

**MEETING****CONSTITUTION, ETHICS AND PROBITY COMMITTEE****DATE AND TIME****THURSDAY 30TH JUNE, 2016****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ****TO: MEMBERS OF CONSTITUTION, ETHICS AND PROBITY COMMITTEE (Quorum 3)**

Chairman: Cllr John Marshall  
Vice Chairman: Cllr Melvin Cohen

**Councillors**

Richard Cornelius	Alison Moore	Joan Scannell BEM
Dr Devra Kay	Barry Rawlings	

**Substitute Members**

Anthony Finn	Sachin Rajput	Peter Zinkin
Ammar Naqvi	Alan Schneiderman	Claire Farrier

In line with the Constitution's Public Participation and Engagement Rule, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 10AM on Monday 27 June 2016. Requests must be submitted to Andrew Charlwood; 02083592014 [andrew.charlwood@barnet.gov.uk](mailto:andrew.charlwood@barnet.gov.uk).

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

**Andrew Charlwood – Head of Governance**

Governance Services contact: Andrew Charlwood 020 8359 2014  
[andrew.charlwood@barnet.gov.uk](mailto:andrew.charlwood@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	1 - 6
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Question and comments (If any)	
6.	Members' Items (If any)	
7.	Constitution Review	7 - 88
8.	Any other item(s) that the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

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# Decisions of the Special Constitution, Ethics and Probity Committee

9 May 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Richard Cornelius      Councillor Barry Rawlings  
Councillor Dr Devra Kay            Councillor Joan Scannell  
Councillor Claire Farrier  
(Substituting for Councillor  
Alison Moore)

Apologies for Absence:

Councillor Alison Moore

## 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 17 March 2016 be approved as a correct record.

## 2. ABSENCE OF MEMBERS

Apologies for absence had been received from Councillor Alison Moore (who was substituted for by Councillor Claire Farrier).

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

None.

## 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

## 5. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

## 6. MEMBERS ITEMS (IF ANY)

None.

**7. STRATEGIC PLANNING PRE-APPLICATION PROCESS AND AMENDMENTS TO THE COUNCIL’S CONSTITUTION**

The Monitoring Officer, Davina Fiore, and Head of Strategic Planning, John Allen, presented a report which asked the Committee to agree to the establishment of a strategic pre-application process and approve changes to the constitution to improve the operational function of the Council’s planning committees.

The Committee were advised that the consultation with Planning Committee Members referred to in paragraph 5.7.1 had not taken place yet. Consultation would take place immediately after the meeting and any comments would be reported alongside this committee’s recommendations to Annual Council on 24 May 2016.

Members requested that the Agenda Format, Meeting Procedure and Report Structure detailed in Appendix F be revised to ensure that the section of the meeting on Strategic Pre-Application Briefings was clear that this part of the meeting would be non-decision making.

A Member sought assurance that each strategic pre-application would take no longer than 45 minutes to consider and that there would be no more than two items per committee meeting. Officers advised the Committee that it was proposed that there be only one strategic pre-application at each of the Planning Committee meetings scheduled to take place in September and October. After these meetings, the strategic pre-application process would be reviewed to determine how the arrangements would be delivered during the remainder of the pilot period (up to May 2017).

The Committee received an addendum which clarified the definition of a ‘significant public objection’ as being five or more objectors who have objected in writing to a planning application and sought agreement that Responsibility for Functions, Annex A be amended to include this definition.

**RESOLVED that, having considered the recommended approach to the Strategic Planning Pre-Application Process and proposals to improve the operational function of the Planning Committee and Area Planning Committees as detailed in this report and associated appendices, 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 E, subject to the amendment of Appendix B (Responsibility for Functions, Annex A) to include the definition of a ‘significant public objection’ as being five or more objectors who have objected in writing to a planning application.**

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	Responsibility for Functions	Page 27	Clarification that Full Council is excluded from determining planning applications that do not accord with the provisions of the development plan.	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
2	Responsibility for Functions, Annex A	Pages 33 – 37	Revisions to improve the clarity of the terms of reference of the Planning Committee and Area Planning Committees, and amendments to facilitate the consideration of Strategic Pre-Application Briefings by the Planning Committee	Agreed as per report, subject to the amendment of a. in the terms of reference of the Area Planning Committees to delete “as defined in the Committee Consideration Criteria in the Planning Committee Procedure Rules” and replace with “(defined as five or more objectors who have objected in writing to a planning application)”
3	Meeting Procedure Rules, Section 6.1	Page 43	Confirmation that Members are unable to bring Members Items to the Planning Committee and Area Planning Committees, except when the Planning Committee is considering planning policy matters	Agreed as per report
4	Meeting Procedure Rules, Section 7.1	Page 44	Clarification of the procedure for Members to request that an item be determined by a committee (‘call-in’) rather than being determined by an officer using delegated powers	Agreed as per report
5	Meeting Procedure Rules, Section 7.2	Page 44	Clarification of the procedure to be followed at meetings	Agreed as per report
6	Meeting Procedure Rules, Section 7.3	Page 44	Introduces new rules to clarify the management of the addendum and additional information which may be circulated to 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
			members and be a material consideration in decision-making	
7	Meeting Procedure Rules, Sections 7.4 – 7.16	Pages 44 – 46	Inclusion of rules relating to public participation at planning committees included in Planning Procedure Rules to improve clarify for members of the public wishing to make representations	Agreed as per report
8	Meeting Procedure Rules, Sections 7.18 – 7.21	Page 46	Clarification of the procedure for determining planning applications	Agreed as per report
9	Public Participation and Engagement Rules	Pages 56 – 58	Delete section 4 (Requests to speak at Planning Committees and Area Planning Committees) and transfer to new 'Planning Committee Procedure Rules' in Meetings Procedure Rules	Agreed as per report
10	Public Participation and Engagement Rules	Page 58	Amend section 6.1 to include a restriction on public comments and questions are the Planning Committee and Area Planning Committees, except for planning policy matters	Agreed as per report
11	Planning Code of Practice	Pages 63 – 84	Revise Code to accord with the Local Government Association's revised guidance on Good Planning Practice for Members	Agreed as per report



**8. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT – RECRUITMENT OF INDEPENDENT PERSONS TO CHAIR THE STANDARDS COMMITTEE**

At the meeting of the Committee held on 17 March 2016, Members agreed the approach to the recruitment of Independent Persons to chair the Standards Committee. Members were informed that the Chairman, Councillor Rawlings and the Monitoring Officer had been conducting interviews for Standards Committee Independent Persons and it was noted that the interview panel had agreed to:

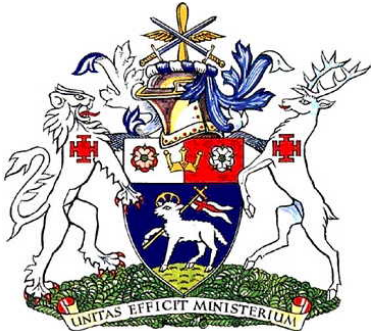
1. Extend the appointments of the existing Independent Persons who had supported the Group Leaders Panel for a period of two years; and
2. Appoint an additional three Independent Persons for a period of four years.

Details of the appointments would be reported to Annual Council on 24 May 2016 for formal approval.

**RESOLVED that the Committee notes the update on the recruitment of the Independent Persons to Chair the Standards Committee as detailed in the preamble above.**

The meeting finished at 7.25 pm

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	<p><b>Constitution, Ethics and Probity Committee</b></p> <p><b>30 June 2016</b></p>
<p><b>Title</b></p>	<p><b>Constitution Review</b></p>
<p><b>Report of</b></p>	<p>Monitoring Officer Head of Governance</p>
<p><b>Wards</b></p>	<p>None</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Enclosures</b></p>	<p>Appendix A: Contract Procedure Rules Appendix B: Meetings Procedure Rules Appendix C: Responsibility for Functions – Annex A</p>
<p><b>Officer Contact Details</b></p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a></p>
<p><b>Summary</b></p>	
<p>This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.</p>	

<p><b>Recommendations</b></p>
<p><b>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 C.</b></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 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 9 May 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	Contract Procedure Rules	Page 9	In section 1.2 which relates to failure to comply with the Contract Procedure Rules, the Rules refer to the post of 'Chief Internal Auditor'. This post does not exist in the council's management structure and consequently the post title needs to be updated.	Amend section 1.2 to delete 'Chief Internal Auditor' and replace with 'Head of Internal Audit'
2	Contract Procedure Rules	Page 9	Update required to include recently introduced regulations.	Amend section 1.4 to add "...the Concessions Contracts Regulation 2016..."
3	Contract Procedure Rules	Page 22	Addition of wording to clarify responsibilities relating to the maintenance of a contract register	Amend section 5.1.13 to add the wording '...service area/delivery unit...'
4	Contract Procedure Rules	Page 22	Insertion of a new section 6.2 relating to Concession Contracts value calculation.	Add a new section 6.2 as follows:  "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."
5	Contract Procedure Rules	Page 23	Requirement to correct contract value (to ensure clarity in the presentation and consistency of figures in the CPRs) and insertion of SMEs (Small Medium Size Enterprises)	In section 8.2 delete '£10,000' and change to '£9,999' and add 'SMEs' to the narrative text

No.	Section	Reference	Issue Identified	Changes Made
6	Contract Procedure Rules	Page 24	Requirement to update procurement threshold.	Amend section 8.9 to delete '€750,000' and replace with '£589,148'
7	Contract Procedure Rules	Page 25	New section required to ensure that the Rules are compliant with the Concession Contracts Regulations 2016.	New section 10 as per tracked changes in Appendix A
8	Contract Procedure Rules	Page 26	Ensure that the Rules are compliant with Information Management requirements.	Add a new section 11.2 with the following wording: Insertion of new wording: To ensure compliancy 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 portal however for lower values beneath £9,999 it is the service area/delivery units responsibility to ensure that the questionnaire is completed by suppliers awarded procurement contracts  Renumber subsequent sections
9	Contract Procedure Rules	Page 27	Update section 12.2 to correct wording.	Amend the final sentence of section 12.2 as follows: Update correction to last sentence:  "At the point of child/adult placement the Authority does not require a contract, however, once placement has been made the Authority should instruct legal to issue a contract to the New Provider"

No.	Section	Reference	Issue Identified	Changes Made
10	Contract Procedure Rules	Page 31	Create a new section 17.6 to include references to Concession Contracts.	Create a new section 17.6 with the following wording: “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.
11	Contract Procedure Rules	Page 32	Clarify requirement to ensure that consideration is given to local suppliers for minor contracts.	Amend section 17.23 to add the following wording at the end of the last sentence: “The Council requires that consideration is given to local suppliers for requirements less than £9,999”
12	Contract Procedure Rules	Pages 32 – 33	Inclusion of new wording to include the government definition of an SME.	Add a new section 17.24 to include the definition of SME as set out in Appendix A
13	Contract Procedure Rules	Pages 34 – 35	Inclusion of a new column to refer to supplier notification method and contract.	Add a new column titled ‘Supplier Notification Method and Contract’ as set out in Appendix A
14	Meetings Procedure Rules	Page 42	To ensure that officer responsibilities relating to speakers at planning committees are correctly reflected in the Meetings Procedure Rules a change is proposed to remove reference to Governance Officer and replace with Planning Case Officer to reflect current responsibilities and practice.	Amend section 7.5 to refer to delete ‘Governance Officer’ and replace with ‘Planning Case Officer’

No.	Section	Reference	Issue Identified	Changes Made
15	Meetings Procedure Rules	Page 42	Planning committee procedures require a minor amendment to clarify that when more than two requests (rather than three as currently drafted) the speakers should decide amongst themselves who will address the committee.	Amend section 7.5 to delete 'three' and replace with 'two'
16	Meetings Procedure Rules	Page 43	Following the changes made to Planning Committee Procedure Rules in May 2016, there is a requirement to introduce arrangements to enable the transfer of speaking rights in the event that an application is referred to the parent committee or deferred.	Amend section 7.12 to delete 'approval' and replace with 'consideration'. Add the following wording at the end of the section:  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.
17	Responsibility for Functions, Annex A	Pages 53 – 54	In relation to the Local Plan and associated planning policy documents, the current wording in the Constitution does not define Local Plan related documents. There is a lack of clarity about which documents should be approved and adopted by committees (either the Policy & Resources Committee or Planning Committee) and which ones should be approved by committee prior to a decision being taken by full Council.  The proposed changes clarify Local Plan and related documents.  The changes clarify that emerging Development Plan Documents should be approved by Policy &	In the terms of reference of the Policy & Resources Committee, delete the following wording:  "Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council)"  and replace with the following wording:  <ul style="list-style-type: none"> <li>• "Approve emerging statutory Local Plan Development Plan Documents (Council to approve submission to the Secretary of State and full adoption)</li> </ul>



No.	Section	Reference	Issue Identified	Changes Made
			<p>Resources and at what stages they should be referred to Council for decision.</p> <p>Likewise with Neighbourhood Plans. They should only be referred to Council for adoption.</p> <p>For Development Plan Documents the Council is required to approve submission to the Secretary of State and adoption by the Council.</p> <p>For Neighbourhood Plans the Council is required to approve adoption</p>	<ul style="list-style-type: none"> <li>• Approve and adopt Local Development Scheme, Statement of Community Involvement, Supplementary Planning Documents and Planning Briefs</li> <li>• Approve emerging Neighbourhood Plans (for adoption by Council)”</li> </ul>
18	Responsibility for Functions, Annex A	Page 71	<p>The Planning Committee has a clear role in designating neighbourhood areas and neighbourhood forums. The Committee should also consider other elements of neighbourhood planning such as emerging Neighbourhood Development Orders and Community Right to Build Orders. The current wording is vague on how Planning Committee considers Neighbourhood Development Orders and Community Right to Build Orders.</p>	<p>In the terms of reference of the Planning Committee, delete “...and considering Neighbourhood Development Orders” after “Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning”</p> <p>In the terms of reference of the Planning Committee add “Approve and confirm Neighbourhood Development Orders and Community Right to Build Orders”</p>

## **2. REASONS FOR RECOMMENDATIONS**

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

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

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

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The recommendations will form part of a report to Full Council on 26 July 2016 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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# Contract Procedure Rules

## CONTENTS

1	INTRODUCTION .....	3
2	APPLICATION .....	3
3	SCOPE .....	4
4	REGULATION & LEGISLATION .....	4
5	ROLES AND RESPONSIBILITIES .....	5
6	CONTRACT VALUE CALCULATION .....	6
<del>7</del>	<del>AUTHORISATION .....</del>	<del>767</del>
	<del>AUTHORISATION .....</del>	<del>7</del>
<del>8</del>	<del>PROCUREMENT METHOD .....</del>	<del>768</del>
	<del>PROCUREMENT METHOD .....</del>	<del>7</del>
<del>9</del>	<del>SINGLE TENDER ACTION .....</del>	<del>879</del>
	<del>SINGLE TENDER ACTION .....</del>	<del>8</del>
10	<u>CONCESSION INFORMATION CONTRACT .....</u>	<u>9</u>
<u>11</u>	<u>INFORMATION GOVERNANCE .....</u>	<u>1097</u>
<del>12</del> <u>11</u>	<del>ACCEPTANCE .....</del>	<del>107</del> <u>11</u>
<del>13</del> <u>12</u>	<del>CONTRACT SIGNING and SEALING .....</del>	<del>118</del> <u>11</u>
<del>14</del> <u>13</u>	<del>CONTRACT MANAGEMENT .....</del>	<del>118</del> <u>12</u>
<del>15</del> <u>14</u>	<del>EXTENSIONS and VARIATIONS .....</del>	<del>129</del> <u>12</u>
<del>16</del> <u>15</u>	<del>WAIVERS .....</del>	<del>141</del> <u>14</u>
<del>17</del> <u>16</u>	<del>DEFINITIONS AND INTERPRETATION .....</del>	<del>141</del> <u>15</u>
<del>18</del> <u>17</u>	<del>APPENDIX 1 - TABLE A – Authorisation and Acceptance Thresholds .....</del>	<del>181</del> <u>18</u>

## 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~~[Head of Internal Audit](#) 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.
- 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 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;
- 5.2 5.1.8 ensure that all new Contracts above the published limits and planned during the forthcoming financial year are clearly identified in their Budget and Annual Procurement Forward Plan (APFP);
- 5.3 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
- 5.4 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;
- 5.5 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;
- 5.6 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.
- ~~6.16.2~~ 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.
- ~~6.26.3~~ 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.
- ~~6.36.4~~ 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.
- ~~6.46.5~~ 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 ~~£10,000~~ £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~~ or over (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 ~~€750,000~~ [£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 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.

## 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

## ~~10~~11 INFORMATION GOVERNANCE

~~11.1~~ ~~10.1~~—When engaging a contractor to provide a service to the Council which involves the handling of personal data due diligence checks must be carried out with regards to data protection. Checks must provide sufficient guarantees that the contractor’s technical and organisational security measures for the handling and protection of personal information and data are appropriate, suitable and lawful. This is a requirement under the seventh principle of the Data Protection Act.

~~10.11.2~~ 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 portal. 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~~ ~~10.2~~—Evidence of these checks, copies of policies and guarantees provided by the contractor must be retained by the officer responsible for management of the Contract and be regularly reviewed throughout the life of the Contract (at least annually). If there is any doubt as to whether the checks provide sufficient guarantees for the service provision refer to the Council’s Information Management team.

~~11.4~~ ~~10.3~~—Appropriate data protection clauses must be included in the Contract when engaging a contractor to provide a service to the Council which involves the handling of personal data. As a minimum the clauses contained in the Council’s Standard Terms and Conditions of Contract must be used. Changes must not be made without consultation with the Council’s Information Management Team.

~~11.5~~~~10.4~~ Refer to the Council’s Data Protection Compliance Toolkit for further guidance on your data protection responsibilities, including the current Due Diligence Checklist and the How to Guide-.

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

## ~~11~~12 ACCEPTANCE

~~11.112.1~~ Acceptance of Contracts must be in accordance with Appendix 1 Table A and in all cases is subject to:

- Budget provision;
- a compliant Procurement process; and

- confirmation of acceptable financial status of the service provider

~~11.2~~11.212.2 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. Such contracts are non-procurements and are therefore not subject to procurement rules or the contract procedure rules as outlines in Appendix A.

~~11.3~~11.312.3 Acceptance thresholds for Contract extensions and variations of all values are subject to further conditions as set out in Section 14 (Extensions and Variations) of these Contract Procedure Rules.

~~11.4~~11.412.4 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.

## ~~12~~1213 **CONTRACT SIGNING and SEALING**

~~12.1~~12.113.1 Every Contract or Contract novation must be in a form approved by the Monitoring Officer (in consultation with HB Public Law) or delegated officer, if its value exceeds £25,000 or where appropriate to the nature of the Contract.

~~12.2~~12.213.2 All Contracts awarded following a Procurement process with a Contract value above the EU financial threshold shall be sealed unless the Monitoring Officer or delegated officer directs otherwise.

~~12.3~~12.313.3 Contracts, Dynamic Purchasing Systems, approved lists or Framework Agreements entered into with respect to the provision of social care to individual service users must be sealed. Call-off placements from a Framework Agreement under the EU financial threshold do not require sealing and need only be signed by the respective Director in accordance with the Scheme of Delegation.

~~12.4~~12.413.4 Where the Monitoring Officer or delegated officer considers it desirable that a Contract should be sealed other than as specified above, then such a Contract must be sealed.

## ~~13~~1314 **CONTRACT MANAGEMENT**

~~13.1~~13.114.1 During the life of the Contract Directors, Assistant Directors, Commissioning Directors and Heads of Service must ensure that the Council's approved processes for Contract Management, as set out in the Contract Management Toolkit are adhered to. In particular to ensure continuous improvement and value for money is achieved Directors, Assistant

Directors, Commissioning Directors or Heads of Service must ensure that those responsible for managing contracts undergo CSG Procurement approved training to ensure:

- Contract performance and key performance indicators are monitored and any reduction in performance is acted upon and recorded;
- compliance with specification and Contract terms; and
- cost management including reconciliation of payments against work done, supplies or services delivered;

~~13.2~~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.

~~13.3~~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.

~~13.4~~14.4 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.

## 14.15 **EXTENSIONS and VARIATIONS**

~~14.1~~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.

~~14.2~~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.

~~14.3~~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.

~~14.4~~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.

~~14.5~~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;

~~14.6~~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.

~~14.7~~15.7 If any of the conditions at 14.4 or 14.6 cannot be met, then a new Procurement exercise must be commenced.

~~14.8~~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.

~~14.9~~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.

## ~~15~~16 **WAIVERS**

~~15.1~~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.

~~15.2~~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.

~~15.3~~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.

~~15.4~~16.5 Waivers cannot be granted where this would breach the Law

## ~~16~~17 **DEFINITIONS and INTERPRETATION**

~~16.1~~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.

~~16.2~~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.

~~16.3~~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.

~~16.4~~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.](#)

~~16.5~~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.

~~16.6~~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

~~16.7~~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;

~~16.8~~17.10 **“DPR”** means Delegated Powers Report. Templates and guidance for completion are available from the Assurance Group (Governance).

~~16.9~~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.

**“Emergency”** where immediate action is needed to protect life or property or to maintain a critical service. Decisions that were not anticipated within the Budget or Budget plan but nevertheless relate to everyday business, not major changes/decisions outside the approved Budget and statutory plans.

~~16.10~~17.12 **“EU”** means European Union.

~~16.11~~17.13 **“Framework agreement”** is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

~~16.12~~17.14 **“Law”** means any law, statute, subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of section 2 of the European Communities Act 1972, regulation, order, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements of any regulatory body with which the Council is bound to comply

~~16.13~~17.15 **“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

~~16.14~~17.16 **“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.

~~16.15~~17.17 **“Non-Procurement”** expenditure applies where the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments and recoupment.

~~16.16~~17.18 **“OJEU”** means the Official Journal of the European Union.

~~16.17~~17.19 **“Procurement”** means the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose. This includes any activity which includes the identification of need, options appraisal and the execution of a competitive selection process, quotation or tendering process.

~~16.18~~17.20 **“Public Contracts Regulations 2015”** are the regulations implementing EU Directive 2014/24/EU of the European Parliament and Council into English Law

~~16.19~~17.21 **“Purchase”** means the activity which uses a mechanism to undertake pProcurement under the Council’s standard terms and conditions (Purchase Card or Purchase Order) or against an accepted contract.

~~16.20~~17.22 **“Quotation”** means a priced bid for the provision of goods, a service, or supply of works.

~~16.21~~17.23 **“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 **“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

~~16.22~~17.25 **“Suitability Assessment Question”** means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing

~~16.23~~17.26 **“Works”** means building & engineering works, construction and refurbishment, including capital works.

1718 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	<u>Supplier Notification method and contract</u>
A	Under £10,000 (Purchase Order)	Head of Service  Council Officer as designated by approved Scheme of Delegation	Audit trail	Reasonable means of selection* and evidence of having sourced and considered the local Barnet supplier market	Head of Service  Council Officer as designated by approved Scheme of Delegation	Audit Trail	Must move to next threshold if above £10,000	<u>Purchase Order</u>
B	£10,000 <del>1</del> 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	<u>Purchase Order</u>
C	£25,001 - £164,176	Director/Assistant Director	Procurement Forward Plan  Full Officer DPR	Minimum 2 written Competitive Quotations received  No PQQ - Suitability Assessment	Council Officer as designated by approved Scheme of Delegation	Summary DPR	Summary DPR	<u>Notification letter</u>  <u>Signed low value contract up to £50k value</u>  <u>Signed contract £50,001 to</u>

Contract Procedure Rules – June 2016



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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:

<b>Committee</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
Planning Committee	11	6 (3 for each political group)	3
<b>Area Planning Committees:</b>			
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
<b>Area Committees</b>			
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

<b>Committee</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
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. If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).
- 2.2 Details of membership substitutions or apologies for absence will be detailed in the formal record of the meeting.

### **3. Quorum – Rules**

- 3.1 If a Committee or Sub-Committee is inquorate, it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed for up to 15 minutes. When 15 minutes have elapsed, the Head of Governance or their representative will count the number of Members present and if there is no quorum, s/he will advise the meeting that no business can be transacted and the meeting will be cancelled.
- 3.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting until such time as a quorum is returned.

### **4. Chairman of Meetings**

- 4.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, the Head of Governance (or their representative) will open the meeting and he/she will seek nominations for the position of Chairman. A Chairman must be elected for the business of the meeting to be transacted. Where more than two persons are nominated for any position to be filled by the Committee or Sub-Committee and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority of votes is given in favour of one person.
- 4.2 In exceptional circumstances, the Chairman may change the date of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee, and consulting with the Chairman of General Functions Committee and Group Leaders.
- 4.3 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the person presiding at the meeting.
- 4.4 The Chairman shall have the power to invite any persons or bodies with a particular expertise on a given agenda item to give evidence to the Committee and answer questions. This power is in addition to the Public Participation Rules elsewhere in the Constitution.

### **5. Minutes**

- 5.1 Apologies for absence, declaration of interests and the confirmation of the minutes of previous meetings are the first items of business at the meeting, except when there is a need to elect a Chairman.

- 5.2 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. Any questions upon their accuracy shall be raised by motion and voted on without discussion. The meeting will not proceed further until the minutes are approved, either amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

## **Members' Rights**

### **6. Members' Items for the Agenda**

- 6.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a Committee or Sub-Committee on which s/he serves. This rule does not apply to the Urgency Committee, 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 Area 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 an Area Committee has been made before the expiry of the consultation period, and where the relevant Senior Planning Officer agrees the application be referred to the relevant Area 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. No new information may be submitted by applicants and/or their representatives or objectors. The only information that will be considered is information which helps to explain a point that the person wishes to refer to in order to explain their position to the committee. Any such information must be limited to one side of A4.

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

- 7.5 Requests to speak should be submitted to the relevant Governance-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 ~~three~~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.
- 7.12 Where an application or item being considered by a Committee is referred to its parent committee for ~~approval~~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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## ANNEX A TO RESPONSIBILITY FOR FUNCTIONS - Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards

Body responsible	Functions	Membership												
<p>Policy and Resources Committee</p>	<p>(1) To be the principal means by which advice on strategic policy and plans is given and co-ordinated and to recommend to Full Council, as necessary, on strategic issues. This is to include:</p> <ul style="list-style-type: none"> <li>• Approval of the Corporate Plan</li> <li>• Council's Capital and Revenue Budget setting (subject to Full Council) and Medium Term Financial Strategy</li> <li>• Ensuring effective Use of Resources and Value for Money</li> </ul> <p>(2) To be responsible for the overall strategic direction of the Council including the following specific functions/activities:</p> <table border="1" data-bbox="416 936 1050 2089"> <tbody> <tr> <td data-bbox="416 936 746 1104"> <ul style="list-style-type: none"> <li>• Customer Care, Communications and Resident Engagement</li> </ul> </td> <td data-bbox="751 936 1050 1104"> <ul style="list-style-type: none"> <li>• Strategic Partnerships</li> </ul> </td> </tr> <tr> <td data-bbox="416 1111 746 1491"> <ul style="list-style-type: none"> <li>• Equalities, Diversity and Community Cohesion</li> </ul> </td> <td data-bbox="751 1111 1050 1491"> <ul style="list-style-type: none"> <li>• <del>Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council)</del></li> </ul> </td> </tr> <tr> <td data-bbox="416 1498 746 1659"> <ul style="list-style-type: none"> <li>• Internal Transformation programmes</li> </ul> </td> <td data-bbox="751 1498 1050 1659"> <ul style="list-style-type: none"> <li>• Local Taxation-Billing, Collection and Recovery</li> </ul> </td> </tr> <tr> <td data-bbox="416 1666 746 1715"> <ul style="list-style-type: none"> <li>• Write off of debt</li> </ul> </td> <td data-bbox="751 1666 1050 1715"> <ul style="list-style-type: none"> <li>• Insurance</li> </ul> </td> </tr> <tr> <td data-bbox="416 1722 746 1843"> <ul style="list-style-type: none"> <li>• Treasury Management Strategy</li> </ul> </td> <td data-bbox="751 1722 1050 1843"> <ul style="list-style-type: none"> <li>• Information Technology provision</li> </ul> </td> </tr> <tr> <td data-bbox="416 1850 746 2089"> <ul style="list-style-type: none"> <li>• Housing Benefit, Council Tax Support and Welfare programmes</li> </ul> </td> <td data-bbox="751 1850 1050 2089"> <ul style="list-style-type: none"> <li>• Mayoralty budget</li> </ul> </td> </tr> </tbody> </table>	<ul style="list-style-type: none"> <li>• Customer Care, Communications and Resident Engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic Partnerships</li> </ul>	<ul style="list-style-type: none"> <li>• Equalities, Diversity and Community Cohesion</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council)</del></li> </ul>	<ul style="list-style-type: none"> <li>• Internal Transformation programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Local Taxation-Billing, Collection and Recovery</li> </ul>	<ul style="list-style-type: none"> <li>• Write off of debt</li> </ul>	<ul style="list-style-type: none"> <li>• Insurance</li> </ul>	<ul style="list-style-type: none"> <li>• Treasury Management Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Information Technology provision</li> </ul>	<ul style="list-style-type: none"> <li>• Housing Benefit, Council Tax Support and Welfare programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Mayoralty budget</li> </ul>	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality.</p>
<ul style="list-style-type: none"> <li>• Customer Care, Communications and Resident Engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic Partnerships</li> </ul>													
<ul style="list-style-type: none"> <li>• Equalities, Diversity and Community Cohesion</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council)</del></li> </ul>													
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	<ul style="list-style-type: none"> <li>Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)</li> </ul>	<ul style="list-style-type: none"> <li><u>Approve emerging Neighbourhood Plans (for adoption by Council)</u></li> </ul>	
	<ul style="list-style-type: none"> <li><u>Approve emerging statutory Local Plan Development Plan Documents (Council to approve submission to the Secretary of State and full adoption)</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Approve and adopt Local Development Scheme, Statement of Community Involvement, Supplementary Planning Documents and Planning Briefs</u></li> </ul>	
<p>(3) To submit recommendations to the Council in the event of a difference of opinion arising between committees upon a matter which falls within the terms of reference of more than one committee.</p> <p>(4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.</p> <p>(5) To consider and take any necessary action upon proposals for new legislation, Bills before Parliament, Acts of Parliament and other proceedings before Parliament affecting or likely to affect the interests of the Borough or its inhabitants generally where not the specific concern of any other committee(s). The promotion of Bills and Provisional and Statutory Orders in Parliament shall be dealt with by the Council.</p> <p>(6) Approve budget and business plan of the Barnet Group Ltd.</p> <p>(7) To allocate a budget, as appropriate, for Area Committees and agree a framework for governing how that budget may be spent.</p> <p>(8) To represent Barnet's strategic interests in dealings with sub-regional, regional and</p>			

	<p>national Government and influence relevant tiers of Government</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To receive reports on the issuance of grants below £5000 by Officers in accordance with their delegated authority.</p> <p>(12) To note decisions taken by theme committees, the Planning Committee and Licensing Committee on fees and charges within the remit of those committees.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Performance and Contract Management Committee</p>	<p>(1) Overall responsibility for quarterly budget monitoring, including monitoring trading position and financial strategy of Council Delivery Units.</p> <p>(2) Monitoring of Performance 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; 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</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality</p>

	<p>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="418 450 1045 580"> <tr> <td data-bbox="418 450 732 580"> <ul style="list-style-type: none"> <li>• Risk Management</li> </ul> </td> <td data-bbox="732 450 1045 580"> <ul style="list-style-type: none"> <li>• Treasury Management Performance</li> </ul> </td> </tr> </table> <p>(6) Note the Annual Report of the Barnet Group Ltd.</p> <p>(7) To consider reserved matters of the Joint Venture Company (JVCO).</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with Meeting Procedure Rules.</p> <p>(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>	<ul style="list-style-type: none"> <li>• Risk Management</li> </ul>	<ul style="list-style-type: none"> <li>• Treasury Management Performance</li> </ul>	
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Children, Education,	<p>1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Planning the adequate provision of</li> </ul>	9		

<p>Libraries and Safeguarding Committee</p>	<p>school places in the Borough</p> <ul style="list-style-type: none"> <li>• Investment in educational infrastructure to meet the needs of the Borough’s learners</li> <li>• Development and enhancement of the Library Service</li> <li>• Development of cultural activities</li> <li>• To be responsible for those powers, duties and functions of the Council in relation to Children’s Services (including schools)</li> </ul> <p>(2) Lead the Council’s responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul style="list-style-type: none"> <li>• Oversee effective support for young people in care; and enhance the Council’s corporate parenting role</li> <li>• Oversee the multi-agency Youth Offending Team</li> <li>• Oversee the effective provision of support across partners for the wellbeing of vulnerable families - including the Troubled Families programme</li> </ul> <p>(3) Approve the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> <li>• Education</li> <li>• Inclusion</li> <li>• Child Poverty</li> <li>• Early Intervention and Prevention</li> </ul> <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(5) To ensure that the Council’s safeguarding responsibilities are taken into account.</p> <p>(6) To receive and consider reports as appropriate from the Children’s Partnership Board.</p> <p>(7) To approve Fees and Charges for those areas under the remit of the Committee.</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework</p>	<p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council. Requirement to have a Lead Member for Children’s Services. Committee to be made up in accordance with proportionality</p> <p><u>Co-Opted Members</u></p> <p>The following co-opted members will be appointed. They may speak on all matters but cannot vote.</p> <p>Three Voluntary Aided School Representatives - to provide a faith perspective on education matters (Church of England; Roman Catholic; and Jewish Voluntary Aided representatives).</p> <p>One representative from the Standing Advisory Committee on Religious Education</p> <p>Two Parent governor representatives (PGRs) elected by other parent governors to represent the views of all parents and hold the authority to account by consulting with and feeding back to parents on discussions and decisions relating to education.</p>
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	<p>(9) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(12) To make recommendations to Policy and 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) To receive and consider reports as appropriate from the Corporate Parenting Advisory Panel.</p> <p>(15) Receive an annual report from the Lead Member for Children's Services (Chairman of Children Education Libraries and Safeguarding Committee) covering key matters.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Adults and Safeguarding	(1) Specific responsibilities include: To be responsible for those powers, duties	9 Chairman, Vice

Committee	<p>and functions of the Council in relation to Adults and Communities including the following specific functions:</p> <ul style="list-style-type: none"> <li>• Promoting the best possible Adult Social Care services</li> </ul> <p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) To approve fees and charges for those areas under the remit of the Committee</p> <p>(4) Specific responsibilities to include:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <ul style="list-style-type: none"> <li>• Leisure Services.</li> </ul> </div> <p>(5) To ensure that the Council’s safeguarding responsibilities are taken into account.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee’s budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to</p>	<p>Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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	<p>the budget for the Committee, virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(12) 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>													
<p>Environment Committee</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 1070 1050 2060"> <tr> <td data-bbox="438 1070 740 1272"> <ul style="list-style-type: none"> <li>Street Scene including pavements and all classes of roads</li> </ul> </td> <td data-bbox="740 1070 1050 1272"> <ul style="list-style-type: none"> <li>Parking provision and enforcement</li> </ul> </td> </tr> <tr> <td data-bbox="438 1272 740 1330"> <ul style="list-style-type: none"> <li>Road Safety</li> </ul> </td> <td data-bbox="740 1272 1050 1330"> <ul style="list-style-type: none"> <li>Street Lighting</li> </ul> </td> </tr> <tr> <td data-bbox="438 1330 740 1715"> <ul style="list-style-type: none"> <li>Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan</li> </ul> </td> <td data-bbox="740 1330 1050 1715"> <ul style="list-style-type: none"> <li>Refuse and recycling</li> </ul> </td> </tr> <tr> <td data-bbox="438 1715 740 1809"> <ul style="list-style-type: none"> <li>Street Cleaning</li> </ul> </td> <td data-bbox="740 1715 1050 1809"> <ul style="list-style-type: none"> <li>Waste Minimisation</li> </ul> </td> </tr> <tr> <td data-bbox="438 1809 740 1917"> <ul style="list-style-type: none"> <li>Waterways</li> </ul> </td> <td data-bbox="740 1809 1050 1917"> <ul style="list-style-type: none"> <li>Allotments</li> </ul> </td> </tr> <tr> <td data-bbox="438 1917 740 2060"> <ul style="list-style-type: none"> <li>Parks and Open Spaces</li> </ul> </td> <td data-bbox="740 1917 1050 2060"> <ul style="list-style-type: none"> <li>Fleet Management</li> </ul> </td> </tr> </table>	<ul style="list-style-type: none"> <li>Street Scene including pavements and all classes of roads</li> </ul>	<ul style="list-style-type: none"> <li>Parking provision and enforcement</li> </ul>	<ul style="list-style-type: none"> <li>Road Safety</li> </ul>	<ul style="list-style-type: none"> <li>Street Lighting</li> </ul>	<ul style="list-style-type: none"> <li>Transport and traffic management-including agreement of London Transport Strategy-Local Implementation Plan</li> </ul>	<ul style="list-style-type: none"> <li>Refuse and recycling</li> </ul>	<ul style="list-style-type: none"> <li>Street Cleaning</li> </ul>	<ul style="list-style-type: none"> <li>Waste Minimisation</li> </ul>	<ul style="list-style-type: none"> <li>Waterways</li> </ul>	<ul style="list-style-type: none"> <li>Allotments</li> </ul>	<ul style="list-style-type: none"> <li>Parks and Open Spaces</li> </ul>	<ul style="list-style-type: none"> <li>Fleet Management</li> </ul>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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• Trees	• Cemetery and crematorium and Mortuary
• Trading Standards	• Contaminated land and all statutory nuisances.
• Flood Risk Management (scrutiny aspect)	

(2) Council highways functions (including highways use and regulation, access to the countryside, arrangements and extinguishment of public rights of way) which are limited to:

- approving the annual programme of highways and footways works
- creating, stopping up and diverting footpaths and bridleways
- asserting and protecting public rights to use highways
- removing things deposited on highways which cause nuisance

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

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

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

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

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

	<p>(8) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(9) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(10) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(11) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.</p> <p>(12) 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>	
<p>Assets, Regeneration and Growth Committee</p>	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Develop and oversee a Regeneration Strategy</li> <li>• Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates</li> <li>• Promote skills and enterprise and approve a Skills Enterprise and Employment Strategy (having regard to the views of the Lead Member for Children's Services on relevant</li> </ul>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p>matters)</p> <ul style="list-style-type: none"> <li>• Engagement with the business community and measures to support local business</li> <li>• Oversee major regeneration schemes- including those of key social housing estates</li> <li>• Town Centre regeneration programmes</li> <li>• Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council</li> </ul> <p>(2) To approve fees and charges for those areas under the remit of the Committee.</p> <p>(3) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(4) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(5) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p>	
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	<p>(9) 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>	
Housing Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Housing Strategy (incorporating Homelessness Strategy)</li> <li>• Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing</li> <li>• Commissioning of Environmental Health</li> <li>• Promote the better integration of privately rented properties into the Borough's framework;</li> <li>• All matters related to Private sector Housing including Disabled Facility Grants</li> <li>• Housing licensing and housing enforcement.</li> </ul> <p>(2) To approve fees and charges for those areas under the remit of the Committee</p> <p>(3) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(4) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(5) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(6) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p>accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(7) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(8) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>(9) 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>	
Community Leadership Committee	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Grants to Voluntary Sector</li> <li>• Registration and Nationality Service</li> <li>• Emergency Planning</li> <li>• Civic events</li> </ul> <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</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>behaviour, combating graffiti flytipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.</p> <p>(4) To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.</p> <p>(5) Provide scrutiny aspect of Community Safety.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(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>	
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	<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>	
Community Leadership Sub-Committee	To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid) when there is no scheduled meeting of the full Committee which falls within the eight week statutory deadline for determining applications	<p>3</p> <p>Community Leadership Committee Chairman, Vice-Chairman and Opposition Spokesperson</p> <p>Membership to be appointed by Community Leadership Committee</p>
Area Committees	<p>In relation to the area covered by the Committee:</p> <p>(1) Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors.</p> <p>(2) Discharge any functions, within the budget and policy framework agreed by Policy and Resources, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to:</p> <ul style="list-style-type: none"> <li>• <i>Town Centre Regeneration and Management</i></li> <li>• <i>Sewers, drainage, public conveniences, water courses</i></li> <li>• <i>Refuse collection, litter, cleansing, waste and recycling</i></li> <li>• <i>Parks, open spaces, nature reserves, allotments, recreation and leisure facilities</i></li> </ul>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>One Member and one Substitute member for each Ward.</p>

	<ul style="list-style-type: none"> <li>• <i>Libraries and Culture</i></li> <li>• <i>Cemeteries and Crematoria</i></li> <li>• <i>Day to day environmental issues and management of land on Council Housing estates</i></li> <li>• <i>Local highways and safety schemes</i></li> </ul> <p>(4) Administer any local budget delegated from Policy and Resources Committee for these committees in accordance with the framework set by the Policy and Resources Committee.</p> <p>(5) Powers to deal with small public works.</p> <p>(6) Consider petitions which receive between 25 and 1,999 signatures.</p> <p>Area committees should not deal with issues that are specifically within the remit of other committees (e.g. Licensing), that should be exercised at a Borough wide level or that are outside the budget and policy framework.</p>	
Council acting as the Licensing Authority	Agreeing and reviewing the Statement of Licensing Policy.	All Members of the Council
Licensing Committee	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee.</p> <p>To approve fees and charges for those areas under the remit of the Committee.</p> <p>Applications and appeals and revocations relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments.</p> <p>Applications, appeals and revocations relating to Special Treatment Licenses.</p> <p>Application for film classification for films shown within the Borough.</p> <p>Gaming, entertainment, food and miscellaneous licensing including functions relating to: street trading including the designation of permanent pitches for street trading.</p> <p>Safety at sports ground certification.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members</p>
Licensing Sub-Committee	All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the	<p>3</p> <p>Chairman appointed at</p>



	<p>Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p>	<p>each meeting of a Sub-Committee.</p>
Audit Committee	<p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <ol style="list-style-type: none"> <li>1. To consider the annual internal audit opinion and plan.</li> <li>2. To consider summaries of specific internal audit reports as requested.</li> <li>3. To consider reports dealing with the management and performance of the providers of internal audit services.</li> <li>4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.</li> <li>5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.</li> <li>6. To consider specific reports as agreed with the external auditor.</li> <li>7. To comment on the scope and depth of external audit work and to ensure it gives value for money.</li> <li>8. To liaise with the body responsible over the appointment of the Council's external auditors.</li> <li>9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive.</li> <li>10. To approve revisions to the Internal Audit Charter.</li> <li>11. To approve decisions relating to the appointment and removal of the Chief</li> </ol>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Committee to be made up in accordance with proportionality. The membership should also include two independent, non-voting Members with a period of appointment of four years.</p> <p>The Chairman should preferably be a member of an opposition party. Additionally, the Chairman should not be permitted to serve in that role for more than 4 consecutive years.</p>

	<p style="text-align: center;">Audit Executive</p> <p>12. To make recommendations to the relevant Committee for consideration of audit assurance matters of significant concern.</p> <p><u>Anti-Fraud Activity</u></p> <p>13. To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT).</p> <p>14. To consider the anti-fraud strategy, annual anti-fraud work plan and CAFT Annual Report.</p> <p>15. To consider regular anti-fraud progress reports and summaries of specific fraud issues and investigation outcomes.</p> <p>16. To monitor the Council's Counter Fraud framework and policies within and recommend their application across the Council.</p> <p><u>Regulatory Framework.</u></p> <p>17. To review any issue referred to it by the Chief Executive or a director, or any Council body.</p> <p>18. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>19. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p><u>Accounts</u></p> <p>20. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p>21. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Annual Report</u></p> <p>22. The Audit Committee shall prepare a report to Full Council on annual basis on</p>	
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	its activity and effectiveness.	
Planning Committee	<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> <ol style="list-style-type: none"> <li>a. is within the categories which must be referred to the Mayor of London under the London Mayor Order;</li> <li>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</li> <li>c. is by or on behalf of the Council and, in the opinion of the relevant Chief Planning Officer], it is a significant development</li> </ol> <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 <del>and considering Neighbourhood Development Orders</del></p> <p><u><a href="#">Approve and confirm Neighbourhood Development Orders and Community Right to Build Orders.</a></u></p> <p>Recommending the creation of Conservation Areas to Full Council</p> <p>Approve 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 compensation, except where that compensation is as a result of an Article 4 Direction.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</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>Area Planning Committees (3)</p>	<p>To determine the following application types, except where they are referable under the Constitution to the Planning Committee:</p> <p>A. Applications for Planning Permission made under the Town and Country Planning Act 1990;</p> <p>B. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>C. Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;</p> <p>Where the recommendation is for approval and:</p> <p>a. there is significant local public objection (defined as 5 or more objectors who have objected in writing in response to a planning application)</p> <p>b. there is a Ward Councillor referral, as defined in the meeting procedural rules</p> <p>Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.</p>	<p><b>Chipping Barnet Area Planning Committee</b></p> <p>7 (one councillor representing each of the following Wards:</p> <p>Underhill High Barnet East Barnet Oakleigh Brunswick Park Coppetts Totteridge</p> <hr/> <p><b>Finchley and Golders Green Area Planning Committee</b></p> <p>7 (one councillor representing each of the following Wards:</p> <p>East Finchley West Finchley Woodhouse Childs Hill Finchley Church End, Garden Suburb Golders Green</p>

	<p>Any other application or planning matter referred to this Committee by the relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Applications to undertake treatment to trees included within a Tree Preservation Order</p> <p>Applications for a Hedgerow removal notice made under the Hedgerow Regulations 1997</p>	<p><b>Hendon Area Planning Committee</b></p> <p>7 (One Councillor representing the following wards:</p> <p>Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill</p>
<p>General Functions Committee</p>	<p>All other Council functions that are not reserved to Full Council including</p> <ul style="list-style-type: none"> <li>• Appointing representatives on outside bodies</li> <li>• Nominating local authority representatives to School Governing bodies</li> <li>• Staff matters (i.e. salaries and conditions of service) other than those within the remit of Chief Officer Appointment Panel</li> <li>• Polling Stations</li> <li>• Ward Boundaries</li> <li>• Request a ward boundary review by the Local Government Boundary Commission for England</li> <li>• Elections in general</li> <li>• Health and safety</li> <li>• Carry out functions in relation to approving premises for marriages and the formation of civil partnerships under the Marriage Act 1949, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005</li> <li>• Determine Members requests for non-committee information as specified in the Members Information Management Policy</li> <li>• Endorsing the calendar of meetings prior to Council approval</li> <li>• Agreeing the Members Diary and Year Book</li> </ul> <p>Where decisions have a significant impact on the Pension Fund and/or Council budget,</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee.</p> <p>Collective Disputes - In accordance with the Council's Trade Union and Employee Engagement Framework, certain disputes may be referred to the General Functions Committee.</p> <p>(a) Only where there has been a failure to agree at People Management Group about the implementation (or proposed implementation) of change affecting working arrangements can the matter be referred to the General Functions Committee at its next scheduled meeting.</p> <p>(b) Issues concerning working arrangements which are submitted to the General Functions Committee will be supported by the minutes of the People Management Group which considered the matter.</p> <p>(c) Where the matter is not resolved at this point, the Collective Disputes Procedure is regarded as exhausted and the Council will advise trade unions and employees of its intentions.</p> <p>(d) When considering the report, a representative of the trade unions may be requested to speak with the consent of the Chairman or be questioned by the Committee before a decision is made.</p> <p>(e) Consider reports on restructure in line with the HR Regulations.</p> <p>In accordance with supplementary guidance issued by the Department for Communities &amp; Local Government in 2012 and February 2013 Council be given the opportunity to vote on Chief Officer salary packages, of salary packages of £100,000 or more and any severance packages at or above £100,000 and in instances where Council has delegated these functions to the General Functions Committee, then the General Functions Committee will:</p> <p>Decide on and report back to Council on</p> <p>a. Chief Officer salary packages</p>	
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- b. Salary packages to be offered of £100,000 or more
- c. Severance packages per individual of £100,000 or more. (Severance package will consist of redundancy pay, pay in lieu of notice, any holiday pay the employee is contractually entitled to and any pension lump sum the employee is entitled to in accordance with the Local Government Pension Scheme).

**Responsibilities**

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

- a. To develop the annual pay policy statement for full Council approval and be responsible for the publication of the annual statement, which will include:
  - The level and elements of remuneration for each Chief Officer;
  - Relationship of the remuneration of Chief Officers and other officers;
  - A description of the relationship between decisions made on the lowest paid and top paid employees in the organisation;
  - Remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition);
  - Remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments;
  - Transparency arrangements;
  - Reasons for chosen approach to remuneration levels and how this is to be implemented;
  - Differences of approach to groups of employees and the reasons for them;
  - Pay dispersion.
  - Incremental progression factors
  - Use of honoraria and ex-gratia payments
  - Determine remuneration parameters for officers who have returned to work

	<p>for a local authority</p> <ul style="list-style-type: none"> <li>• Appointment and remuneration terms</li> </ul> <p>b. To review annually remuneration, as defined above</p> <p>c. To keep under review the terms &amp; conditions as they relate to pay for all Council employees and where changes have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee and/or General Functions Committee.</p> <p>d. To receive information in the context of reward from organisations that have a relationship with the Council or arrangements that may influence decisions when determining pay</p> <ul style="list-style-type: none"> <li>• The employees of Barnet Group</li> <li>• Contractors</li> <li>• Shared management schemes</li> <li>• Outplacements</li> <li>• Agency and other staff</li> </ul> <p>e. To have oversight to ensure that remuneration terms of appointments are appropriate.</p> <p>f. To take advice from the Pension Fund Committee with regard to decisions on pay that would impact upon pension arrangements or contributions.</p> <p>g. To set parameters for the remuneration of Chief Officers on recruitment.</p> <p>h. To ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the pay policy statement between annual reviews.</p> <p>i. To have oversight of the national pay agenda and consider the implications in the local context.</p> <p>j. To commission relevant research and/or comparative information on salaries in the public and private sectors e.g. from:</p>	
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	<ul style="list-style-type: none"> <li>• The Council’s own HR function</li> <li>• National and/or Regional employers’ organisations</li> <li>• Independent consultancy organisations with relevant experience in pay market analysis</li> <li>• Submissions made by the Associations on behalf of their members and make recommendations thereon.</li> </ul> <p>k. To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</p> <p>l. To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</p> <p>m. To reference back to previous year’s actual remuneration for Chief Officers and senior employees ( definition of senior employee is consistent with CLG Code of Recommended Practice for Local Authorities on Data Transparency).</p> <p>n. To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</p> <p>o. To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</p> <p>p. To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</p> <p>q. To refer such items as necessary to the Council.</p> <p>r. To refer to guidance from the Secretary of State.</p>	
Constitution, Ethics and Probity Committee	<p>To have responsibility for overseeing the Council’s governance arrangements.</p> <p>Proactively to review and keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

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

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

	<p>The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other than duties which are the responsibility of the Administering Authority (refer to Pension Fund Committee terms of reference)</p> <p>The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.</p>	
Chief Officer Appointment Panel	To deal with Chief Officer Appointments, Discipline and Capability matters.	<p>5</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. By convention the Members comprise:</p> <p>Chairman – Leader of the Council</p> <p>Deputy Leader of the Council.</p> <p>Chairman of General Functions Committee.</p> <p>Leader of the Opposition</p> <p>Leader of the Minority opposition group</p> <p><i>One substitute from each political group</i></p>
Health and Wellbeing Board	<p>(1) To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies.</p> <p>(2) To agree a Health and Wellbeing Strategy (HWBS) for Barnet taking into account the findings of the JSNA and performance manage its implementation to ensure that improved outcomes are being delivered.</p> <p>(3) To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as</p>	<p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Three Members of the Council</p> <p>Director of Public Health, Barnet and Harrow</p> <p>Commissioning Director for Children &amp; Young People</p> <p>Commissioning Director for Adults &amp; Health</p> <p>Barnet Clinical</p>

	<p>possible to a state of complete physical, mental and social wellbeing. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; the Better Care Fund; and Section 75 partnership agreements between the NHS and the Council.</p> <p>(4) To consider all relevant commissioning strategies from the CCG and the NHS England and its regional structures to ensure that they are in accordance with the JSNA and the HWBS and refer them back for reconsideration.</p> <p>(5) To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients.</p> <p>(6) To directly address health inequalities through its strategies and have a specific responsibility for regeneration and development as they relate to health and care. To champion the commissioning of services and activities across the range of responsibilities of all partners in order to achieve this.</p> <p>(7) To promote partnership and, as appropriate, integration, across all necessary areas, including the use of joined-up commissioning plans across the NHS, social care and public health. To explore partnership work across North Central London where appropriate.</p> <p>(8) Receive the Annual Report of the Director of Public Health and commission and oversee further work that will improve public health outcomes.</p> <p>(9) Specific responsibilities for:</p> <ul style="list-style-type: none"> <li>• Overseeing public health</li> <li>• Developing further health and social care integration.</li> </ul>	<p>Commissioning Group-Board members x 3</p> <p>Barnet Clinical Commissioning Group-Chief Officer Barnet Healthwatch representative</p> <p>Independent Chair of the Adults and Children’s Safeguarding Boards (Non-Voting Member)</p> <p>NHS England</p> <p>NOTE 1: Each member will be able to nominate a substitute member if they are unable to attend.</p> <p>NOTE 2: The flexibilities given in the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013(SI 218) to disapply elements of the 1972 Local Government Act have been used to:</p> <p>Waive requirement for proportionality</p> <p>Allow voting rights to members other than Members of the Council.</p>
<p>Health Overview and Scrutiny Committee</p>	<p>1. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service</p>	<p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by Council</p>

	<p>(NHS) and NHS bodies located within the London Borough of Barnet and in other areas.</p> <ol style="list-style-type: none"> <li>2. To make reports and recommendations to Council, Health and Well Being Board, the Secretary of State for Health and/or other relevant authorities on health issues which affect or may affect the borough and its residents.</li> <li>3. To receive, consider and respond to reports, matters of concern, and consultations from the NHS Barnet, Health and Wellbeing Board, Health Watch and/or other health bodies.</li> <li>4. To scrutinise and review promotion of effective partnerships between health and social care, and other health partnerships in the public, private and voluntary sectors.</li> <li>5. Both Council and the Health Overview and Scrutiny Committee are authorized pursuant to Regulation 30 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 to establish together with the health overview and scrutiny committees of one or more other local authorities a joint overview and scrutiny committee. Any such joint overview and scrutiny committee shall have such terms of reference and shall exist for so long, as the appointing Overview and Scrutiny Committees may agree.</li> <li>6. Appointment of Members to any such Committees established can only be made by Full Council.</li> </ol>	
Urgency Committee	To consider any item of business which needs a decision as a matter of urgency and where a meeting of the relevant Committee is not scheduled to take place within the time period within which the decision is required.	3 Appointed by Council.
Residents Forums  <u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East	Residents Forums provide an opportunity for any resident to raise local matters. Local matters are any matters which are relevant to the Council except for matters relating to specific planning or licensing applications.  Items and questions must be received by the Governance Service by 10am on the fifth	A Chairman and Vice-Chairman of each appointed by the Council.

<p>Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</p> <p><u>Hendon Residents Forum</u> Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards</p> <p><u>Finchley and Golders Green Residents Forum</u> Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards</p>	<p>working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.</p> <p>The Forum Chairman has the discretion to accept items and questions with less than five days notice if they deem the matter to be urgent. Responses to urgent matters will be responded to by officers at the Forum meeting.</p> <p>The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.</p> <p>The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.</p> <p>The Chairman will determine issues in the following way:</p> <ol style="list-style-type: none"> <li>1. Residents will have the opportunity to discuss the issue raised</li> <li>2. Chairman, Chief Officers or other relevant officers may respond to the issues raised</li> <li>3. Having considered the issues the Chairman can take the following actions: <ul style="list-style-type: none"> <li>- note the issue and take no action</li> <li>- instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response</li> <li>- instruct that Ward Members are notified of the issue.</li> <li>- 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</li> </ul> </li> </ol> <p>When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.</p>	
<p>Local Strategic Partnership (Barnet)</p>	<p>(a) A Local Strategic Partnership is an advisory committee which brings together the key public, private and voluntary</p>	<p>Leader of the Council Other Council representatives to be</p>



Partnership Board)	<p>organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies. In Barnet the functions of a Local Strategic Partnership are discharged by the Barnet Partnership Board.</p> <p>(b) The Barnet Partnership Board is not the ultimate decision maker. All target-setting and consequential financial, commissioning or contractual commitments proposed by it must be formalised through the Council's Decision making structure or through one of the other members of the Board (for example if policing resources are involved). Note; Provisions relating to the Health and Well Being Board are slightly different and reflect Government Regulations on their remit and legal status. Terms of Reference are set out in Responsibility for Functions.</p> <p>(c) The Council will exercise a leadership role in relation to the Barnet Partnership Board and specifically will ensure that it has a formal constitution setting out its terms of reference, membership, organisational and management arrangements and the duties and responsibilities of Partnership members, such duties and responsibilities to be incorporated into a partnership agreement to be signed by all Partnership members.</p> <p>(d) The Council will ensure that the Barnet Partnership Board develops clear and transparent lines of accountability and responsibility between its members.</p> <p>(e) The Council will, on an annual basis (or at more frequent intervals should it deem it appropriate to do so), consider a report on the work and performance of the Barnet Partnership Board and its thematic Boards, Partnerships and sub-Partnerships, such annual report to include, amongst other things, a review of the governance arrangements and the progress made in respect of Sustainable Community Strategy priorities and objectives.</p> <p>(f) The Council will ensure that a Partnership Register is maintained (and</p>	<p>appointed by Annual Council</p> <p>Senior representatives from:</p> <p>Met Police</p> <p>Middlesex University</p> <p>Barnet Clinical Commissioning Group</p> <p>Community Barnet</p> <p>Brent Cross Shopping Centre</p> <p>Barnet and Southgate College</p> <p>Job Centre Plus</p>
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	<p>regularly reviewed) by the Council's Officers which sets out key information in relation to the governance arrangements of the Barnet Partnership Board, its thematic Boards, Partnerships and Sub-Partnerships, to include details on terms of reference, membership, financial arrangements, statutory requirements, accountability, risk assessments and data sharing protocols.</p> <p>(g) The Council will ensure that appropriate arrangements are in place to enable appropriate review of the Barnet Partnership Board, thematic Boards, Partnerships and sub-Partnerships and relevant partner associations in accordance with statutory provision.</p>	
<p>Children's Partnership Board</p>	<p>Barnet's Children's Partnership Board brings together all services for children and young people in the borough, to focus on hearing the voice of children and young people and improving their outcomes.</p> <p>The Children's Partnership is not a separate organisation. Each partner retains its own functions and responsibilities within the wider partnership framework. Representatives from member organisations make up the Barnet Children's Partnership Board which keeps a strategic oversight of the Children and Young People's Plan. Each organisation has agreed to be responsible for implementing this plan</p> <p>The legal framework underpinning Barnet's Children's Partnership Board arrangements is the 'duty to cooperate' and improve the well-being of children across the Borough, set out in S10 of the Children Act 2004.</p> <p><b>Responsibilities and Functions</b></p> <p>The Children's Partnership Board is accountable for the following:</p> <ul style="list-style-type: none"> <li>• Ensuring the voice of children and young people is heard in Barnet</li> <li>• Developing and delivering the Children &amp; Young People's Plan.</li> <li>• Ensuring that the collective resources of the partners are being used to the best</li> </ul>	<p>The Board will be chaired by the Lead Member for Children's Services as appointed by the Council.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend, by agreement with the chairman.</p> <p>Current partners are:</p> <ul style="list-style-type: none"> <li>• LB Barnet</li> <li>• Barnet Clinical Commissioning Group</li> <li>• CommUnity Barnet</li> <li>• Barnet and Southgate College</li> <li>• Metropolitan Police</li> <li>• Primary, Secondary and Special Schools</li> </ul>

	<p>effect to meet the priorities in the Children &amp; Young People’s Plan.</p> <ul style="list-style-type: none"> <li>• Resolving issues that block progress against the priorities.</li> <li>• Signing off all Plans and Strategies relating to Children and Young People in Barnet prior to presentation to executive groups (eg CELS, HWBB)</li> </ul> <p>This includes shared responsibility for:</p> <ul style="list-style-type: none"> <li>• Meeting the priorities in the Children &amp; Young People’s Plan.</li> <li>• Jointly developing, delivering and resourcing strategies and action plans necessary to meet the priorities,</li> <li>• Addressing barriers to meeting the priorities and to identifying future needs, including communication, information and data sharing.</li> <li>• Keeping Children’s workforce informed and involved, providing clear direction, development and training as necessary.</li> <li>• Releasing staff to develop and attend network events.</li> <li>• Clarifying and simplifying governance structures and decision-making.</li> <li>• Ensuring that children, young people and families have a voice in decision making that affects them.</li> <li>• Monitoring performance towards agreed outcomes and taking remedial action where necessary.</li> <li>• Building upon good practice and developing an evidence-based approach to what works.</li> </ul> <p>The Board’s remit includes the needs of all children and young people in Barnet under the age of 19, young people up to the age of 25 leaving care and young people up to the age of 25 with disabilities and/or learning difficulties. These responsibilities include effective transition arrangements, where necessary.</p> <p>The Board will meet as a Annual Children and Young People’s Conference.</p>	
Safer Communities Partnership Board	The Safer Communities Partnership Board (SCPB) is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending and promote	Meetings will be quarterly and a quorum will comprise four members

	<p>social cohesion. It acts as the Crime and Disorder Reduction Partnership as defined (and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act. The SCPB operates within the constitutional requirements of Barnet Council, the Metropolitan Police and other partner agencies, who ensure that the Board's approaches to policy formulation and resource allocation are consistent with those of the agencies concerned. It is a thematic subgroup of the Barnet Partnership Board which has overall strategic responsibility and has delegated to the SCPB the responsibility for delivering the Strong Safe Communities for Everyone theme of the Sustainable Community Strategy.</p> <p>It is taking forward one of the objectives in the strategy to develop an Integrated Offender Management system that brings together the different agencies involved in managing the punishment and rehabilitation of offenders in a much more efficient and joined up way, reducing the risks of reoffending and ensuring far more offenders complete their drug rehabilitation successfully.</p> <p>Barnet Safer Communities Partnership is an unincorporated body and therefore it does not have a legal personality. Its members work collectively within their own individual legal frameworks.</p>	<p>provided this consists of:</p> <p>The Chairman or Vice Chairman</p> <p>At least one representative each of the Council and the Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> <li>• London Probation Trust</li> <li>• National Probation Service</li> <li>• London Fire Brigade</li> <li>• Barnet Clinical Commissioning Group</li> <li>• MOPAC- Mayor's Office for Policing and Crime</li> <li>• Barnet Safer Neighbourhood Board</li> <li>• Middlesex University</li> <li>• North West London Magistrates' Court</li> <li>• Community Barnet</li> <li>• Victim Support, North London Division</li> <li>• Department for Work and Pensions</li> </ul> <p>The Chairman will be an elected Local Authority member to reflect the Council's role in providing community leadership in this area.</p> <p>The Vice Chairman will be from the Metropolitan Police. These chairing arrangements will be reviewed and agreed at the first meeting of the Board in each new municipal year.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend.</p>
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