

Responsibility for Functions

PREFACE

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

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

1. FUNCTIONS OF FULL COUNCIL

Only the full Council will exercise the following functions:

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

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

2. **FUNCTIONS DELEGATED TO COMMITTEES**

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

3. **OFFICER DELEGATIONS**

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

4. **INTERPRETATION**

In this part of the Constitution:

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

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

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

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

5 LIMITATIONS ON DELEGATION TO COUNCIL COMMITTEES AND SUB-COMMITTEES

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

6 MEMBERS’ RIGHTS TO REFER MATTERS TO PARENT BODY

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

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

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

6.4 In such a case:-

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

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

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

Limitations Exceptions

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

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

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

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

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

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

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

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

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

7. URGENCY PROVISIONS

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

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

8 JOINT ARRANGEMENTS

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

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

~~Pension Fund Compliance Statement~~

~~Pension Fund Governance Compliance Statement~~

~~1. Background~~

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

~~2. Statement of Responsibilities~~

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

~~2.1.1 To appoint:-~~

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

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

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

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

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

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

- ~~2.2.2 — To review the above documents at least triennially, or more frequently if advised by the Chief Finance Officer of the need to do so (e.g. change in statutory guidance on what these documents should cover).~~
- ~~2.2.3 — To meet review and approve the Pension Fund Statement of Accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be)~~
- ~~2.2.4 — To receive and approve the Pension Fund Annual Report.~~
- ~~2.2.5 — To invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled/admitted body) to meetings of the PFC. These representatives are appointed to advise the PFC on behalf of the interests they represent, but are not to have any voting rights. Further invites to scheduled/admitted bodies to be decided by the chairman of the PFC.~~
- ~~2.2.6 — To appoint independent investment advisors.~~
- ~~2.2.7 — To appoint Pension Fund investment managers.~~
- ~~2.2.8 — To appoint Pension Fund actuaries.~~
- ~~2.2.9 — To appoint a performance management company.~~
- ~~2.2.10 — To appoint custodians.~~
- ~~2.2.11 — To review and challenge at least quarterly the Pension Fund investment managers' performance against the Statement of Investment Principles in general and investment performance benchmarks and targets in particular. One of these meetings to be the annual review, at which the representative from our performance management organisation attends to comment on the relative performance of the fund managers.~~
- ~~2.2.12 — To consider actuarial valuations and their impact on the Pension Fund.~~
- ~~2.2.13 — To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.~~
- ~~2.2.14 — To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.~~
- ~~2.2.15 — To determine the appropriate course of action on any matter not specifically listed above that pertains to the leadership and/or strategic management of the Pension Fund, in particular any matter which could materially affect its financial performance or long-term standing.~~
- ~~2.2.16 — To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate~~

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

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

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

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

~~2.3.1 — To appoint:-~~

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

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

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

~~● — To assist with:~~

- ~~○ — securing compliance with LGPS Government regulations and any other legislation relating to the governance and administration of the LGPS~~
- ~~○ — securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator.~~
- ~~○ — such other matters that the LGPS regulations may specify~~

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

~~● — Ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; pensions administration strategy; Pension Fund annual report and accounts; statement of investment principles~~

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

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

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

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

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

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

~~2.3.2 To administer the Pension Fund within the parameters set by the PFC, delegating these responsibilities as appropriate to other council officers and/or external contractors.~~

~~2.3.3 To advise the PFC on all matters pertaining to the management of the Pension Fund, drawing upon the knowledge and expertise of other council officers, the independent advisor, the actuaries and other sources where appropriate.~~

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

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

~~2.3.6 To require the Fund's independent advisor to present a report each quarter to the PFC on the key and emerging issues that will or could affect the Pension Fund's future performance and standing~~

~~2.3.7 To organise adequate training to enable members of the PFC to be in a position meet their fiduciary responsibilities in relation to the Pension Fund.~~

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

~~2.3.9 — To prepare and submit the following Pension Fund documents for approval to the PFC on either triennially or more frequently than this should circumstances require:-~~

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

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

~~2.3.11 — To make available to scheme representatives, scheme members and any other interested bodies, upon request, any other information pertaining to the London Borough of Barnet Pension Fund where this is not covered by exemptions provided by Acts of Parliament.~~