If you declare a non-pecuniary interest then you may remain in the meeting, you may take part in the discussion and you may vote on the matter.

Sensitive Interests

5. Where you consider that disclosure of the details of an interest could lead to you or a person connected to you being subject to violence, discrimination or intimidation, and the Monitoring Officer agrees, then the Register of Interest will disclose the interest but not the details which may accordingly be withheld from publication.

Exemptions

6. (1) Where you have a pecuniary interest in any business of the Council you must declare that interest but you may only speak at that meeting for the purpose of making representations, answering questions, or giving evidence relating to the business providing that the public are also allowed to attend the meeting for the same purpose.

(2) Dispensations are available by application to the Monitoring Officer in the limited circumstances that apply by law. If required please write to the Monitoring Officer with reasons for the application.

Additional voluntary provisions

7. No Councillor shall provide or offer to provide a formal reference for any candidate for employment or promotion with the Council as to do so may be perceived as bringing an unacceptable pressure to bear on the appointing officer and any officer appointed as a result of such reference.

REGISTER OF COUNCILLORS' INTERESTS

I,
(name)

an Elected / Co-opted Member of the London Borough of Barnet do hereby give notice that I have set out below my interests which I am required to declare under the Code of Conduct for Members.

within 28 days of election to office, an Elected or Co-opted Member must register his/her pecuniary and non-pecuniary interests in a public register by providing written notification to the Monitoring Officer; you must declare your own interests on the form below and also those of your husband/wife/civil partner, which includes any person with whom you are living as husband/wife/civil partner. You do not need to name your husband/wife/civil partner.

Pecuniary Interests

1. Employment, office, trade, profession or vocation:

Your employment, office, trade, profession
or vocation carried on for profit or gain,
and that of your husband/wife/civil partner.

Note: "Office" includes position held as
representative of the council on the
management of an external organisation
if an Allowance is paid which exceeds
reasonable expenses.

2. Sponsorship

Any payment or provision of any other
financial benefit in respect of any expenses
incurred in carrying out duties or towards
election expenses; this includes any
payment or financial benefit from a trade
union.

Pecuniary Interests (continued)

3. Contracts

Any contract which is made between you or your husband/wife/civil partner (or a body in which you or your husband/wife/civil partner has a beneficial interest) and the Council under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

4. Land

Any beneficial interest in land held by you or your husband/wife/civil partner which is within the area of the Council

.

5. Licences

Any licence (alone or jointly with others) to you or your husband/wife/civil partner to occupy land in Barnet for a month or longer.

6. Corporate tenancies

Any tenancy where the landlord is the Council and the tenant is a body in which you or your husband/wife/civil partner has a beneficial interest.

7. Securities

Any beneficial interest in which you or your husband/wife/civil partner has in securities of a body where:

(see over)

Non-Pecuniary Interests

any organisation of which you are a member or in a position of general control or management and to which you are appointed by Barnet Council.

Note: If you receive an Allowance from the organisation which exceeds your reasonable expenses then you should declare your interest under Pecuniary Interest Number 1 above.

If there is insufficient space in any of the boxes provided, please use a supplementary sheet.

This is a public document to which members of the public will have free access to during normal office hours and copies will also be published on the council's website.

Declaration

I recognise that I will be in breach of the Council's Code of Conduct for Members if I:

- (a) omit information that ought to be given in this notice; or
- (b) provide information that is materially false or misleading; or
- (c) fail to give further notices within 28 days of any change to the information set out above in order to bring up to date the information given in this notice.

Signed

Dated

please return the signed Declaration to the Monitoring Officer

STATUTORY REGISTER OF GIFTS OR HOSPITALITY

An Elected or Co-opted Member must, within 28 days of receiving any gift or hospitality, in their capacity as a Councillor or Co-opted Member, and over the value of £25, provide written notification to the Council’s Monitoring Officer of the existence and nature of that gift or hospitality.

I,
.....
.....

being an Elected / Co-opted Member of Barnet Council do hereby give notice that I have received the gift or hospitality detailed below.

Signed
Dated

Please return the signed Notice to the Monitoring Officer

STATUTORY REGISTER OF GIFTS OR HOSPITALITY

**Date upon which
the Gift or Hospitality
was received**

**Person / Organisation
offering or providing
the Gift or Hospitality**

**Brief details of Gift
or Hospitality received**

**Estimated or actual
value of the Gift/Hospitality**

DISPENSATIONS AVAILABLE

Circumstances in which dispensations may be granted:

The Monitoring Officer may grant a dispensation to a Member in the following circumstances:

- that so many Members of the decision making body have disclosable pecuniary interests in the matter that the meeting would be inquorate; or**
- that the representation of different political groups on the decision making body would be so upset as to alter the likely vote on the matter; or**
- that it is in the interests of persons living within Barnet; or**
- that it is otherwise considered appropriate to grant a dispensation.**

	<p>Council</p> <p>4 April 2017</p>
<p>Title</p>	<p>Approval of the Annual Pay Policy Statement</p>
<p>Report of</p>	<p>Chairman of the General Functions Committee</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>Appendix 1 – Report to the General Functions Committee Annex A – Pay Policy Statement</p>
<p>Officer Contact Details</p>	<p>Graeme Lennon, HR Director , Graeme.Lennon@Barnet.gov.uk</p>

<p>Summary</p>
<p>Local Authorities have to publish a Pay Policy Statement on the 1 April each year. This report seeks approval of the Council’s annual Pay Policy Statement (Annex A) which was endorsed by the General Functions Committee on 20 March 2014. Subject to approval by Full Council, it will be published.</p>

<p>Recommendation</p>
<p>1. That Council approves the annual Pay Policy Statement for the financial year 2017/18 (Appendix 2).</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 38(1) of the Localism Act 2011 requires local authorities to produce and publish an annual Pay Policy Statement.

1.2 On 20 March 2017 the General Functions Committee reviewed the Council's Pay Policy Statement for the financial year 2017/18 and resolved to recommend it for approval by Council.

1.3 Council is responsible (in accordance with section 1.20 of the Responsibility for Functions) for approval of the annual Pay Policy Statement.

2. REASONS FOR RECOMMENDATION

2.1 As set out in the report to the General Functions Committee, 20 March 2017.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As set out in the report to the General Functions Committee, 20 March 2017.

4. POST DECISION IMPLEMENTATION

4.1 The Pay Policy Statement requires endorsement by Full Council on 4 April 2017 prior to publication.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As set out in the report to the General Functions Committee, 20 March 2017.

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

5.2.1 As set out in the report to the General Functions Committee, 20 March 2017

5.3 Social Value

5.3.1 As set out in the report to the General Functions Committee, 20 March 2017.

5.4 Legal and Constitutional References

5.4.1 As set out in the report to the General Functions Committee, 20 March 2017

5.5 Risk Management

5.5.1 As set out in the report to the General Functions Committee, 20 March 2017.

5.6 Equalities and Diversity

5.6.1 As set out in the report to the General Functions Committee, 20 March 2017

5.7 Consultation and Engagement

5.7.1 As set out in the report to the General Functions Committee, 20 March 2017.

5.8 Insight

5.8.1 As set out in the report to the General Functions Committee, 20 March 2017.

6. BACKGROUND PAPERS

6.1 None

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	<h2>General Functions Committee</h2> <h3>20 March 2017</h3>
Title	Pay Policy Statement
Report of	Graeme Lennon, Strategic HR Director
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Pay Policy Statement
Officer Contact Details	Graeme Lennon, 020 8359 5080, Graeme.Lennon@Barnet.gov.uk

<h3>Summary</h3>
<p>Local Authorities have to publish a Pay Policy Statement on the 1 April each year or as soon thereafter as is practicable. This report introduces a draft Pay Policy Statement for endorsement by the General Functions Committee prior to final approval being sought by Full Council on 4th April 2017 prior to publication.</p>

<h3>Recommendations</h3>
<p>1. That the General Functions Committee reviews the Council’s Pay Policy Statement for the financial year 2017/18 and agrees to recommend it for approval by Council on 4th April 2017.</p>

1. WHY THIS REPORT IS NEEDED

1.1 Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.

2. REASONS FOR RECOMMENDATIONS

- 2.1 To comply with the Localism Act, associated statutory guidance, including the transparency requirements on remuneration as set out in the Code of Recommended Practice for Local Authorities on Data Transparency issued by the Department for Communities and Local Government in September 2011 and the council's constitution.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The proposal arises from the statutory obligation cited in sections 1.1 and 2.1 and as such alternative options have not been considered in the context of this report

4. POST DECISION IMPLEMENTATION

- 4.1 The Pay Policy Statement requires endorsement by Full Council on 4 April 2017 prior to publication.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 No applicable

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

- 5.2.1 Not Applicable.

5.3 Social Value

Not applicable

5.4 Legal and Constitutional References

- 5.4.1 Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement.

- 5.4.2 The [General Functions Committee](#) (appointed by [Council](#)) has responsibility for decisions related to the pay and terms and conditions of employment for staff (other than those within the remit of the [Chief Officer Appointment Panel](#)¹) in accordance with [section 15 \(Annex A\) of the Constitution](#) – Responsibility for Functions.

- 5.4.3 In addition (to other responsibilities listed in [Annex A to the Responsibility for Functions](#)) [the committee must review remuneration annually and ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the policy between annual reviews.](#)

¹ The Chief Officer Appointment Panel deals with chief officer appointments, discipline and capability matters.

5.4.4 Council is asked to consider the General Functions Committee's recommendation(s) and is ultimately responsible (in accordance [with section 1.20 of the Responsibility for Functions](#)) for approval of the annual pay policy

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 There are no background papers.

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ANNEX A

London Borough of Barnet
Pay Policy Statement 2017/18

Published
April 2017

1 Background

Localism Act 2011 - Openness and accountability in local pay

- 1.1. Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however it emphasises the need to deliver value for money for local taxpayers.
- 1.3. This statement has been approved by Council and any further changes during the year will be brought back to Council for adoption.
- 1.4. This statement does not cover schools.

Related Remuneration and Transparency Context

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Code of Recommended Practice for Local Authorities on Data Transparency issued by the Department for Communities and Local Government in September 2011 and specific guidance relevant to the Localism Act issued by the Department in February 2012 and February 2013.
- 1.6. Part of the Code of Recommended Practice for Local Authorities on Data Transparency includes publishing information relating to senior salaries within a local authority. A full list of all posts that are paid more than £58,200 is published on the Council's website. See <https://barnet.gov.uk/citizen-home/council-and-democracy/finance-and-funding/financial-statements-budgets-and-variance-reports/senior-salaries.html>

2. Governance arrangements for pay and conditions of service within London Borough of Barnet

- 2.1. The [General Functions Committee](#) (appointed by [Council](#)) has responsibility for decisions related to the pay and terms and conditions of employment for staff (other than those within the remit of the [Chief Officer Appointment Panel](#)¹) in accordance with [section 15 \(Annex A\) of the Constitution](#) – Responsibility for Functions.
- 2.2. Included within its responsibilities, is the duty to develop and publish the annual pay policy statement for approval by Council (being its parent body) which will comprise:
 - 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

¹ The Chief Officer Appointment Panel deals with chief officer appointments, discipline and capability matters.

- 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 recruitment and retention Premia and ex-gratia payments
- determination of remuneration parameters for officers who have returned to work for a local authority
- appointment and remuneration terms.

2.3. In addition (to other responsibilities listed in [Annex A to the Responsibility for Functions](#)) the committee must review remuneration annually and ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the policy between annual reviews.

2.4. Council is asked to consider the General Functions Committee's recommendation(s) and is ultimately responsible (in accordance [with section 1.20 of the Responsibility for Functions](#)) for approval of the annual pay policy statement.

3. Remuneration arrangements for all employees

Introduction

3.1. This section sets out the remuneration arrangements for London Borough of Barnet employees.

Senior Management

3.2. The Senior Management Team's pay and reward arrangements include:

- Market based pay structure which links job size to the mid point between Median and Lower Quartile Pay data
- Evaluation of all roles using Hay job evaluation scheme to size the role.
- Pay Grade reflect job sizes and evaluated roles are slotted according to the evaluated job size
- Automatic enrolment into Local Government Pension Scheme (LGPS)
- Base pay reviewed by General Functions Committee - these roles are outside national pay bargaining
- 30 days annual leave
- Sick pay is a maximum of six months at full pay and three months at half pay

Rest of the Council

- 3.3. The Council is reviewing its pay and reward arrangements for all other employees. Current arrangements are:
- Base pay negotiated through collective bargaining arrangements administered by the Local Government Association
 - Adoption of the National Joint Council (NJC) for Local Government Services (LGS) pay spine
 - Evaluation of all roles using systematic job evaluation.
 - Roles placed on the pay spine using job evaluation
 - Automatic enrolment into Local Government Pension Scheme (LGPS)
 - Other terms and conditions of employment, such as entitlement to sick pay and annual leave, are governed by the NJC LGS

Pay Scales - Senior Management Team

- 3.4. The Senior Management grade structure and salaries were agreed by Remuneration Committee on 28 June 2012. The Remuneration Committee was disbanded at the conclusion of the 2014/15 municipal year with its responsibilities being assumed by the General Functions Committee and Chief Officer Appointment Panel. The General Functions Committee (subject to Council approval) sets the pay rates applicable to the grade structure on an annual basis and this pay policy statement is updated. The table below sets out the salaries associated with the pay grades for the Senior Management Team and the Statutory Officer posts. Salaries are reviewed during April each year and an updated pay policy statement is approved and published by the Council as necessary.

Pay Grade	Pay point for Entry On 1 April 2017	Pay point for Developing On 1 April 2017	Pay point for Fully Competent On 1 April 2017	Chief Officer and Senior Management Posts
1	£177,613	£182,613	£187,613	Chief Executive*
2	£148,464	£153,464	£158,464	Chief Operating Officer (Section 151 Officer)*;
3	£124,870	£129,870	£134,870	Commissioning Director (Growth and Development)* Commissioning Director (Children & Families)* (incorporates statutory Director of Children's Services); Commissioning Director (Adults & Health)* (incorporates Statutory Director for Adults and Social Services) Commissioning Director (Environment)* Director of Family Services
4	£103,846	£108,846	£113,846	Director of Strategy Assurance Director (Monitoring Officer)* Resources Director

Pay Grade	Pay point for Entry On 1 April 2017	Pay point for Developing On 1 April 2017	Pay point for Fully Competent On 1 April 2017	Chief Officer and Senior Management Posts
				Commercial Director Delivery Unit Director (Adults & Communities) Delivery Unit Director(Streetscene)
5	£85,139	£89,869	£94,599	Non-chief officer posts – mainly Assistant Director posts and Heads of Service
6	£71,511	£75,484	£79,457	
7	£57,950	£61,170	£64,389	

***Chief Officer posts**

- 3.5. Each Pay Grade comprises 3 pay points Entry, Developing and Fully Competent. The Fully Competent pay point reflects the evaluated level of the job. The Council does not pay beyond the evaluated level of the job and there is no automatic progression between each level within the Grade.
- 3.6. The appropriate pay point at recruitment will normally depend upon the applicant's assessed level of competence.
- 3.7. All chief officer appointments will be conducted by the Chief Officer Appointment Panel, which comprises five elected members appointed to the panel by Council. The Panel includes the Leader of the Council, the Deputy Leader of the Council, the Chairman of the General Functions Committee, the Leader of the opposition and a further member of the opposition group. The post holder's remuneration will be voted on by the General Functions Committee and reported to Council at the earliest opportunity.
- 3.8. In accordance with supplementary guidance issued by the Department for Communities and Local Government, Council have been given the opportunity to vote on Chief Officer Salary packages, salaries at or above £100,000 per annum and any severance packages per individual of £95,000 or more (see section 4 below). Council delegated this function to the General Functions Committee.
- 3.9. The General Functions Committee is responsible for the appointment of all chief officers with the exception of the Head of Paid Service (Chief Executive) as Council retains the responsibility to confirm the appointment or dismissal of the Head of Paid Service ([section 1.14 of the Responsibility for Functions](#)).

Pay Scales - Rest of the Council

- 3.10. The council in accordance with its single status agreement currently has two pay bands in operation for the remainder of the Council as follows:

Pay Band	Relevant employees	Lowest Pay Point on 1 April 2017	Highest Pay Point on 1 April 2017
Hay band 4	Senior Managers and some professional staff	£49,947	£64,389
Barnet Broadband	All other employees	£17,981	£66,916

- 3.11. The evaluated grade for a role is normally 4 spinal column points. However the Single Status Agreement allows for some discretion in the number of spinal column points within a grade ranging from single spot grade through to a career grade; this discretion must be in line with the single status agreement.
- 3.12. The pay point on recruitment is normally at the bottom point of the grade for each post unless there is a justifiable reason for doing otherwise. An example might be that for particular roles there is difficulty in recruitment and retention and to ensure that the successful candidate accepts the job offer a salary above the bottom of the grade is required.
- 3.13. Progression through the grade is assessed through the annual performance review cycle with pay awards being subject to those outlined in Table A below until the top of the pay grade is reached.

Table A

Rating	Percentage increase
Development Needs	0%
Satisfactory	0.5%
Good	2.25%
Outstanding	3%

Barnet Living Wage

- 3.14. The Council has developed a fair pay policy to ensure that it applies a minimum wage for Council employees.

“London Borough of Barnet is a fair pay employer and will apply the principles of a living wage (including taking into account the National Minimum Wage, National Living Wage, London Living Wage and national pay awards in the public sector), subject to affordability.”

- 3.15. Employees whose pay rate is less than the agreed amount will receive a pay supplement to bring their pay up to an equivalent of the published Barnet Living Wage rate. The minimum rate will be reviewed on an annual basis. For 2017/18 no employees are paid below the Barnet living wage rate.

Other Elements of Remuneration

Pay Protection

- 3.16. The Council’s Managing Organisational Change Policy is applicable to all employees and sets out the Council’s pay protection policy.

Recruitment and Retention Premia

- 3.17. The Council has a recruitment and retention payments policy applicable to all employees which describes when and how the Council may pay beyond the evaluated level of the job. Any market payment will need to be supported by clear market evidence before it can be brought into payment.

Other

- 3.18. The Council does not pay bonuses or performance related pay to senior managers.
- 3.19. The Council does not offer any benefits in kind.
- 3.20. The Council does not use ex-gratia payments.

Payment for election duties

- 3.21. The role of Returning Officer is considered to be secondary employment and any Senior Officer undertaking this role will be expected to either take annual leave or special unpaid leave when fulfilling this function.
- 3.22. Any employee who undertakes election duties is paid for this through the Returning Officer. The level of Fees & Charges payable for election duties are set by the Cabinet Office & London Councils.

Pension Arrangements

- 3.23. The percentage rate of contributions is set according to pension regulations.
- 3.24. Employees of the London Borough of Barnet are automatically enrolled into the LGPS but can opt out if they so wish.
- 3.25. All pension matters are dealt with by LGPS Scheme Rules.

Redundancy Terms

- 3.26. The Council's Managing Organisational Change Policy is applicable to all employees, including Chief Officers, and Head of Paid Service, and sets out redundancy compensation.
- 3.27. Compensation is calculated as 1x actual salary x number of weeks. Number of weeks is calculated using the statutory matrix of Age and Years of Completed Service. The minimum is 1 week's actual gross pay and the maximum is 30 weeks.
- 3.28. The Council's redundancy terms do not enhance pension entitlements.

- 3.29. The Council as part of its duty to mitigate the consequences of redundancy puts in place appropriate employee support, which includes career advice, workshops and trial periods for employees.

Appointment and Remuneration Terms

- 3.30. The Council appoints to roles on a variety of terms and the final decision about the appointment and remuneration terms will be a reflection of the requirements of the role; the evaluated level of the role; the longevity of the role; budgetary constraints and broader value for money considerations.

4. Severance arrangements

- 4.1. The Council does not enhance severance packages beyond statutory and contractual entitlements. In practice this means severance package consist of redundancy pay (see 3.6), any holiday pay the employee is contractually entitled to and pension payments that the employee is entitled to in accordance with the Local Government Pension Scheme (LGPS). The Total severance payment to any individual will be capped at a maximum of £95,000 and includes all payments relating to the employee's contract termination. In respect of the local government pension scheme this will mean that mandatory and discretionary payments towards premature retirement compensation will be included in the assessment of the severance payments made to an individual.

- 4.2. Where an employee is aged 55 or above and is made redundant then by virtue of the LGPS scheme rules the employee's pension will automatically come into payment. It should be noted that an employer cost, known as 'Pension Strain' will be crystallised and is a cost to be paid by the employer to LGPS subject to the £95,000 cap not being exceeded.

- 4.3. For the purposes of calculating the component parts of a severance package this will include:
- redundancy pay
 - holiday entitlement earned but not taken
 - 'pension strain' cost payable by the Council to the Pension Scheme.

- 4.4. Council has been given the opportunity to vote on severance packages at or above £95,000 per annum and have delegated this function to the General Functions Committee.

5. Relationship between the remuneration of its chief officers, and the remuneration of its employees who are not chief officers

Remuneration of the Lowest Paid

- 5.1. The definition of the lowest paid is based on the Council's living wage - see section 3.13.

Pay Dispersion

- 5.2. The highest paid role in the Council is the Chief Executive with earnings of £187,613. The median average paid role is £28,385 and this covers a wide range of roles. The ratio between the highest paid in the authority (Chief Executive Officer) and the median average paid role is 1:6.6. The lowest paid role in the Council is scp 9 earning £17,981 per annum but this is subject to the Council's living wage supplement (see section 3.13 to 3.15). The ratio between the highest and lowest paid roles is 1:10.4. The lowest paid includes the Council's living wage supplement.
- 5.3. A comparison between the current year and previous year is shown below:

Description	2013/14	2014/15	2015/16	2016/17
Highest Paid	£187,613	£187,613	£187,613	£187,613
Median	£28,800	£25,710	£27,251	£28,385
Lowest paid	£14,697	£16,518	£16,518	£17,981
Highest to median ratio	1:6.5	1:7.3	1:6.9	1:6.6
Highest to lowest ratio	1:12.8	1:11.4	1:11.4	1:10.4

Elements of Chief Officer Remuneration

- 5.4. All Chief Officers receive only base pay. In common with all other roles in the Council if there was clear market evidence that the evaluated level of the job did not reflect the market then a market supplement would be considered. Any market supplement would need to be agreed by the General Functions Committee.

6. Staff moving posts within the public sector

- 6.1. The Council operates a recruitment policy based on merit - in line with section 7 the Local Government and Housing Act 1989.
- 6.2. Should a successful candidate be in receipt of a severance payment or pension the London Borough of Barnet applies the Rules of the Local Government Pension Scheme and Modification Order to manage the following scenarios, should they occur:
- Where previously employed by the same authority, left with a severance or redundancy payment, and have come back as a Chief Officer
 - Are in receipt of a Local Government Pension Scheme or Firefighter pension (whether their previous service was with the same authority or not).
- 6.3. Where the successful candidate was previously employed by the Council then there would normally be a 12 month break before the Council would re-employ either as an employee or under a contract for services

7. Publication of and access to information regarding remuneration of Chief Officers

- 7.1. Remuneration information about Chief Officers is published on the London Borough of Barnet's website which is accessible to all members of the public.
- 7.2. The Council's Annual Accounts set out actual remuneration including all elements of pay for roles paid above £58,200. These accounts are published on the Council's website.

8. Amendments to this Pay Policy Statement

- 8.1. There is a requirement to keep this Pay Policy Statement as up to date as possible. Therefore, mid-year amendments to the statement will be approved and published by the Council as appropriate.

April 2017

	<p>Council 4th April 2017</p>
<p style="text-align: center;">Title</p>	<p>Report of the Environment Committee - Adoption of Section 16 of London Local Authorities and Transport for London Act 2003</p>
<p style="text-align: center;">Report of</p>	<p>Head of Governance</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>No</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1 – Report to Environment Committee 15th March 2017</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Kirstin Lambert Governance Team Leader – kirstin.lambert@barnet.gov.uk – 020 8359 2177</p>

<h3>Summary</h3>
<p>The Environment Committee on the 15th March 2017 considered a report on the Adoption of Section 16 of the London Local Authorities and Transport for London Act 2003 (“the Act”) so as to give effect to highway enforcement powers concerning unauthorised vehicle crossings over footway and verges for the benefit of public safety. As outlined in the Environment Committee Report, the Full Council reserves the power to adopt this new statutory provision.</p>

<h3>Recommendations</h3>
<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt Section 16 of the London Local Authorities and Transport for London Act 2003 (“the Act”) so as to give effect to highway enforcement

powers concerning unauthorised vehicle crossings over footway and verges for the benefit of public safety;

- 2. Fix a day on which Section 16 of the London Local Authorities and Transport for London Act 2003 will come into operation. The Appointed Day for implementation of the adopted legislation should be 10th July 2017 pursuant to Section 3 of the (Act); and that the resolution and associated public notices be published in accordance with Section 3 of the Act.**
- 3. Note that, by adoption of this legislation, crossovers should not be enforced where they are redundant.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Environment Committee, at its meeting on the 15th March 2017, considered the proposals set out for the adoption of new powers under Section 16 of London Local Authorities and Transport for London Act 2003 for the effective enforcement of unauthorised vehicle crossings over footway and verges for the benefit of public safety.
- 1.2 The Environment Committee recommended for the adoption of new powers by the Full Council. It also resolved to recommend that Council note that by adoption of this legislation, crossovers should not be enforced where they are redundant. This has been incorporated as recommendation three in this report to Council.
- 1.3 The substantive report outlines enhanced enforcement powers available to the Council as Highway Authority under Section 16 of the London Local Authorities and Transport for London Act 2003, concerning unauthorised vehicle crossovers and vehicles driving over the footway or verge. Vehicles mounting footway or verge causes potential to the highway including any underground services placed beneath the highway, as well as creating risk to pedestrians and other road users. The proposals within the substantive report, if adopted by the Council, will enable the Council to take action against drivers who habitually drive across footways without proper arrangements being made.
- 1.4 In order for this part of the legislation to be used by the London Borough of Barnet it is necessary for a resolution to be passed by Full Council and for a date to be published for implementation. The date of implementation cannot be less than 3 months from the date of publication of the passing of such a resolution.
- 1.5 Section 3 of the Act allows each authority to introduce the sections of the Act specified in Section 1 of the Act on different dates, subject to the necessary notification and publication requirement. The 'appointed day' has to be set by a resolution of the Full Council and the making of the resolution and the day chosen have to be advertised in the London Gazette and in a local newspaper with a gap of at least 3 months between publication and the day itself.

2. REASONS FOR RECOMMENDATION

- 2.1 As outlined in the constitution's Annex A of the Responsibility for Functions, Full Council reserves the power to adopt new powers relating to the statutory provisions.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDATION

- 3.1 As set out in the substantive report

4. POST DECISION IMPLEMENTATION

- 4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.2 Corporate Priorities and Performance

- 5.2.1 As set out in the substantive report

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

- 5.3.1 As set out in the substantive report

5.2 Legal and Constitutional References

- 5.2.1 Council Constitution (Responsibility for Functions) sets out the terms of reference of Full Council including 'all other matters which, by law, must be reserved to the Council.'

5.4 Risk Management

- 5.4.1 As set out in the substantive report

5.5 Equalities and Diversity

- 5.5.1 As set out in the substantive report

5.6 Consultation and Engagement

- 5.6.1 As set out in the substantive report.

6. BACKGROUND PAPERS

- 6.1 As set out in the substantive report

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	<h2>Environment Committee</h2> <h3>15 March 2017</h3>
<p style="text-align: right;">Title</p>	<p>Adoption of Section 16 of London Local Authorities and Transport for London Act 2003</p>
<p>Report of</p>	<p>Commissioning Director for Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>None</p>
<p>Officer Contact Details</p>	<p>Jamie Blake – E-mail – jamie.blake@barnet.gov.uk Gangan Pillai – E-mail – gangan.pillai@barnet.gov.uk</p>

<h2>Summary</h2>
<p>This report seeks approval to recommend to Full Council that the Council should adopt Section 16 of the London Local Authorities and Transport for London Act 2003 (“the Act”) so as to give effect to highway enforcement powers concerning unauthorised vehicle crossings over footway and verges for the benefit of public safety</p>

<h2>Recommendations</h2>
<p>1. That the Environment Committee approve:</p> <ol style="list-style-type: none"> 1. To Recommend to Full Council that the Council should adopt Section 16 of the London Local Authorities and Transport for London Act 2003 (“the Act”) so as to give effect to highway enforcement powers concerning unauthorised vehicle crossings over footway and verges for the benefit of public safety;

2. To Recommend to Full Council that the Council fixes a day on which Section 16 of the London Local Authorities and Transport for London Act 2003 will come into operation. The Appointed Day for implementation of the adopted legislation should be 10th July 2017 pursuant to Section 3 of the (Act); and that the resolution and associated public notices be published in accordance with Section 3 of the Act.

1. WHY THIS REPORT IS NEEDED

1.1 The report outlines enhanced enforcement powers available to the Council as Highway Authority under Section 16 of the London Local Authorities and Transport for London Act 2003, concerning unauthorised vehicle crossovers and vehicles driving over the footway or verge. These enhanced enforcement powers are an addition to existing powers contained in Section 184 of the Highways Act 1980. In Barnet, there are number of instances whereby unauthorised crossing of the footway is taking place without having made the necessary arrangements to have the kerb dropped. This unauthorised use also presents problems with regards to potential damage to the footway and verge including any underground services placed beneath the highway, as well as creating risk to pedestrians and other road users. The proposals within this report, if adopted by the Council, will enable the Council to take action against drivers who habitually drive across footways without proper arrangements being made.

1.2 BACKGROUND

1.2.1 Section 16 of the London Local Authorities and Transport for London Act 2003 grants additional enforcement powers to the Highway Authority to serve a notice on an occupier, who takes or allows someone else to take a motor vehicle across a verge or footway where no vehicle crossing (crossover) has been constructed and requiring them to cease this activity. If they do not comply with the notice, this section allows the Authority to take preventative steps to stop it being possible to take a vehicle across the footway (e.g. erect bollards) and to charge the owner or occupier of the premises for the works.

1.2.2 In order for this part of the legislation to be used by the London Borough of Barnet it is necessary for a resolution to be passed by Full Council and for a date to be published for implementation. The date of implementation can not be less than 3 months from the date of publication of the passing of such a resolution.

1.2.3 Most provisions of the London Local Authorities and Transport for London Act

2003 came into effect from 1st January 2004. Sections 4, 5, 7 and 16 of the Act were expressly excluded from the general commencement and, instead, provision was made for local authorities to determine individually whether the sections should come into effect in their areas and, if so, to fix the date or dates on which the sections would come into operation.

- 1.2.4 The current legislative powers under the Highways Act 1980 are limited with regard to enforcement provision and the expanded powers under the London Local Authorities and Transport for London Act 2003 will allow more robust enforcement and ensure the protection of our highways and highway users. The lack of an effective enforcement provision has also created an additional financial cost to the Council due to consequential repairs that must be undertaken by the authority as a result of vehicles accessing the frontages of premises in this manner. This part of the legislation cannot be used until a resolution has been passed by the Council.
- 1.2.5 Section 3 of the Act allows each authority to introduce the sections of the Act specified in Section 1 of the Act on different dates, subject to the necessary notification and publication requirement. The 'appointed day' has to be set by a resolution of the Full Council and the making of the resolution and the day chosen have to be advertised in the London Gazette and in a local newspaper with a gap of at least 3 months between publication and the day itself.
- 1.2.6 The current powers under the Highways Act 1980 (S.184) empowers the local authority to serve notice upon the occupier of any premises adjoining or having access to a highway maintainable at the public expense who habitually takes or permits to be taken a mechanically propelled vehicle across a kerbed footway or a verge in the highway to or from those premises. The notice allows the local authority to either execute such works for the construction of a vehicle crossing over the footway or verge as may be specified in the notice or impose such reasonable conditions on the use of the footway or verge as a crossing as may be so specified. However the Act does not allow for the local authority to undertake any preventative works to physically stop any vehicles using the footway or verge.
- 1.2.7 The additional powers under the London Local Authorities and Transport for London Act 2003 (S.16) if introduced will expand powers with regard to the cessation of taking or permitting to be taken mechanically propelled vehicles across the kerbed footway or verge. The notice that can be served under this legislation allows for the execution of works by the local authority to prevent such vehicles being taken across the footway or verge. Section 16 of the Act introduced expanded powers with regard to the cessation of taking of vehicles across the kerbed footway or verge. It makes provision for the service of a notice which allows for the execution of works by the local authority to prevent vehicles being taken across the footway or verge through for example the erection of bollards or other physical works. In many cases prevention of use of the footway or verge would be the preferred option because the likelihood of damages to the asset is reduced.
- 1.2.8 This differs from the Highways Act notice with regard to the preventative measures, which in many cases would be the preferred option, but all works

are still able to be recharged to the occupier without the need to take the matter to court.

1.2.9 Vehicles crossing the footway without the benefit of a duly constructed vehicle crossover can cause a safety hazard to pedestrians and vehicles as sight lines may be inadequate, pedestrians and other vehicle users will have no visual references to prompt an expectation that a vehicle may emerge from the premises and it can also damage to the public highway. This damage also results in risk to pedestrians and vehicles and is an additional cost burden on residents of the Borough as it has to be repaired.

1.2.10 Under Section 41 of the Highways Act 1980 the Highway Authority has a duty to maintain the highway. If the Council is aware of vehicles crossing the footway without a duly constructed vehicle crossover and an accident occurs to someone due to damage caused by such action, then the Council could be deemed at least partially liable if it had not acted.

1.2.11 The adoption of this legislation would ensure that more effective enforcement can take place regarding vehicles crossing the footway or verge, the reducing risk to residents and other road users by allowing preventative action and reducing incidents of damage to our highways. It is therefore proposed that the London Local Authorities and Transport for London Act 2003 (S.16) be resolved to be adopted.

2. REASONS FOR RECOMMENDATION

2.1.1 Amending the current policy is necessary in order to mitigate all future maintenance liabilities to the Council as a result of vehicles driving over the footway without authorised vehicle crossovers. The enhanced enforcement powers are an addition to existing powers contained in section 184 of the Highways Act 1980. Adoption of the Section 16 powers will result in an enhanced and better managed streetscape. It will improve safety for pedestrians both from illegal vehicle movements and from the damage that is caused by them. The powers are simply a change to the process that would be used to achieve the required result. As such there is no change to current impact on the community from adoption of these powers.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDATION

3.1 If the policy is not adopted then the majority of all on-going maintenance costs will need to be met from the Council's resource which is not ideal due to on-going budget constraints. The proposal is to adopt Section 16 of the London Local Authorities and Transport for London Act 2003 to enhance the Council's enforcement options in relation to habitual crossings across kerbed footways or verges to access the highway. The alternative is to do nothing and continue to use the powers and penalties under the Highways Act 1980. If the Highways Act notice is ignored, this gives the Council powers to install a vehicle crossover and recover its costs, either by taking the resident to Court or putting a land charge against the property. The downside to this course of action is that it can tie up a significant amount of Council resources, either in

terms of money or officer time and if the matter is putting pedestrians or other highway users at risk the delays may be put lives at risk. Section 16 offers the opportunity to issue a notice requiring the crossings to cease and to back that up with prosecution.

4 POST DECISION IMPLEMENTATION

- 4.1 If the Committee is so minded to approve the recommendations set out in this report, arrangements will be made to report to Full Council and implement the adoption of additional enforcement powers under Section 16 of the London Local Authorities and Transport for London Act 2003.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2015 – 2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared fairly
- Where services are delivered efficiently to get value for money for the tax payer

- 5.1.2 Manage demand for services through efficiency savings and delivering services differently (“Fairness” principle)

- 5.1.3 Driving out inefficiencies to deliver more with less (“Responsibility” principle)

- 5.1.4 The adoption of Section 16 of London Local Authorities and Transport for London Act 2003 across the borough will assist with making the highway safer by providing additional enforcement powers to take action against unauthorised vehicle crossings in the borough.

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

- 5.2.1 **Benefits** – The new enforcement power would have benefits including:

- Reduced risk to residents and road users (see paragraph 1.2.11)
- Mitigate future maintenance liabilities for managed budgets (see paragraph 2.1.1). The adoption has a lead in time and this maintenance cost savings has not currently been estimated, though it is viewed as not insubstantial.

- 5.2.2 **Costs of Enforcement** – If adopted, the enforcement power will incur costs within the Highways Service. These costs are outside the scope of the current core contract with Regional Enterprise Limited. The adoption has a lead in

time, and therefore the proposal is being brought before the Committee in advance of full resolution of the cost issue. Officers would agree the appropriate method of funding these costs within existing budgets.

5.2.3 Costs of Prevention - If prevention of use activity is undertaken then any additional costs to the service in erecting the barriers will be fully recharged to the owner or occupier and that income is netted off against costs. There is a risk of non-payment of any recharged works and in this event there will be an additional cost to the Council in writing off any unpaid debts. The service will look to minimize this risk by:

- A robust system of recharging and payment reconciliation in place
- Legal processes to reclaim the monies owed, including the securing of debts as a charge to the property.

5.3 Social Value

5.3.1 Not applicable as this report does not relate to the procurement of services. The implementation of S16 of the Act will impact upon those persons who are crossing the footway or verge where no legitimate vehicle crossing is present. There are no specific negative impacts for this characteristic. A positive impact may be a reduction in obstructions / access issues on the highway for older residents who have mobility problems. It will be enforceable within the borough wherever a contravention is detected.

5.4 Legal and Constitutional References

5.4.1 Article 15A of the Constitution (responsibility for Functions, June 2016) empowers the Environment Committee to consider for approval of policy for those areas under the remit of the Committee.

5.4.2 The report correctly identifies the need for a council resolution in order for Section 16 of the London Local Authorities and Transport for London Act 2003 ("**the Act**") to come into effect. Following such resolution, the Council must cause a notice of the resolution to be published in a local newspaper circulating in Barnet and in the London Gazette, specifying the day fixed as the day on which the resolution will take effect. The commencement day must not be earlier than three months from publication of the notice

5.4.3 When in operation, Section 16 of the 2003 Act will enable the Council to take action to prevent an occupier of premises from habitually taking or permitting a mechanically propelled vehicle to be taken across a kerbed footway or a verge in the highway to or from the premises. The Section 16 power will apply in circumstances where the Council has not, as highway authority, constructed a vehicle crossing for the premises or served a notice under Section 184 of the Highways Act 1980

5.4.4 Section 16 of the 2003 Act permits the Council to serve a notice on the occupier of the premises - to cease taking or permitting mechanically propelled

vehicles to be taken across the kerbed footway or verge. Before issuing a notice, the council must have regard to specified matters, namely –

- The need to prevent damage to a footway or verge.
- The need to ensure safe access to and egress from premises (so far as practicable)
- The need to facilitate passage of vehicular traffic in and parking of vehicles on the highway (so far as practicable)
- The need to prevent obstruction of the highway or verge.

5.4.5 A notice served by the Council under Section 16 of the 2003 Act must give at least 28 days before it takes effect. The occupier has two opportunities to challenge a notice. First, the occupier may object in writing to the notice and the Council is required to consider whether it will maintain or withdraw the notice. Secondly, if the Council does not withdraw the notice, the occupier may appeal against the notice to the county court.

5.4.6 If a Section 16 notice takes effect, then two consequences follow. First, the Council may carry out works to prevent vehicles crossing the highway or verge. Secondly, the Act imposes criminal sanctions relating to contravention of the notice or interference with the Council's works. Section 16 of the 2003 Act creates three specific offences –

- Knowingly permitting a footway or verge to be used as a crossing in contravention of a notice served under Section 16.
- Knowingly using a footway or verge as a crossing in contravention of a notice served under Section 16.
- Removing, damaging, altering or defacing works executed by the Council, following a notice becoming effective, to prevent mechanically propelled vehicles from crossing (without reasonable excuse).

5.4.7 The Council may take criminal proceedings against not only the recipient of the Notice but also the driver of a mechanically propelled vehicle or a person who interferes with works.

5.4.8 As the service of a Section 16 notice is classed as enforcement action, then the decision to serve the Notice and any subsequent action taken in breach of the Notice should be undertaken in accordance with the Council's Enforcement Policy.

5.4.9 Section 16(5) provides the occupier with an opportunity to object to the notice in writing and request the council to withdraw the notice. The council must determine this objection within 21 days of receipt and confirm if the notice will be withdrawn or maintained. In the event that the council determines not to withdraw the notice, the occupier may appeal to the county court within 28 days of receipt of the council's objection response.

5.4.10 Section 16 (2) (a-c) of the Act provides that a notice issued by the council cannot prohibit an occupier from enjoying the benefit of a planning permission (made at least 8 weeks prior to Section 16 becoming operative), works

covered by a certificate of lawfulness under Section 191 or 192 of the Town and Country Planning Act 1990, or any permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

5.4.11 The adoption of this statutory provision will provide the council with robust enforcement powers to reduce the risk to pedestrians and other users of the highway through the use of preventative measures and the incidents of damage to the public highway. Before making a resolution to appoint a day for commencement of Section 16 of the Act, the council must have due regard to the Public Sector Equality Duty (PSED) in accordance with S149 Equality Act 2010.

5.4.12 This duty requires public authorities to consider the aims of the general equality duty to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not to take prejudice and promote understanding when making decisions and setting policies. The protected characteristics specified under the Equality Act are age, disability, gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

5.5 Risk Management

5.5.1 The risks of damage to the highway, accidents and associated financial costs may be reduced if the Council is able to take effective action against crossings of kerbed footways and verges. By utilising the full powers contained in Section 16 of the London Local Authorities and Transport for London Act 2003, the Council will increase its options for taking action.

5.5.2 The adoption of Section 16 of the London Local Authorities and Transport for London Act 2003 will allow the Council more options for enforcement. Potential offenders should be discouraged by the fines that can be handed down by a magistrate under the London Local Authorities and Transport for London Act.

5.5.3 Those that persist on breaking the law can be prevented from doing so through the ability to put in preventative measures.

5.6 Equalities and Diversity

5.6.1 Street design should be inclusive, providing for all people regardless of age or ability. There is a general duty for public authorities to promote equality under the 2010 Equality Act. There is also a specific obligation for those who design, manage and maintain buildings and public spaces to ensure that disabled people play a full part in benefiting from, and shaping, an inclusive built environment.

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

1. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010

2. advance equality of opportunity between people from different groups
3. foster good relations between people from different groups

5.6.3 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services. As part of the consultation development a separate stakeholder management plan is being developed to ensure that equalities issues are incorporated into the policy development, consultation and implementation.

5.7 Consultation and Engagement

5.7.1 If the Environment Committee is minded to approve the recommendations, then any proposal to implement will be consulted upon as required by the Act. The proposal to implement the Section 16 powers responds to concerns expressed about residents crossing the footway without having made the necessary arrangements to have the kerb dropped. Implementation of the powers is an administrative process and does not require prior consultation to take place. However, the Council is required to publish a notice of its decision in a local newspaper and in the London Gazette, specifying the day fixed as the 'appointed day' on which the resolution will take effect.

6 BACKGROUND PAPERS

6.1 None

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Full Council: 4 April 2017

Administration Motion: Cllr John Marshall

AGENDA ITEM 15.1

Safety of the Ossulton Way/ Kinsley Way/A1 Junction

Council calls for an urgent meeting between Transport for London, officers of our Highways Department and local councillors to assess and improve the safety of the Ossulton Way/ Kinsley Way/A1 Junction.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

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Full Council: 4 April 2017

Administration Motion: Cllr Dean Cohen

AGENDA ITEM 15.2

Mayor Khan: Tackle Illegal Air Pollution on Our Trunk Roads

Council calls on Mayor of London Sadiq Khan to explain what action he will take to reduce the unacceptable, unlawful, and harmful levels of NO₂ around Barnet schools sited near roads administered by Transport for London.

A study commissioned by the Mayor found the air around 15 Barnet schools to be polluted with NO₂ above the legal limit of 40 µg/m³. All schools but one were sited either on or around five TfL administered roads; the North Circular Road (A406), Edgware Road/West Hendon Broadway (A5), the M1, Brent Street (A502), and Watford Way/Hendon Way (A41).

To date this Council has introduced free green parking permits to drivers of electric cars, installed new charging points, and tabled the introduction of a diesel surcharge for Controlled Parking Zones later this year. We have also erected a 'green wall' around St Joseph's Catholic Primary – one of the 15 schools affected by illegal levels of NO₂.

We can and will do more, but the effects of our efforts will be limited while dangerously high levels of nitrogen continue to be belched from vehicles using TfL administered trunk roads. The Mayor's Ultra Low Emission Zone, while welcome, uses the North Circular as its outermost border and therefore will not include West Hendon; the ward most severely affected by NO₂ emissions.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

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Full Council: 4 April 2017

AGENDA ITEM 15.3

**Administration Motion: Cllr Brian Gordon
Mayor Khan: Redress Barnet's Policing Deficit**

Council calls on Mayor of London Sadiq Khan to redress the policing deficit in the London Borough of Barnet by providing the officers our taxpayers have already paid for.

Crime is rising in Barnet. The Mayor's Office for Policing and Crime (MOPAC) has itself recorded Barnet as the burglary capital of London. Gun crime is rising faster than in any other London borough and, last year, Barnet accounted for one sixth of all gun-related deaths in the capital.

Against this Barnet – the largest borough by population – has the fewest police officers per capita. Based on GLA statistics for 2016, there are 736 residents per police officer in Barnet, where the average for London boroughs, excluding Westminster is 529. With Barnet taxpayers making the single largest precept contribution to the Metropolitan Police budget, the borough's policing costs them £54,803.39 per officer, where the London average is £35,603.75.

In order to achieve the London average of 529 residents per officer, Barnet would need an additional 205 officers from the Mayor, bringing its total to 728. Given this Council has been repeatedly criticised for aiming for London averages, this ought not to be an unreasonable request.

However, with due regard to the Mayor's concerns about budgetary pressures on the Metropolitan Police, Council instead calls upon the Mayor to provide 15 additional Police Constables at no cost to the borough.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

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Borough	Officers ¹	Pop. ²	Pop. per officer	Borough	Metropolitan Police precept contribution ³	Cost per police officer ⁴
Barnet	523	385,108	736	Richmond	18,172,853.67	58,246.33
Harrow	354	250,703	708	Bromley	26,492,445.99	57,467.34
Bromley	461	326,560	708	Barnet	28,662,170.37	54,803.39
Bexley	361	243,303	674	Wandsworth	26,447,097.39	50,471.56
Havering	391	252,300	645	Kensington & Chelsea	19,732,000.38	48,720.99
Richmond	312	196,602	630	Harrow	17,211,855.00	48,621.06
Sutton	322	201,751	627	Havering	17,896,412.73	45,770.88
Enfield	528	330,968	627	Sutton	14,731,575.16	45,750.23
Wandsworth	524	318,254	607	Bexley	16,442,783.97	45,547.88
Merton	353	207,141	587	Merton	14,932,531.30	42,301.79
Hillingdon	512	299,474	585	Kingston	12,615,774.39	40,050.08
Brent	583	328,568	564	Hillingdon	20,039,958.60	39,140.54
Kingston	315	173,853	552	Enfield	19,591,213.59	37,104.57
Croydon	706	383,408	543	Croydon	24,991,819.59	35,399.18
Ealing	670	347,533	519	Ealing	22,907,715.43	34,190.62
Hounslow	526	272,102	517	Brent	19,235,845.47	32,994.59
Redbridge	591	302,022	511	Hounslow	17,026,199.89	32,369.2
Waltham Forest	560	274,139	490	Hammersmith & Fulham	15,653,099.94	30,692.35
Lewisham	616	299,818	487	Redbridge	17,650,293.51	29,865.13
Greenwich	578	275,869	477	Tower Hamlets	18,301,045.92	28,242.35
Hackney	582	270,912	465	Greenwich	16,016,253.59	27,709.78
Haringey	593	274,703	463	Camden	18,232,198.5	27,666.46
Tower Hamlets	648	297,805	460	Islington	15,915,194.24	27,630.55
Barking & Dagenham	467	205,773	441	Waltham Forest	15,203,530.41	27,149.16
Newham	775	337,378	435	Lewisham	16,714,597.29	27,134.09
Lambeth	788	325,455	413	Lambeth	21,335,485.65	27,075.49
Southwark	753	310,602	412	Southwark	19,776,318.33	26,263.37
Islington	576	228,397	397	Haringey	15,534,987.45	26,197.28
Kensington & Chelsea	405	158,447	391	Hackney	14,099,085.87	24,225.23
Camden	659	240,595	365	Westminster	26,173,478.37	20,871.99
Hammersmith & Fulham	510	183,354	360	Barking & Dagenham	97,444,102.87	20,865.97
Westminster	1,254	239,862	191	Newham	14,554,839.30	18,780.44

¹ As at June 2016

² GLA estimate 2016

³ April 2017

⁴ Metropolitan Police precept contribution divided by the number of officers

Full Council: 4 April 2017

Opposition Motion: Cllr Barry Rawlings

AGENDA ITEM 15.4

Standing up for the right of Barnet's EU citizens to stay in the UK

Barnet has around 40,000 thousand EU citizens who have made their home in the borough and now face an uncertain future in the UK following the vote to trigger Article 50 and begin negotiations with the EU towards Brexit.

Many of these EU citizens have lived in Barnet for most of their lives. They contribute to the local economy and the local community, and help make our borough the diverse place it is. They would be a significant loss to Barnet if forced to leave.

We believe that the Government should guarantee their right to stay in the UK, and are alarmed that a motion to this effect that was passed with a huge majority by the House of Commons, and an amendment passed by the House of Lords to the Brexit Bill have been ignored and overturned.

We agree with the sentiments of the petition started by Ruth Lyons that:

"There is much fear and uncertainty in a post-Brexit world, especially for E.U citizens who are currently living in the U.K. They have built our country, contributed to our economy, taken care of our elderly, taught us, healed us, loved us, started families with us, become our friends and colleagues.

They have given so much to us, now we must do the same for them. The only difference between U.K. citizens living here and E.U. citizens living here is a passport, therefore their rights should be protected with absolutely no change."

We ask all councillors to sign this petition in support of our residents who are EU citizens: <https://you.38degrees.org.uk/petitions/guarantee-no-change-in-the-status-of-e-u-citizens-currently-living-in-the-u-k>

We ask the Council to issue a statement of support for the rights of EU citizens in Barnet to stay in the UK.

We also ask the Leader of the Council and the Leader of the Opposition to jointly write to the Prime Minister setting out Barnet Council's support for the right of EU Citizens in Barnet to stay in the UK.

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Council, 4 April 2017

Opposition Motion: Cllr Adam Langleben

AGENDA ITEM 15.5

Tackling air pollution around Barnet schools

Council notes that according to a recent study commissioned by Mayor of London, Sadiq Khan, fifteen schools in Barnet are located near areas where the toxic pollutant Nitrogen Dioxide NO₂ is at or has breached EU legal limits of 40 micrograms per cubic metre of air.

The fifteen schools where air tests showed 40 micrograms, or more, of NO₂ per cubic metre of air are:

Wentworth Tutorial College (52 micrograms per cubic metre)
Beis Soroh Schneirer (47.8)
Rhodes Farm School (47.5)
Torah Vodaas (47.1)
Mapledown School (46.5)
St Joseph's Catholic Primary School (46.1)
Ayesha Community School (45.1)
Unity Girls High School (45.1)
Beis Medrash Elyon (44.7)
Wessex Gardends Primary School (43.1)
Whitefield School (41)
Tudor Primary School (40.7)
Beis Yaakov Primary School (40.6)
Hasmonean Primary School (40.1)
The Orion Primary School (40)

Council also notes that children are more vulnerable to the effects of pollution, and there is a link to increased asthma and severity of asthma and other respiratory diseases.

Council further notes that thousands of deaths are caused by pollution each year in London and that MPs have called the problem a public health emergency.

Council acknowledges that Barnet council has been awarded the Cleaner Air Borough accreditation, which is part of the Mayor of London's Local Air Quality Management Framework (LLAQM), and that the accreditation is awarded to boroughs for effectively monitoring and reducing air pollution.

Council asks the Environment Committee to urgently investigate what measurable outcomes have resulted from LB Barnet's Air Quality Action Plan over the last year, and to come up with a specific action plan to improve the air quality around these fifteen schools.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting

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