

APPENDIX J

Responsibility for Functions

*References: Chapter 5, Guidance
The Local Authorities (Functions and Responsibilities) (England)
Regulations 2000
Section 13, Local Government Act 2000*

1. COUNCIL FUNCTIONS AND EXECUTIVE FUNCTIONS

1. The Local Government Act 2000 divides the functions of the local authority between the full Council (and its Committees) and the Executive. The Council is no longer the body responsible for all the activities of the local authority in the borough.

The Council is operating the 'new style' leader executive arrangements in accordance with the Local Government and Public Involvement in Health Act 2007"

The Council's statutory duties are now broadly:

- i) Approval of the budget and statutory policy framework.
- ii) Constitutional and quasi-legislative functions.
- iii) Dealing with applications for licences, approvals, consents, permissions (including planning permission) and registrations; and related regulation and enforcement action.

All other functions of the local authority are functions of the Executive, i.e. the Leader and Cabinet, and cannot be exercised by the Council (Section 13 (10) Local Government Act 2000).

This Part of the Constitution is the Scheme of Delegation that sets out the detailed arrangements for the allocation and discharge of responsibilities.

2. The principles of the Scheme of Delegation are that functions are delegated from the Council and the Executive to subordinate bodies and persons by exception rather than specifically.

This Part of the Constitution, therefore, also sets out the decisions that are reserved to specific decision takers and cannot be taken by subordinate decision takers.

3. It is a general legal principle that although delegation involves conferring authority on subordinate bodies and individuals, this does not mean that the delegator gives up the authority to act or take decisions. That general principle is expressly recognised in Section 15(9) of the Local Government Act 2000:-

"Any arrangements made by virtue of this section by an Executive Leader, Executive Member or Committee for the discharge of any functions by an Executive, Member, Committee or officer are not to prevent the executive Leader, Executive, Member or Committee by whom the arrangements are made from exercising those functions".

2. ALLOCATION OF LOCAL CHOICE FUNCTIONS

Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the local choice functions that can be allocated to the

Executive or to the Council or to Council Committees. The following table shows which body is responsible for each of these. The bodies are described in the table in section 2.

Function	Decision making body
1. Any function under a Local Act.	1. The Executive
2. Determining an appeal against any decision made by or on behalf of the authority where there is a right of appeal to a Council Committee. (This excludes matters where statutory arrangements exist).	2. Appeals Committee
4-6. Making arrangements for appeals against exclusion of pupils, school admission and appeals by governing bodies.	4-6. The Council but delegated to the Head of Governance.
10-15. Any function relating to contaminated land and statutory nuisances.	10-15 Planning and Environment Committee with delegation to Area Committees and Officers.
16. & Planning and other information 17. Notices.	16. & Planning and Environment Committee, with delegation to Area Committees and Officers, except in so far as the notice relates to an executive function.
18. Highways agreements.	18. Planning and Environment Committee, with delegation to Area Committees and Officers, except in so far as the agreement relates to an executive function.
19. Appointments.	19. The Council, with delegation to the General Functions Committee or in the case of Chief Executive and Chief Officer appointment, on the recommendation of the Remuneration Committee.

3. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the Council functions that are not allocated to the Executive. The following table sets out the body responsible for these.

Many decisions are taken by Officers or Sub-Committees under delegated powers. Delegation to Officers is set out in section 6 below. The division of responsibility between Planning and Environment Committee and the Area Committees is also set out below.

Body responsible	Functions	Membership
Council	Council can discharge all non-executive functions but most are delegated to committees or officers.	All members of the Council.
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>Agreeing increases to fees and charges for licence applications under the Gambling Act 2005.</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>	10 Non-executive Councillors
Licensing Sub-Committee	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p>	10 Non-executive Councillors

Body responsible	Functions	Membership
Audit Committee	<p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <ol style="list-style-type: none"> 1. To consider the audit annual report and opinion. 2. To consider summaries of specific internal audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of internal audit services. 4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the external auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the body responsible over the appointment of the Council's external auditors. 9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive. <p><u>Regulatory Framework.</u></p> <ol style="list-style-type: none"> 10. To review any issue referred to it by the chief executive or a director, or any Council body. 	<p>The proportionality rules apply to the membership of this Committee, which should comprise between 5 and 7 members.</p> <p>The membership should also include two independent, non-voting Members with a period of appointment of four years, co-terminus with Council.</p> <p>The Chairman should not be a member of the Executive, and 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>

Body responsible	Functions	Membership
	<p>11. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>12. To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the Council's complaints process.</p> <p>13. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p><u>Accounts</u></p> <p>14. 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>15. 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>16. The Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness</p>	
Appeals Committees	<p>Determining an appeal or application where there is a right of appeal to a Council committee. This does not include matters, which are the responsibility of the Licensing Committee or the Licensing Sub-Committee, nor does it include special statutory appeal or review bodies. It does include:</p> <ul style="list-style-type: none"> • Appeals relating to renovation, disabled facilities, home repair assistance and common parts facilities grants • Statutory complaints against school governing bodies • Appeals under the housing right to 	<p>10 councillors Plus 2 substitutes from each political group.</p>

Body responsible	Functions	Membership
	compensation scheme.	
Planning and Environment Committee	<p>1. Take action under Town and Country Planning, and associated legislation including Part 8 of the Anti Social Behaviour Act 2003 relating to high hedges</p> <p>The following functions are reserved to the Committee and cannot be discharged by an Area Committee or officer.</p> <ul style="list-style-type: none"> • planning applications which involve a significant departure from the statutory development plan; • planning applications on behalf of the Council or where the Council has a significant interest in the development; • planning applications within the categories of development which must be referred to the Mayor of London; and • matters of significance to the entire borough or where major issues extend across boundaries of sub-committees or across local government boundaries. <p>(Reports on all the matters reserved to the Committee shall be made direct to the Committee and not through an area sub-committee.)</p>	10 Non-Executive Councillors

Body responsible	Functions	Membership
	<p>2. Contaminated land and all statutory nuisances.</p> <p>3. Commons registration and town and village greens including powers of protection and enforcement although in practice these specific functions will be discharged by officers. (Which may include considering the recommendations of a non-statutory inquiry chaired by an independent person).</p> <p>4. Council highways functions (including highways use and regulation, access to the countryside, arrangements and extinguishment of public rights of way) which are limited to:</p> <ul style="list-style-type: none"> • <i>creating, stopping up and diverting footpaths and bridleways</i> • <i>asserting and protecting public rights to use highways</i> • <i>removing things deposited on highways which cause nuisance</i> <p>All other highway functions are Executive functions.</p> <p>5. Gaming, entertainment, food and miscellaneous licensing in so far as not otherwise the responsibility of the Licensing Committee or the Licensing Sub-Committee.</p> <p>6. Health and Safety regulation (otherwise than as an employer).</p>	

Body responsible	Functions	Membership
<p>Area Planning Sub-Committees (2)</p>	<p>Determine planning applications within the boundaries of their areas, in accordance with Council policy and within budget, that relate to town and country planning and development control, including tree and hedgerow protection.</p> <p>[For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country Planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.]</p> <p>This excludes the functions reserved to the Planning and Environment Committee</p> <p>If in cases where the Council has a minor interest in developments where a decision is required by a Committee, the Director for Place will refer the matter to the appropriate Area Planning Committee.</p> <p><i>Relevant Considerations for Area Planning sub-Committees</i></p> <p>A. consideration of planning applications by Area Planning Sub-Committees:</p> <p>The work of the Area Planning Sub-Committees consists mostly of determining applications for planning applications.</p>	<p>East Area Planning sub-Committee</p> <p>10 Councillors each representing one of the following Wards:</p> <p>Underhill High Barnet East Barnet Oakleigh Brunswick Park Coppetts Totteridge East Finchley West Finchley Woodhouse</p> <p>West Area Planning sub-Committee</p> <p>11 Councillors each representing of the following Wards</p> <p>Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill Childs Hill Finchley Church End, Garden Suburb Golders Green</p>

Body responsible	Functions	Membership
	<p>One potential cause of such delays is the deferral by sub-committees of planning applications for further information or for members to undertake site visits. To minimise this there is a general presumption that:</p> <ul style="list-style-type: none"> • Chairmen of Area Planning Sub-Committees should arrange for site visits to be made in advance of the Sub-Committee meeting, particularly where the proposals appear to be contentious or they are of major importance to the area; • Sub-Committee members who have queries on applications will raise them either at the site visit, or, in any event, as soon as possible before the meeting at which they will be considered. <p>B. In so far as developments where the Council has minor interests in the development, these matters will normally be dealt with by the Assistant Director of Planning and Development Management and delegated powers, unless it proves necessary to refer them to Committee , and are:</p> <ul style="list-style-type: none"> • Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc. • Minor extensions or ancillary building proposals less than 1000 sq m to buildings or property, including minor school extensions, housing estate, ancillary buildings, community services, etc. 	

Body responsible	Functions	Membership
	<ul style="list-style-type: none"> • Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc. • Minor extensions or ancillary building proposals less than 1000 sq m to buildings or property, including minor school extensions, housing estate, ancillary buildings, community services, etc. • Any ‘other’ or ‘minor’ developments as defined by the ODPM in PS1/PS2 Planning statistical categories of developments, for example 9 or less dwellings, advertisements, Listed Building and Conservation Area consents.) 	
Area Environment Sub-Committees (3)	<p>These sub-committees discharge functions delegated to them by both the Council and the Executive.</p> <p>Their Executive functions are set out in Part 3 of the Constitution, section 3.10 Responsibility for Executive Functions.</p> <p>Their Council functions are set out below.</p> <p>Relevant matters raised at the Residents’ Forum may be included in the agenda for the Area Environment sub-Committee together with any statutory Area Environment business.</p> <p>The Area Environment Sub-Committee will decide on the course of action for each item;</p> <ul style="list-style-type: none"> - whether to do nothing - to note it - ask officers to present a report to a future meeting of the Area Environment sub-Committee - formally refer to the Cabinet Member - formally instruct an officer (within their powers) to take action - to bring the matter to the attention of the Ward Councillors 	<p>Composed of one councillor (plus a substitute member) for each ward as follows:</p> <p><u>Chipping Barnet:</u></p> <p>7 councillors</p> <p>Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</p> <p>1 substitute Member per Ward</p> <p>The Chairman to be appointed by Council</p> <p><u>Finchley & Golders Green</u></p> <p>7 councillors</p> <p>Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards.</p> <p>1 substitute Member per ward.</p> <p>The Chairman to be appointed by Council.</p>

Body responsible	Functions	Membership
		<p><u>Hendon</u></p> <p>7 councillors</p> <p>Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards.</p> <p>1 substitute Member per Ward.</p> <p>The Chairman to be appointed by Council.</p>
<p>General Functions Committee</p> <p>Meets as and when required but in practice functions discharged by officers.</p>	<p>All other Council functions that are not reserved to Council including</p> <ul style="list-style-type: none"> • Appointing representatives on outside bodies • Appointing representatives to School Governing Bodies • Staff matters (i.e. salaries and conditions of service) • Polling Stations • Ward Boundaries • Elections in general <p>Where decisions have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Cabinet 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</p>	<p>7 councillors</p>

Body responsible	Functions	Membership
	<p>supported by the minutes of the Area Joint Consultation Committee and 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>	
Constitution, Ethics and Probity Committee	<p>Proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.</p> <p>To consider and make recommendations to the Council on: (i) how it can satisfy the continuing duty to promote and maintain high standards of conduct for Members; (ii) on the Code of Conduct for Members; and (iii) on ethical standards in general across the authority.</p>	8 councillors
Pension Fund Committee	As set out in the Pension Fund Governance Compliance Statement appended.	6 Councillors
Remuneration Committee	<p>Authority</p> <p>In accordance with supplementary guidance issued by the Department for Communities & Local Government in 2012 and February 2013 Council be given the opportunity to vote on Chief Officer salary packages, of salary packages of £100,000 or more and any severance packages at or above £100,000 and in instances where Council has delegated these functions to the Remuneration Committee, then the Remuneration Committee will :</p>	<p>5 Councillors</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</i></p>

Body responsible	Functions	Membership
	<p>Decide on and report back to Council on</p> <ol style="list-style-type: none"> a. Chief Officer salary packages b. Salary packages to be offered of £100,000 or more c. Severance packages per individual of £100,000 or more. (severance package will consist of redundancy pay, pay in lieu of notice, any holiday pay the employee is contractually entitled to and any pension lump sum the employee is entitled to in accordance with the Local Government Pension Scheme). <p>Responsibilities</p> <p>The Committee will take account of the Reward & Employment strategies of the Council and ensure that it is fully briefed on the prevailing organisational approach. The following list of responsibilities is not intended to be exhaustive:</p> <ol style="list-style-type: none"> a. To develop and approve the Pay Policy and be responsible for the publication of the annual statement, which will include: <ul style="list-style-type: none"> • The level and elements of remuneration for each Chief Officer • Relationship of the remuneration of Chief Officers and other officers • A description of the relationship between decisions made on the lowest paid and top paid employees in the organisation • Remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition) • Remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments 	<p><i>political group</i></p> <p><i>When carrying out the function of appointment of Chief Officers, a relevant Cabinet Member may be invited and entitled to sit and vote as a substitute Member for one of the substantive Members of their Group on the Committee</i></p>

Body responsible	Functions	Membership
	<ul style="list-style-type: none"> • Transparency arrangements • Reasons for chosen approach to remuneration levels and how this is to be implemented • Differences of approach to groups of employees and the reasons for them • Pay dispersion • Incremental progression factors • Use of honoraria and ex-gratia payments • Determine remuneration parameters for officers who have returned to work for a local authority • Appointment and remuneration terms <p>b. To review annually remuneration, as defined above, for the Council's Chief Officers except those elements determined nationally or pensions.</p> <p>c. To keep under review the terms & conditions as they relate to pay for all Council employees and where changes have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Cabinet Resources Committee and/or General Functions Committee. .</p> <p>d. To receive information in the context of reward from organisations that have a relationship with the Council or arrangements that may influence decisions when determining pay</p> <ul style="list-style-type: none"> • The employees of Barnet Group • Contractors • Shared management schemes • Outplacements • Agency and other staff <p>e. To have oversight to ensure that remuneration terms of appointments are appropriate.</p> <p>f. To take advice from the Pensions Committee with regard to decisions</p>	

Body responsible	Functions	Membership
	<p>on pay that would impact upon pension arrangements or contributions.</p> <p>g. To set parameters for the remuneration of Chief Officers on recruitment.</p> <p>h. To ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the pay policy statement between annual reviews.</p> <p>i. To have oversight of the national pay agenda and consider the implications in the local context</p> <p>j. To commission relevant research and/or comparative information on salaries in the public and private sectors e.g. from:</p> <ul style="list-style-type: none"> • The Council’s own HR function • National and/or Regional employers’ organisations • Independent consultancy organisations with relevant experience in pay market analysis • Submissions made by the Associations on behalf of their members and make recommendations thereon <p>k. To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</p> <p>l. To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</p> <p>m. To reference back to previous year’s actual remuneration for Chief Officers and senior employees (definition of senior employee is consistent with CLG Code of Recommended Practice for Local Authorities on Data</p>	

Body responsible	Functions	Membership
	<p>Transparency).</p> <p>n. To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</p> <p>o. To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</p> <p>p. To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</p> <p>q. To refer such items as necessary to the Council</p> <p>r. To refer to guidance from the Secretary of State.</p> <p>s. To deal with Chief Officer Appointments, Discipline and Capability matters</p> <p>Protocols</p> <p>u. To declare any conflicts of interest.</p> <p>Frequency & attendance</p>	
Health and Well-Being Board	<ol style="list-style-type: none"> 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. To agree a Health and Well-Being Strategy for Barnet taking into account the findings of the JSNA and performance manage its implementation to ensure that improved outcomes are being 	<p>Cabinet Member for Public Health</p> <p>Cabinet Member for Adults</p> <p>Cabinet Member for Education, Children and Families</p> <p>Director of Public Health,</p>

Body responsible	Functions	Membership
	<p>delivered.</p> <ol style="list-style-type: none"> 3. On behalf of the Barnet Partnership Board, to be the lead partnership body for health and social care matters in the borough as identified in the Sustainable Community Strategy and other Barnet policies and programmes. 4. To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social well-being. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; and Section 75 partnership agreements between the NHS and the Council. 5. To consider all relevant commissioning strategies from the CCG and the NHS Commissioning Board and its regional structures to ensure that they are in accordance with the JSNA and the HWBS and refer them back for reconsideration 6. To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients 7. 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. 8. 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. 9. To support joint commissioning of 	<p>Barnet and Harrow</p> <p>Director for People (Interim Director for Children's Service)</p> <p>Director of Adults and Communities</p> <p>Barnet Clinical Commissioning Group- Board members x 3</p> <p>Barnet Clinical Commissioning Group- Chief Officer</p> <p>Barnet Healthwatch representative</p> <p>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 Well-Being 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>

Body responsible	Functions	Membership
	<p>services and the use of pooled budgets, where appropriate, to enable the more efficient use of resources. As and when they are introduced, to manage and allocate a 'community budget' for health and care.</p> <p>10. To oversee and give direction to the work of the Financial Planning Group</p> <p>11. To receive reports and recommendations from the Summit meetings between the HWBB and all the Partnership Boards that report to it</p> <p>12. To receive the Annual Report of the Director of Public Health and commission and oversee further work that will improve public health outcomes, the Health and Well-Being Implementation Group and client group specific partnership boards and receive reports from them at least annually.</p>	

4. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

General

4.1 All the local authority functions that are not mentioned in the first two tables, or reserved to Council in Article 4, are executive functions. These are the responsibility of:

- Individual members of the Executive (the Leader and members of the Cabinet)
- The Cabinet Meeting
- Cabinet Committees
- Area Sub-Committees (see 3.10 below)
- Joint Committees (see Article 11)
- Officers (see section 6 below)

4.2 Cabinet Members

- i. Set out below is a table in the first column of which are listed the Cabinet Member portfolios.
- ii. The second column sets out each Cabinet member's functions and the third column summarises what has been delegated.

Portfolio	Responsibilities	Delegation
LEADER OF THE COUNCIL	<p>The Leadership of the Council. Specific individual responsibilities:</p> <ul style="list-style-type: none"> • Strategy • Communications • Strategic equalities and diversity • Responsibility for the Oversight of the Council's duties as an employer under Health and Safety related legislation. • Mayoralty • Corporate Governance • Corporate Anti Fraud <p>To ensure the promotion of Equalities</p> <p>To lead on budget and policy formulation and implementation in relation the Regeneration Strategy and economic and strategic development.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The Leader may discharge any function of the Executive.</p> <p>The Deputy Leader may discharge any function of the Leader during periods for which the Leader has given formal notification that he or she will be unable to be contacted or in circumstances where the Leader cannot be contacted due to illness or other indisposition, or in cases of utmost urgency where the Leader cannot be contacted by any means.</p>
RESOURCES AND PERFORMANCE	<p>To lead on budget and policy formulation and implementation in relation to:</p> <ul style="list-style-type: none"> • resources (including billing, collection and recovery of local taxation) • financial forward planning and budgeting • the effective use of resources and value for money • risk management • asset management • corporate procurement • Human resources • Insurance • Fees and charges <p>The monitoring of the Council's budget and to instigate such interventions as necessary to ensure spending is kept within limits determined by Council.</p> <p>The administration of Housing and Council Tax Benefits.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

	<p>To lead on budget and policy formulation and implementation in relation to Performance.</p> <p>To secure the most beneficial terms for services and goods provided to the Council.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
<p>EDUCATION, CHILDREN AND FAMILIES</p>	<p>To lead on budget and policy formulation and implementation in relation to the Children Act 2004 and the Education and Inspection Act 2007.</p> <p>To enhance the Council's corporate parenting role and to champion the causes of all children in the London Borough of Barnet, promoting opportunity for all children.</p> <p>Includes Children's Social Care and the Youth Offending Team and the advantages offered by working with other agencies to secure a seamless approach to all aspects of children's services.</p> <p>To lead on budget and policy development and implementation in relation to the Children and Young People Plan and associated sub-strategies relating to:</p> <ul style="list-style-type: none"> • Education • Inclusion • Child Poverty • Early Intervention and Prevention <p>with the objectives of:</p> <ul style="list-style-type: none"> • raising and enhancing standards, • providing ongoing education and services to schools, • continuing Early Years Provision and the Youth Service. <p>Work in Partnership with the Children's Trust Board to achieve better outcomes for children and families.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

	<p>To work with children service partners to improve lifelong learning outcomes.</p> <p>All schools matters (Community, Voluntary and Foundation) associated with the teaching and development of children and young persons and the optimising of opportunities to further the same (including pre-school preparation).</p> <p>To lead on budget and policy development and implementation in relation to investment in educational infrastructure in schools and libraries.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
ADULTS	<p>To lead on budget and policy formulation and implementation in relation to adult social care.</p> <p>In particular, supporting choice and independence for service users.</p> <p>Promoting the best possible adult social services and seamless care in the community by working with and optimising all opportunities offered by other providers to further these aims.</p> <p>Working in partnership through the Health and Well Being Board to achieve better outcomes for local people.</p> <p>To lead on the project for Health and Social Care integration</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution</p>
SAFETY AND RESIDENT ENGAGEMENT	<p>To lead on budget and policy formulation and implementation in relation to community safety, community engagement, emergency planning and civic events.</p> <p>In particular, to build upon the Council's leadership role in improving community safety, embracing diversity and inclusiveness, removing</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph</p>

	<p>inequality and ensuring that each person and group in the community has opportunities for involvement.</p> <p>To work with the many different ethnic and religious groups to maintain community cohesion.</p> <p>To provide overall liaison with Barnet Borough Police.</p> <p>All matters and policy development relating to Community Safety, CCTV, fighting crime and anti-social behaviour, including Domestic Violence and combating graffiti, fly-tipping and environmental and trading standards regulation.</p> <p>To liaise with the Fire Brigade and the London Fire and Emergency planning Authority (LFEPA) to promote fire awareness and prevention in the Borough.</p> <p>To deliver better outcomes for community safety with Partners through the Safer Communities Partnership Board, providing member oversight of the Safer Communities Strategy</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>6 of Part 3 of the Constitution.</p>
<p>CUSTOMER ACCESS AND PARTNERS</p>	<p>To lead on budget and policy formulation and implementation in relation to:</p> <p>First class Customer Services, including development of:</p> <ul style="list-style-type: none"> • Customer access • Partnerships • Information Technology <p>In particular, to work in partnership to deliver the Sustainable Community Strategy through Barnet Partnership Board.</p> <p>To lead on the development and delivery of the One Barnet Programme.</p> <p>To lead on budget and policy formulation and implementation in</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p> <p>In addition this Cabinet Member may approve grants to voluntary organisations, up to £20,000 per annum.</p>

	<p><u>relation to all operational aspects of the library service.</u></p> <p>The distribution of all grants, except those relating to the adaptation of properties in the private sector, after consultation with appropriate portfolio holders.</p> <p>All matters relating to the provision of services under the Leisure Contract.</p> <p>Special responsibility for the New Support and Customer Service Organisation Project</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
ENVIRONMENT	<p>To lead on budget and policy formulation and implementation in relation to the environment and transport.</p> <p>In particular, promoting the reputation of the London Borough of Barnet as an attractive environment and transport infrastructure designed to meet the needs of today and the challenges of the future.</p> <p>All matters relating to the development and management of the environment, including:</p> <ul style="list-style-type: none"> • the street scene including pavements and all classes of roads; • parking provision and enforcement; • road safety; • street lighting; • transport and transport initiatives; • refuse and recycling; • waste minimisation; • street cleaning; • waterways; • parks and open spaces; • trees (includes public highways, Council housing estates and in parks); • allotments; and • fleet management <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
HOUSING	To lead on budget and policy	The general powers

	<p>formulation and implementation in relation to housing.</p> <p>In particular working with Barnet Homes, housing associations and other providers to secure the optimum provision and associated environmental and social facilities for all those members of the community not living in private accommodation, or for those who require public sector housing.</p> <p>Also to promote the better integration of privately rented properties into the Borough's framework, including the distribution of grants as necessary, for the adaptation of private properties, to enable choice and independence.</p> <p>All matters related to Housing excluding the administration of Housing Benefits.</p> <p>All matters related to Private Sector Housing, including Disabled Facility Grants, Hendon Cemetery and Crematorium and Finchley Mortuary.</p> <p>Special responsibility for The Barnet Group.</p> <p>All matters related to the development and implementation of the Housing Strategy (including homelessness)..</p> <p>Housing licensing and housing enforcement.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
<p>PLANNING AND REGULATORY SERVICES</p>	<p>To lead on budget and policy formulation and implementation in relation to planning, development plans, building and property construction and environmental health.</p> <p>To develop for Council approval the Local Development Framework (LDF) and associated documents and, once approved, implement and maintain the LDF.</p> <p>To include all aspects of the development control service, building</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

	<p>control and the naming and numbering of streets and properties. In addition, to ensure that the Borough's Green Belt, greenspaces and Metropolitan Open Land is afforded the appropriate protection.</p> <p>Special Responsibility for the Development and Regulatory Services Project</p>	
PUBLIC HEALTH	<p>To lead on budget and policy formulation and implementation in relation to the emerging public health agenda.</p> <p>This includes the public health function and working in partnership with local and national NHS providers.</p> <p>Work with the Health and Well-Being Board as a vehicle of Leadership for the local health economy. Implement the Health and Well-Being Strategy.</p> <p>Championing the needs of Barnet in discussion with the health service to ensure the best possible outcome for the residents of Barnet.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

4.3 Cabinet Members general powers may be summarised as;

1. To discharge the executive functions that fall within their portfolio, whether or not they are also delegated to officers except for matters specifically reserved to Council, Cabinet or cabinet committees.
2. To consider consultation documents, other than those referred to the Executive and, in consultation with the appropriate officers determine whether the Council's response needs to be approved by them or by the appropriate Director or Chief Officer.
3. To authorise inviting tenders for and acceptance of tenders or quotations in accordance with the Contract Procedure Rules. Acceptance must be following consultation with the Cabinet Member for Resources or the Leader in cases where the Cabinet Member for Resources is the appropriate portfolio holder.
4. To approve any non-statutory plan or strategy requiring approval by the Executive and not reserved to the Cabinet for decision in paragraph 3.8.
5. To monitor and maintain performance in accordance with the Corporate Plan.

6. To ensure the promotion of Equalities
7. To ensure that the Council's Safeguarding responsibilities are taken into account in the discharge of their responsibilities.

4.4 Except in cases of urgency, they will not normally take delegated decisions if they

- involve something other than the implementation of a Service Plan or a decision previously taken by Council, Committee or Cabinet.
- are key decisions as defined in Article 13 of the Constitution.

Urgent (not emergency) decisions are defined as decisions that were not anticipated within the budget or Service Plans, but nevertheless relate to everyday business. Urgent decisions are not major changes/decisions outside the approved budget and statutory plans.

Cabinet Committees

4.5 Cabinet Committees may discharge the executive functions that fall within their terms of reference, whether or not they are also delegated to officers, except for matters specifically reserved to Cabinet. The Rules in Part 4 of the Constitution may reserve certain decisions to cabinet committees.

4.6 The Cabinet Committees are:

Committee	Functions	Membership
Resources	<p>Capital and revenue finance, forecasting, monitoring, borrowing and taxation.</p> <p>To consider reports on treasury management strategy and activity, including creating and maintaining a Treasury Management Policy Statement.</p> <p>Grants to voluntary organisations above £20,000.</p> <p>Monitor the trading position of appropriate Council services, carry out debt analysis and look at income sources and charging policies.</p> <p>To write off debt.</p> <p>To determine external or cross-boundary trading limit.</p> <p>To agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders which are not the lowest.</p> <p>To agree externalisation contracts including any proposal to appoint external</p>	Cabinet Members are appointed by the Leader

	<p>cash investment managers.</p> <p>Approval of schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.</p> <p>To develop and recommend to Cabinet for adoption an e-Government strategy and associated ICT policies and strategies.</p>	
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Cabinet

- 4.7 The Cabinet Meeting may discharge any executive functions whether or not they are also delegated to officers.
- 4.8 The following decisions are reserved to the Cabinet meeting:
- Considering an executive function delegated to an area environment sub-committee referred to it for a decision.
 - Considering policy initiatives, initiating new policy proposals and determining the way in which policy reviews will be carried out.
 - Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning
 - Determining responses to consultation documents on proposals which could result in the council having to provide a new service, discontinue an existing one or change service provision in such a way that there are budgetary implications.
 - Determining whether meetings relating to non-key decisions will be held in public or private.
 - Agreeing budget virements of up to £2.5m and applications of up to 50% of the latest estimated general fund or housing revenue account balances and to make recommendations to Council on virements over these amounts and those over £250,000 where the amount is more than 10% of the net service directorate budget.
 - Considering recommendations made to them by overview and scrutiny committees.
 - To adopt, or recommend to Council for adoption, a plan or strategy reserved to Cabinet as listed below, or the Council's budget and virement limits.
 - Responsibility for preparing the byelaws and recommending them to the Council for decision (Executive functions only).

In taking decisions the Executive must act within the law and the Council's Constitution.

- 4.9 Strategy Framework

Plans and Strategies – For Cabinet Decision

- Business Planning (Budget and Medium Term Financial Strategy) (*for recommendation to Council for adoption*)
- Development Plan Documents comprising the Local Plan (*for recommendation to Council for adoption*)
- Corporate Plan
- Children and Young People Plan
- Housing Strategy (incorporating the Homelessness Strategy)
- Regeneration Strategy
- Neighbourhood Plans (adoption and/or revocation Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders) (*for recommendation to Council for adoption*)
- Approve annually the following strategic documents of The Barnet Group LTD: Budget; Business Plan; and Annual Report.
- London Transport Strategy (Local Implementation Plan)
- Safeguarding Annual Report (for recommendation to Council for adoption- though not a statutory requirement)

Strategy – For Health and Well Being Board Decision

- Health and Well Being Strategy

Statutory Framework Documents – For Council Decision

- Business Planning (Budget and Medium Term Financial Strategy)
- Safer Communities Strategy
- Sustainable Community Strategy
- Development Plan Documents comprising the Local Plan
- Adoption of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders
- Statement of Licensing Policy (under the Licensing Act 2003)
- Statement of Gambling Licensing Policy (under the Gambling Act 2005)

Non-Statutory Plans and Strategies – For Cabinet Member Approval

- Sub-strategy of the Corporate Plan:
 - People Strategy
- Sub-strategies of the Children and Young People Plan:
 - Education Strategy
 - Inclusion Strategy
 - Early Intervention and Prevention
 - Child Poverty
- Sub-strategies of the Health and Well Being Strategy:
 - Prevention Strategy
 - Independence Strategy
- Sub-strategies of the Safer Communities Strategy:
 - Substance Misuse Strategy
- Sub-strategies of the Regeneration Strategy:
 - Housing Strategy (if not required to be agreed by Cabinet)
 - Skills Enterprise and Employment Action Plan

AREA ENVIRONMENT SUB-COMMITTEES

4.10 Area Environment Sub-Committees, as well as discharging Council functions (see Part 3, Section 2 – Responsibility for Council Functions), perform functions that are the responsibility of the Executive as set out below:

- To discharge the Executive’s functions, within the boundaries of their areas, in accordance with council policy and within budget, apart from matters which are the responsibility of the Licensing Committee or Licensing Sub-Committee or matters which are of significance to the whole borough or crossing sub-committee boundaries as set out in Article 10 of the Constitution that relate to:
- Highways use and regulation not the responsibility of the Council
- Town centre regeneration and management, including the operation of council markets
- Private sewers, drains, public conveniences, land drainage and water courses
- Refuse collection, cleansing, litter, waste and recycling
- Day-to-day promotion, management and development of:
 - parks, open spaces, allotments, recreation and leisure facilities;
 - libraries, museums, arts and tourism facilities.
- Local nature reserves, sites of special scientific interest and other controlled areas
- Day-to-day environmental issues and management of land on council housing estates
- Cemeteries and crematoria
- Making recommendation to Cabinet on the designation of conservation areas

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 tables
- Decisions reserved to the Council meeting in Article 4 of the Constitution

5.2 The Area Planning Sub-Committees can take decisions within their terms of reference provided they are not within the list of matters reserved to the Planning and Environment Committee, or contrary to Council policy or outside budget.

5.3 Area environment sub-committees may take decisions within their terms of reference provided they are not matters which are the responsibility of the Licensing Committee or the Licensing Sub-committee or matters of significance to the whole borough, contrary to Council policy (or contrary to the Statement of Licensing Policy) or outside budget and subject to the limitation for deciding matters crossing sub-committee boundaries as set out in Article 10 of the Constitution.

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 sub-committee may refer the sub-committee's recommendations up to the parent committee.
- 6.3 A specified number of members of a committee or sub-committee (see the table below) may require that a matter on which the committee or sub-committee had proposed to take action is referred up to the next meeting of the Council or the parent committee to which the committee or sub-committee would ordinarily report, subject to the exceptions set out in 6.5, 6.6 and 6.7 below.
- 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.
- 6.5 The 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.
- 6.6 The second exception is Area Planning Sub-Committees, 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 up.
- 6.7 The third exception is the Planning and Environment Committee, no matter relating to the regulatory and enforcement functions of the Council relating to town and country planning may be referred up to the Council meeting.
- 6.8 The fourth exception is the Pension Fund Committee.

Committee/Sub-Committee	No. of members required to support a reference	Council/parent committee
Planning and Environment	3	Council
Area planning sub-committees	2	Planning and Environment
Area environment sub-committees (council functions)	2	Planning and Environment
Area environment sub-committees (executive functions)	2	The Executive
General Functions Committee	3	The Council

9.9 Where area environment sub-committees are discharging executive functions a reference up can only be to the Executive.

6.10 This provision shall not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committees, Overview and Scrutiny Committees and Chief Officers Appointments, Investigating and Disciplinary Panels.

7. POWERS DELEGATED TO OFFICERS

General Powers

7.1 Chief Officers (ie the Head of Paid Service, Directors, Assistant Directors, Lead Commissioners and Heads of Service as listed in Article 12) can take decisions, in consultation with the Cabinet Member concerned (or without consultation where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy):

- to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to Executive Members, Cabinet meeting, Cabinet Committees, Committees or Council;
- in all matters where they have managerial or professional authority;
- to authorise and accept quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules for approved schemes with sufficient estimate provision;
- to agree settlements of up to £1,000 subject to budget and audit trails;
- to agree financial settlement where recommended by the Ombudsman or a Court;
- without exception, in cases of emergency. This covers emergency decisions that were not anticipated within the budget or Service Plans but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and statutory plans listed under paragraph 3.8 as being for decision by Council or Cabinet.

Explanatory Note

Example: school heating system fails during mid-winter, or a school roof collapses today.

Explanatory Note – Officers to deputise

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

- 7.3 They may use whatever means they consider appropriate to discharge those functions, including:
- incurring expenditure and collecting income;
 - engaging and deploying staff;
 - deploying other resources within their control;
 - placing contracts and procuring other resources within or outside the Council.
- 7.4 Besides having delegated powers to deal with executive matters, specific chief officers have powers to deal with regulation, licensing enforcement, staffing and other statutory matters which are functions for which the Council is responsible, or for which the Council, acting as Licensing Authority, is responsible. These powers must be set out in the Directorate Scheme of Delegation to Officers.

- 7.5 Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. Where this is the case, the matter must be referred to the appropriate Cabinet Member as to whether or not it is appropriate to use the delegation. All delegated powers reports must indicate that this process has been undertaken.

Recording of delegated powers to Officers

- 7.6 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
 - The service of formal notice
 - The incurring of expenditure of £1000 or more,
 - The fixing of fees and charges to be levied by the Council
 - Authorisations and acceptances in accordance with the Contract Procedure Rules
 - Land or property transactions
 - The exercise of specific powers pertaining to finance, borrowing and investments
 - The issue or defence of legal proceedings
 - Or taking other actions or decisions that are significant in the context of service delivery and/or organisation or upon individuals, external bodies or the public
- 7.7 Recording/publishing of most decisions will be in summary form and will set out the principal matters that are relevant to the decision. Detailed reporting/publishing of individual decisions (Delegated Powers Report) will be by way of exception and only when there is a clear need to do so.
- 7.8 Where formal reporting is not required, the officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant Directorate. Each Directorate will keep its own central record of all delegated decisions. Proper administrative decision making requires that: -

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

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

Specific Powers

7.10 In addition, in consultation with the Cabinet member concerned:

- Directors have the power to agree revenue virements for sums in excess of £50,000 and up to £250,000 between service directorates and employee and non-employee expenditure.

Details of the Scheme of Revenue and Capital Virements can be found in Part 4 – Financial Regulations.

7.11 The Head of Paid Service is responsible for forming, varying and ending of contracts of employment for Officers below Chief Officer.

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

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

The only exception to these Specific Powers is where:

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

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

7.12 The Chief Finance Officer has the powers set out in the Financial Standing Orders and in particular:

- To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Chief Finance Officer is satisfied that it is wholly

reimbursable to the Council, or compensatory savings have been identified. In all circumstances the expenditure must be consistent with Service Plans.

- To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments.
- Subject to details being incorporated in the next available budget a report being submitted to Cabinet Resources Committee on the action taken, to write off individual debt amounts of up to and including £5,000 (including cancellations of penalty charge notices or any other sums due to the Council), in consultation with the Head of Legal Practice – HB Law.

7.13 The following Officers also have the powers indicated:

- the Chief Finance Officer to have responsibilities as set out in Pension Fund Governance Compliance Statement.
- the Section 151 Officer in consultation with the Cabinet Member for Resources to make decisions about:
 - Entering into new leases with a consideration between £25,000 and £50,000 per annum where the council is granting the lease at best consideration in accordance with the Local Government Act 1972.
 - Acquisitions of land whether freehold or leasehold where the cost of the interest being acquired is between £20,000 and £30,000 per annum or as a one off consideration
- The Chief Finance Officer), in consultation with the Head of Legal Practice - HB Law, to make decisions about:
 - Occupational and works Licences
 - Easements
 - Rent Reviews and Licences to Assign.
 - Lease renewals where this represents best consideration in accordance with the Local Government Act 1972.
 - Entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration in accordance with the Local Government Act 1972, where the Council is granting the lease.
 - Acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration
 - To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land (see all Disposal of land and real property rules)
- The Director for Place to make decisions about:
 - (i) The acquisition of properties under the private sector leasing scheme, for £20,800 per annum or less or as a one off consideration; and
 - (ii) The Director for Place shall have authority to sign the private sector leases as detailed at (i) above
 - All disposals of freehold interests and leases where a capital premium is obtained for the interest will be agreed by Cabinet Resources Committee.

7.14 The Director of Children's Services shall have powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in child

protection and care cases and the Adults and Communities Director shall have powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in adult protection and care cases.

Restrictions and Conditions

- 7.15 Directors and Chief Officers will not take decisions that are reserved to another decision making body under this constitution, and in particular
- they will only take Key Decisions as defined in Article 13 of the Constitution, or which do not involve the implementation of an annual Service Plan or a decision previously taken by Council, Committee or Cabinet, if it is impractical for the relevant Executive Member to do so;
 - they will only take decisions that are reserved to Council or Cabinet under this Constitution in an emergency and if it is lawful for them to do so.
- 7.16 When exercising delegated powers officers must act within the law and the Council's constitution, and follow Council policy (including the Statement of Licensing Policy) and the lawful instructions of Council Committees, Licensing Authority Committees, and the Executive. If exceptionally they need to depart from Council policy or those instructions, they must report to the relevant body as soon as possible.
- 7.17 Key decisions taken by officers will be published and recorded in accordance with the Access to Information Procedure Rules. Other decisions taken by officers must be recorded and made available to members of the Council either as individual or summary decisions published on the Internet or as a performance indicator reported to an Overview and Scrutiny Committee,
- 7.18 They may authorise other officers to exercise these powers in practice, but they are taken in their name and they remain their responsibility.
- 7.19 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

8 JOINT ARRANGEMENTS

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

- London Boroughs Grants Scheme under Section 48 Local Government Act 1985.
- Transport Committee for London agreement dated 15 January 1998.
- 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 three tiers of responsibilities – the Council, the Pension Fund Committee (PFC) 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 this Pensions Fund Committee will now be 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:-

Option 2
<ul style="list-style-type: none">• <i>Six elected members on a non-politically-balanced basis to a Pension Fund Committee (PFC), responsible for discharging the Council's leadership and strategic management responsibilities regarding its Pension Fund;</i>• <i>substitute members, two from each political group.</i>

In accordance with Council policy, it is proposed that each Political Group has two substitute Members. Furthermore, 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 receive and approve the Pension Fund Annual Report.
- 2.2.4 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.
- 2.2.5 To appoint independent investment advisors.
- 2.2.6 To appoint Pension Fund investment managers.
- 2.2.7 To appoint Pension Fund actuaries.
- 2.2.8 To appoint a performance management company.
- 2.2.9 To appoint custodians.
- 2.2.10 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.
- 2.2.11 To consider actuarial valuations and their impact on the Pension Fund.
- 2.2.12 To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.
- 2.2.13 To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.
- 2.2.14 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.
- 2.2.15 To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate
- 2.2.16 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 Procedure Rules for Council Committees and Sub-Committees, as set out in Part 4, Section 2 of the Council's Constitution with the

exception of paragraph 15(4) of the explanatory note and paragraph 5.3 of the extract of Part 3 of the Constitution [exclusion of ability of minority of members to move recommendations to Council].

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 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.

