

Notice of Meeting of the

ASSEMBLY

**to be held on Wednesday, 23 May 2018
commencing at 7:00 pm in the
Council Chamber, Town Hall, Barking**



To all Members of the Council of the London Borough of Barking and Dagenham

Date of publication: 15 May 2018

Chris Naylor
Chief Executive

Councillors and senior officers are also invited to attend a presentation by Carol Douch, Operational Director, Children's Care and Support, on the subject of "Corporate Parent - Our Children" which will take place in the Council Chamber from 6.00 pm until 6.45 pm

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Please note that this meeting will be webcast, which is a transmission of audio and video over the internet. Members of the public who attend the meeting and who do not wish to appear in the webcast will be able to sit in the public gallery on the second floor of the Town Hall, which is not in camera range.

To view webcast meetings, go to <https://www.lbbd.gov.uk/council/councillors-and-committees/meetings-agendas-and-minutes/overview/> and select the meeting from the list.

AGENDA

1. Appointment of Chair and Deputy Chair

The Chief Executive shall invite nominations and conduct the vote for the positions of Chair and Deputy Chair of the Assembly.

2. Apologies for Absence

3. Declaration of Members' Interests

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

4. Minutes - To confirm as correct the minutes of the meeting held on 28 February 2018 and the Extraordinary Assembly meeting held on 26 March 2018 (Pages 3 - 10)

5. Formation of Groups

The Chief Executive will announce the formation of political groups for the purposes of the Local Government (Committees and Political Groups) Regulations 1990.

6. Election of Leader of the Council

The Chair shall invite nominations for the Leader of the Council.

7. Notification of Appointments By The Leader, Under The Council's Executive Arrangements

The Leader of the Council will announce the appointment of the Cabinet.

8. Review of Council Governance Arrangements Update Report (Pages 11 - 122)

9. Appointments to the Political Structure and Other Bodies 2018/19 (Pages 123 - 124)

10. Members' Allowances Scheme 2018/19 (Pages 125 - 138)

11. **Minutes of Sub-Committees - To note the minutes of the Joint JNC Salaries & Conditions and Appointments Panel held on 26 April 2018 (Page 139)**
12. **Leader's Statement**
The Leader will present his statement.
13. **Motions**
No motions were received.
14. **Questions With Notice**
15. **Any other public items which the Chair decides are urgent**
16. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Assembly, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

17. **Any confidential or exempt items which the Chair decides are urgent**



Our Vision for Barking and Dagenham

One borough; one community; London's growth opportunity

Our Priorities

Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

Well run organisation

- A digital Council, with appropriate services delivered online
- Promote equalities in the workforce and community
- Implement a smarter working programme, making best use of accommodation and IT
- Allow Members and staff to work flexibly to support the community
- Continue to manage finances efficiently, looking for ways to make savings and generate income
- Be innovative in service delivery

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MINUTES OF ASSEMBLY

Wednesday, 28 February 2018
(7:00 - 8:30 pm)

PRESENT

Cllr Syed Ghani (Chair)
Cllr Tony Ramsay (Deputy Chair)

Cllr Sanchia Alasia	Cllr Jeanne Alexander	Cllr Abdul Aziz
Cllr Melanie Bartlett	Cllr Sade Bright	Cllr Laila M. Butt
Cllr Evelyn Carpenter	Cllr Peter Chand	Cllr Josephine Channer
Cllr Faruk Choudhury	Cllr Edna Fergus	Cllr Irma Freeborn
Cllr Cameron Geddes	Cllr Kashif Haroon	Cllr Jane Jones
Cllr Elizabeth Kangethe	Cllr Eileen Keller	Cllr Giasuddin Miah
Cllr James Ogungbose	Cllr Adegboyega Oluwole	Cllr Moin Quadri
Cllr Hardial Singh Rai	Cllr Chris Rice	Cllr Lynda Rice
Cllr Darren Rodwell	Cllr Faraaz Shaukat	Cllr Liam Smith
Cllr Dominic Twomey	Cllr Lee Waker	Cllr Phil Waker

APOLOGIES FOR ABSENCE

Cllr Syed Ahammad	Cllr Simon Bremner	Cllr Rocky Gill
Cllr Chris Hughes	Cllr Amardeep Singh Jamu	Cllr Mick McCarthy
Cllr Dave Miles	Cllr Margaret Mullane	Cllr Sam Tarry
Cllr Bill Turner	Cllr Jeff Wade	Cllr John White

49. Declaration of Members' Interests

There were no declarations of interest.

50. Minutes (31 January 2018)

The minutes of the meeting held on 31 January 2018 were confirmed as correct.

51. Leader's Statement

The Leader of the Council presented a verbal statement updating the Assembly on a range of matters since the last meeting including:

- The Council's achievement of silver level accreditation against the Investors in People Standard following the recent assessment;
- The opening of a new Occupational Health premises at Porters Avenue Health Centre; and
- The tragic murder of Hasan Ozcan in the Borough on Saturday 3 February 2018. The Leader expressed his condolences to the family.

The Leader also took the opportunity to reflect on the key achievements since his election as Leader in May 2014.

52. Appointments

There were no appointments.

53. Budget Framework 2018/19 and Medium Term Financial Strategy 2018/19 - 2020/21

The Cabinet Member advised that a new Borough-wide initiative, to be known as 'the People's Dividend', was to be launched, providing free breakfasts to primary-age school children living in households on the minimum wage or claiming Universal Credit. A pilot scheme to provide school uniforms for those on the lowest household incomes was also being launched.

The Assembly spoke in support of the proposals and, in response to questions, the Cabinet Member advised that:

- Ward Members would be consulted regarding potential improvements to Country Parks in the Borough;
- The budget for gritting roads during adverse weather would not be cut;
- The public consultation on the Council's budget proposals for 2018/19 was wide ranging, although a key focus was given to the Council Tax proposals; and

In accordance with paragraph 10.3.2 of Part 2, Chapter 3 of the Council Constitution, the budget was put to a recorded vote and was **agreed** as follows:

For: Councillors Alasia, Alexander, Aziz, Bartlett, Bright, Butt, Carpenter, Chand, Channer, Choudhury, Fergus, Freeborn, Geddes, Ghani, Haroon, Jones, Kangethe, Keller, Miah, Ogungbose, Oluwole, Quadri, Rai, Ramsay, C Rice, L Rice, Rodwell, Shaukat, Twomey, L Waker and P Waker (31).

Against: None (0)

Abstain: None (0)

The Assembly **resolved** to:

- (i) Approve a base revenue budget for 2018/19 of £145.368m, as detailed in Appendix A to the report, including the new savings proposals and other adjustments as detailed in this report.
- (ii) Approve the adjusted Medium Term Financial Strategy (MTFS) position for 2018/19 to 2020/21 allowing for other known pressures and risks at this time, as detailed in Appendix B to the report, including the additional cost of borrowing to accommodate the capital costs associated with the implementation of the MTFS;
- (iii) Delegate authority to the Chief Operating Officer, in consultation with the Cabinet Member for Finance, Growth and Investment, to finalise any contribution required to or from reserves in respect of the 2018/19 budget, pending confirmation of levies and further changes to Government grants

prior to 1 April 2018;

- (iv) Approve the Statutory Budget Determination for 2018/19 as set out at Appendix C to the report, which reflects an increase of 2.99% on the amount of Council Tax levied by the Council, a further 3% increase in relation to the Social Care Precept and the final Council Tax proposed by the Greater London Assembly (5.1% increase), as detailed in Appendix D to the report;
- (v) Note the update on the Council's transformation programme;
- (vi) Approve the provision of a loan of £2.147m from the General Fund to the Barking and Dagenham Trading Partnership to cover the cost of new vehicles;
- (vii) Approve the Council's draft Capital Programme for 2018/19 to 2021/22 totalling £531.292m, of which £163.672m related to General Fund schemes, £267.620m is HRA and £100m is for Development activity, as detailed in Appendix E to the report;
- (viii) Approve the updated Strategy for the Flexible Use of Capital Receipts at Appendix H to the report and, in doing so, note that the some of the associated savings targets shall be subject to final business cases and confirmation at future meetings of the Cabinet; and
- (ix) Approve the updated Dedicated Schools Budget for 2018/19, including the hourly rate payable to Early Years providers (3 and 4-year olds), as detailed in section 14 of the report.

Councillor Liam Smith left the meeting during deliberation of the item and therefore took no part in the vote.

54. Treasury Management Strategy Statement 2018/19

The Cabinet Member for Finance, Growth and Investment presented the draft Treasury Management Strategy Statement (TMSS) for 2018/19 which set out the Council's borrowing, investment and funding plans for the year ahead.

The Cabinet Member referred to the key issues within the TMSS, including interest rate forecasts and the potential effects of Brexit, and its importance in terms of supporting the Council's prudent approach to investments, borrowing and repayments. The report also set out details of the Council's operational boundary and authorised external borrowing limits for 2018/19.

The Assembly **resolved** to approve the Treasury Management Strategy Statement for 2018/19 and, in doing so, to:

- (i) Note the current treasury position for 2018/19 and prospects for interest rates, as referred to in paragraph 7.2 of the report;
- (ii) Approve the Council's Borrowing Strategy for 2018/19, incorporating the Debt Repayment Strategy and Policy on Borrowing in Advance of Need, as

set out in Appendix 2 to the report;

- (iii) Approve the Annual Investment Strategy for 2018/19, incorporating the Creditworthiness Policy and outlining the investments that the Council may use for the prudent management of its investment balances, as set out in Appendix 1 to the report;
- (iv) Approve the Treasury Management and Prudential Indicators for 2018/19 – 2020/21, as set out in Appendix 3 to the report;
- (v) Approve the Minimum Revenue Provision Policy Statement for 2018/19, representing the Council's policy on repayment of debt, as set out in Appendix 4 to the report;
- (vi) Approve the Operational Boundary Limit of £1.002bn and the Authorised Borrowing Limit of £1.102bn for 2018/19, representing the statutory limit determined by the Council pursuant to section 3(1) of the Local Government Act 2003, as referred to in Appendix 3 to the report; and
- (vii) Delegate authority to the Chief Operating Officer, in consultation with the Cabinet Member for Finance, Growth and Investment, to proportionally amend the counterparty lending limits agreed within the 2018/19 Treasury Management Strategy Statement.

55. Pay Policy Statement 2018/19

The Cabinet Member for Finance, Growth and Investment presented the draft Pay Policy Statement for the Council for 2018/19 which set out the key elements of the Council's pay policy, as required by the Localism Act 2011.

The Cabinet Member advised that, in line with the Council's commitment to pay its workers no less than the London Living Wage rate, the Cabinet had recently agreed to increase the minimum rate of pay from £9.75 to £10.20 per hour with effect from 6 November 2017.

The Cabinet Member also referred to the pay ratios within the Statement which compared the Chief Executive's salary against the median salary figure for all employees and against the lowest paid employees. It was noted that the Council fared very well in comparison with other Councils, particularly bearing in mind that many of those Councils had outsourced services at the lower end of the pay range.

The Assembly **resolved** to approve the Pay Policy Statement for the London Borough of Barking and Dagenham for 2018/19 as set out at Appendix A to the report, for publication on the Council's website with effect from April 2018.

56. Review of Council Governance Arrangements

The Cabinet Member for Finance, Growth and Investment presented a report on a review of the Council's governance arrangements.

The report presented a series of proposals from the Member-led Transformation

Task Group to revise the Council's current committee governance arrangements in response to the findings from the Local Government Association (LGA) Corporate Peer Challenge of the Council in 2014 and the recommendations of the Independent Growth Commission which published its report in 2016.

The main changes to the current committee arrangements related to:

- the creation of a single Overview and Scrutiny Committee, supported by Task and Finish Groups, to replace the existing structure of five themed Select Committees;
- the creation of an Audit and Standards Committee, which combined the current responsibilities of the Standards Committee and the audit functions held by the Public Accounts and Audit Select Committee;
- the renaming of the Development Control Board to the Planning Committee and a reduction in the membership from 19 to 10 Members, aimed at enabling more in-depth critical analysis of major development proposals;
- the establishment of Policy Task Groups and the role of Member Champions under the remit of the Cabinet; and
- reducing the term of Member appointments to the Pensions Committee from four years to two years.

The Cabinet Member also referred to the Chief Executive plans to develop arrangements for improved public participation in Council meetings and the work being led by the Director of Law and Governance to properly reflect the new service delivery models such as Be First and B&D Reside within the Council Constitution.

The Assembly **resolved** to:

- (i) Agree the new committee structure arrangements as detailed in section 2 of the report, as recommended by the Transformation Task Group, to take effect from the first meeting of the new Council following the Local Elections in May 2018;
- (ii) Note the establishment of Policy Task Groups and the formal creation of the role of Member Champions under the remit of the Cabinet;
- (iii) Authorise the Monitoring Officer, in consultation with the Leader of the Council, to make any further non-material changes to the new Articles;
- (iv) Note that amendments / additions to the Constitution to reflect the roles and responsibilities of Be First, B&D Reside and other Council-owned entities, as well as the internal governance arrangements relating to the Shareholder Panel and the Investment Panel as agreed by Cabinet, shall be implemented by the Monitoring Officer in accordance with the Constitution revision arrangements set out in paragraph 2.1, Part 7 of the Constitution;
- (v) Authorise the Chief Executive, in consultation with the Leader and the Cabinet Member for Community Leadership and Engagement, to develop arrangements for improved public participation in Council meetings for inclusion in the new Council Constitution;

- (vi) Agree the appointment of the Director of Policy and Partnerships as the Council's statutory Designated Scrutiny Officer; and
- (vii) Note that the new Council Constitution shall be presented for formal adoption at the Assembly on 23 May 2018.

57. Motions

There were none.

58. Questions With Notice

There were none.

MINUTES OF ASSEMBLY

Monday, 26 March 2018
(6:31 - 6:51 pm)

PRESENT

Cllr Syed Ghani (Chair)
Cllr Tony Ramsay (Deputy Chair)

Cllr Sanchia Alasia	Cllr Jeanne Alexander	Cllr Sade Bright
Cllr Laila M. Butt	Cllr Evelyn Carpenter	Cllr Peter Chand
Cllr Josephine Channer	Cllr Faruk Choudhury	Cllr Edna Fergus
Cllr Irma Freeborn	Cllr Cameron Geddes	Cllr Rocky Gill
Cllr Kashif Haroon	Cllr Amardeep Singh Jamu	Cllr Jane Jones
Cllr Elizabeth Kangethe	Cllr Eileen Keller	Cllr Giasuddin Miah
Cllr Dave Miles	Cllr Margaret Mullane	Cllr Adegboyega Oluwole
Cllr Moin Quadri	Cllr Hardial Singh Rai	Cllr Chris Rice
Cllr Lynda Rice	Cllr Darren Rodwell	Cllr Faraaz Shaukat
Cllr Danielle Smith	Cllr Bill Turner	Cllr Dominic Twomey
Cllr Maureen Worby		

APOLOGIES FOR ABSENCE

Cllr Syed Ahammad	Cllr Saima Ashraf	Cllr Abdul Aziz
Cllr Simon Bremner	Cllr Chris Hughes	Cllr Mick McCarthy
Cllr Sam Tarry	Cllr Jeff Wade	Cllr Lee Waker
Cllr Phil Waker		

59. Declaration of Members' Interests

There were no declarations of interest.

60. Senior Leadership Appointment - Director, Inclusive Growth

The Chief Executive introduced a report on the recommendation of JNC Appointments Panel which, on 5 March 2018, had interviewed candidates for the post of Director, Inclusive Growth.

The Assembly **resolved** to approve that Graeme Cooke be appointed as the Director, Inclusive Growth, subject to agreement on start dates.

61. Senior Leadership Appointment - Director, People and Resilience

The Chief Executive introduced a report on the recommendation of JNC Appointments Panel which, on 8 March 2018, had interviewed candidates for the post of Director, People and Resilience.

The Assembly **resolved** to approve that Elaine Allegretti be appointed as the Director, People and Resilience, subject to agreement on start dates.

62. Death of Councillor John White

(The Chair agreed that this matter could be considered at the meeting as a matter of urgency under the provisions of Section 100B(4)(b) of the Local Government Act 1972 to allow the Assembly to mark the passing of a Councillor.)

The Assembly noted with deep regret that Councillor John White passed away on Friday 16 March 2018 at St Francis Hospice following a long illness.

Councillor White was first elected to the Council in 2006, was re-elected in 2010 and 2014 during which time he represented the Whalebone Ward. He served as Deputy Chair of the Assembly between 2007/08 and was on the Cabinet between 2010 and 2014, holding the portfolios of Customer Services and Children. He also served as the Lead Member of the Safer and Stronger Community Select Committee between 2009/10 and the Children's Services Select Committee between 2014/16.

Tributes to Councillor White were led by Councillor Jamu, former Ward colleague, who read a poem he had written titled, 'Now You're Gone'. A number of Councillors also spoke in tribute to Councillor White, recalling his passion, humour and desire for equality and fairness for all.

The Assembly stood for a minute's silence as a mark of respect.

ANNUAL ASSEMBLY

23 May 2018

Title: Review of Council Governance Arrangements Update Report	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Alan Dawson, Democratic Services Manager	Contact Details: Tel: 020 8227 2348 E-mail: alan.dawson@lbbd.gov.uk
Accountable Strategic Leadership Directors: Fiona Taylor, Director of Law and Governance (and Monitoring Officer) and Chris Naylor, Chief Executive	
Summary	
<p>At the meeting on 28 February 2018 (Minute 56 refers), the Assembly approved new committee structure arrangements to take effect from this first meeting of the new Council following the Local Elections. The report also explained the position at that time regarding:</p> <ol style="list-style-type: none"> 1) further updates that would be made to the Constitution to reflect the roles and responsibilities of Be First and other Council-owned entities, as well as the internal governance arrangements relating to the Shareholder Panel and the Investment Panel, that had been agreed by Cabinet but not yet reflected in the Constitution; 2) the intention to extend the integration of health and social care services into the scrutiny arrangements, via an over-arching Joint Overview and Health Scrutiny Committee (JHOSC) with neighbouring boroughs; and 3) authorising the Chief Executive, in consultation with the Leader and Cabinet Member for Community Engagement, to develop arrangements for improved public participation in Council meetings. <p>This report gives an update on those issues and includes the relevant chapters of the Constitution that are subject to amendment arising from these arrangements (see appendices).</p>	
Recommendation(s)	
<p>The Assembly is recommended to:</p> <ol style="list-style-type: none"> (i) Note the amendments to relevant chapters of the Constitution as detailed in Appendices A1 to A7 to the report, which implement the decisions of the Cabinet in respect of the establishment of Be First and other Council-owned entities, as well as the internal governance arrangements relating to the Shareholder Panel, the Investment Panel and the delegations to officers; 	

<ul style="list-style-type: none"> (ii) Agree to re-establish a separate Health Scrutiny Committee for the 2018/19 municipal year and to approve the Committee’s Articles, as set out in Appendix B3 to the report; (iii) Note the consequential amendments to the articles relating to the Health and Wellbeing Board and the Overview and Scrutiny Committee, as shown in Appendices B1 and B2 respectively; (iv) Adopt the new public participation arrangements for Council meetings, as set out in Appendix C to the report; and (v) Note that the new Council Constitution shall be published on the Council’s website once all the agreed changes have been made.
<p>Reason(s)</p> <p>To implement the recommendations of the Transformation Task Group and assist the Council in meeting its priority of “a well-run organisation” through improved governance arrangements.</p>

1. Introduction and Background

- 1.1 In July 2014, the Local Government Association (LGA) was invited to carry out a Corporate Peer Challenge of the Council, to assess the organisation’s ability and capacity to deliver on its plans, proposals and ambitions. Following on from that, the Council commissioned an independent Growth Commission to review the Council’s ambition to be London’s growth opportunity, and to recommend how to maximise the contribution of the Borough and our people to the London economy.
- 1.2 A number of recommendations arose from those pieces of work which related to the Council’s governance arrangements. These included:
- Reducing the cost of democracy in the context of the Council’s Ambition 2020 transformation programme;
 - The need for clearer Member and officer roles;
 - Enabling Members to spend more time in their communities through a reduction in Council meetings; and
 - Aligning the Council’s work programme with the Ambition 2020 transformation programme and Growth Commission recommendations.
- 1.3 To take that work forward a Cabinet Task Group, chaired by Councillor Haroon, was established in late 2015 to consider how Members’ roles would change by 2020 through the creation of new Council service blocks and Council-owned companies, and in response to a reinvigorated growth agenda. The main priorities considered by the Task Group were:
- the findings of the LGA Peer Review in 2014;
 - the need to align the new Council’s new structures with Members’ roles, including more involvement in developing Council policy; and
 - a more strategic focus on growth and development (i.e. planning matters).

- 1.4 The Task Group considered information including Member Role Profiles, benchmarked committee sizes across London and examined terms of reference for all committees, including attendance rates and outcomes (such as the number of reports produced). It also reflected on the evolving changes to the Council senior management structures and the internal governance arrangements, including the assurance and performance boards. It was subsequently decided that any new arrangements would be implemented for the 2018/19 municipal year.
- 1.5 A new Transformation Task Group, also chaired by Councillor Haroon, was established by the Leader in the summer of 2017 to review the committee structure and wider governance proposals put forward by the earlier Task Group.
- 1.6 The recommendations from that Transformation Task Group formed the basis of a report to the Assembly on 28 February 2018 where a range of changes to the Council's committee and governance arrangements were approved, the main aspects being:
- the creation of a single Overview and Scrutiny Committee, supported by Task and Finish Groups, to replace the existing structure of five themed Select Committees;
 - the creation of an Audit and Standards Committee, which combined the current responsibilities of the Standards Committee and the audit functions held by the Public Accounts and Audit Select Committee;
 - the renaming of the Development Control Board to the Planning Committee and a reduction in the membership from 19 to 10 Members, aimed at enabling more in-depth critical analysis of major development proposals;
 - the establishment of Policy Task Groups and the role of Member Champions under the remit of the Cabinet; and
 - reducing the term of Member appointments to the Pensions Committee from four years to two years.
- 1.7 It was also noted at the meeting on 28 February that there would be further amendments / additions to the Council's Constitution stemming from the new governance arrangements and also developing arrangements for improved public participation in Council meetings. The proposals below represent that further work.

2. Proposals and Issues

2.1 Updates to reflect the roles and responsibilities of Be First and other Council-owned entities, as well as the internal governance arrangements relating to the Shareholder Panel and the Investment Panel

2.1.1 The Constitution has been updated to reflect the decisions taken by the Cabinet in respect of the following:

a) "Investment and Acquisition Strategy" report, 15 November 2016 (Minute 72)

This decision approved the Investment and Acquisition Strategy and established an Investment Budget and a Land and Property Acquisition Budget. It also authorised the Chief Operating Officer to (i) make the appropriate borrowing arrangements; and (ii) agree the appropriate source(s) of funding for each investment or acquisition.

- b) “Proposal to Establish Barking and Dagenham Regeneration Company (Be First)” report, 15 November 2016 (Minute 73)

This decision approved the establishment of Be First.

- c) “Investment and Acquisition Strategy Update” report, 19 September 2017 (Minute 37)

This decision created the Investment Panel, an officer-led advisory panel, to make recommendations to the Cabinet and the Chief Operating Officer, as appropriate, on whether or not to proceed with individual investment proposals in accordance with the Investment and Acquisition Strategy. Also, delegated authority was given to the Chief Operating Officer, in consultation with the Director of Law and Governance and the Cabinet Members for Finance, Growth and Investment and Economic and Social Development, to negotiate terms and agree investment proposals and land and property acquisitions for projects included in the Investment and Acquisition Strategy, subject to the endorsement of individual projects by the Investment Panel.

- d) “Update on Implementation of Be First” report, 19 September 2017 (Minute 38)

This report set out the proposed governance structure and arrangements relating to the Council’s relationship with Be First. It included details of the establishment of a Shareholder Panel, an advisory body designed to support Cabinet decision making around the Council’s role as Shareholder and to provide assurance that all legal Shareholder requirements relating to Be First and other Council commercial entities (such as B&D Reside) were fulfilled and delivered the Council’s strategic objectives.

- e) “Be First Business Plan 2018 - 2023” report, 19 February 2018 (Minute 100)

This decision approved the Be First Business Plan 2018/19 – 2022/23 and the formation, in principle, of a trading vehicle under Be First with up to £100m of development funding. Also, delegated authority was given to the Chief Operating Officer, advised by the Investment Panel, to agree a range of issues relating to the formal establishment of the trading company and the arrangements for drawing down on the £100m funding

2.1.2 Set out at Appendix A are the following parts of the Constitution that have been updated to reflect the issues above. In some cases there are only very minor amendments to reflect new terminology while other sections, particularly the Scheme of Delegation as it relates to the Chief Operating Officer, have quite extensive updates to reflect the Cabinet’s decisions:

- Appendix A1 - Part 2, Chapter 1 (General)
- Appendix A2 - Part 2, Chapter 6 (Cabinet)
- Appendix A3 - Part 2, Chapter 9 (Planning Committee)
- Appendix A4 - Part 3, Chapter 1 (Officer Scheme of Delegation)
- Appendix A5 - Part 4, Chapter 1 (Contract Rules)
- Appendix A6 - Part 4, Chapter 2 (Financial Regulations and Rules)
- Appendix A7 - Part 4, Chapter 4 (Land Acquisition and Disposal Rules)

2.2 The intention to extend the integration of health and social care services into the scrutiny arrangements, via an over-arching Joint Overview and Health Scrutiny Committee (JHOSC) with neighbouring boroughs

- 2.2.1 At the meeting on 28 February 2018, the Assembly agreed to the creation of a single Overview and Scrutiny Committee (OSC), supported by Task and Finish Groups, to replace the existing structure of five themed Select Committees.
- 2.2.2 A fundamental aspect underpinning the move to a single OSC was the successful development of arrangements with neighbouring boroughs to integrate health and social care services and scrutiny arrangements into one over-arching JHOSC. It was noted in the February 2018 report, however, that if the arrangements for the new JHOSC were not sufficiently developed by May 2018, it would be necessary to revert to a separate Health Scrutiny Committee.
- 2.2.3 Although discussions are continuing with the neighbouring boroughs it has not been possible to agree any new arrangements in time for the 2018/19 municipal year. Therefore, it is proposed that a separate Health Scrutiny Committee be re-established for the 2018/19 municipal year and reviewed for the 2019/20 municipal year.
- 2.2.4 The Committee would meet quarterly and consist of 6 Members. The Chair and Deputy Chair positions would be remunerated.
- 2.2.5 The relevant sections of the draft May 2018 Constitution have been amended accordingly (amendments shown in revision mode) and are attached as follows:
- Appendix B1 - Part 2, Chapter 7 (Health & Wellbeing Board)
 - Appendix B2 - Part 2, Chapter 8 (Overview & Scrutiny Committee)
 - Appendix B3 - Part 2, Chapter 8a * (Health Scrutiny Committee)

(**Note:** * This is referred to as Article 8a for the purposes of this report. However, the chapters in Part 2 will be renumbered accordingly prior to publication of the new Constitution)

2.3 Arrangements for improved public participation in the Council's main decision-making meetings

- 2.3.1 The February 2018 Assembly report authorised the Chief Executive, in consultation with the Leader and Cabinet Member for Community Engagement, to develop arrangements for improved public participation in Council meetings.
- 2.3.2 Attached at Appendix C are proposed arrangements for public participation in public meetings of the Council including, but not restricted to, the Assembly, Cabinet, Health and Wellbeing Board and scrutiny committees. These arrangements shall not apply to the quasi-judicial meetings that relate to planning and licensing, as these have their own speaking / public involvement arrangements which are set out in the respective Articles within the Constitution.
- 2.3.3 The key principles underpinning the new public participation in Council meetings' arrangements are:

- i) The matter must relate to an item on the agenda for the meeting;
- ii) Notification must be received no later than midday 3 working days prior to the meeting;
- iii) Where the individual submitting the question is present at the meeting, he/she may ask one supplementary question;
- iv) There shall be a maximum time limit of 30 minutes for any questions asked and answers given under this new process.

2.3.4 The new procedure will be incorporated into the 'Meeting Rules – General' section of the Constitution (Part 2, Chapter 3).

3. Options Appraisal

3.1 A range of options were considered by the 2015 and 2017 Task Groups in the development of the proposals presented to this and the February Assembly meeting.

3.2 As with the new Overview and Scrutiny Committee arrangements, the Health Scrutiny Committee arrangements will be reviewed after the first full year of operation to assess whether they are fit for purpose and meeting Members' expectations.

4. Consultation

4.1 The draft proposals have been discussed at senior management level and with relevant Members.

5. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager, Service Finance

5.1 The proposals for the restructuring of Scrutiny result in a reduction in the number of Chairs and Deputy Chairs. This in itself (assuming no changes to allowances) would result in a small saving of around £4,700 (as set out in the February report.) However, as another report on this agenda sets out some proposed changes to allowances the impact of the change may be different in practice. The report on Members' Allowances provides more information on this.

5.2 The proposals to improve public participation in meetings are not expected to have a financial impact as any costs will be met from within existing resources.

6. Legal Implications

Implications completed by: Dr. Paul Feild, Senior Governance Solicitor

6.1 All of the Council's statutory functions will continue to be fulfilled under the proposed new arrangements.

6.2 The Local Government Act 2000 requires Councils to produce, maintain and review the Constitution document as part of their good governance arrangements. The Constitution must contain the Council's Code of Conduct, as required by the

Localism Act, together with standing orders, any other information as the Secretary of State may direct and such other information as the Council considers necessary.

- 6.3 It is a legal requirement that the Council ensures that copies of its constitution are available at its principal office for inspection by members of the public at all reasonable hours. Finally, the Council must supply a copy of its Constitution to any person who requests a copy and who pays to the authority such reasonable fee as the Council may determine.

7. Other Implications

- 7.1 **Risk Management** – Officers will continually monitor the impact and effectiveness of all the new arrangements and bring appropriate reports to the Assembly in the event that changes are required.
- 7.2 **Staffing Issues** – There are no immediate staffing implications arising from the changes proposed in this report.
- 7.3 **Corporate Policy and Customer Impact** – The proposals in this report include improved public participation arrangements in the Council’s governance arrangements, particularly relating to Council meetings.

Public Background Papers Used in the Preparation of the Report:

- Growth Commission’s report “No-one left behind: in pursuit of growth for the benefit of everyone” (<https://www.lbbd.gov.uk/business/growing-the-borough/our-strategy-for-growth/overview-2/>)
- “Review of Council Governance Arrangements” report to Assembly, 28 February 2018 (<https://modgov.lbbd.gov.uk/Internet/ieListDocuments.aspx?CId=179&MId=9405&Ver=4>)

List of appendices:

- Appendix A1 - Part 2, Chapter 1 (General)
- Appendix A2 - Part 2, Chapter 6 (Cabinet)
- Appendix A3 - Part 2, Chapter 9 (Planning Committee)
- Appendix A4 - Part 3, Chapter 1 (Officer Scheme of Delegation)
- Appendix A5 - Part 4, Chapter 1 (Contract Rules)
- Appendix A6 - Part 4, Chapter 2 (Financial Regulations and Rules)
- Appendix A7 - Part 4, Chapter 4 (Land Acquisition and Disposal Rules)
- Appendix B1 - Part 2, Chapter 7 (Health & Wellbeing Board)
- Appendix B2 - Part 2, Chapter 8 (Overview & Scrutiny Committee)
- Appendix B3 - Part 2, Chapter 8a (Health Scrutiny Committee)
- Appendix C – New ‘Public Participation in Council Meetings’ arrangements (incorporated into Part 2, Chapter 3 (Meeting Rules – General))

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Part 2 – Articles

Chapter 1 - General

1. Powers of the Council

- 1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.
- 1.2 This Constitution, and all of its appendices, is the Constitution of the London Borough of Barking and Dagenham.

2. Purpose of the Constitution

- 2.1 The Constitution is based on the following principles:

Principle	What it means in this Constitution
Enhancing service performance	Making sure that decision-making leads to improvements in the quality of services to local people
Accountability	Ensuring mechanisms for those responsible for decisions to be held to account for them
Transparency	Having streamlined and simplified clear decision-making and accountabilities
Community representation	Enabling Councillors to represent local communities effectively
Increasing community involvement and engagement	Including and involving the public in the decisions that affect their lives and enabling the development of effective partnership working with other public, private and voluntary bodies
Corporate working	Encouraging a partnership approach between the Cabinet and Overview and Scrutiny Select Committees, Officers and Councillors and better corporate working on cross cutting issues

3. Amendment of the Constitution

- 3.1 Subject to any provisions contained within Part 7 (Review, Revision, Suspension, Interpretation and Publication of the Constitution), the Constitution may only be amended by a resolution of the Assembly.

4. Meanings within the Constitution

- 4.1 In this Constitution, the following words and phrases have the following meanings, unless the context dictates otherwise:

Assembly means the Members of the Council meeting as a body.

<u>Be First</u>	<u>means the limited company wholly owned by the Council with the primary objectives of accelerating the regeneration of the borough through bringing forward construction and delivery of housing, commercial space and infrastructure, providing more effective services and attracting external investment to the borough.</u>
Budget	means the Council's Budget to be approved by the Assembly as defined in the Local Government Finance Act 1992, which includes the allocation of financial resources to different services and projects, proposed contingency funds, the level of Council Tax and decisions relating to the control of the Council's borrowing requirement and capital expenditure.
Cabinet	means the Leader and Cabinet Members meeting as the Council's Cabinet established under Section 11 of the Local Government Act 2000.
Cabinet Member	means the Leader or another Councillor appointed by the Leader to be a Cabinet Member.
Chief Executive	means the Officer appointed by the Assembly to that post and the Head of Paid Service.
Chief Financial Officer	means the Officer appointed by the Assembly to be responsible for the proper administration of the Authority's financial affairs in accordance with section 151 of the Local Government Act 1972 which, in Barking and Dagenham's case, is the Chief Operating Officer.
Chief Officer	means the Chief Executive, Statutory Chief Officers, Strategic Leadership Directors and any other Officer designated by the Chief Executive to be a Chief Officer.
Council / Authority	means the legal entity of the London Borough of Barking and Dagenham.
Councillor	means an elected Member of the Council.
<u>Council owned company</u>	<u>means any company or organisation owned or controlled wholly or partly by the Council. The Cabinet will act as shareholder on behalf of the Council, and will oversee the strategic direction and performance of the company.</u>
Decision-Maker	means the body or person, whether a committee, councillor or an officer, who would

	be responsible for making the proposed decision.
Departure Decision	means a decision which is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Authority's approved Budget.
Deputy Leader	means the Cabinet Member(s) appointed by the Leader to hold that office.
Director	means an Officer who reports directly to the Chief Executive or a Strategic Leadership Director and is designated by them to be a Director, Commercial Director or Operational Director.
Executive Function	means any function of the Authority which is to be discharged by the Cabinet by virtue of section 13 of the Local Government 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, by the Health and Wellbeing Board under section 196(2) of the Health and Social Care Act 2012 or any resolution of the Assembly.
Forward Plan	is the statement of proposed executive key decisions to be taken, prepared in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
Head of Paid Service	means the Officer appointed by the Assembly to be the Authority's Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989 which, in Barking and Dagenham's case, is the Chief Executive.
Key Decision	means an executive decision which is likely: <ul style="list-style-type: none"> (a) to involve expenditure or savings of £200,000 or above - this includes proposals phased over more than one year and match/grant aided funding or (b) to have a significant impact on the local community in one or more wards. <p>A decision-maker may only make a key decision in accordance with the requirements of the procedure set out in Part 2, Chapter 16 of this Constitution.</p>

Leader	means the Councillor for the time being elected by the Assembly to be the Leader of the Council.
Leader of the Opposition	means the Leader of the largest opposition political group on the Council.
Monitoring Officer	means the Officer designated by Assembly to be the Authority's Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 which, in Barking and Dagenham's case, is the Director of Law and Governance.
Non-Executive Function	means any function of the Authority which is to be discharged by any part of the Authority other than the Cabinet by virtue of section 13 of the Local Government Act 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, and any resolution of the Assembly.
Officer	means all employees engaged by the Authority to carry out its functions. This covers those engaged under short term, agency, contract or other non-employed situations to carry out such functions, to the extent that the Council has included conditions to that effect in any contractual arrangements under which they are working, as well as those employed by the Council on a permanent basis.
Policy Framework	means the high level plans and strategies which have been approved by the Assembly to comprise the Policy Framework, as set out in Part 2, Chapter 4, paragraph 2.1(ii).
Portfolio Holder	means a Member of the Cabinet with an assigned portfolio in defined areas of Council activity.
Proper Officer	means an Officer appointed by the Council to discharge a particular function as set out in section 270(3) of the Local Government Act 1972.
Statutory Chief Officer	means the Head of Paid Service, the Chief Financial Officer, the Monitoring Officer, the Director of Children's Services, the Director of Adult Social Services and the Director of Public Health.
Strategic Leadership Director	means those Officers who are designated by the Chief Executive as members of the Strategic Leadership Team, namely the

Strategic Director of Service Development and Integration, the Chief Operating Officer, the Director of Law and Governance, the Director of Policy and Participation and the Director of Inclusive Growth. Any reference to 'Strategic Leadership Director' shall also include the Chief Executive.

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Part 2 – The Articles

Chapter 6 – The Cabinet

1. Role and Legal Status

- 1.1 The Cabinet is a committee established under Section 11 of the Local Government Act 2000, as amended by the Public Involvement in Health Act 2007. The political balance requirements of Section 15 of the Local Government and Housing Act 1989 do not apply when determining membership.
- 1.2 The legislation allows for executive functions to be discharged by:
- (a) The Leader;
 - (b) The Cabinet as a body;
 - (c) A Committee of the Cabinet;
 - (d) An individual Member of the Cabinet;
 - (e) An Officer;
 - (f) Joint arrangements, partnership boards and other such bodies;
 - (g) Another local authority;
 - (h) Area Committees.
- 1.3 Under the Council’s strengthened Leader model of executive governance, all executive decisions are taken by the collective Cabinet or delegated to other committees of the Council or to officers.
- 1.4 The Cabinet will carry out all of the Council’s functions which are not the responsibility of any other part of the Authority, whether by law or under the Constitution.
- 1.5 All executive functions not expressed to be within the remit of the Cabinet or another committee shall be deemed to be delegated to officers.

2. Responsibility for Functions

- 2.1 The Cabinet has responsibility for the following functions:
- (i) All “key decisions” and other major issues affecting the Council, particularly strategic, financial, policy related and corporate management matters, within the overall policy framework set by the Assembly.
 - (ii) Setting the Council Tax Base.
 - (iii) Setting rents in respect of Council dwellings and related properties.
 - (iv) Assessing and determining charges and fees.
 - (v) Making policy regarding all employees in respect of pay and conditions of service and disciplinary matters, subject to the provisions of the

respective National Conditions of Service and any appropriate legislation.

- (vi) Making Compulsory Purchase Orders (CPOs) and confirming unopposed CPOs.
- (vii) Considering recommendations from other Member meetings, on issues which are the Cabinet's responsibility.
- (viii) Determining the scope and programme and agreeing the outcomes of all Best Value Reviews.
- (ix) Making appointments to any committees, sub-committees, joint committees and other bodies within the remit of the Cabinet.
- (x) Resolving and determining, on advice from the Chief Executive, any disputes of Chief Officers in respect of any delegated authority.
- (xi) Naming of buildings and roads for which the Council is responsible, except for those delegated to the Chief Executive by Minute 62, 29 September 2009.
- (xii) Receiving reports on corporate performance monitoring information.
- (xiii) Approving procurements and awarding of contracts in accordance with the Contract Rules set out in this Constitution.
- (xiv) Approving financial matters in accordance with the Financial Rules set out in this Constitution.
- (xv) Approving land matters in accordance with the Land Acquisition and Disposal Rules set out in this Constitution.
- (xvi) Reviewing corporate policies and strategies as appropriate.
- (xvii) Appointing the Discretionary Business Rate Relief Appeal Panel which shall consist of three Cabinet Members, one of whom shall be the Cabinet Member with portfolio responsibility for finance, to determine appeals against decisions in respect of applications for Discretionary Business Rate Relief.
- (xviii) To approve business plans and other strategic plans and strategies for council owned companies.
- (xix) Receiving reports on the performance of council owned companies.
- (xx) Considering recommendations from the Shareholder Panel and Investment Panel on other strategic matters pertaining to council owned companies, which are the Cabinet's responsibility.
- (xxi) Receive periodic reports on the Council's Investment and Acquisition Strategy, and to approve investment programme and schemes, which are the Cabinet's responsibility.
- (~~xvii~~)(xxii) Approving the investment budget and the land and property acquisition budget to support the delivery of the Investment and Acquisition Strategy.

3. Form and composition of the Cabinet

- 3.1 The Leader will appoint the Cabinet Members (at least one of whom shall be his/her deputy) and the Cabinet will total between 3 and 10 Councillors, including the Leader and Deputy Leader(s).
- 3.2 Cabinet Members may not hold the office of Mayor or be members of the Overview and Scrutiny Committee.
- 3.3 The quorum shall be three Members.

4. Leader

- 4.1 The Leader shall be elected at the Annual Meeting of the Assembly following the four-yearly whole Council elections. The Leader will be elected for the full four-year term subject to the following provisions:
- (a) He/she resigns from the office;
 - (b) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
 - (c) He/she is no longer a Councillor, except where the Leader fails to be returned as a Councillor following an election. Unless the Leader resigns, is disqualified or is otherwise removed from office he/she shall continue as Leader until the day of the Annual Meeting of the Assembly following the election; or until
 - (d) He/she is removed from office by a resolution of the Assembly on a notice of motion of no confidence in accordance with the provisions set out Part 2, Chapter 4 of this Constitution

5. Deputy Leader(s) and Other Cabinet Members

- 5.1 The Leader shall appoint his/her Cabinet Members, at least one of whom shall also be appointed as Deputy Leader, by notifying the Chief Executive in writing of such appointment. Only Councillors may be appointed to the Cabinet. Cabinet members appointed by the Leader shall hold office until the next whole Council elections unless:
- (a) They resign from office, by notification in writing to the Leader who shall, in turn, notify the Chief Executive. The resignation shall take effect immediately after receipt of the notice by the Leader;
 - (b) They are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
 - (c) They are no longer a Councillor; or
 - (d) They are removed from office by the Leader, by notification of removal made in writing by the Leader to the Chief Executive and to the Cabinet Member concerned. The removal shall take effect immediately after receipt of the notice by the Chief Executive.
- 5.2 The Leader shall assign portfolios in defined areas of Council activity to the

individual members of the Cabinet.

- 5.3 If for any reason the Leader is unable to act or the office of the Leader is vacant the Deputy Leader must act in his place.
- 5.4 If for any reason the Leader is unable to act or the office of the Leader is vacant and the Deputy Leader is unable to act or the office of the Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his/her place.
- 5.5 In the event that the Leader appoints two or more Cabinet Members to the position of Deputy Leader, the Leader shall provide the Chief Executive with details of which Deputy Leader shall be nominated to act on his/her behalf in any given situation stipulated in this Constitution.
- 5.6 In the event that it is unclear which Deputy Leader has been nominated to act on the Leader's behalf in any given situation and it is not possible to seek clarification from the Leader, the Chief Executive shall nominate the Deputy Leader to act.
- 5.7 In the event that the 'nominated' Deputy Leader is unable to act on behalf of the Leader, the other shall automatically assume that responsibility.

6. Vacancies in the Cabinet

- 6.1 If at any time a Councillor ceases to be a Member of the Cabinet, the portfolio responsibilities of that Member shall be carried out by the Cabinet collectively in so far as permitted by law until such time as the Leader shall have appointed a replacement or, where appropriate, re-appointed the Member concerned.
- 6.2 In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Chief Executive in so far as is permitted by law.

7. Removal from Office of the Leader

- 7.1 The Leader may only be removed from office by resolution of the Assembly in accordance with the provisions set out in section 13 of Part 2, Chapter 4 of this Constitution.

8. Policy Task Groups

- 8.1 The Leader in consultation with the Chief Executive will appoint Policy Task Groups to examine policies and make recommendations to the Cabinet.
- 8.2 The Policy Task Group will be made up of a minimum of 6 and no more than 10 non-executive Members.
- 8.3 Policy Task Groups are advisory bodies to the Cabinet. Their role will be to:
 - (a) Assist and advise the Leader and the Cabinet in the development of policy;
 - (b) Consider reviews of any existing policies, strategies or plans of the Council;

- (c) Consider existing policies in the light of changes to legislation or national guidance;
- (d) Consider proposals for new Council policy;
- (e) Provide advice on policy direction.

8.4 The terms of reference of each Policy Task Group will be determined by the Leader in consultation with the Chief Executive.

9. Member Champions

9.1 Up to five Member Champions will be appointed by the Leader to support the work of the Cabinet and promote and raise the profile for the cause for which they are a champion.

9.2 A Member Champion cannot be a Cabinet Member or the Chair or Deputy Chair of the Overview and Scrutiny Committee or the Health Scrutiny Committee.

9.3 The Leader may remove a Member Champion at any time.

10. Spokespersons and Lead Members

10.1 The Leader (or in his/her absence the Deputy Leader) is the overall spokesperson for Cabinet issues at appropriate times (for example at the Assembly), but each Cabinet Member may speak on behalf of the Cabinet in a collective, as opposed to a personal, capacity.

11. Cabinet Decisions and Minutes

11.1 Details of decisions made by Cabinet shall be circulated within two working days of the meeting in order to facilitate the call-in process detailed in Part 2, Chapter 8 of the Constitution.

11.2 The minutes of Cabinet meetings shall be published in draft form on the Council's website as soon as practicable after the meeting.

12. Cabinet and Shareholder Panel

12.1 The Cabinet undertakes a shareholder role, acting on behalf of the Council. The Cabinet will exercise the strategic oversight of any companies owned wholly or partly by the Council. The Cabinet will in turn be advised by the Shareholder Panel. The statutory relationship is between the council owned companies and the Cabinet, as advised by the Shareholder Panel.

12.2 The Chief Executive in consultation with the Leader will appoint a Shareholder Panel comprising a membership of Cabinet members and key officers who will be responsible for reviewing the strategic business plans and performance of the council owned companies, and make recommendations to the Cabinet, where appropriate. The Chief Executive, in consultation with the Leader, may amend the membership can be amended by of the Panel.

12.3 The Shareholder Panel is an advisory body to the Cabinet. Their role will be to:

- (a) Review, monitor and consider amendments to the long term strategic objectives via company business plans
- (b) Review and monitor the financial performance, legal compliance and trading risks for each company.
- (c) To consider all proposed significant capital or revenue investments by the Council, and make recommendations to the Cabinet.
- (d) To receive regular updates on all other matters covered by the business plans of the council owned companies.
- (e) To give prior consideration and make recommendations to the Cabinet for approval, in respect of those matters which are the Cabinet's responsibility

12.4 The terms of reference of the Shareholder Panel will be determined by the Leader, on advice from the Chief Executive and the Monitoring Officer.

Part 2 – The Articles

Chapter 9 – Planning Committee

1. Status and Membership

- 1.1 The Planning Committee is a committee established under Section 102 of the Local Government Act 1972.
- 1.2 The membership of the Committee shall be 10, two of whom shall be ex-officio voting members by virtue of their portfolio responsibilities, namely the Cabinet Members for Economic and Social Development and for Finance, Growth and Investment. The quorum shall be three Members.
- 1.3 The Assembly shall appoint the membership, including the Chair and Deputy Chair, at its Annual Meeting. Political balance requirements of Section 15 of the Local Government and Housing Act 1989 apply when determining membership.

2. Responsibility for Functions

- 2.1 The Planning Committee has responsibility for determining the following functions of the Council as the Local Planning Authority:
 - (i) Any application recommended for approval with five or more objections from local residents other than an application for prior approval which may be agreed by the Director of Inclusive Growth in consultation with the Chair and Deputy Chair.
 - (ii) All major applications from the Council or a council owned company.
 - (iii) Applications which are recommended for approval and are considered by the Director of Inclusive Growth to be contrary to any material aspect of the Local Plan.
 - (iv) Applications for the mining and working of minerals or the use of land for mineral working deposits.
 - (v) Applications which are recommended for refusal and are considered by the Director of Inclusive Growth not to be contrary to any material aspect of the Local Plan.
 - (vi) Applications submitted by or on behalf of a Councillor or by any employee (or their spouse/partner) of the Council's Inclusive Growth section and Be First.
 - (vii) Applications which any Councillor requests in writing to the Director of Inclusive Growth within 21 days from the date of validation of the application subject to agreement of the Chair.
 - (viii) Any other application or issue which, on advice from the Director of Inclusive Growth, the Chair decides should be determined by the Planning Committee, by reason of its scale, impacts upon the environment or the level of public or likely Councillor interest;
 - (ix) Appointing sub-committees, including the following:

Visiting Sub-Committee - consisting of the Chair and Deputy Chair and three other Members of the Committee, to be appointed at the first meeting in the municipal year to undertake inspections of buildings and sites as directed by the Committee and to make recommendations to the Committee arising from these inspections, unless otherwise empowered to act by the Committee. The relevant Ward Councillors shall also be invited to attend meetings in a non-voting capacity.

Performance Review Sub-Committee - consisting of the Chair and Deputy Chair and three other Members of the Committee, to be appointed at the first meeting in the municipal year, to consider and report back to the Committee on an annual basis in respect of:

- a random sample of up to 20 delegated decisions on a range of applications and examine and evaluate between 5 and 10 of them to assess whether relevant planning policies and criteria were applied in each case;
 - planning appeal performance; and
 - scrutiny of overturned decisions.
- (x) Reports on new, or amendments to existing, statutory provisions and guidance covering development control matters.
- (xi) Revoking and hearing opposed Tree Preservation Orders.
- (xii) All other functions set out in column (1), paragraph A of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, and all legislation appertaining to planning contained in the Planning Acts. This includes changes introduced by the Localism Act 2011 and the Growth and Infrastructure Act 2013 and any delegated legislation made pursuant to the Planning Acts.

3. Frequency of Meetings

- 3.1 The Planning Committee shall meet approximately every four weeks in order to consider planning applications and other matters within statutory timescales.

4. Speaking by Members of the Public and Other Interested Parties at Meetings

- 4.1 Members of the public may be permitted to address the Committee as an objector to an application subject to notice having been given to the Council's Democratic Services team by 12.00 noon on the last working day before the meeting. In normal circumstances, a maximum of three members of the public will be allowed to speak at the meeting, each with a target time limit of three minutes. In the event that more than three members of the public wish to speak, subject to the Chair's discretion, priority will be given to those who made representations during the consultation period for the application.
- 4.2 Elected representatives acting on behalf of their constituents are also permitted to speak at meetings without having to give prior notice, with a target time limit of three minutes each.

- 4.3 The Chair has discretion to extend the time limit of speakers or limit the number of speakers to ensure the efficient running of the meeting, in line with the procedures for the meeting.
- 5. Speaking by the applicant (or their representative) and responsible authorities**
- 5.1 The applicant (or their representative) and responsible authorities (e.g. the Police, Fire Brigade, relevant Council services etc.) will be entitled to address the Committee in line with the procedures for the meeting. The Chair has discretion to restrict the time allowed to such speakers to ensure the efficient running of the meeting.
- 5.2 In normal circumstances, it will not be necessary for the applicant (or their representative) to address the Committee unless either (i) the application is recommended for refusal; (ii) objectors have raised additional issues at the meeting to which the applicant (or their representative) wishes to respond to; and/or (iii) the application is recommended for approval but with conditions to which the applicant (or their representative) objects to.
- 5.3 Copies of the relevant procedures are available on the Council's website or by contacting Democratic Services.
- 6. Councillors' Code of Conduct for Planning Matters**
- 6.1 The Councillors' Code of Conduct for Planning Matters is set out in Chapter 2, Part 5 of this Constitution.

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Part 3 – Officer Scheme of Delegation

Chapter 1 – Functions which are Delegated to Officers

This section sets out those functions which have been delegated to officers.

1. Powers of delegation

- 1.1 Non-executive functions are delegated to officers from the Assembly, Committees and Sub-Committees under section 101 of the Local Government Act 1972 and, in the case of licensing and gambling, under section 10 of the Licensing Act 2003 or section 154 of the Gambling Act 2005.
- 1.2 Executive functions are delegated to officers by the Leader or from the Cabinet under section 14 of the Local Government Act 2000.
- 1.3 Functions are delegated to the Director of Public Health under section 73A of the National Health Service Act 2006, as amended by the Health and Social Care Act 2012.

2. Basis of Delegation

- 2.1 Where the Assembly, a Committee or Sub-Committee, the Leader or the Cabinet has delegated a function to an officer, the person or body making the delegation may at any time resume responsibility for the function either in respect of a particular matter or generally, and so may exercise the function despite the delegation.
- 2.2 An officer to whom a power is delegated may refer the matter to the Chief Executive, or to the person or body making the delegation, for their determination. It will be appropriate for the officer to refer a matter:
 - (a) To the Chief Executive where the determination of the matter raises issues of corporate priorities or the co-ordination of the discharge of various functions of the Authority;
 - (b) To the person or body making the delegation where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for Councillors to determine; or could, by its scale or complexity, expose the Council to major corporate risk which cannot be contained within Service Budgets.
- 2.3 In exercising any delegated powers, officers should ensure that decisions are consistent with Council policy, within approved spending limits, and in the best interests of residents and the Council as a whole. Councillors should be informed/consulted as appropriate depending on the nature and sensitivity of the decision.

3. Conflicts of Interest

- 3.1 Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the Authority, and for notifying the Authority (including under section 117 of the Local Government Act 1972).

- 3.2 Where an officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an officer except with the prior approval of his/her line manager, the Monitoring Officer or the Chief Executive.
- 3.3 Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by the Monitoring Officer. Where the Monitoring Officer is unable to act the matter shall be discharged by the Deputy Monitoring Officer.
- 3.4 Where a Strategic Leadership Director is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter him/herself or allocate the matter to another officer.
- 3.5 Where the Monitoring Officer is unable to act on a matter in his/her statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the Deputy Monitoring Officer.
- 3.6 Where the Monitoring Officer is unable to act on a matter in relation to Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose under section 82A of the Local Government Act 2000.
- 3.7 Where any other officer is unable to act on a matter, that officer's line manager or the Chief Executive may arrange for another officer to discharge the matter.

4. Context for the Exercise of Functions

- 4.1 Except for matters reserved to the Assembly, to the Cabinet or to a Committee for decision, all other matters are delegated to the appropriate Chief Officer subject to the General Conditions and Limitations below and the Contract and Financial Rules. Each Chief Officer, in making decisions under this scheme, is required to do so within the internal scheme of management for their own directorate / service area. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the Council.

General Conditions and Limitations

- 4.2 In taking any decision, each officer must ensure that they have acted in a considered, well informed and defensible manner which is in the best interests of the Council and its residents. The more significant the decision, the greater the obligation to demonstrate that appropriate consideration has been given to the way the decision was made.
- 4.3 As a general rule all decisions will need to be made with a full understanding of Council policy relating to the decision, an awareness of relevant legal obligations including equality requirements, and a clear assessment of the impact of the decision on those affected. Decisions will also need to be consistent with the Council's Budget strategy and will need to be effectively risk assessed.
- 4.4 The obligation to ensure that these issues are properly understood rests with decision makers. Where doubt exists advice must be taken from those officers who are professionally qualified to give advice, such as the Council's Monitoring Officer and Chief Financial Officer. Officers must not commit the

- Council to a course of action which will entail financial obligations beyond those approved by the Council.
- 4.5 Where the decision is politically sensitive or likely to affect significant numbers of residents, decision makers are under a general obligation to consult with those from whom the decision is delegated and Members where appropriate. Where realistic choices exist and where good practice would suggest it to be appropriate, public consultation should be undertaken after consulting with appropriate Members.
- 4.6 No officer, other than the Director of Law and Governance, shall authorise or institute any legal proceedings or process or instruct legal agents or Counsel without the prior written consent of the Director of Law and Governance.
- 4.7 The powers delegated to officers shall not include the power to take a Key Decision, except in the following cases:
- (a) in relation to contracts with a value between £200,000 - £500,000 in accordance with the Council's Contract Rules;
 - (b) where the Cabinet or HWBB has specifically delegated the responsibility to an officer;
 - (c) where the Chief Executive considers that the matter is so urgent that it is appropriate to take a Key Decision, in line with the Urgent Action provisions in Part 2, Chapter 16 of this Constitution or other emergency provisions within the Constitution.
- 4.8 This Scheme of Delegation is set out, as far as possible, in terms of broad areas of responsibility rather than in terms of specific statutory powers. The Chief Executive shall be responsible for co-ordinating the discharge of the Council's functions between the various officers.
- 4.9 The Chief Executive may allocate or re-allocate responsibility for functions between officers as necessary for the effective discharge of those functions or to cover absence of particular officers.
- 4.10 Where an officer is going to be absent for a period of time, the appropriate line manager may re-allocate responsibility for that officer's functions as necessary to ensure the effective discharge of those functions during the officer's absence. Where the Chief Executive is going to be absent for a period of time then responsibility for the Chief Executive's functions, as necessary, shall be allocated to the designated Deputy Chief Executive, unless otherwise allocated by the Chief Executive. Where the designated Deputy Chief Executive is also absent the Chief Executive functions shall be discharged by the Directors collectively, or by such officer as they shall determine for this purpose.
- 4.11 Where a function is delegated to a Director, it shall also be exercisable by the Chief Executive and relevant Strategic Leadership Director. Where a function is delegated to a Strategic Leadership Director or Director it shall also be exercisable by the Chief Executive, except the functions of Monitoring Officer and Chief Financial Officer. Where a function is stated to be specifically delegated to a particular officer, that function shall not be exercised by any other officer except in accordance with this Scheme.

Areas of Responsibility

- 4.12 The areas of responsibility of Chief Officers and other specified officers are set out in sections 5 to 11 below and, where appropriate, shall include the areas of responsibility of each officer within his/her service area.

5. All Chief Officers

- 5.1 All Chief Officers are authorised to exercise the following powers and duties of the Council in respect of services under their control with the exception of those matters reserved to Member-level meetings or other specific provisions within this Constitution:
- (a) take all lawful action consistent with overall Council policy to deliver agreed strategy plans and policy within their area of responsibility and within approved Budgets, service plans, contract and financial procedural Rules, the general obligation to act in the best interests of residents and the Council and to achieve value for money;
 - (b) incur expenditure on the Council's behalf within the sums approved by the Assembly and in line with the Financial Regulations and Rules;
 - (c) procure goods and services consistent with the Council's Contract Rules;
 - (d) deal with the invitation and acceptance of tenders within the limits set out in the Contracts Rules;
 - (e) submission of bids for funding in consultation with the relevant Cabinet Member where this does not imply an ongoing commitment to the Council when the funding ends, requires match funding that cannot be met within Directorate Budgets or could, by its scale or complexity expose the Council to major corporate risks which cannot be contained within Directorate Budgets;
 - (f) approve the following, within any parameters prescribed in the Council's Contract, Financial or other Rules or policies:
 - (i) write-off of irrecoverable debts
 - (ii) virements between budgets
 - (iii) compensation claims from residents, businesses and contractors
 - (iv) financial settlements in Court actions, in consultation with the Council's authorised legal representative and the Chief Executive, when considered to be in the best interests of the Council to do so
 - (v) the award of settlements arising from Ombudsmen recommendations
 - (vi) disposal of or writing-off of assets
 - (g) service or placing of any necessary statutory or other notices;
 - (h) after consultation with the Director of Law and Governance, authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council;

- (i) deal with all staffing and management issues and arrangements (except those reserved to the Assembly) in line with the Council's strategic management arrangements and staffing policies, on the advice of the Council's lead officer for Human Resources issues (the Director of Law and Governance);
- (j) Issuing licences;
- (k) Enforcing byelaws.

6. The Chief Executive (Head of Paid Service)

6.1 With the exception of those matters reserved to Member-level meetings or other specific provisions within this Constitution, the Chief Executive shall:

- (a) exercise overall corporate, commercial and operational management responsibility, including performance monitoring and assessment and the efficiency programme of the Council;
- (b) be the Council's principal adviser on all matters of policy;
- (c) in exceptional circumstances, such as a civil emergency, during a void in political leadership or to maintain the efficient and effective governance of the Council, take any decision on behalf of the Council (after consultation with the Leader where feasible);
- (d) exercise overall responsibility for promoting the community leadership role of the Council with Government Departments and other agencies, and other national, regional and local authorities;
- (e) exercise overall responsibility for all employment matters for all staff (except those reserved to member-level meetings) including disciplinary, grievances, job evaluation, selection for redundancy where there is no appeal against dismissal, appeals in respect of gradings, appeals in respect of harassment and bullying, refusal of retaining employees beyond retirement age, injury allowances, discretionary early retirements, efficiency retirements, discretionary death grants (in cases where employees are not married), early payment of preserved benefits, and all matters relating to restructuring/ reorganisation except those reserved to the JNC Salaries and Conditions Panel.
- (f) determine the settlement of employment matters in the best legal and financial interests of the Authority, having taken appropriate advice from the Chief Financial Officer, the Director of Law and Governance and the lead officer for Human Resources;
- (g) nominate Chief Officers, as appropriate, to hear appeals against first and second written warnings on the grounds of misconduct, sickness absence and capability, and grievance appeals; and first stage appeals against final written warnings.
- (h) be responsible for securing implementation of the Council's decisions within the agreed Policy Framework to ensure the overall effectiveness of the Council's services;

- (i) Investigate disciplinary matters, with the involvement of an independent person, against the Monitoring Officer and Chief Financial Officer;
- (j) be responsible for determining Civil Contingency services, with operational responsibility for the provision of these services being delegated to the Strategic Director of Service Development and Integration as deputy to the Chief Executive in relation to this matter;
- (k) appoint a Proper Officer for the purpose of any statutory function which is not covered by this Scheme;
- (l) be responsible for setting the strategic management arrangements for the Council and for the allocation of roles to Directors other than those which are statutorily prescribed.

7. Strategic Director of Service Development and Integration

7.1 With the exception of those matters reserved to Member-level meetings or other specific provisions within this Constitution, the Strategic Director of Service Development and Integration shall be responsible for all matters within the remit of the following areas:

- (a) Adult Social Care, including learning disabilities, care assessment and planning and intensive support;
- (b) Strategic Commissioning and Partnerships, including integration commissioning and adult safeguarding;
- (c) Public Health, including the following (some of which are statutory responsibilities of the Director of Public Health):
 - (i) Developing and maintaining the Joint Strategic Needs Assessment for the Council.
 - (ii) Supporting and advising the Health and Wellbeing Board.
 - (iii) Developing and maintaining a Public Health Plan.
 - (iv) Meeting the Council's obligations for liaison with and support to the Health Protection Agency.
 - (v) Providing public health leadership, advice and information to the public as required by the Health Act 2006.
 - (vi) Preparing and publishing an annual report on public health in Barking and Dagenham.
 - (vii) Discharging the responsibility for co-operation and joint working in relation to public health within Barking & Dagenham on behalf of the Council.
 - (viii) Discharging the responsibilities for social care research and information in relation to public health and well-being.
 - (ix) Overseeing the responsibilities of the Council for liaison with voluntary sector social care and health organisations.

- (x) Authorising Patient Group Directions in the exercise of the Council's new public health functions under the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013.
 - (d) Children's Social Care and Complex Needs, including children in care placements, children with disabilities and educational psychology.
 - (e) Education, Youth and Childcare, including school estate and admissions, the Adult College, early years, integrated youth services and engagement, school improvement and the appointment of parent governor representatives to the Children's Services Select Committee, in accordance with The Parent Governor Representatives (England) Regulations 2001.
 - (f) Children's Safeguarding, Early Intervention and Commissioning, including quality, safeguarding and reviews, traded services (with schools) and troubled families.
- 7.2 The Strategic Director of Service Development and Integration is the statutory Director of Adult Social Services and Director of Children's Services, and has also been designated as the Deputy Chief Executive.

8. Chief Operating Officer

- 8.1 With the exception of those matters reserved to Member-level meetings or other specific provisions within this Constitution, the Chief Operating Officer shall be responsible for all matters within the remit of the following areas:
- (a) Environmental services, waste management and recycling, grounds maintenance and road safety
 - (b) Highways, fleet and passenger transport and street lighting;
 - (c) Housing and Neighbourhood functions, including allocations, landlord and tenancy services management, caretaking, housing repairs and maintenance, travellers, tenant participation and sheltered housing;
 - (d) Joint venture and service delivery arrangements with Elevate East London;
 - (e) Client responsibilities for Information Technology (IT) and contracts;
 - (f) Corporate and strategic finance, treasury management, investments and acquisitions, the capital programme, Council Tax, revenues and benefits and debt recovery;
 - (g) Audit and anti-fraud, risk management and insurance, assets and commercial services;
 - (h) The Council's Pension Fund.
- 8.2 The Chief Operating Officer shall also have authority to:
- (a) determine applications for mandatory and discretionary non-domestic rate relief and discretionary housing benefit in accordance with the approved scheme;

- (b) determine appeals in relation to applications for Council Tax discretionary relief in accordance with the approved scheme;
- (c) sign-off all statutory financial returns, except those reserved to the Assembly or Cabinet;
- (d) constitute an Investment Panel to advise on the implementation of the Council's Investment and Acquisition Strategy by appraising individual investment decisions and development schemes. The Chief Operating Officer shall consider all recommendations from the Panel, except those which are the Cabinet's responsibility;
- (e) negotiate terms and agree investment proposals and land and property acquisitions for projects within the Investment and Acquisition Strategy and the Be First Business Plan, in consultation with the Director of Law and Governance and the relevant Cabinet Members. The Chief Operating Officer shall consider a recommendation on individual projects from the Investment Panel;
- (f) exercise delegated authority, advised by the Investment Panel, to:
 - (1) agree the appropriate source(s) of funding for each individual approved development proposal;
 - (2) approve the draw-down of development funding from the development facility subject to:
 - (i) a positive recommendation to proceed with each individual development proposal by the Investment Panel; and
 - (ii) that the funding for the facility, any drawn downs and borrowing costs are provided for in the Council's Medium Term Financial Strategy and the Chief Operating Officer is satisfied that the funding is in line with statutory guidance on local authority investments and is state aid compliant.
 - (3) agree, in consultation with the Director of Law and Governance:
 - (i) the terms and form of such legal agreements (as are necessary) to give effect to the development facility and to enter into such agreements on behalf of the Council;
 - (ii) the terms and form of legal agreements to give effect to the draw-downs as referred to above, including instruments providing security to the Council, and to enter into such agreements or security documents on behalf of the Council.
 - (4) approve the allocation from additional funding approved by the Cabinet for Be First, subject to the Chief Operating Officer being satisfied that it is financially prudent to do so;
 - (5) approve, in consultation with the Director of Law and Governance, the entering into (by Be First or the Council) of any agreement or

commitments required to enable the delivery of the Council's capital programme as commissioned subject to:

- (i) compliance with relevant procurement and state aid law;
- (ii) being satisfied as to the appropriate terms and financial implications;
- (iii) being satisfied that the terms of such agreements or commitments would not cause the Council to be in breach of its Constitution.

(6) approve, in consultation with the Director of Law and Governance, to approve the entering into (by Be First or the Council) of any agreement or commitments required to enable the delivery of any approved schemes within the Council's Investment and Acquisition programme subject to:

- (i) the endorsement of the Council's Investment Panel;
- (ii) compliance with relevant procurement and state aid law;
- (iii) being satisfied as to the appropriate terms and financial implications;
- (iv) being satisfied that the terms of such agreements or commitments would not cause the Council to be in breach of its Constitution.

9. Director of Inclusive Growth

9.1 With the exception of those matters reserved to Member-level meetings or other specific provisions within this Constitution, the Director of Inclusive Growth shall be responsible for all matters within the remit of the following areas:

- (a) Regeneration, including the Estate Renewal programme;
- (b) Housing Strategy, including housing advice;
- (c) Capital Delivery;
- (d) Employment and Skills;
- (e) Planning and Development Management.

(Note: The Director of Inclusive Growth is responsible for the Council's duties as the Local Planning Authority. The post holder will liaise with Be First on its delivery of the core planning functions. The Council retains responsibility for the determination of planning applications and Compulsory Purchase Orders).

10. Director of Law and Governance

10.1 With the exception of those matters reserved to Member-level meetings or other specific provisions within this Constitution, the Director of Law and Governance shall be responsible for all matters within the remit of the following areas:

- (a) Legal and Democratic Services, incorporating electoral services, member development and members' support;
- (b) Human Resources and Organisational Development, including learning and development, occupational health, safety and wellbeing, employment policies and procedures and equalities and diversity in employment.
- (c) Community Safety;
- (d) Enforcement Services, including street trading;
- (e) Regulatory Services, including housing and licensing;
- (f) Civil Protection;
- (g) Parking Services;
- (h) Facilities Management.

10.2 The Director of Law and Governance shall also have authority to:

- (a) take any action to implement any decision taken by or on behalf of the Council, including the signature or service of statutory and other notices and any document;
- (b) institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where he/she considers that such action is necessary to protect the Authority's interests;
- (c) instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the Authority;
- (d) enter objections to any proposal affecting the Authority, the Authority's area or the inhabitants of the Authority's area.

11. Director of Policy and Participation

11.1 With the exception of those matters reserved to Member-level meetings or other specific provisions within this Constitution, the Director of Policy and Participation shall be responsible for all matters within the remit of the following areas:

- (a) Corporate Policy and Strategic Planning;
- (b) Council communications and reputation management;
- (c) Community Development and Engagement;
- (d) Community Cohesion and Equalities;

(e) Culture and Recreation, including heritage, leisure, libraries and sport.

12. Detailed Scheme of Management

12.1 Each Chief Officer, in making decisions under the above scheme, is required to do so within the internal scheme of management for their own directorate / service area.

13. Recording, Implementing and Accounting for Decisions

13.1 The Openness of Local Government Bodies Regulations 2014 require a written record to be made of any decision that has been delegated to an officer under a specific express authorisation, or under a general authorisation where the effect of the decision is to:

- (a) grant a permission or licence;
- (b) affect the rights of an individual; or
- (c) award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

13.2 The written record referred to in Rule 13.1 above must be produced as soon as reasonably practicable after the decision has been made and must contain the following information:

- (a) the date the decision was taken;
- (b) a record of the decision taken, along with the reasons for the decision;
- (c) details of alternative options, if any, considered and rejected; and
- (d) where the decision has been delegated under a specific express authorisation, the names of any Member of the Council who has declared a conflict of interest in relation to the decision.

13.3 The written record of the decision, together with any background papers, must be made available for inspection by members of the public as soon as reasonably practicable after the decision has been made:

- (a) at all reasonable hours at the Council's Offices;
- (b) on the Council's website,
- (c) by such other means that the Council considers appropriate.

13.4 The written record of the decision must be retained and made available for public inspection for at least six years. Any background papers referred to by the decision-maker should be retained and made available for public inspection for at least four years. The relevant retention period will begin with the date on which the decision, to which the written record and any background papers relates, was made.

13.5 Nothing in the above Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence, or,

information that, in the opinion of the Monitoring Officer can be defined as exempt, as set out in Part 2, Chapter 17 of the Constitution.

- 13.6 Each Officer is responsible for ensuring that any decision which they take is properly recorded in line with the provisions of Rules 13.1 to 13.5 above, and that the record of that decision is available to other Officers, to Members and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment.
- 13.7 The Openness of Local Government Bodies Regulations 2014 state that a person who has custody of a document which is required to be made available for inspection by members of the public will commit an offence if, without reasonable excuse, that person:
- (a) intentionally obstructs any person exercising a right conferred by the Regulations to inspect written records and background papers; or
 - (b) refuses any request made under the Regulations to provide written records or background papers.
- 13.8 Every Officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
- 13.9 Every Officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other Officers, Members and statutory regulators.

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SECTION A

GENERAL APPLICATION OF THE RULES

1. Introduction

- 1.1 These Contract Rules (“Rules”), issued in accordance with section 135 of the 1972 Local Government Act), are the Council’s procedure rules for procuring, (buying, renting, leasing etc) goods, services and works for the Council. They are intended to promote good purchasing practice and public accountability and to deter acts of corruption.
- 1.2 The Rules are part of the Council’s Constitution and therefore Officers have a duty to ensure they have fully understood them prior to commencing any procurement or contracting activity.
- 1.3 These Contract Rules are prepared and are to be read in conjunction with the provisions of the Regulations. Where there is any conflict between the Regulations and these Rules the Regulations shall prevail.

2. Variation and Amendment of these Rules

- 2.1 The Chief Executive may, on the advice of the Director of Law and Governance, make such necessary or incidental amendments to these Rules to effect or implement any changes in law (whether due to legislation, case law or EU Directive), or to correct any inconsistency in, or clarify any interpretation of, these Rules.
- 2.2 If there is any change to the law which affects these Rules then that change must be observed until these Rules can be revised. If these Rules conflict in any way with the law then the law takes precedence.
- 2.3 In accordance with the Council’s Constitution, the Chief Executive has final say on interpretation of these Rules (after taking advice from Corporate Procurement and Legal Services).

3. Scope of the Contract Rules

- 3.1 These Rules apply to all contracts and procurements for goods, works or services entered into by or on behalf of the Council, irrespective of whether the contract is financed from Council funds or from external funds, grant or other funds intended to be spent on procurement by the Council.

3.2 These Rules apply to all Officers of the Council and third-party contractors providing goods and services for and/or on behalf of the Council where the relevant contract between the Council and contractor provides for the contractor to comply with these rules.

3.3 ~~any companies or organisations wholly or partly owned by the Council or otherwise within the Council’s control~~

3.4 These Rules shall not apply to Council-owned companies, who shall be responsible for ensuring that their procurement arrangements are robust, achieve best value and are legally compliant except where the relevant agreement provides for the company or organisation to comply with these Rules.

~~3.2 — They also apply to third party contractors providing goods and services for and on behalf of the Council where the relevant contract between the Council and Contractor provides for the Contractor to comply with these rules.~~

NOTE: The remainder of the Contract Rules are unamended so have not been included.

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Appendix A: Interpretation

Introduction

In order to conduct itself efficiently, effectively and in accordance with good corporate governance, the Council needs to establish and adhere to financial management policies and this entails the establishment of financial regulations and rules which lay down the procedures to be followed by officers in discharging their financial duties.

The Financial Regulations and Rules are the framework within which the financial affairs of the authority operate. They set out and govern the way the Council undertakes financial planning, risk management and control processes, budget management, budgetary control and statutory year-end processes.

Any failure to comply with these rules constitutes misconduct and will be followed by disciplinary action as appropriate. Significant non-compliance will be gross misconduct and is likely to lead to dismissal.

The regulations provide clarity about the overarching financial accountabilities and responsibilities of bodies and individuals, including the Assembly, the Cabinet, the Chief Financial Officer, Chief Officers, Directors and Managers, and provide a framework for decision-making. Where there are specific statutory powers and duties, the Financial Regulations seek to ensure these are duly complied with, as well as reflecting best professional practices and decisions of the Council.

The Financial Regulations and Rules also govern the way the day-to-day financial administration and financial controls are conducted and exercised. They set out the standards to ensure that the Council's resources are used wisely and for the purposes intended, ensure the best practice for dealing with financial matters, improve value for money, service delivery and customer satisfaction and to secure the financial standing of the Council.

These regulations should be read in conjunction with all other financial policies of the Council including the Contract Rules, the Officer Scheme of Delegation, the Articles relating to the role of committees and the Employees' Code of Conduct included in the Council Constitution.

The regulations apply to all activities of the Council. In practice, this means all monies and funds administered by Council officers by virtue of their office. This includes the authority's direct service and trading organisations within the internal market and funds managed on behalf of third parties such as the superannuation fund and private school funds. Academies and Free Schools have their own financial regulations.

[These Regulations shall not apply to Council-owned companies, who shall be responsible for ensuring that their own financial arrangements are robust, and legally compliant except where the relevant agreement provides for the company or organisation to comply with these Regulations.](#)

External providers (outsourced services, contractors and consultants for example) are managed through the contract process. The contract document will set out the financial requirements. This will include for example, compliance with key control procedures, generation of service performance statistics, attendance at service client meetings and access to accounts.

The regulations apply to all staff and Members of the Council. However, the prime audience consists of Members, Chief Officers, Chief Financial Officer, Monitoring Officer, Directors, delegated budget holders and all staff working in Human Resources, Payroll, Payables, Receivables and Finance.

It is the responsibility of Chief Officers to ensure that all employees with financial responsibilities are made aware of and have access to these regulations and rules.

The Chief Financial Officer is responsible for maintaining a regular review and update of these Regulations. The Finance Managers, the Deputy Chief Financial Officer, or the Chief Financial Officer should be contacted if further advice, clarity and support are required in the application of the Financial Regulations and Rules.

Interpretation – please refer to Appendix A

Section 1: Roles and Responsibilities

Sound financial planning, management and administration are essential in order to:

- ensure and maintain the effective use of resources to achieve agreed service standards;
- provide complete, accurate and transparent accounts that demonstrate accountability to the public;
- comply with legal and corporate accounting requirements;
- ensure the appropriate use and security of financial and physical assets;
- help the Council provide value for money services and conduct its affairs in an efficient, effective and economic manner.

Members and officers of the Council shall carry out their roles in line with the key areas of responsibilities and associated specific financial procedure rules set out below.

Roles, Responsibilities and Accountability	
Assembly	The Assembly is responsible for adopting the Authority's Constitution and Councillor' code of conduct, and for approving the policy framework and budget within which the Cabinet operates.
Cabinet	The Cabinet is responsible for: <ol style="list-style-type: none"> 1. the regulation and control of the finances of the Council, and for discharging executive functions in accordance with the policy framework and budget; 2. the approval of draft estimates for submission to the Assembly, and for monitoring financial performance throughout the year. The Cabinet shall also submit recommendations to the Assembly for the levying of general or special rates or taxes.
Select	Select Committees are <u>The Overview & Scrutiny Committee is</u>

Roles, Responsibilities and Accountability	
Overview & Scrutiny Committees	<p>responsible for scrutinising any aspect of the finances of the Council, including monitoring and challenging the decisions of the Cabinet. They scrutinise executive decisions, before or after they have been implemented, and for holding the Cabinet to account.</p> <p>The Audit and Standards Committee Public Accounts and Audit Select Committee (PAASC) is an advisory body incorporating the Council's audit function and reports to Assembly. It is responsible for providing independent assurance of the risk management framework and the associated systems of internal control. It provides scrutiny of financial and non-financial performance, and oversees the financial reporting process. It also has a specific responsibility to maintain an overview of the Council's Constitution in respect of contract procedure rules and Financial Regulations and Rules.</p>
Head of Paid Service (Chief Executive)	<p>The Head of Paid Service is responsible for:</p> <ol style="list-style-type: none"> 1. the corporate and overall strategic management of the authority as a whole and the establishment of a framework for management direction, style and standards; 2. securing a process for resource allocation that ensures due consideration of national policy and corporate priorities; 3. ensuring arrangements are in place to monitor, manage and measure the performance of the Council. <p>He or she must report to and provide information to Cabinet, the Assembly, and other Committees.</p>
Monitoring Officer (Director of Law and Governance)	<p>The Monitoring Officer is responsible for:</p> <ol style="list-style-type: none"> 1. promoting and maintaining high standards of financial conduct; 2. reporting any actual or potential breaches of the law or mal-administration to the Assembly and/or Cabinet; 3. ensuring that procedures for recording and reporting key decisions are operating effectively; 4. ensuring that executive decisions and the reasons for them are made public; 5. advising all councillors and officers about who has authority to take a particular decision; 6. advising the Cabinet or Assembly about whether a decision is likely to conflict with the Authority's policy framework or budget; 7. for maintaining an up-to-date constitution.

Roles, Responsibilities and Accountability	
Chief Financial Officer (Chief Operating Officer)	<p>The Chief Financial Officer is the Officer responsible for the proper administration of the Council’s financial affairs under Section 151 of the Local Government Act 1972, and Sections 112-114 of the Local Government Finance Act 1988.</p> <p>The Chief Financial Officer has a duty under Section 114(2) of the Local Government Act 1988 to make a report if it appears that the Council, Cabinet, or any Committee has carried out a decision which (a) involves the Council incurring expenditure which is unlawful, or (b) involves a course of action which if pursued would be unlawful and likely to cause a loss or deficiency to the Council.</p> <p>The Chief Financial Officer has a duty under Section 114(3) of the Local Government Finance Act 1988 to make a timely report (in consultation with the Chief Executive and the Monitoring Officer) to every Member where it appears that the expenditure incurred or likely to be incurred in a financial year exceeds resources available to meet the expenditure.</p> <p>The Chief Financial Officer's responsibilities are:</p> <ol style="list-style-type: none"> 1. to ensure the co-ordination and integration of service planning, financial planning, asset management, value for money and corporate governance; 2. to ensure that the Council’s financial arrangements secure the proper stewardship and control of all public funds; 3. to provide financial advice, information and support so that resources are managed effectively in delivering the Council’s services; 4. to set corporate financial management standards and agrees with Directorates detailed procedures to meet these standards; 5. to ensure that there is an adequate internal audit and control; 6. to approve financial systems or proposals to introduce new processes or systems (including IT systems) to ensure sound financial controls; 7. to maintain the Council’s principal accounting records and prepares the Council’s annual statement of accounts; 8. to provide information and financial returns to external bodies; 9. to prepare the revenue budget and capital programme; 10. treasury management and banking.

Roles, Responsibilities and Accountability	
Chief Officers	<p>Each Chief Officers' responsibilities are:</p> <ol style="list-style-type: none"> 1. to observe the Council's Financial Regulations, monitoring financial performance within their department and managing the service within the available budget and to clearly understand the consequences of a lack of control; 2. to ensure that any expenditure incurred within their service is in accordance with both the purpose and objectives of the services being provided. Expenditure must not be incurred or charged to any budget where such expenditure bears no relation to the service being provided; 3. to establish standards of internal control and through their senior management team, ensure the proper identification and cost effective management of financial risk; to plan and maintain the effective use of resources to achieve agreed service delivery standards, take or recommend actions where necessary to stay within, or less than, the agreed budgets set by Council; 4. to achieve and demonstrate value for money for commissioned and provided services; 5. to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Officer's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority; <p>Each Chief Officer, or failing them, the Chief Financial Officer, shall report to the Cabinet immediately where they are not complying with these Rules.</p> <ol style="list-style-type: none"> 6. the control and accountability of employees and the security, custody and control of all of the resources, including plant, buildings, materials, cash and stores, appertaining to his/her department. 7. to operate processes to check that established controls are in place and evaluate their effectiveness and ensure that Budget Holders have effective procedures for safeguarding the Council's resources; 8. to identify the short, medium and long term financial implications of policy, legislative requirements and service standards; 9. to establish clear accountabilities for all managers that include objectives of and responsibility for systems and information;

Roles, Responsibilities and Accountability	
	<p>10. to ensure all their staff understand and comply with Finance Regulations and Rules, Contract Rules, Council policies and directorate departmental instructions; and</p> <p>11. to ensure that all employees understand and have access to a copy of the Council’s Fraud and Corruption Policy and Strategy and associated guidance. Where fraud or corruption is suspected, Chief Officers must immediately report this to the Head of Audit.</p> <p>Each Chief Officer shall consult the Chief Financial Officer on any matter which is liable to materially affect the finances of the Council before any form of commitment is incurred and before reporting the matter to the Cabinet.</p> <p>Each Chief Officer shall consider the financial effects of new policy and changes in service delivery, and ensure that all reports contain appropriate financial implications agreed with the Chief Financial Officer.</p>
Directors / Budget Holders	<p>Each Director and Budget Holder will:</p> <ol style="list-style-type: none"> 1. determine the appropriate level of control within their areas of responsibility in accordance with advice and guidance provided by the Chief Financial Officer, their Directors and the Council’s auditors; 2. monitor compliance within these regulations, policies and instructions; 3. be accountable for planning and maintaining effective and efficient use of resources to achieve agreed service delivery standards within, or less than, the agreed budgets set by Council; 4. clearly understand the consequences of a lack of control and compliance; 5. ensure all their staff understand and comply with Finance Regulations and Rules, Contract Procedure Rules, Council policies and directorate departmental instructions; and have access to a copy of the Council’s Fraud and Corruption Policy and Strategy and associated guidance; 6. identify the short, medium and long term financial implications of policy, legislative requirements and service standards; 7. achieve and demonstrate value for money for commissioned

Roles, Responsibilities and Accountability	
	<p>and provided services, plan service developments and take or recommend actions where necessary to stay within agreed budgets set by the Council;</p> <p>8. ensure all staff have effective procedures for safeguarding the Council's resources; and</p> <p>9. operate processes to check that established controls are in place and evaluate their effectiveness.</p>
All Employees	<p>All employees have a responsibility to follow Finance Regulations and Rules, Contract Rules, Code of Conduct, Council policies and directorate instructions.</p> <p>Employees must ensure the Council resources are only used in carrying out the business of the Council and help the Council achieve open and honest administration by supporting approved fraud prevention strategies and avoiding potential conflicts of interest.</p> <p>Under no circumstances must employees use Council resources or assets for their personal benefit.</p> <p>Employees must not allow any personal debt owed to the Council to become unmanaged. Personal debt includes, but is not limited to, rent arrears, Council Tax arrears, arrears arising for leaseholder agreements with the Council, employee loan arrears or employee leasing arrangements. Where any such arrears have been accrued prior to employment with the Council and are still outstanding, employees should undertake to clear those arrears within an agreed and reasonable period of time.</p> <p>All employees have a responsibility to assist the Council's audit processes, to keep accurate and comprehensive records to support the transactions undertaken on the Council's behalf and to report to their Director any occasions where they believe that Finance Regulations and Rules, Contract Procedure Rules, Council Policies or Directorate instructions are not being followed, or where the resources are at risk.</p>
Internal Audit and Risk Management Services	<p>To provide advice to management on the operation of financial controls to prevent fraud, material errors and misappropriation of funds, to investigate any suspected irregularities and management of risk. These Services will conduct independent reviews of Directorate internal control arrangements and will report non-compliance with the Council's Finance Regulations and Rules, and Scheme of Delegation.</p>
External	<p>The external auditors will report on whether the Council's accounts</p>

Roles, Responsibilities and Accountability	
Auditors	and statements present a true and fair view of the Council's financial position.

Section 2: Financial Planning

Each year the Council is required to produce a Medium Term Financial Strategy (MTFS) to provide a framework for the Council to plan and manage the way resources are allocated and spent over the next three-year period, to meet the Council's objectives and to secure value for money. It therefore supports and guides the Council's annual budget setting process, the corporate planning process including the external environment expected to be faced over the next three years, and facilitates effective service delivery.

The budgets reflect Council priorities and give authority to delegated budget holders to incur expenditure to meet service standards and targets.

In order to ensure a consistent approach across the Council, the Chief Financial Officer stipulates the detailed form and procedures relating to the development of the Medium Term Financial Strategy, revenue and capital budgets by the issue of standard formats (including timetables, information requirements and challenge processes).

Chief Officers and Directors shall prepare their reports to these standards. They will take into account the need to demonstrate the value for money, efficiency and effectiveness of current services and proposals for change, the policy choices available to the Council and service impact on national and local policy priorities including the implementation of statutory requirements, the risk and opportunities in implementing changes and the impact of proposals in the short, medium and long term.

The Chief Financial Officer shall present the Council's revenue and capital estimates (draft budget) to Cabinet for approval as part of the budget and Medium Term Financial Strategy process. The draft budget is to be submitted to and considered by Cabinet at its meeting in December, and then again with any amendments incorporated, at its meeting in February. The final draft budget is then to be approved and adopted by Assembly at its meeting in late February prior to the financial year.

Key Timescales*:

- Submission of savings proposals August/ September *
(* not required for 2018/19 budget process)
- ~~Select~~ Scrutiny Committee review of Savings options October/
November
- Cabinet approval of Fees & Charges FebruaryNovember
- Cabinet consideration of draft budget report February
- Cabinet approval of Budget and Council Tax Report February

- Assembly approval of Budget February
- Publication of Council Tax leaflet February

* These timescales were correct for the ~~2012/13~~2018/19 budget process and are indicative for all other years (and can be overridden by guidance from Corporate Finance).

2.1 Annual Revenue Budgets

- 2.1.1 The general format of the budget will be approved by the Council and proposed by the Cabinet on the advice of the Chief Financial Officer. The draft budget should include indicative cash limits to different services and projects including proposed contingency funds.
- 2.1.2 All Chief Officers are responsible for submitting bids to Corporate Finance to meet the departmental savings target set by Cabinet on the advice of the Chief Financial Officer.
- 2.1.3 Estimates of revenue income and expenditure for the current year revised budget and the following year base/original budget shall be prepared by Chief Officers in consultation with the Chief Financial Officer in accordance with any financial plan(s) approved by the Assembly.
- 2.1.4 Budgets shall reflect Council priorities and give authority to Budget Holders to incur expenditure to meet service standards and targets.
- 2.1.5 The Chief Financial Officer shall collate the estimates and submit them for approval to the Cabinet for submission to the Assembly.
- 2.1.6 The ~~Public Audit & Account Select Overview & Scrutiny~~ Committee (PAASC) is responsible for reviewing and providing scrutiny on the draft budget ahead of it going to Cabinet.
- 2.1.7 Finally, on the advice of the Chief Financial Officer, the budget will be proposed by Cabinet and approved by the Assembly. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

2.2 Capital Budgets

Annual Review and Approval by Assembly

- 2.2.1 The Chief Financial Officer shall undertake an annual review of the medium-term capital programme and consequential revenue implications for inclusion in the Medium Term Financial Strategy. This review shall take into account the ongoing need for a scheme with particular focus on cost, benefits and risk assessments.
- 2.2.2 Guidance for the preparation of the Capital Programme including the need for a full project appraisal shall be issued by the Chief Financial Officer.

- 2.2.3 Proposals for new capital schemes for the following financial year and future three years shall be prepared by Chief Officers in consultation with the Chief Financial Officer in accordance with any financial plans of the Council. The Programme will then be reported to the Cabinet for submission to the Assembly.
- 2.2.4 The Programme shall include all schemes which are within the definition of prescribed capital expenditure, and shall show:
- i. Existing schemes for the period of the programme;
 - ii. New schemes to be started in the period of the Programme;
 - iii. The estimated capital expenditure which will arise on each new scheme and the relevant form of funding; and
 - iv. Slippage on schemes in progress but not expected to be completed in the current year.

Project Appraisals for Capital Schemes

- 2.2.5 Project appraisals for capital schemes (together with any supporting information) are to be submitted to the relevant Group Finance Manager, who will liaise with Corporate Finance. All proposed projects will be subject to assessment by the Options Appraisal Group prior for inclusion in the Programme. The appraisal process will consider options analysis, funding and costs of the project, associated revenue costs, legal, procurement implications and key risks. Once an initial appraisal has been carried out, a report can be presented to Cabinet approving the scheme. After Cabinet approval has been given, a detailed appraisal process must be undertaken; including a detailed risk register, health and safety assessment, procurement strategy and an Equalities Impact Assessment prior to capital works commencing. Funding received for schemes without adequate project appraisal will be recorded and notified to Cabinet as part of the monthly resource monitoring report as *'Funding with projects being developed.'*
- 2.2.6 A delegated authority form is required before Contractors can be engaged and this form must be signed off by the Project Manager, the Project Sponsor, the relevant Chief Officers, Procurement and Corporate Finance. The delegated authority form details the reason for the project, the options considered, the Cabinet approval date, funding available, the contractor selected and the value of the contract awarded.
- 2.2.7 Capital expenditure shall only be incurred in accordance with the approved Capital Programme. The Chief Financial Officer shall be responsible for defining whether expenditure is classed as capital or revenue.

Capital Receipts

- 2.2.8 All capital receipts shall be pooled unless otherwise agreed by the Cabinet, for example, to contractual obligations or reduce any set aside of capital receipts or where legislation requires a different approach.

Council and Be First - Investment Schemes

2.2.9 Schemes to be considered in accordance with the Council's Investment and Acquisition Strategy for investment funding shall be submitted under delegated authority to the Chief Operating Officer, or to the Cabinet (where the matter is the responsibility of the Cabinet). The Chief Operating Officer shall be advised by recommendations from the Investment Panel following consideration of the appropriate appraisals, technical and legal advice in compliance with the Council's Constitution.

2.2.10 The Cabinet shall be responsible for authorising the overall investment and acquisition budgets to support the delivery of the Investment and Acquisition Strategy. The Chief Operating Officer, advised by the Investment Panel, shall be authorised to make the appropriate borrowing arrangements and to agree the appropriate source(s) of funding for each investment or acquisition.

2.2.119 Departmental Borrowing

Where there is insufficient external funding for a capital project, departmental borrowing can be used where the project is expected to generate sufficient savings to cover the costs of borrowing. The funding sources will be recorded on the capital programme once the project has been approved.

The cost of borrowing constitutes two elements; the Minimum Revenue Provision (MRP) and Interest. The costs will be calculated as follows:

- MRP will match the actual MRP charge using the approved basis in the Treasury Management Strategy (currently straight-line basis over the life of the asset although this may be reviewed for 2014/15);
- The interest charge will also be the same each year and will be the total departmental borrowing multiplied by the interest rate;
- The interest rate will equal the Public Works Loan Board (PWLB) rate of an Equal Instalments of Principal (EIP) loan as at 1st April in the year after the asset becomes operational with a term equal to that of the asset's life.

Although the actual interest charged will be greater than a normal EIP loan the fact charges are not incurred until the asset becomes operational will in part offset this. Additionally, the complexity of varying the interest charges would be impractical.

Arrangements for charging departments with the costs of departmental borrowing are set out below:

- Borrowing costs are charged the year after the asset becomes operational;
- Budgets to cover the borrowing costs will be transferred by departmental finance and copies provided to Corporate Finance, once Corporate Finance have circulated the charges and central codes to use; and

- Budgets will have to be set based on estimated departmental borrowing as final financing figure will not be known until year-end. As such a further in year budget transfer maybe required to match actual outturn. This demonstrates a clear relationship between project cost and revenue implications.

2.2.129 Minimum Revenue Provision

Local authorities are required each year to set aside some of their revenues as provision for debt in respect of capital expenditure financed by borrowing.

The Council currently uses the Equal Instalment Method to calculate its Minimum Revenue Provision (MRP) which is given by the following formula:

$$\frac{A - B}{C}$$

where:-

A is the amount of the capital expenditure in respect of the asset financed by borrowing or credit arrangements;

B is the total provision made before the current financial year in respect of that expenditure;

C is the inclusive number of financial years from the current year to that in which the estimated life of the asset expires.

2.3 Reserves and Provisions

2.3.1 The Chief Financial Officer is responsible for recommending to the Cabinet the adequate level of unallocated General Fund and HRA Reserves, the Reserves Strategy and any limitations or conditions on the use of such unallocated reserves.

2.3.2 The Chief Financial Officer is responsible for recommending to the Cabinet the adequate level of specific provisions and earmarked reserves including the decision-making and authorisation processes for the use of those provisions and reserves.

Section 3: Financial Management

A key component of good financial management is to ensure that the revenue, capital and balance sheet accounts are reviewed regularly throughout the year, not just at year end. The first building block for good financial management is strong stewardship.

Sound financial management and control is important to:

- ensure expenditure incurred within services is in accordance with both the purpose and objectives of the approved budgets, in line with Council priorities and to manage the delivery of services within the available budget;

- early detection of financial risks and implications that may impact on the financial strength and stability of the Council and to implement appropriate remedial actions; and
- facilitate the delivery of value for money services.

Budgetary control allows the Council to review and adjust its budget targets during the financial year, ensuring the accountability of budget holders against their allocated budgets. Identifying and justifying variances between budgets and year-end forecast and highlight changing trends and resource requirements, enabling efficient management of surpluses and deficits.

Budget Monitoring

Budget monitoring will be carried out and reported to the Cabinet on a monthly basis that taking into account the advice of the Chief Financial Officer will make any appropriate recommendations to steward the budget in a direction consistent with agreed spending objectives.

Chief Officers, Directors and delegated budget holders are accountable for spending within budget, reporting any variations and implementing the action proposed to correct variances.

Directors and delegated budget holders must regularly monitor actual income and expenditure against all budgets they are responsible for and ensure that all budget targets are achieved. This includes:

- projection of likely future income and expenditure in order to identify any material potential over or under spends;
- take corrective action without delay and, if action beyond their authority is required, report to their Director immediately; and
- report any material variances from income and expenditure budgets to Corporate Finance, including any impact on future years so that appropriate actions can be taken to contain, reduce or eliminate projected over or under spend.

3.1 Revenue Budget Monitoring

1. Chief Officers, Directors and delegated budget holders are responsible for monitoring their budgets, and must take appropriate action to ensure they do not exceed their budget for any one financial year.
2. On a monthly basis, Chief Officers will meet with the Chief Financial Officer with budget monitoring reports to be submitted to Cabinet, setting out the overall financial position of each service and the current projected year-end outturn together with corrective actions as necessary.

3. Where it appears that an approved revenue budget (defined as the individual CIPFA summary subjective analysis for each service, as shown in the annually approved budget book) will overspend by £50,000 or 5% of the Gross Budget (whichever is the smaller), the responsible Chief Officer will notify the Chief Financial Officer and relevant Portfolio Holder, report to Cabinet and immediately take steps to rectify the situation.
4. Where a Service is forecasting an overall net overspend of £250,000, then this should culminate in an action plan to Cabinet, which sets out proposals for offsetting it, together with an assessment of the impact these corrective actions will have on service delivery and performance targets.
5. If an overspend in excess of £250,000 is forecast, then in addition that Chief Officer must notify the Chief Financial Officer and submit an action plan. Chief Officers must also advise whether the problem relates solely to the current financial year or is a recurring pressure.
6. Where a particular Service has (or is projecting to have) an unspent balance, the relevant Chief Officer must apply to the Cabinet if they wish to earmark these savings for a planned purpose in the next financial year. The Cabinet may agree the use of any under spending, subject to the advice of the Chief Financial Officer as to the overall financial position of the Council.

3.2 Revenue Budget Virement/ Adjustment

Budgets may be transferred within the year using a budget virement or budget adjustment. In both cases, advice must be sought from Corporate Finance before the transfer is agreed.

3.2.1 Revenue Budget Virement

A budget virement is a transfer of a budget from the purposes for which Council originally agreed in setting the budget and Council Tax to another purpose.

Following approval of the annual budget, Officers may approve virements in accordance with the delegations and limits set out below.

	Revenue Budget Virement	Officer with Delegated Authority
1.	Within own Directorate: Up to £100,000 Up to £200,000	Directors with budget responsibility in consultation with the Chief Officer and Group Finance Manager. Chief Officer in consultation with the Chief Financial Officer.
2.	Cross Directorate Up to £200,000	Relevant Chief Officer in consultation with the Chief Financial Officer.

3.	Reserves	None. All virements to and from Reserves must be approved by Cabinet

Virements for greater amounts and all supplementary estimates must be approved by the Cabinet. Virements must not be fragmented to circumvent these rules.

Each virement request must indicate whether the virement is permanent (i.e. affect current and future years' budgets) or one-off for the current financial year only.

The virement must be recorded in the Council's financial system.

Virement is permitted from the revenue budget to the capital budget but not from the capital budget to the revenue budget.

All virements to and from Reserves must be approved by Cabinet

3.3 Carry Forward of Revenue Budgets from One Year to the Next

With the prior written approval of the Chief Financial Officer, Chief Officers may request for underspends on revenue expenditure of £50,000 per Director to be carried from one financial year to another. Any carry-forward exceeding £50,000 per Director in the aggregate requires the approval of the Cabinet, which may also require any overspend to be carried forward.

Only underspends arising from delayed spending of funding received for specific purposes may be carried forward if such underspend was as a result of factors beyond management control or where the Council will suffer a financial loss.

Carry forward may not be allowed if the Directorate's total budget or the total budget of the Council is overspent at year-end. The first call on any underspend is to rectify the overall financial position.

3.4 Capital Monitoring

1. Before expenditure can commence on any individual scheme within the Capital Programme, the approval of the Cabinet and the Options Appraisal Panel will be required.
2. If an approved capital scheme is forecast to overspend then the relevant Chief Officer must notify the Chief Financial Officer, and also present options for offsetting the overspend.
3. The de minimis level for capitalisation of assets is set at:
 - £6,000 for vehicles;
 - £20,000 for all other expenditure, including schools.

Related assets may be grouped together to exceed the de-minimis level where individually they would not. Examples include expenditure on an IT project or bulk buying of wheeled bins.

3.5 Capital Budget Virements

Capital Virements: Transfers of any amount between schemes over £100,000 (aggregated) must be approved by Cabinet. Transfers between schemes up to £100,000 can be made by Directors with budget responsibility, in consultation with the Chief Officer and Chief Financial Officer. If transfers to/from any particular scheme are £100,000 or above, approval is needed by Cabinet.

Capital re-profiles: Subject to there being no additional funding requirement and no revenue or capital cost implication arising from such a re-profiling then delegated authority is given to Chief Officers in consultation with the Chief Financial Officer to re-profile the capital budget of a scheme up to a value of £500,000. A series of smaller re-profiles must not be carried out in order to circumvent the total.

In order to ensure there is focus on delivery of projects on time and to budget, changes to the capital programme for virements and re-profiles will usually be made at one of three occasions during the financial year:

- February - as part of the MTFs process;
- May – as part of the Final Outturn report; and
- November – as part of the Month 6 Budget Monitoring report.

Changes may occur at other occasions if events occur outside the control of officers e.g. late confirmation and release of funds by a school extending an existing scheme. Such changes will be exceptional and not a matter of course.

3.6 Use of Contingency

The contingency as set in each year's budget may be called upon by Chief Officers in consultation with the Chief Financial Officer, for individual items of expenditure of up to £100,000, in excess of which will require Cabinet approval.

3.7 Financial Advice

- 3.7.1 The advice of the Chief Financial Officer must be sought regarding any matter which could materially affect the finances or financial systems of the Council before any commitment is made.
- 3.7.2 Chief Officers shall ensure the early and continuous involvement of the Finance and Legal functions in proposals leading to reports to Members and in particular large, complex or sensitive proposals. The Chief Financial Officer and the Monitoring Officer must be consulted on any reports to Members in accordance with the Council's established report clearance procedures. The Chief Financial Officer and/ or the Monitoring Officer has the right to withdraw

any report where notice has not been given or the full financial and/or legal implications cannot be provided in the timescale available.

Section 4: Closure of Accounts

The Chief Financial Officer is responsible for making arrangements for closing the accounts and producing the annual Statement of Accounts, including all matters relating to their audit and public inspection.

Each Chief Officers is responsible for ensuring that they and their staff adhere to the instructions and timetable requirements set out by Corporate Finance to enable the closure of accounts.

Each Chief Officer / delegated budget holder shall, as soon as possible after the 31 March in each year, notify the Chief Financial Officer of all outstanding expenditure (creditors), income (debtors), payments in advance (PIA), and receipts in advance (RIA) relating to the previous financial year.

Each Chief Officer / delegated budget holder must provide on time any information and evidence (working papers) the Chief Financial Officer requires to produce the Statement of Accounts; complete claims for external funding; and to produce records to meet external audit requirements.

The Statement of Accounts will be prepared in accordance with the CIPFA Code of Accounting Practice, which includes the timescales for its production, and the requirement to produce an Annual Governance Statement (AGS).

The Annual Audit Letter presents the audit opinion of the accounts, as well as comments and recommendations on the Council's financial standing, the legality of financial transactions and internal control. This will be reported to the Audit and Standards Committee~~Public Audit & Account Select Committee (PAASC)~~ each year, with an appropriate management action plan.

Key Timescales *

- | | |
|--|---|
| ○ Outturn report to Cabinet – provisional | mid/late May |
| ○ Outturn report to Cabinet – final | mid/late June |
| ○ Statement of accounts issued to PAASC
<u>Audit and Standards Committee</u> | end of June |
| ○ Deadline for approval of accounts | end of June |
| ○ <u>Audit and Standards Committee</u>
approve final accounts | mid September <u>July</u> |
| ○ Accounts signed by external auditors | end of September <u>July</u> |
| ○ Accounts issued for publication | end of September <u>July</u> |

* These timescales are correct for the ~~2013/14~~2018/19 closure of accounts and are indicative for all other years (and can be overridden by guidance from Corporate Finance).

Section 5: Risk Management & Control of Resources

5.1 Internal Control

Internal control refers to the aspects of systems and processes devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources, and safeguards the Authority's assets and interests by the prevention and/or detection of error and fraud.

The Chief Financial Officer should ensure that the financial management of the authority is adequate and effective; and that there is a sound system of internal control. The internal controls need to facilitate the effective exercise of the Council's actions and include the arrangements for managing risk.

Each Chief Officer is ultimately responsible for the internal controls and risk management arrangements within their service. Internal Audit support this through delivery of its Annual Audit Plan, designed to give independent assurance on the internal control and risk management arrangements of the Council.

5.2 Internal Audit

5.2.1 Under the Accounts and Audit Regulations 2011 the Council has a statutory obligation to undertake an adequate and effective internal audit of its accounting records and of its system of internal control. The Head of Audit has the delegated authority for providing and maintaining this service.

5.2.2 An annual review will be conducted into the effectiveness of Internal Audit which will be considered by the ~~Public Accounts and Audit~~ Select and Standards Committee ~~(PAASC)~~. Such a review will form part of their annual review of the effectiveness of the overall system of internal control and reported in the Annual Governance Statement.

5.2.3 The Head of Audit, and their nominated officers, shall have authority to:

1. enter at all reasonable times into Council operational premises or onto Council land, (this can also that of the Council's supplies and contractors where permitted by the contract agreement);
2. have access to all records, documents and correspondence relating to any financial or other transactions of the Council;
3. require such explanations as are necessary concerning any matter under examination; and
4. require any employee of the Council to produce cash, stores or any other Council property under his control.

5.3 Fraud, Corruption, and Theft

5.3.1 Under Section 151 of the Local Government Act 1972 the Council has a statutory obligation to ensure the protection of public funds. Accordingly, the

Council maintains an effective system of prevention and detection of fraud, corruption, and theft and associated policies.

- 5.3.2 The primary responsibility for the prevention, detection, and deterrence of fraud, bribery or money laundering activity lies with each Chief Officer. However, all Council employees have a duty to act to prevent and report occurrences of fraud and theft. This is supported by the Corporate Anti-Fraud Team through its proactive, preventative and reactive work.
- 5.3.3 Managers should immediately inform the Head of Audit in any case where fraud/irregularity is suspected, who shall in turn recommend what appropriate investigations are required to the Chief Financial Officer.

5.4 Risk Management

- 5.4.1 The Cabinet is responsible for approving the Authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. Cabinet is also ultimately responsible for ensuring that proper insurance exists where appropriate.
- 5.4.2 The Chief Financial Officer is responsible for the Authority's risk management policy statement and for promoting it throughout the Council.
- 5.4.3 Chief Officers are responsible for maintaining risk registers in accordance with the Risk Management policy and framework, issued by the Council's Risk Manager. Chief Officers will regularly review the risks and advise the Council's Risk Manager appropriately of any material changes as they arise.
- 5.4.4 All managers are responsible for managing risk, including taking action to mitigate the occurrence of the risk, and for maintaining contingencies (including a business continuity plan) should the risk actually materialise. Managers will need to take into account the matrix rating of the risk and the costs of any mitigating action.
- 5.4.5 Risk Management and effective Corporate Governance require the management of all types of risk, financial and non-financial.
- 5.4.6 All risks should be identified on a 'likelihood / impact' matrix, where each is assessed in terms of having a low, medium or high likelihood and severity, by quantifying the financial impact where possible.
- 5.4.7 The Council has a whistleblowing scheme, which all staff should be made aware of by their Manager and actively encouraged to use when appropriate.

5.5 Insurances

- 5.5.1 The Chief Financial Officer shall effect and periodically review all insurance cover in consultation with other Chief Officers who shall provide such information as may be required.
- 5.5.2 Chief Officers shall promptly notify the Chief Financial Officer of all new risks and any alterations, terminations, loss or liabilities that affect existing insurances.

- 5.5.3 Chief Officers should also inform the Group Manager (Risk and Insurance) of any losses as soon as possible.
- 5.5.4 Chief Officers shall consult the Chief Financial Officer in respect of the terms of any indemnity which the Council is required to obtain or provide.

5.6 Security

- 5.6.1 Each Chief Officer is responsible for maintaining security at all times for all Council property, stocks, stores etc. under his/her control. He/she shall consult the Head of Audit in any case where security is thought to be defective or where special arrangements may be needed.
- 5.6.2 Maximum limits for cash holding shall be agreed with the Head of Audit and shall not be exceeded without express permission.
- 5.6.3 Keys to safes and other similar receptacles must be kept in a secure place or carried by a responsible person at all times. Any loss of keys must be reported to the Head of Audit as soon as possible.
- 5.6.4 Each Chief Officer will be responsible for the privacy and security of all information held or accessed by computer equipment within his/her department in accordance with Data Protection and Information Governance best practice. The Chief Financial Officer is the Council's Senior Information Risk Officer (SIRO) for the organisation and will ensure compliance with the Information Governance Statement of Compliance (IGSOCC).

5.7 Banking and Cash

- 5.7.1 Bank accounts may only be opened with the prior approval of the Chief Financial Officer. If this prior approval is not given, the Council's Bankers will report the matter to the Council and disciplinary action is probable.
- 5.7.2 Bank accounts may only be overdrawn with the prior approval of the Chief Financial Officer. Approval will be on an exceptional basis only. If this prior approval is not given, the Council's Bankers will report the matter to the Council and disciplinary action is probable.
- 5.7.3 The Chief Financial Officer must approve all banking and card acquiring arrangements across the Council.

5.8 Imprest Accounts and Petty Cash

- 5.8.1 In conjunction with corporate policy, the use of Purchasing Cards (P-cards) is to be used across the Council where possible in order to minimise the use of cash. The Oracle based i-expenses system is also to be used wherever possible by staff for the reimbursement of personal expenses incurred whilst undertaking Council business.
- 5.8.2 The Chief Financial Officer shall provide such Imprest Accounts as he/she considers appropriate. These are to be used on the few occasions when P-cards and i-Expenses are not possible.

- 5.8.3 There should be regular reimbursement of the petty cash up to an Imprest level, and the holder must ensure there is adequate physical security of the cash.
- 5.8.4 No income received on behalf of the Council may be paid into an Imprest Account but must be banked or paid into the Authority promptly, in accordance with these Rules.
- 5.8.5 Payments shall be limited to minor items of expenditure and such other specific payments as the Chief Financial Officer may approve and shall be supported by a receipt. This excludes the payment of salaries and wages. No individual item purchased on petty cash shall exceed £50 in value and the total of any petty cash transaction shall not exceed £100 without the Director's prior approval to individual payments or to specific areas of payment.
- 5.8.6 An employee responsible for an Imprest Account shall provide the Chief Financial Officer a certificate to the state of the account, annually and when otherwise required.
- 5.8.7 On leaving the employment of the Council, or otherwise ceasing to be entitled to hold an Imprest Account, an employee shall account to the Chief Financial Officer for the amount advanced to him/her. No Imprest account can be overdrawn.

5.9 BACS and Cheques

- 5.9.1 The Council's usual payment method is by BACS, and cheques should only be raised in exceptional circumstances, where there are documented reasons as to why BACS is not possible.
- 5.9.2 All cheques shall be ordered by the Chief Financial Officer, who shall make proper arrangements for their safe custody.
- 5.9.3 Cheques above financial limits set by the Chief Financial Officer shall be manually countersigned by delegated officers authorised to do so by the Chief Financial Officer. The current limits are £5,000.

5.10 Electronic Payments – CHAPS and Direct Debit

- 5.10.1 Where payments are to be transmitted electronically, the Chief Financial Officer shall approve the necessary arrangements made to safeguard the Council against losses. Requests for electronic transfers through the banking system must be made to the Corporate Finance (Treasury Management Team) in writing by an authorised signatory.
- 5.10.2 The Treasury Management team must be given advance warning when such transfers are required. As a general guide, five days' notice is required for all non-routine payments in excess of £50,000.
- 5.10.3 Payment by Direct Debit will only be made with the prior approval of the Chief Financial Officer, and must include any necessary action to safeguard against loss of VAT recovery.

5.11 Investments, Borrowing and Trust Funds

5.11.1 All investments and borrowings of money shall be under the control of the Chief Financial Officer and shall be made by him/her under arrangements approved by them in the name of the Council. These arrangements are detailed in the Council's Treasury Management Strategy Statement and its appendices.

5.11.2 All securities, the property of which are in the name of the Council or its nominees and the title deeds of all property and its ownership shall be held in the custody of the Council's Legal Service (or the Council's bankers, Custodian, Nominees or stockbrokers as appropriate).

5.11.3 The Council's custodian, with the approval of the Chief Financial Officer, shall be the Council's registrar of bonds, and shall transact and maintain records of all bond investments by the Council.

5.11.4 All trust funds shall wherever possible be in the name of the Council.

5.11.5 All employees acting as trustees by virtue of their official positions shall deposit all securities etc. relating to the trust with the Chief Financial Officer, unless the deed otherwise provides.

5.12 Stocks, Stores and Inventories

5.12.1 Each Chief Officer is responsible for keeping all accounts of stocks and stores within their Service.

5.12.2 Each Chief Officer shall arrange for the storekeeper to keep the necessary records, after consultation with the Chief Financial Officer.

5.12.3 Each Chief Officer shall arrange for a system of continuous stocktaking to ensure that all items are checked at least once every year.

5.12.4 Any discrepancy or surplus, obsolete or unusable stock at any depot or stores where the total variation or expected loss does not exceed £500 or 1% of the total value of stock held at that depot, whichever is the greater, shall be dealt with by the Chief Officer in consultation with the Chief Financial Officer. Where any variation or expected loss exceeds this amount a report must be submitted to the Cabinet.

5.12.5 Inventories shall be maintained by all departments in a form and with such details determined by the Chief Officer, and with the concurrence of the Chief Financial Officer.

5.12.6 Each Chief Officer shall be responsible for maintaining an annual check of all inventory items, and for taking appropriate action with regard to surpluses or deficiencies after consultation with the Chief Financial Officer.

5.12.7 Council property shall not be used for anything other than Council business without the prior approval of the responsible Chief Officer.

5.13 Leases

5.13.1 Each Chief Officer is responsible for the leases within their Service.

5.13.2 Leases need to be accounted for correctly in compliance with International Financial Reporting Standards (IFRS).

5.13.3 Where there has been an acquisition of a new lease or a change in an existing one, Chief Officers should liaise with the Corporate Finance in order to agree the appropriate action and treatment of the lease.

5.14 Write Off, Disposal of Assets and Debts

5.14.1 Write offs: If assets have been lost, stolen or damaged and the loss is not recoverable from insurance or other sources, they may be written off by the Chief Officers in conjunction with the Chief Financial Officer. Any write-off or disposal made without approval will be liable to disciplinary action.

5.14.2 Chief Officers may write off other non-repeating sums to the value of £2,000. Sums above this limit may be written off in agreement with the Chief Financial Officer.

5.14.3 Debts in relation to Revenues and Benefits may be written off in accordance with the debt write off strategy as agreed from time to time by the Cabinet. The most recent approval for this strategy was October 2011.

5.14.4 Write offs in excess of £2,000 will be reported to the Cabinet on a quarterly basis. These details will be in the public domain.

5.14.5 Disposals: Any asset of the Council deemed obsolete or surplus to requirements shall, where the residual value does not exceed £5,000, be disposed of by the Chief Officer in consultation with the Head of Audit. Where the residual value exceeds £5,000 a report shall be submitted to the Cabinet stating the reason for disposal and the recommended method of disposal. The Capital Finance team are also to be informed of the disposal, as it may affect the Fixed Asset Register.

5.14.6 Any proposals to sell or lease land/property, etc. at less than market value must follow the procedure as laid down in the “Land Acquisitions and Disposal Rules”, which requires full consultation and agreement on the financial implications as approved by the Chief Financial Officer.

5.14.7 All land sales ~~will be approved by the Cabinet and~~ should adhere to the ‘Land Acquisition and Disposal Rules’ within Chapter 4 of Part 4 of the Council’s Constitution.

Section 6: Treasury Management Framework

- 6.1 The Council adopts and adheres to the Key recommendations of the Revised CIPFA Treasury Management Code of Practice 2009, Cross-Sectoral Guidance Notes 2009 and Revised CIPFA Prudential Code
- 6.2 The Treasury Management Policy Statement (TMPS) shall be reviewed and maintained annually by the Assembly. This statement shall set out the policies and objectives of the Council's treasury management activities.
- 6.3 The Group Manager – Treasury and Pensions shall create and maintain suitable Treasury Management Practices (TMPs), which shall set out the manner in which the Council will seek to achieve the policies and objectives set by the Assembly.
- 6.4 The Chief Financial Officer shall report to the Assembly annually and at regular intervals on all treasury management policies, practices and activities including an annual strategy at the start of the year and annual report at year end.
- 6.5 The Chief Financial Officer will set Prudential Indicators for the forthcoming and following two financial years. The Chief Financial Officer will provide regular reports to the Cabinet and Assembly and report any breaches or amendments of the Code.
- 6.6 Prudential Indicators are reported annually via the TMSS before the start of the financial year.
- 6.7 There are a number of treasury indicators which previously formed part of the prudential code, but which are now more appropriately linked to the Revised Treasury Management Code and guidance. Local authorities are still required to "have regard" to these treasury indicators.
- 6.8 The key treasury indicators which are still part of the Prudential Code are:
 - Authorised limit for external debt
 - Operational boundary for external debt
 - Actual external debt
 - External Debt
- 6.9 In the medium term local authorities only have the power to borrow for capital purposes.
- 6.10 The authorised limit – This sets the maximum level of external borrowing on a gross basis (i.e. not net of investments) and is the statutory limit determined under Section 3 (1) of the Local Government Act 2003 (referred to in the legislation as Affordable Limit). This limit needs to be set or revised by Members.
- 6.11 The operational limit – This links directly to the Council's estimates of the Capital Financing Reserve (CFR) and estimates of other cash flow requirements. This indicator is based on the same estimates as the authorised

limits reflecting the most likely prudent but not worst case scenario but without the additional headroom included within the authorised limit for future known capital needs now. It should act as a monitor indicator to ensure the authorised limit is not breached.

6.12 The Chief Financial Officer shall ensure that all legislative amendments and changes in treasury or capital limits are approved by the Assembly.

6.13 The Chief Financial Officer will be responsible for adopting the changes outlined and compliance with any practices or limits.

Section 7: Financial Administration, Systems and Procedures

This section outlines the standards of financial administration, systems and procedures that must be followed to ensure that all employees have a clear understanding of their responsibilities in regards to:

1. Being clear on who is authorised to approve financial transactions;
2. Ensuring staff appointments are made in accordance with employment law, that salaries and wages are properly authorised, that the proper deductions are made (statutory and non-statutory) and all payments are properly recorded and correctly charged;
3. Ordering and paying for goods and services according to the Council's Contract Procedure Rules, securing value for money, paying only for what the Council receives and dealing with VAT properly;
4. Ensure the Council pays and accounts for tax correctly;
5. Ensuring all sources of income to the Council are identified, claimed and collected; and
6. Ensuring that a live and complete record of all Council transactions is maintained.

7.1 Approval Limits

7.1.1 The approval of contracts/ contractors should be carried out in accordance with the Council's Contract Rules, which form part of this constitution. This entails amongst other things that proposed contracts greater than £500,000 must be reported to Cabinet before any procurement process begins. Furthermore, the procurement of lower value contracts are subject to a series of procedures and controls as set out in the Contract Rules and the actual award of contracts is subject to approval being granted by one or more Chief Officers depending upon contract value.

7.1.2 The approval of all payments, (including purchase orders, invoice authorisations, termination payments) should be carried out within each service in accordance with the Council's internal financial scheme of delegation.

7.2 Human Resources and Payroll – Payments to Employees and Members

- 7.2.1 The Chief Financial Officer is responsible for the payment of all salaries, wages and pensions, compensation and other emoluments due to current or former employees of the Council, and to Members. Each Chief Officer shall notify the Council's Transactional HR service as soon as possible, of all matters affecting the payment of such emoluments i.e. appointments, resignations, absences from duty etc.
- 7.2.2 The names of employees authorised to sign any documents affecting pay shall be sent to the Chief Financial Officer and/or partners (i.e. Elevate), as required, by each Chief Officer together with specimen signatures and shall be amended on the occasion of any change. The Chief Officer must sign this notification.
- 7.2.3 Payments should be paid directly into employees' / councillors' bank accounts on the specified pay date and should only be paid to the person concerned, unless otherwise authorised.
- 7.2.4 All payments made shall be in accordance with established pay grades and rates of pay.

7.3 Ordering and Paying for Goods and Services

- 7.3.1 All staff and managers are required to ensure that the most appropriate method of payment is used for each item of expenditure (excluding employee's salary payments) as follows:
1. i-Expenses – used to reimburse staff for expenses incurred in the course of their work for example travelling and subsistence, eye tests, glasses (towards the cost of single vision / bi-focal lenses) and medical certificates.

The usage of the automated i-expenses system will have authorisation levels decreed by the Organisational hierarchy up to a maximum claim value of £250. Where claims are made in excess of this value, they will not be automatically paid once approved by an appropriate officer but will be subject to further investigation by the Accounts Payable Manager or designated representative, prior to the release of payment.

The Chief Executive and Chief Officers will self-approve their expenses and provide a monthly report to the Chief Financial Officer.

2. Purchase Card – used to pay for low value, high volume goods or services such as advanced booking of accommodation and travel expenses, books and periodicals.
3. Purchase Order – all other expenditure that cannot be purchased using i-expenses and purchase card.
There may be occasions, in cases of emergency, when verbal orders are placed, but these must be the exception rather than the rule and always confirmed by the issue of an authorised official order. Any verbal orders

must be retrospectively raised on Oracle i-Procurement as a confirmation order to comply with the Councils “no PO no pay” policy.

Under no circumstances may individual employees use the Council’s ordering or payment systems for personal use or benefit.

Failure to comply with these rules constitutes gross misconduct and may be followed by disciplinary action as appropriate.

- 7.3.2 Payments must be in accordance with the Contract Procedure Rules and the Financial Scheme of Delegation set out within the constitution, in respect of financial limits and Cabinet approval, tendering for contracts, contract extensions and variation orders, and the use of approved supplier lists.
- 7.3.3 Chief Officers or Directors must designate specific employees who are authorised to place and approve orders on their behalf and must operate procedures which secure value for money in accordance with Contract Procedure Rules. The procedures must also be properly recorded, communicated to staff, and regularly monitored.
- 7.3.4 The Council operates an automated purchase to pay process and a requisition must be raised using Oracle i-procurement in order for a purchase order to be generated. The requisition raised is sent to an Approver with authorisation rights determined by the requisition amount and the project being charged.

The approvers for capital (programme) purchases are defined and agreed as part of the Capital Programme approval process. Before spending can commence on capital programmes, the delegated authority form, which approves the award of the contract to a named Contractor, must be completed and signed off by the appropriate Chief Officer, the Procurement Manager and Chief Financial Officer. Only then should a purchase requisition be raised on Oracle i-Procurement.

Currently, i-Procurement requisition authorisation levels are set as follows:

Band	Positions	Limits
Revenue Expenditure		
A	Any	£200
B	Team Leader	£10,000
C	Group Manager	£50,000
D	Nominated Manager (Commissioning)	£100,000
E	Director	£500,000
F	Chief Officers / Chief Financial Officer	Unlimited

Capital Programme		
A	Project Manager	Up to - £50,000
B	Programme Manager (Group Manager / Director)	£5,000,000
C	Project Sponsor (Chief Officer / Chief Financial Officer)	Above £5,000,000

There may be occasions where these authorisation levels may not be practical, but as these must be the exception rather than the rule, the Chief Officer will be required to submit a business case for approval by the Chief Financial Officer.

It is noted that:

- There must always be full compliance with the relevant Contract Rules requirements. In particular, a report must be produced on Procurement Strategy for any contract above £50,000; and
- This must be considered by the Procurement Board if it is over £100,000.
- Any Procurement over £500,000 requires Cabinet approval.
- Expenditure funded by the Public Health Grant and Social Care budgets can be approved by either Cabinet or the Health and Wellbeing Board. Chief Officers shall determine which is the more appropriate body to make the decision for the particular procurement.
- Chief Officers may, subject to Rules 5.1 (d) and 6.6 (f) of the Contract Rules, exempt Personalised Contracts from the full tendering requirements of the Contract Rules. Officers must however ensure that the requirements of Section B are adhered to (refer to Contract Rules 5.1 and 6.6 for further details).

All Capital Projects require review and approval by the Options Appraisal Group. This Group will be chaired by the Chief Financial Officer or his nominee. Also, before spending can commence on capital programmes, the delegated authority form, which approves the award of the contract to a named Contractor, must be completed and signed off by the appropriate Chief Officer, the Procurement Manager and Chief Financial Officer. Only then can a purchase requisition be raised on i-procurement.

Any changes in authorised personnel must be notified immediately to Corporate Finance and Elevate.

- 7.3.5 In order to protect individual employees and also minimise the risk of losses through misappropriation or fraud, duties must be arranged to avoid the same member of staff having authority to place orders, receive and pay for goods without the involvement of others. Where limited staff resources make this difficult to achieve, the advice of Internal Audit must be sought regarding compensating controls.

- 7.3.6 When receiving goods or services, checks must immediately be made by the requisitioner / buyer to ensure that:
1. The goods or services are in accordance with the order placed;
 2. Any faults or deficiencies are reported to the supplier and remedial action taken;
 3. Where necessary, inventories or stock records have been updated;
 4. Goods delivered are placed in the safe custody of their authorised recipient; and
 5. Goods and services are 'receipted' on Oracle i-Procurement.
- 7.3.7 Payment must only be made on the satisfactory completion of the order placed. Any proposal to pay in advance of receiving the goods or services must, therefore, be first authorised by the Chief Financial Officer.
- 7.3.8 Chief Officers will ensure to the satisfaction of the Chief Financial Officer that procedures and documentation are in place:
1. To verify that expenditure has been properly incurred, and accurate and timely payments are being made (i.e. within 30 days of the invoice being received by the Authority). Where supplier deadlines for payments are specified and they are shorter than 30 days, and especially where early payment discounts are offered, then these timescales should be met where possible;
 2. To verify that the goods, services, or works in question have been received or carried out, and are to the quality expected. Goods and services must be ordered through Oracle i-Procurement and 'goods receipted' upon delivery;
 3. To ensure there is adequate provision in the Budget;
 4. To avoid duplicate payments; and
 5. Incorrect invoices will not be amended but returned to the supplier.
- 7.3.9 Where items of expenditure cannot be commissioned through the raising of an Oracle i-Procurement purchase order, the creditor invoices or requisitions must be certified for payment by the responsible budget officer or designated representative. The names of such authorised employees and specimen signatures shall be authorised by the respective Director and passed to the Chief Financial Officer.
- 7.3.10 The Chief Financial Officer may require, where necessary, evidence that appropriate checks have been undertaken before payment.
- 7.3.11 Construction Industry Scheme (CIS): When ordering services such as painting, decorating, plumbing or any other general building works deemed to

be within the scope of the scheme, Budget Managers must observe the regulations stipulated by Her Majesty's Revenue and Customs (HMRC). The scheme requires that the Council acts as agent to the HMRC, deducting Income Tax where appropriate. Any enquiries should be referred to the Accounts Payable Manager who will liaise with the HMRC as necessary.

7.4 Taxation and VAT

7.4.1 The Chief Financial Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. He / she is also responsible for advising Chief Officers on all taxation issues that affect the Authority.

7.4.2 The Payment Team must ensure that VAT is checked when paying invoices to ensure that:

1. Transactions where no VAT is paid are correctly identified as Zero Rated, Exempt or Outside the Scope; and
2. There is a valid tax invoice and the VAT is correctly calculated.

7.4.3 Delegated budget holders must ensure that tax is correctly charged on income due to the Council.

7.4.4 Corporate Finance Service is to provide a corporate resource that will advise on VAT implications across the Council. Where more technical advice is required departments will be required to fund the cost of that advice.

7.5 Income Accounts and Debtors

7.5.1 Chief Officers must ensure that accounts are rendered promptly for the recovery of all income due. Elevate East London (EEL) will raise all accounts as requested by Chief Officers, who will provide details of goods supplied or services / works rendered.

7.5.2 All money received by an employee on behalf of the Council shall be paid to the Chief Financial Officer, or as he/she may direct, to the Council's bank account. All cash received on behalf of the Council shall be receipted. No deduction may be made from such money without the Chief Financial Officer's authority.

7.5.3 Each employee who banks money shall enter on the paying-in slip the name of his/her department, office or establishment and, where payment is made by cheque, a reference to the related debt (such as the receipt number or the name of the debtor) or otherwise to indicate the origin of the debt, on the reverse of each cheque.

7.5.4 Every transfer of the Council's money from one employee to another will be evidenced in the records of the department concerned by the signature of the receiving employee.

7.6 Accounting Systems and Processes

- 7.6.1 The Chief Financial Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records.
- 7.6.2 Chief Officers are responsible for the proper operation of financial processes in their own departments.
- 7.6.3 Any changes made by Chief Officers to the existing financial systems, proposals to introduce new processes or the establishment of new systems (including IT systems) must be agreed in advance by the Chief Financial Officer. Internal Audit must be informed of and involved as appropriate in all changes to systems of internal control before they happen in order that advice can be provided.
- 7.6.4 Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Each must also ensure that their staff are aware of their responsibilities under Freedom of Information legislation.
- 7.6.4 Delegated budget holders in conjunction with the Directorate Finance Managers must ensure that all financial transactions are accounted for in a timely manner in the accounting system using an appropriate code, which properly records the nature of the income or expenditure. All accounting transactions and financial statements produced must conform to the latest legislation and best accounting practices.
- 7.6.5 Delegated budget holders must ensure that all income and expenditure is accounted for separately and not set off, one against the other. Capital expenditure must be accounted for separately from revenue expenditure.
- 7.6.6 Delegated budget holders must only use their own designated accounting codes unless written authority has been given by another delegated budget holder or Chief Financial Officer.
- 7.6.7 The Chief Financial Officer, in conjunction with the delegated budget holders will maintain a definitive list of accounting codes to be used by all departments, which must be reviewed and updated regularly.
- 7.6.8 It is the responsibility of the relevant Group Finance Manager to ensure that Control and Suspense accounts are reconciled monthly. A monthly reconciliation must be done for all bank accounts, to prove the correctness of the bank balance and to confirm that all transactions have been processed into the Council's accounts.
- 7.6.9 Journal transfers approved by Group Finance Managers must be used to make accounting adjustments and must show the full details of the transaction and reference to source documents.

7.7 Records and Procedures

- 7.7.1 Chief Officers shall keep such records and adopt such procedures as, in the opinion of the Chief Financial Officer, are necessary to record correctly all financial operations of his/her department and to ensure accuracy and proper recovery of all sums due to the Council.
- 7.7.2 An effective system should be established for the examination and checking of accounts and cash transactions so that, as far as practicable:
1. The provision of such examination and checking of accounts and cash transactions shall be separated from the duties of collecting and disbursing monies;
 2. Officers examining and checking accounts and cash transactions shall not themselves be involved in any of these transactions;
 3. Where the principles set out above are not practicable the appropriate Chief Officer and the Chief Financial Officer shall be advised;
 4. All arrangements with the Council Bankers, including the opening of new bank accounts, shall be determined by the Chief Financial Officer; and.
 5. All bank accounts will be fully reconciled as at 31 March each year.

7.8 Trading Accounts

The Chief Financial Officer is responsible for advising on the establishment and operation of trading accounts and business units.

Section 8: External Arrangements

8.1 Joint Venture

- 8.1.1 Cabinet is responsible for approving delegations, including frameworks for partnerships. Cabinet can delegate functions relating to partnerships to officers, but where functions are delegated, Cabinet remains accountable for them to the Assembly.
- 8.1.2 The Chief Executive as Head of the Paid Service represents the authority in the Elevate Joint Venture.
- 8.1.3 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in the Elevate Joint Venture that apply throughout the Authority.
- 8.1.4 The Chief Financial Officer must ensure that the accounting arrangements to be adopted relating to the Elevate Joint Venture are satisfactory. He or she must also consider the overall corporate governance arrangements and legal

issues associated with contractual arrangements entered into. He or she must ensure that the risks have been fully appraised before agreements are entered in to.

- 8.1.5 Chief Officers and staff with a client role in respect of the Elevate Joint Venture must monitor outputs and service levels to ensure that these are in line with the agreed standards.

8.2 External Funding

- 8.2.1 External funding covers bids to Government and other organisations that are offering funding for projects that meet certain criteria, as well as contributions from organisations and individuals (public or private).
- 8.2.2 Chief Officers are ultimately responsible for the external funding within their service, including exploring feasible options and proposals to maximise its availability to the Council and ensuring it is received and properly recorded.
- 8.2.3 Chief Officers must provide the Chief Financial Officer, or nominated deputy, with details of all bids for external funding. This should also include details of any matched funding; whether it is revenue or capital; and any future/ongoing revenue implications.
- 8.2.4 Chief Officers / delegated budget holders must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed, unless approval has been given by the Chief Financial Officer.
- 8.2.5 Chief Officers / delegated budget holders must ensure that monies are received from the funding body, and where possible this should be before any planned financial commitments are entered into by the Council. Chief Officers / Directors must also advise the Chief Financial Officer of all grant and subsidy notifications as soon as they are received.
- 8.2.6 Chief Officers / delegated budget holders are also responsible for ensuring that all conditions associated with external funding are met, and that all appropriate information and evidence required to complete grant/subsidy claims is provided on time.
- 8.2.7 Where the external funding notified is higher than the budget, the surplus amount should be returned to the central contingency unless regulations specify restrictions on its use, in which case it should be used to offset other uncontrollable pressures within the service. Where the funding is less than the budget, the Chief Officers / Director should notify the Chief Financial Officer of options for containing the potential overspend.
- 8.2.8 Some services may be funded (wholly or partly) through time-limited external funding. When the possibility of expenditure / commitments slipping past the funding deadline is forecast, the responsible Chief Officers / Director / delegated budget holder should notify the Chief Financial Officer immediately and provide options for reducing expenditure and/or identifying alternative funding. Where there is a risk of external funding being reduced or stopped,

budget managers should have an exit strategy in place, which will prevent any impact on other internal Council budgets.

8.3 Work for Third Parties

The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies.

APPENDIX A

INTERPRETATION

- A.1 Any reference to an Act of Parliament, Regulation or other legislation shall include a reference to that legislation as amended, applied, consolidated or re-enacted by virtue of any subsequent legislation.
- A.2 Any reference to 'Chief Officer' shall also include their nominated deputies.
- A.3 The expression 'The Chief Financial Officer' is sometimes also known as the Council's 'Section 151 Officer.'
- A.4 Any reference to the 'Chief Financial Officer' shall include their nominated Deputy.
- A.5 The 'Assembly' means the Council acting as or through the Assembly and includes any person or body to which the Assembly delegates functions.
- A.6 The 'Council' means the London Borough of Barking and Dagenham.
- A.7 The expression 'Cabinet' includes any person or body to which the Cabinet delegates executive functions.
- A.8 'Value' shall mean, where known, the precise value or, where not known, the estimated value, of the works, services, goods or materials that will be payable by the Council over the entire contract period (including any extension period). Where the anticipated value is near the turning point between two classifications, the value of the contract shall be treated as if it were in the higher classification.
- A.9 'Partnership' means public sector partnerships in which the Council participates as a constituent participant or lead authority within a separate organisation.
- A.10 The term 'contract' shall include all the contracts, agreements and orders for the carrying out of work, the provision of services and the supply of goods or materials to, for, or by the Council, by the purchase, lease, rental or hire purchase, including the provision of services to the public on the Council's land or premises. It shall not include contracts for the employment of staff, or for the sale, purchase, lease or licence of land or buildings.
- A.11 These Rules are to be interpreted subject to United Kingdom and European Union legislation, regulations, orders and directives. EU Procurement legislation in particular prohibits discrimination on grounds of national standards or in support of the promotion of local economic interests. These EU Treaty provisions apply to all contracts including those below the EU Public Procurement thresholds.
- A.12 Chief Officers will refer to the Chief Executive any questions relating to the interpretation of the Rules.
- A.13 These Rules should be applied in accordance with the Code of Practice.

Part 4 – Rules

Chapter 4 – Land Acquisition and Disposal Rules

(Note: These Land Acquisition and Disposal Rules are subject to a full review to be undertaken by the Chief Operating Officer in consultation with the Cabinet Member for Finance, Growth and Investment, following the Cabinet’s consideration of the Corporate Asset Management Strategy in summer 2018. In the meantime, any references to the Property Advisory Group (PAG) in this document shall also refer to any interim, alternative arrangements that the Chief Financial Officer may implement).

1. Application

1.1 The Rules apply to all relevant land acquisitions and disposals except:

- (i) where any provision is waived by the Cabinet by urgent action under paragraph 4, Chapter 16, Part 2 of the Constitution). The reason for any such waiver shall be set out in the appropriate minutes of the Cabinet; or
- (ii) when the disposal of an interest in property results from statute and the Council cannot resist the disposal, e.g. the property being acquired by Compulsory Purchase Order, by an Academy in accordance with the statutory framework in the Academies Act 2010 or a lessee operating their rights under the leasehold enfranchisement legislation.

1.2 References to land in the Rules include any property constructed on land or land itself. The terms "acquisition" and "disposal" apply to any relevant interest in land, including freehold, leasehold, tenancies, licences, restrictive covenants, wayleaves, easements, options, etc. The sale of Council owned housing stock held in the Housing Revenue Account and disposed of under the provisions of Part V of the Housing Act 1985 is excluded from these rules.

1.3 Reference to a Service Division or Section shall be to the relevant Divisional Director/Head of Service or Group Manager or to a person properly authorised to act on their behalf.

1.4 The Rules shall not apply to Be First, a limited company wholly owned by the Council but operating independently, which shall be responsible for ensuring that its own land and acquisition arrangements are robust, achieve best value and are legally compliant.

1.5 The Rules shall not apply to land or property investments, disposals and acquisition decisions to be taken to implement the Council’s Investment and Acquisitions Strategy. The Investment Panel will advise and make recommendations on individual decisions either to the Chief Operating Officer (to the extent of the delegated powers available), or the Cabinet (where the matter is the Cabinet’s responsibility). The Investment Panel will be guided by the principles and advice set out in these Rules.

2. Control by the Cabinet

2.1 All strategic decisions about the use, acquisition and disposal of land and property assets is within the remit of the Cabinet. Formulation of strategic decisions is overseen by the Property Advisory Group (PAG) and the Cabinet.

The allocation of space in corporate buildings is initially considered by the Asset Management Group and, if appropriate, referred to the appropriate Accommodation Group and then on to the Corporate Management Team (CMT). Any disposals as a result of statute and those that the Council cannot legally resist will be an exception to the procedure, in which case the Chief Financial Officer is authorised to progress the disposal.

- 2.2 The disposal of all property either long-lease (over 20 years) or by the sale of the freehold, or land swap must be approved by the Cabinet. This provision does not affect the delegation to Chief Officers to dispose of minor interests in land up to the value specified in the Financial Rules (Part 4, Chapter 2, paragraph 5.14.5 of the Constitution).
- 2.3 The decision to dispose of surplus or under utilised property must be made in accordance with the Council's Disposal Protocol. An appraisal for retention / disposal must be compiled and considered by PAG.
- 2.4 The decision to enter into leases for periods of up to 20 years for land and property assets with a capital value of less than £2m together with any tenancies, licences, restrictive covenants, wayleaves, easements, options, etc. is delegated to the Chief Financial Officer. For the avoidance of doubt, if the lease is for part of a land holding or property the capital value is the value of the whole asset and not just the area being leased.

3. Employee Responsibilities

- 3.1 In order to provide clarity and certainty, any proposals to acquire, dispose or change the use of land shall be assessed by the Chief Financial Officer on behalf of the Council as landlord. The Chief Financial Officer shall act as a clearing-house for such policies before they are finally determined and implemented.
- 3.2 Property Services are responsible for professional advice to the Council on valuation and land matters, and for supplying or procuring valuation services to implement land sales, purchases or changes of use. These services may include surveying, security, ground investigations, valuation and negotiation. No other section shall initiate these activities, nor make any contact with another party during active negotiations, in relation to a land transaction, except under procedures agreed with Property Services.
- 3.3 Where the Council's objectives for land are initiated by a service other than Property Services, the responsible employee must afford Property Services the opportunity to consider and comment on the proposal, and to contribute to any relevant report to the Cabinet. All reports which alter the Council's objectives for land and property shall be reported to the Cabinet prior to adoption.
- 3.4 All services / Corporate Directors have a duty to ensure the efficient and cost effective use of land they occupy or manage. Where Services have identified objectives involving the use of surplus or under utilised land and buildings Directors shall raise the issue with Property Services. Property Services will then be responsible for implementing the agreed action in consultation with CMT and other relevant officers and subject to Cabinet approval where relevant.

- 3.5 Where land is to be acquired to facilitate a non-Council development this will normally be to meet agreed planning policies. The acquisition or disposal shall be managed and negotiated by Property Services. All decisions as to disposal and acquisition are to be taken in accordance with the Scheme of Delegation. The provision of finance for land acquisitions is subject to the Council's Capital Programme procedures.
- 3.6 For the purposes of clarity the decision related to Compulsory Purchase Orders is reserved to the Cabinet, however, the process required for compulsory purchase order(s), shall be managed by the appropriate Service. The agreement of the level of compensation shall be negotiated by Property Services.
- 3.7 The Commission for Local Administration advises that where the Council's Valuer considers that a proposed disposal is not in the best interests of the Council having regard to the state of the market, the condition of the property and its realisable or anticipated potential, the effects of disposal on retained property, or for any other reason, this should be made clear in a report to the Cabinet giving the reasons in full.
- 3.8 Property Services will ensure that appropriate Service Divisions are kept informed of progress and consulted on all major stages of land transactions, including any proposal to report under paragraph 3.7 above.
- 3.9 Property Services are responsible for compliance with statutory requirements in land transactions, and for securing the most advantageous consideration (both in monetary and non-monetary terms) commensurate with achieving corporate objectives, in any transaction.
- 3.10 The co-ordination of advice on corporate policy for land and buildings shall be guided by PAG and, if necessary, referred to CMT to obtain approval to proceed to the Cabinet.
- 3.11 Services proposing the release of the operational land of any service as surplus to requirements, must give adequate notice to Property Services and shall identify adequate budgetary provision for the interim management of the surplus land, pending decision as to its future use. On agreement of the appropriate budget and the transfer of the budget to Property Services, Property Services will be responsible for the future management of the vacant property until it is sold or redeveloped. If the Service Division and the Group Manager with corporate property and asset responsibilities cannot agree the budgetary provision necessary to manage the property, the matter shall be referred to the Chief Financial Officer for final determination.

4. Statutory Responsibilities

- 4.1 On disposal of land, the Council may not sell at a consideration less than the best that can reasonably be obtained. The exceptions to this general principle are in relation disposal on short leasehold interest (leases for less than seven years), disposal in accordance with the General Disposal Consent (2003) or with the specific approval of the Secretary of State/ Minister for the Department of Communities and Local Government. The approved process for this is that an Appraisal at Undervalue must be completed and considered by the PAG and if supported referred to the Cabinet for consent.

- 4.2 The price payable by the Council on the acquisition of land is not so closely prescribed by statute. However, the Council is bound by its overall fiduciary duties, and would be acting unlawfully if it did not have clear and supportable reasons for purchases above market value.
- 4.3 Property Services are responsible, on advice from Legal Services where appropriate, for ensuring that the Council's statutory obligations regarding the price to be paid or received for land transactions are met, and for ensuring the validity of any valuation advice received from private sector contractors.
- 4.4 Terms for a transaction shall not be finalised unless supported by a current written recommendation from an appropriately qualified valuation surveyor. The recommendation relied upon and any relevant supporting information shall be deposited and retained in the Property Services transaction file.

5. Land Disposal Procedures

- 5.1 The method used to dispose of land shall be the most effective method to secure the best terms reasonably available, as determined by Property Services.
- 5.2 Where land is to be disposed of by:
- Auction - a current written valuation shall be obtained, and the sale shall be subject to a reserve price of not less than that valuation;
 - Public Tender - the Council's Contracts Rules relating to tenders for contracts shall apply subject to any necessary adaptation approved by the Chief Financial Officer to meet the requirements of a land disposal (tenderers shall be provided with information about any criteria to be used in evaluating the bids).
- 5.3 Land may also be disposed of by informal tender, or competition, including where specific prospective purchasers are invited to tender. In this case the application of the Contracts Rules will not be appropriate, but participants shall be informed in advance of the procedures and the criteria for assessing proposals on a like for like basis.
- 5.4 Disposal by private treaty (negotiation) may be appropriate in order to respond to development proposals from the private sector, where disposal is to a 'special purchaser' (a purchaser with an interest in an adjoining property or with an inferior or superior interest in the property) or where the end use for the land is of importance to Council policy. However, it is a disadvantage that this method is less capable than others of demonstrating fairness, and that the best price reasonably obtainable has been secured (particularly if negotiations are restricted to a single party). This method must, therefore, be used with caution, and the progress of negotiations shall be recorded in writing and retained on the disposal file in Property Services.

6. General

- 6.1 The Disposal Protocol (approved by the Cabinet, Minute 37, 17 July 2007) shall be complied with as the corporate process for disposals.

- 6.2 Any proposal to buy land for a value greater than or to sell land for a price less than Market Value will require specific authorisation in line with the corporate procedure (as agreed by Cabinet, Minute 322, 8 March 2005).
- 6.3 The procedure approved by the Cabinet for disposal at undervalue is:
- Any proposals to sell or lease at undervalue (whether or not the Secretary of State's consent may be required) should be considered initially by the PAG as an appraisal panel. The recommendations and reasons will be reported to the Cabinet when seeking the necessary consent for disposal of a particular property at undervalue if it is supported by the PAG.
 - The report for making the proposal for a disposal shall be submitted to the PAG and must include the following information:
 - (i) A valuation report undertaken by a valuer who is a member of the Royal Institution of Chartered Surveyors (RICS) setting out the restricted and unrestricted values of the property.
 - (ii) A proposal by the sponsor of the capital value of the proposal to the Council and those benefits of the proposal which are capable of monetary assessment (e.g. operational savings, income generation, levering in additional financial resources etc) together with an assessment with supporting evidence of the value of non-monetary benefits (crime reduction, health improvements, social benefits to the community).
 - (iii) A statement from the sponsor showing how the disposal at undervalue will contribute to agreed Council and Community Priorities and will not adversely affect other priorities and a clear statement showing where and how the scheme fits within service priorities (as they may be required to cover the shortfall of the receipt from their own capital funds).
 - (iv) A clear statement from the sponsor that the benefits can not be achieved unless the scheme proceeds at undervalue and confirm that no alternative means of funding is available.
 - (v) Confirmation from the Director of Law and Governance that the proposal falls within the terms of the revised General Disposal Consent.
 - (vi) A full and detailed financial assessment of the impact of disposing of the asset on both the existing Capital Programme and the Council's Medium Term Financial Strategy provided by the Chief Financial Officer.
- 6.4 The Sponsor, following the appraisal by PAG, would refer the matter to CMT for recommendation to the Cabinet for a decision.

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Part 2 – The Articles

Chapter 7 – The Health and Wellbeing Board

1. Role and Legal Status

- 1.1 The Health and Wellbeing Board is established under Section 194 of the Health and Social Care Act 2012. The political balance requirements of Section 15 of the Local Government and Housing Act 1989 do not apply when determining membership.
- 1.2 The Act specifies that the Health and Wellbeing Board is to be treated as an executive committee under Section 102 of the Local Government Act 1972. However, regulations have disapplied or modified some of the enactments relating to Section 102 committees, as they apply to Health and Wellbeing Boards.
- 1.3 The primary duty of the Health and Wellbeing Board is to encourage those who arrange for the provision of health or social care services to work in an integrated manner. This is further extended to include encouraging integrated working with those who arrange for the provision of health-related services (defined as services that may have an effect on the health of individuals but are not health services or social care services).
- 1.4 When the Council enters into joint arrangements with National Health Service bodies, it does so under Section 75 of the National Health Service Act 2006. The Health and Wellbeing Board must also provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of such joint arrangements.
- 1.5 The Health and Wellbeing Board should also ensure the development, authorisation and publication of a Joint Strategic Needs Assessment and Health and Wellbeing Strategy, with joint involvement and authority of the Council and the Clinical Commissioning Group. Section 116B of the Local Government and Public Involvement in Health Act 2007 then places a duty on the Council, the Clinical Commissioning Group and the National Health Service Clinical Commissioning Board (where it is relevant) to have regard to these documents when exercising its functions.

2. Membership

- 2.1 Membership of the Board is set out below. Members of the Board prescribed in the Health and Social Care Act 2012 are appointed by virtue of the position they hold and are marked * below. Additional members are appointed by the Assembly.
 - Cabinet Member for Social Care & Health Integration, Chair *
 - The Strategic Director of Service Development and Integration * (as both the Director of Adult Social Services and the Director of Children's Services)
 - Four other Cabinet Members, to be appointed by the Leader of the Council (the representation shall revert to three other Cabinet Members in the event of the statutory Director of Adult Social Services and the Director of Children's Services posts being held by separate officers)
 - The Director of Public Health *

- A member appointed by local Healthwatch *
- Chair of the Clinical Commissioning Group *
- Further Board-level GP appointment from the Clinical Commissioning Group
- Accountable Officer for the Clinical Commissioning Group
- Executive Director level appointment from Barking, Havering & Redbridge University Hospitals NHS Trust
- Executive Director level appointment from North East London Foundation NHS Trust
- Borough Commander, Metropolitan Police Service

The Act requires that one councillor and one Clinical Commissioning Group representative are appointed to the Board; the identification of specific posts, as outlined above, is a local decision.

- 2.2 In addition, a representative of the NHS National Commissioning Board is entitled to attend to participate in discussions, and can be required to attend by the Board. Invitations will be sent to them as standard. They will not be a voting member of the Board.
- 2.3 In accordance with the 'Protocol Outlining Barking and Dagenham Safeguarding Partnership Arrangements' adopted by the Health and Wellbeing Board (Minute 58, October 2014), the Chair of the Barking and Dagenham Safeguarding Adults Board and the Chair of the Barking and Dagenham Safeguarding Children Board shall have a standing invited guest status on the Board. In order to maintain the Safeguarding Chairs' independence, they shall not be Members of the Board.
- 2.4 Upon establishment, the Act provides the power to the Health and Wellbeing Board to amend its membership. Such amendments will be reported to the next meeting of the Assembly. On approval of Assembly, the Council may appoint further members to the Health and Wellbeing Board, but must have consulted the Board prior to making the appointments.
- 2.5 All Members of the Health and Wellbeing Board outlined in this section, including those who are not Members of the Council, have a vote at Board meetings in line with the procedures set out in Article 1.
- 2.6 Those Members who are not Councillors and have a vote are co-opted Members for the purposes of the Localism Act 2011 and are bound by the Councillors' Code of Conduct and the requirement to declare any disclosable pecuniary interests.
- 2.7 Amendments to the membership of the Board determined by the Health and Wellbeing Board will require a 75% majority of members present and voting.
- 2.8 The Health and Social Care Act 2012 requires the Council to consult the Board when varying its membership. Where the Council, through resolution of Assembly, seeks to amend the membership of the Health and Wellbeing Board, a discussion of the proposal will be scheduled at the Health and Wellbeing Board, with the views of the Board recorded in its minutes and reported to Assembly.

3. Quorum

3.1 Five members of the Board, one of whom must be a Councillor.

4. Chair and Deputy Chair

4.1 The Cabinet Member for Social Care & Health Integration shall be the Chair of the Board, as nominated by the Leader of the Council.

4.2 The Deputy Chair shall be appointed from amongst the membership at the first meeting of the municipal year.

5. Responsibility for Functions

5.1 The Health and Wellbeing Board has responsibility for the following functions:

- (i) To promote and advance the health and wellbeing of the people of Barking and Dagenham, and work to secure improvements in the health, social care and health-related services available to them.
- (ii) To encourage all agencies who arrange the provision of health and social care services, or who provide those services, to do so in an integrated manner.
- (iii) To encourage and support the making of arrangements under Section 75 of the National Health Service Act 2006 for the joint commissioning and provision of health and social care services between relevant bodies. To authorise the signing of those agreements on behalf of the Council, where the resources have already been allocated by Cabinet or Assembly for the purposes described in the agreement.
- (iv) In order to facilitate the widest view of health and wellbeing, to work with those agencies who provide, or arrange provision of, health-related services (being those services that are not directly health services, but which may impact on health, to include housing, environmental services and education, amongst others.)
- (v) To approve the Joint Strategic Needs Assessment on behalf of the Council and to authorise its publication on behalf of the Council and partnership.
- (vi) To approve the Health and Wellbeing Strategy on behalf of the Council and to authorise its publication on behalf of the Council and partnership, and to receive reports on performance and work with responsible agencies to ensure delivery of the Strategy.
- (vii) To ensure that the commissioning and policy priorities of the member agencies of the Board, in particular the Council and the Clinical Commissioning Group, have due regard to the Health and Wellbeing Strategy, the Joint Strategic Needs Assessment and prior decisions of the Board.
- (viii) To approve the Council's tender documents for the provision of local Healthwatch and to receive reports on its performance as deemed appropriate.
- (ix) To approve contracts as delegated to Cabinet where the funding streams are principally the Public Health Grant or from within social care budgets,

as determined by the relevant Chief Officer in consultation with the relevant Cabinet Member(s), to include the Chair of the Health and Wellbeing Board.

- (x) To approve the Council's Local Account for Adult Social Care, and any related annual reports to the local community on performance.
- (xi) To report annually to Assembly on progress against established priorities and objectives and on the discharge of these terms of reference.

6. Accountability

- 6.1 The Health and Wellbeing Board is accountable to the Assembly and the Board will report to the Assembly on matters requiring the latter's approval.
- 6.2 As an executive committee of the Council that includes representatives of partner agencies, the Health and Wellbeing Board will also provide such reports as are required to ensure that partnership activity on health and wellbeing is adequately accounted for.

7. Decisions and Minutes

- 7.1 Details of decisions made by the Health and Wellbeing Board shall be circulated within two working days of the meeting in order to facilitate the call-in process detailed in Part 2, Chapter 8 of the Constitution. Any key decision called in with respect to the Health and Wellbeing Board will ~~principally~~ be referred to the ~~Health and Adult Services Select Committee~~ [Overview and Scrutiny Committee](#). ~~Health Scrutiny Committee~~.
- 7.2 The minutes of meetings shall be published in draft form on the Council's website as soon as practicable after the meeting.

Part 2 - The Articles

Chapter 8 – Overview and Scrutiny Committee and Call-in

1. Status, Membership, Quorum and Meeting Frequency

- 1.1 The Overview and Scrutiny Committee is a committee established under Section 21 of the Local Government Act 2000, as amended by the Localism Act 2011.
- 1.2 The membership of the Committee shall be 10 Councillors and the quorum shall be three.
- 1.3 The Assembly shall appoint the membership, including the Chair and Deputy Chair, at its Annual Meeting. Political balance requirements of Section 15 of the Local Government and Housing Act 1989 apply when determining membership.
- 1.4 The Assembly shall also appoint four Co-opted Members to the Overview and Scrutiny Committee, representing the bodies listed below, to scrutinise education matters only. The Co-opted Members shall have voting rights in respect of educational matters, and non-voting in respect of all other matters:
- i) One Church of England Diocesan Board of Schools representative;
 - ii) One Roman Catholic ~~Westminster~~ Brentwood Diocesan Schools Commission representative;
 - iii) One secondary school parent governor representative;
 - iv) One primary school parent governor representative.
- 1.5 The Committee may also co-opt a representative(s) of the BAD Youth Forum, in a non-voting capacity.
- 1.6 The Overview and Scrutiny Committee shall meet approximately every four weeks. Additional meetings may be arranged to deal with specific matters such as the Cabinet's budget proposals, Call-in's etc. if considered necessary.
- 1.7 Informal meetings of the Overview and Scrutiny Committee, such as task and finish groups and site visits, may be arranged as appropriate, however only one group may be in place at any one time.

2. Functions and Responsibilities

The Overview and Scrutiny Committee has the following functions and responsibilities:

(a) Statutory Functions

- i) Call-in

The Overview and Scrutiny Committee will be responsible for addressing any Call-in that is received, unless the subject relates to health scrutiny matters which will be dealt with by the Health Scrutiny Committee. The Call-in Procedure is detailed in paragraph 6 of this Article.

ii) Councillor Call for Action

The Overview and Scrutiny Committee will also consider Councillor Calls for Action (section 119, Local Government Act 2000), in accordance with the relevant best practice guidance jointly issued by the Centre for Public Scrutiny and the Improvement & Development Agency. The CCfA procedure is detailed in paragraph 7 of this Article.

iii) Crime and Disorder scrutiny

The Overview and Scrutiny Committee shall:

- a. Act as the Crime and Disorder Committee within the meaning of Section 19 of the Police and Justice Act 2006
- b. Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
- c. Make reports or recommendations to the local authority with respect to the discharge of those functions
- d. Make recommendations to the Cabinet and/or Assembly with respect to any matter which is a local crime and disorder matter in relation to a Member of the authority
- e. Consider any crime and disorder matters referred by any Member of the Council.

iv) Health Scrutiny

~~The Overview and Scrutiny Committee shall carry out Health Scrutiny in accordance with Section 244 and Regulations under that section of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 relating to local health service matters. Where a proposal to substantially vary a Health service relates to more than one local authority area, it must be considered by a Joint Health Overview and Scrutiny Committee appointed by each of the local authorities in question.~~

v) Education

The Council shall, in accordance with Section 499 of the Education Act 1996 and Section 9F of the Local Government Act 2000, appoint co-opted members to the Overview and Scrutiny Committee to scrutinise education matters only.

vi) Flood risk management

In accordance with the Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011, the Overview and Scrutiny Committee has the power to request information and scrutinise the local flood risk authority's plans to mitigate flooding.

(b) General Role

- i) Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) Assist the Assembly and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues, as required;
- iii) Review and scrutinise the performance of the Council, other public bodies and partner organisations in the area, invite them to address the Overview and Scrutiny Committee, and prepare reports about their initiatives and performance;
- iv) Conduct pre-decision scrutiny to test the robustness and impact of budget savings and other key decisions to be considered by the Cabinet;
- v) Engage with, and represent local people and create opportunities to involve them in the scrutiny process;
- vi) In all of the above, make reports and recommendations to the Cabinet and/or Assembly and/or any Committee in connection with the discharge of any functions
- vii) Produce an annual report which the Chair of the Overview and Scrutiny Committee shall present to the Assembly.

3. Terms of Reference

3.1 Children's Services

- Scrutiny of matters relating to the provision of services to children and young people living or using services within the borough.
- Working with the Council and other partners to secure the continuous improvement of services for children and young people and assisting in improving outcomes for the borough's young people

3.2 Health

~~3.2.1 The Joint Health and Overview Scrutiny Committee for Barking and Dagenham, Havering, Redbridge, and Waltham Forest (covering the Outer North-East London area) will engage with the NHS to scrutinise the broader strategic changes relating to health service provision across the four Boroughs, however the Overview and Scrutiny Committee may also consider broader strategic health matters in so far as they directly affect the Borough such as:~~

- ~~• Scrutiny of the work of the NHS bodies serving Barking and Dagenham in accordance with the Health and Social Care Act 2001 and associated Regulations and Guidance and the provision, planning, management and performance of services relating to adult social care.~~
- ~~• The planning, provision and operation of the health service in the borough or accessed by Barking and Dagenham residents.~~

- ~~Requesting information from NHS bodies and any health service provider.~~
- ~~Requesting attendance from any member or employee of a relevant NHS body or health service provider to attend before it to answer any questions; provided those questions do not relate to confidential information or information that they would be entitled to refuse to provide in a court of law. The request for attendance may also be refused if reasonable notice has not been given (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).~~
- ~~Acting on behalf of the Council as the statutory consultee where NHS bodies propose substantial developments or variations in the provision of services and thus have a duty to consult with the local authority before taking a decision. When being consulted with, the Overview and Scrutiny Committee must notify the relevant NHS body of its response to the consultation and any intention to refer the matter to the Secretary of State within the timescales agreed by both parties (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).~~
- ~~Exercising the Council's right of referral to the Secretary of State on substantial variations to local health services. The Overview and Scrutiny Committee will have regard to the criteria and process for making a referral to the Secretary of State which are prescribed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.~~
- ~~Acting on behalf of the Council to make all arrangements for establishing and participating in joint health overview and scrutiny committees with local authorities that are affected by service re-configurations. Any such joint overview and scrutiny committee shall have such terms of reference, and shall exist for so long as the appointing authorities may agree~~
- ~~Receiving referrals from the local Healthwatch on matters relating to the planning, provision, and operation of health services in the borough, acknowledging receipt within five working days. Further to the regulations, Healthwatch can expect a referral to be discussed at the next formal meeting of Overview and Scrutiny Committee, or at a formal meeting within three months (whichever is most timely). In accordance with the regulations the Overview and Scrutiny Committee is obligated to keep the referrer informed of any action taken in relation to the matter.~~
- ~~Holding to account the Health and Wellbeing Board for the delivery of its functions, and in doing so, having particular regard to the robustness of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy as effective documents to ensure commissioning of health and social care services is reflective of local need.~~
- ~~Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision makers have~~

~~due regard to findings and recommendations arising from scrutiny investigations.~~

- ~~• Representing local people and bringing local concerns and feedback about health and social care services to the attention of leaders within the local health and social care economy, formally advising the Health and Wellbeing Board of any such concerns in the process.~~

3.3 Housing and Environment

- The scrutiny of the Council's housing and environmental services, including the provision, planning, management and performance of housing, environment, regeneration, economic development, street scene, public realm transport, and related matters.
- Scrutinising matters relating to the provision of business, jobs and skills within the Borough.

3.4 Petitions

The Overview and Scrutiny Committee will be responsible for receiving and debating petitions, ~~and~~ unless the subject relates to health scrutiny matters which will be dealt with by the Health Scrutiny Committee ~~certain~~ in accordance with the Council's Petition Scheme which can be found on the Council's website <https://www.lbbd.gov.uk/council/get-involved/petitions/petition-scheme/>

4. Overview and Scrutiny Sub Committee

- 4.1 The Overview and Scrutiny Committee shall appoint a Sub-Committee which shall be convened as necessary to consider Call-Ins and petitions, upon receipt and validation.
- 4.2 The Sub-Committee shall consist of the Chair of the Committee and four other Members of the Committee. The quorum shall be two Members.

5. Scrutiny Procedure Rules

5.1 Work Programme

5.1.1 The Overview and Scrutiny Committee shall be responsible for setting and maintaining the work programme, which will be agreed at the start of the municipal year in consultation with the Council's Designated Scrutiny Officer. Meetings of the Committee will be themed.

5.1.2 The Overview and Select Committee may receive suggestions from the following for particular topics to be scrutinised:

- Members of the public
- Relevant partner organisations
- Officers of the Council
- Co-optees
- Cabinet
- Individual Members of the Council

5.1.3 The Overview and Scrutiny Committee shall typically go through a topic selection process in order to shortlist the areas for review.

5.2 Scrutiny Reviews

5.2.1 The Overview and Scrutiny Committee may undertake scrutiny reviews on any matter that is consistent with its terms of reference.

5.2.2 Before conducting a scrutiny review, the Overview and Scrutiny Committee will ensure it meets the **PAPER** criteria:

- Public Interest;
- Ability to Change;
- Performance;
- Extent of the Issue; and
- Replication.

5.2.3 The Overview and Scrutiny Committee shall not undertake a scrutiny review on any matter directly or indirectly linked to work being undertaken by the Cabinet or a Policy Task Group.

5.2.4 The Overview and Scrutiny Committee may conduct research, consultation and anything which is reasonable to assist or inform its deliberations, including a general call for evidence, commission research, site visits, public surveys, public meetings and the involvement of the local community.

5.2.5 The Overview and Scrutiny Committee may appoint advisers and call witnesses to assist in its work and pay reasonable fees and expenses for such assistance within available budgets.

5.2.6 The process for scrutiny reviews and reports will follow the process below, subject to any variation agreed with the Chair in consultation with the Designated Scrutiny Officer:

- Gather evidence from Council officers, Members and statutory authorities;
- Identify where processes, policies or services could be improved;
- Develop formal draft recommendations to deliver these improvements and discuss them with the relevant portfolio holder(s) and, if appropriate, relevant statutory authorities either at a committee meeting or in writing;
- Submit the draft final report, with recommendations, to the relevant portfolio holder(s) and, if appropriate, relevant statutory authorities for comment;
- Present the final report (including portfolio holder comments) to the Overview & Scrutiny Committee for approval;
- Publish the approved report on the Council's website and circulate to relevant stakeholders, including those who gave evidence to the committee;
- Present an action plan to the committee for approval, allocating the recommendations to the decision-maker (as determined by the Scheme of Delegation) and agreeing a timeframe for their implementation;
- Report back to the committee within six months with a progress update on implementation of the recommendations.

5.2.7 Where the Overview and Scrutiny Committee makes a report and recommendations on matters relating to local crime and disorder ~~or health services~~, it will provide a copy of the report to the relevant responsible authorities, notifying them of their duty (under section of the Police and Justice Act 2006 ~~and Local Government and Public Involvement in Health Act 2007~~) to:

- i) consider the report or recommendations;
- ii) respond to the Overview and Scrutiny Committee in writing within 28 days indicating what (if any) action it proposes to take, and;
- iii) have regard to the report or recommendations in exercising its functions.

5.3 Public Participation

5.3.1 Residents of the London Borough of Barking and Dagenham and those working, studying or with a business interest in the area are able to participate in the scrutiny process by:

- a) Suggesting topics for review by the Overview and Scrutiny Committee;
- b) Attending meetings;
- c) Presenting petitions;
- d) Asking a question;
- e) Making a statement or forming a deputation (lobbying) to the Overview and Scrutiny Committee;
- f) Being involved in a scrutiny investigation;
- g) Responding to surveys.

5.3.2 When there is a scrutiny investigation that would benefit from public participation the Officer supporting such investigation will ensure such participation is facilitated.

5.3.3 Members of the public interested in participating in a particular scrutiny investigation can do so by contacting the Scrutiny staff or the Chair directly.

5.4 Accountability and Attendance

5.4.1 The Overview and Scrutiny Committee may scrutinise and review any decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation, the Overview and Scrutiny Committee fulfilling the scrutiny role, may require any Member of the Cabinet, Chief Officer and/or senior Officer to attend (only when invited) before it to explain, in relation to matters within their remit:

- a) Any particular decision or series of decisions;
- b) The extent to which the actions taken implement Council policy;

- c) The performance of relevant services.

and it is the duty of those persons to attend if so required.

- 5.4.2 The Overview and Scrutiny Committee may also require any Council Member to attend before it to answer questions on any function which the Member has power to exercise.
- 5.4.3 Any Councillor or member of the public shall be entitled to attend meetings of the Overview and Scrutiny Committee and to speak on any agenda item at the discretion of the Chair.
- 5.4.4 Where any Cabinet Member, Ward Member or Officer is required to attend an Overview and Scrutiny Committee meeting, Scrutiny Officers will, within reasonable time, inform that Member or Officer in writing of the Select Committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 5.4.5 Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 5.4.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then a substitute may be asked to attend or the Overview and Scrutiny Committee may, in consultation with the Member or Officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.
- 5.4.7 The Overview and Scrutiny Committee may invite people other than those people referred to above to address it, to discuss issues of local concern and/or answer questions. For example, it may wish to hear from residents; other interested parties, officers in other parts of the public sector, or experts.
- 5.4.8 In undertaking the scrutiny of crime and disorder issues ~~or local health bodies~~, the Overview and Scrutiny Committee may invite representatives of the crime and disorder bodies ~~or the health organisations~~ to address it, discuss the issue of local concern and/or answer questions. An officer of a trust/ organisation must attend meetings to provide information needed by the Committees to discharge its functions. However, reasonable notice must be given.

5.5 Rights to Information

- 5.5.1 The Overview and Scrutiny Committee will have access to the Forward Plan of key decisions of the Cabinet and timetable for decisions and intentions for consultation.
- 5.5.2 In addition to their rights as Councillors, Members of Overview and Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information rules (Part 2, Chapter 17) and in line with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5.53 Nothing in this paragraph shall prevent more detailed liaison between the Cabinet and the Overview and Scrutiny Committee if considered appropriate for the particular matter under consideration.

6. Call-in

6.1 Call-in is the exercise of Overview and Scrutiny Committee's statutory powers under Sections 9F(2)(a) and 9F(4) of the Local Government Act 2000 (as amended by the Localism Act 2011) to review an executive key decision that has been made but not yet implemented. Where a decision is called-in and the Overview and Scrutiny Committee decides to refer it back to the relevant decision-maker for reconsideration, it cannot be implemented until the Call-in Procedure is complete.

6.2 Any key decision is subject to Call-in. A decision may be called-in only once. A recommendation to the Assembly may not be called-in.

6.3 The Call-in Procedure and the powers to refer a decision back for reconsideration may be exercised by the Overview and Scrutiny Committee, provided the decision that is subject to the Call-in is within the remit of its respective terms of reference.

6.4 Requests for Call-in will only be accepted as valid if there is evidence that the decision maker did not take the decision in accordance with the principles of decision making as set out in Part 2, Chapter 16, paragraph 2 of this Constitution.

6.5 Call-in of decisions which may be contrary to the Budget and Policy Framework shall be governed by the provisions of the Budget and Policy Framework Procedure Rules in Part 2, Chapter 18, paragraph 6 of this Constitution.

6.6 Call-in should be regarded as a measure that is only needed in exceptional circumstances.

The Call-In Procedure

6.7 Once made, an executive decision shall be published in the form of a Decision Notice within two working days. The Decision Notice will be sent to all Members of the Council within the same timescale.

6.8 The Decision Notice will specify that the decision will be effective on the expiry of five clear working days after the publication of the decision and may then be implemented, unless called-in under this provision within that five-working day period.

6.9 Any two (or more) Councillors (excluding Cabinet Members), or statutory co-opted Members where the matter relates to education, individually or collectively, may call-in a key decision by submitting a written notification to the Chief Executive within the five-working day period. A form is available on the Council's website. Any Councillor who has a prejudicial and/or pecuniary interest in a particular issue should not instigate or take part in any Call-In related to that issue.

6.10 The form must include:

- i) the names of the Members requesting the Call-in (at least two are required), one of whom should be identified as the lead;
- ii) the subject matter being called-in;
- iii) the decision including, where relevant, whether all or part of the decision is being called-in; and
- iv) clear reasons for the Call-in.

6.11 The Call-in request will be deemed valid unless either:

- i) The procedures set out in paragraphs 6.8 to 6.10 have not been properly followed;
- ii) The grounds for Call-in as referred to in paragraph 6.4 above have not been met;
- iii) The decision has been recorded as urgent in accordance with paragraphs 6.15 to 6.18 below;
- iv) The Call-in is considered to be frivolous, vexatious or not a proper use of the Call-in provisions taking into account the following factors:
 - a. Whether the matter has been considered as part of pre-decision scrutiny by Overview and Scrutiny Committee or any sub-committee, task group or panel.
 - b. Whether there has been any substantive change in the nature of the decisions being made since any pre-decision scrutiny of the proposals.
 - c. Whether the recommendations or alternative course of action or recommendations in the Call-in request have been previously considered and rejected, in whole or part, as part of pre-decision scrutiny.
 - d. Whether the Call-in request can be dealt with through the clarification of matters.
 - e. Any other relevant factor.
- v) The Call-in would, in the opinion of the Monitoring Officer, result in the Council failing to discharge its legal duties.

6.12 Before deciding on (a) to (e) above, the Chief Executive may seek clarification of the Call-in request from the Member(s) concerned. The Chief Executive shall also consult with the Chair of Overview and Scrutiny Committee prior to making a determination on the validity of the Call-in. The decision of the Chief Executive shall be final and there is no right of appeal.

6.13 Upon deciding on its validity, the Chief Executive shall forthwith notify the Member(s) concerned, the Leader and Portfolio Holder, the Chair and Deputy

Chair of Overview and Scrutiny Committee, the relevant Strategic and other Directors and the Council's Designated Scrutiny Officer.

- 6.14 In the absence of the Chief Executive, the Monitoring Officer shall exercise the Chief Executive's functions in respect of the Call-in.

Decisions not subject to Call-In

- 6.15 The following categories of decision are not subject to Call-in:
- i) recommendations from the Cabinet to the Assembly for final determination, such as the Budget and Policy Framework;
 - ii) decisions for urgent implementation under the Access to Information Procedure Rules set out in Part 2, Chapter 17 of the Constitution;
 - iii) urgent decisions outside the Budget or Policy Framework taken in accordance with paragraph 4 of the Budget and Policy Framework Rules in Part 2, Chapter 18 of the Constitution;
 - iv) decisions to award a contract following a lawful procurement process.

Call-In and Urgency

- 6.16 The Call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:
- i) A Call-in would prevent the Council reaching a decision that is required by statute or otherwise within a specified timescale;
 - ii) Any delay likely to be caused by the Call-in process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision-making body or person before the decision is taken;
 - iii) Any delay likely to be caused by the Call-in process would be likely to expose the Council, its Members or its constituents to significant level of risk, loss, damage or significant disadvantage.
- 6.17 In the case of the above, the Decision Notice shall state whether a decision is an urgent one, and therefore not subject to Call-in. The consent of the Chair of the Overview and Scrutiny Committee is required before a decision is treated as urgent.
- 6.18 Where the Cabinet has recorded a decision as urgent, the Overview and Scrutiny Committee may retrospectively review actions arising from that decision but cannot delay its implementation.

Consideration of the Call-In

- 6.19 The Chief Executive will ensure that any valid Call-in is reported to the appropriate meeting.
- 6.20 At least one of the Members submitting the request for Call-in will be expected to attend the meeting to explain their reasons for the Call-in and the alternative

course of action or recommendations they wish to propose. Appropriate representation from the Cabinet will be required to explain the reasons for the Cabinet's decision and to answer any questions. Similarly, the relevant Chief Officer shall attend to clarify any aspects associated with the issue in question.

- 6.21 Having considered the Call-in and the reasons given, the Overview and Scrutiny Committee (or convened Sub-Committee) may either:
- i) Refer it back to the decision-making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
 - ii) If it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Assembly after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
 - iii) Decide to take no further action, in which case the original Cabinet decision will be effective immediately.

Decisions referred back to the Decision-Maker

- 6.22 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the Overview & Scrutiny Committee (or convened Sub-Committee), and make a final decision, amending the decision or not, and give reasons for the decision.
- 6.23 If a decision relates to an executive function, only the Cabinet can ultimately decide the matter, provided that it is in accordance with the Council's Budget and Policy Framework.

7. Councillor Call for Action

- 7.1 Any Councillor may request the Chief Executive to include a Councillor Call for Action on the agenda of a relevant Committee meeting. A Councillor Call for Action request must be made to the Chief Executive. A form is available on the Council's website which sets out the requirements for a Councillor Call for Action request to be considered valid by the Chief Executive.
- 7.2 Upon receipt of a valid Call for Action the Chief Executive shall ensure that the item is included on the agenda of the next appropriate meeting of the relevant committee, and ensure that the Lead Member of the relevant committee(s), relevant Cabinet Members, senior officers and any other members from the ward(s) in question are informed that a valid Call for Action has been received.
- 7.3 Any Councillor who submits a valid Call for Action will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the Call for Action and to have the item discussed. The Committee will decide either:
- i) To request officers to prepare a report for the next meeting;

- ii) To request the Councillor submitting the Call for Action to provide further evidence or information to a future meeting;
- iii) To set up a task and finish group to investigate the matter and report back to the Committee or to agree to undertake a scrutiny review on the matter at the appropriate time;
- iv) To refer the matter to the appropriate person or body be it a senior Officer, another committee such as the Cabinet or an external body, either for information or calling for specific action;
- v) To take no further action on the request, for stated reasons.

7.4 A Councillor Call for Action will be deemed invalid in the following circumstances, and shall not be taken forward:

- i) The procedures set out in paragraphs 7.1 and 7.2 have not been properly followed;
- ii) It does not affect all or part of the ward for which the referring Member is elected, or any person who lives or works in that ward;
- iii) It is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters); or
- iv) The Chief Executive, in consultation with the Designated Scrutiny Officer, considers it to be vexatious, not reasonable, discriminatory or outside the Councillor Call for Action provisions.

7.5 Before deciding on its validity, the Chief Executive may seek clarification of the Call for Action from the Councillor concerned.

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Part 2 - The Articles

Chapter 8a – Health Scrutiny Committee

1. Status, Membership, Quorum and Meeting Frequency

- 1.1 The Health Scrutiny Committee is a committee established under Section 21 of the Local Government Act 2000, as amended by the Localism Act 2011.
- 1.2 The membership of the Committee shall be six Councillors and the quorum shall be two.
- 1.3 The Assembly shall appoint the membership, including the Chair and Deputy Chair, at its Annual Meeting. Political balance requirements of Section 15 of the Local Government and Housing Act 1989 apply when determining membership.
- 1.4 The Health Scrutiny Committee shall meet quarterly. Additional meetings may be arranged to deal with specific matters such as the Cabinet’s budget proposals, Call-in’s etc. if considered necessary.
- 1.5 Informal meetings of the Health Scrutiny Committee, such as task and finish groups and site visits, may be arranged as appropriate, however only one group may be in place at any one time.

2. Functions and Responsibilities

The Health Scrutiny Committee has the following functions and responsibilities:

(a) Statutory Functions

- ~~i)~~ 2.4 The Health Scrutiny Committee shall carry out health scrutiny in accordance with Section 244 (and Regulations under that section) of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 relating to local health service matters. Where a proposal to substantially vary a health service relates to more than one local authority area, it must be considered by a Joint Health Overview and Scrutiny Committee appointed by each of the local authorities in question (in accordance with Part 2, Chapter 14, paragraph 2).
- ii) The Health Scrutiny Committee shall have all the powers of an Overview and Scrutiny Committee as set out in section 9F of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Social Care Act 2001 (including associated Regulations and Guidance).

(b) General Role

- i) Review and scrutinise decisions made or actions taken in connection with the discharge of the Council’s functions in relation to health;

- ii) Assist the Assembly and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues, as required;
- iii) Review and scrutinise the performance of the Council, other public bodies and partner organisations in the area, invite them to address the Health Scrutiny Committee, and prepare reports about their initiatives and performance;
- iv) Conduct pre-decision scrutiny to test the robustness and impact of health-related key decisions to be considered by the Cabinet;
- v) Engage with, and represent local people and create opportunities to involve them in the scrutiny process;
- vi) In all of the above, make reports and recommendations to the Cabinet and/or Assembly and/or any Committee in connection with the discharge of any functions;
- vii) Produce an annual report which the Chair of the Health Scrutiny Committee shall present to the Assembly.

3. Terms of Reference

~~3.1 The Joint Health and Overview Scrutiny Committee for Barking and Dagenham, Havering, Redbridge, and Waltham Forest (covering the Outer North-East London area) will engage with the NHS to scrutinise the broader strategic changes relating to health service provision across the four Boroughs, however the Overview and Scrutiny Committee may also consider broader strategic health matters in so far as they directly affect the Borough such as:~~

- Scrutiny of the work of the NHS bodies serving Barking and Dagenham in accordance with the Health and Social Care Act 2001 and associated Regulations and Guidance and the provision, planning, management and performance of services relating to adult social care.
- The planning, provision and operation of the health service in the borough or accessed by Barking and Dagenham residents.
- Requesting information from NHS bodies and any health service provider Exempt from this power are requests for information that are confidential (i.e information that identifies a living person or is prohibited under any enactment) or relate to NHS Trusts in special administration (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).
- Requesting attendance from any member or employee of a relevant NHS body or health service provider to attend before it to answer any questions; provided those questions do not relate to confidential information or information that they would be entitled to refuse to provide in a court of law. The request for attendance may also be refused if reasonable notice has not been given (this function may be carried out by

the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).

- Acting on behalf of the Council as the statutory consultee where NHS bodies propose substantial developments or variations in the provision of services and thus have a duty to consult with the local authority before taking a decision. When being consulted with, the Health Scrutiny Committee must notify the relevant NHS body of its response to the consultation and any intention to refer the matter to the Secretary of State within the timescales agreed by both parties (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).
- Exercising the Council's right of referral to the Secretary of State on substantial variations to local health services. The Health Scrutiny Committee will have regard to the criteria and process for making a referral to the Secretary of State which are prescribed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- Acting on behalf of the Council to make all arrangements for establishing and participating in Joint Health Overview and Scrutiny Committees, [including the appointment of three Members to the membership of the JHOSC with local authorities that are affected by service re-configurations](#). Any such joint overview and scrutiny committee shall have such terms of reference, and shall exist for so long as the appointing authorities may agree.
- Receiving referrals from the local Healthwatch on matters relating to the planning, provision, and operation of health services in the borough, acknowledging receipt within five working days. Further to the regulations, Healthwatch can expect a referral to be discussed at the next formal meeting of Health Scrutiny Committee, or at a formal meeting within three months (whichever is most timely). In accordance with the regulations the Health Scrutiny Committee is obligated to keep the referrer informed of any action taken in relation to the matter.
- Holding to account the Health and Wellbeing Board for the delivery of its functions, and in doing so, having particular regard to the robustness of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy as effective documents to ensure commissioning of health and social care services is reflective of local need.
- Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision-makers have due regard to findings and recommendations arising from scrutiny investigations.
- Representing local people and bringing local concerns and feedback about health and social care services to the attention of leaders within the local health and social care economy, formally advising the Health and Wellbeing Board of any such concerns in the process.

- Monitoring of performance indicators that fall within the remit of the Health Scrutiny Committee.
- Addressing any Call-ins as allocated by the Designated Scrutiny Officer (to be carried out in accordance with Part 2, Chapter 8, paragraph 6). Where the decision called-in is owned by the Health and Wellbeing Board the Health Scrutiny Committee will, by default, be the receiving Committee of that Call-in regardless of the subject of the decision.

4. Petitions

4.1 The Health Scrutiny Committee will be responsible for receiving and debating petitions relating to health matters in accordance with the Council's Petition Scheme which can be found on the Council's website

<https://www.lbbd.gov.uk/council/get-involved/petitions/petition-scheme/>

2. Health Scrutiny Sub Committee

2.1 The Health Scrutiny Committee shall appoint a Sub-Committee which shall be convened as necessary to consider relevant Call-Ins and petitions, upon receipt and validation.

2.2 The Sub-Committee shall consist of the Chair of the Committee and two other Members of the Committee. The quorum shall be two Members.

4.3. Scrutiny Procedure Rules

4.13.1 Work Programme

4.1.1 The Health Scrutiny Committee shall be responsible for setting and maintaining the work programme, which will be agreed at the start of the municipal year in consultation with the Council's Designated Scrutiny Officer.

4.1.2 The Health Scrutiny Committee may receive suggestions from the following for particular topics to be scrutinised:

- Members of the public
- Relevant partner organisations
- Officers of the Council
- Co-optees
- Cabinet
- Individual Members of the Council

4.1.3 The Health Scrutiny Committee shall typically go through a topic selection process in order to shortlist the areas for review.

64.2 Scrutiny Reviews

64.2.1 The Health Scrutiny Committee may undertake scrutiny reviews on any matter that is consistent with its terms of reference.

64.2.2 Before conducting a scrutiny review, the Health Scrutiny Committee will ensure it meets the **PAPER** criteria:

- **P**ublic Interest;
- **A**bility to Change;
- **P**erformance;
- **E**xtent of the Issue; and
- **R**eplication.

64.2.3 The Health Scrutiny Committee shall not undertake a scrutiny review on any matter directly or indirectly linked to work being undertaken by the Cabinet or a Policy Task Group.

64.2.4 The Health Scrutiny Committee may conduct research, consultation and anything which is reasonable to assist or inform its deliberations, including a general call for evidence, commission research, site visits, public surveys, public meetings and the involvement of the local community.

64.2.5 The Health Scrutiny Committee may appoint advisers and call witnesses to assist in its work and pay reasonable fees and expenses for such assistance within available budgets.

64.2.6 The process for scrutiny reviews and reports will follow the process below, subject to any variation agreed with the Chair in consultation with the Designated Scrutiny Officer:

- Gather evidence from Council officers, Members and statutory authorities;
- Identify where processes, policies or services could be improved;
- Develop formal draft recommendations to deliver these improvements and discuss them with the relevant portfolio holder(s) and, if appropriate, relevant statutory authorities either at a committee meeting or in writing;
- Submit the draft final report, with recommendations, to the relevant portfolio holder(s) and, if appropriate, relevant statutory authorities for comment;
- Present the final report (including portfolio holder comments) to the Health Scrutiny Committee for approval;
- Publish the approved report on the Council's website and circulate to relevant stakeholders, including those who gave evidence to the committee;
- Present an action plan to the committee for approval, allocating the recommendations to the decision-maker (as determined by the Scheme of Delegation) and agreeing a timeframe for their implementation;
- Report back to the committee within six months with a progress update on implementation of the recommendations.

64.2.7 Where the Health Scrutiny Committee makes a report and recommendations on services, it will provide a copy of the report to the relevant responsible

authorities, notifying them of their duty (under the Local Government and Public Involvement in Health Act 2007) to:

- i) consider the report or recommendations;
- ii) respond to the Health Scrutiny Committee in writing within 28 days indicating what (if any) action it proposes to take, and;
- iii) have regard to the report or recommendations in exercising its functions.

64.3 Public Participation

64.3.1 Residents of the London Borough of Barking and Dagenham and those working, studying or with a business interest in the area are able to participate in the scrutiny process by:

- a) Suggesting topics for review by the Health Scrutiny Committee;
- b) Attending meetings;
- c) Presenting petitions;
- d) Asking a question;
- e) Making a statement or forming a deputation (lobbying) to the Health Scrutiny Committee;
- f) Being involved in a scrutiny investigation;
- g) Responding to surveys.

64.3.2 When there is a scrutiny investigation that would benefit from public participation the Officer supporting such investigation will ensure such participation is facilitated.

64.3.3 Members of the public interested in participating in a particular scrutiny investigation can do so by contacting the Scrutiny staff or the Chair directly.

64.4 Accountability and Attendance

64.4.1 The Health Scrutiny Committee may scrutinise and review any decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation, the Health Scrutiny Committee fulfilling the scrutiny role, may require any Member of the Cabinet, Chief Officer and/or senior Officer to attend (only when invited) before it to explain, in relation to matters within their remit:

- a) Any particular decision or series of decisions;
- b) The extent to which the actions taken implement Council policy;
- c) The performance of relevant services.

and it is the duty of those persons to attend if so required.

64.4.2 The Health Scrutiny Committee may also require any Council Member to attend before it to answer questions on any function which the Member has power to exercise.

64.4.3 Any Councillor or member of the public shall be entitled to attend meetings of the Health Scrutiny Committee and to speak on any agenda item at the discretion of the Chair.

64.4.4 Where any Cabinet Member, Ward Member or Officer is required to attend an Health Scrutiny Committee meeting, Scrutiny Officers will, within reasonable time, inform that Member or Officer in writing of the Committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.

64.4.5 Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

64.4.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then a substitute may be asked to attend or the Health Scrutiny Committee may, in consultation with the Member or Officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.

64.4.7 The Health Scrutiny Committee may invite people other than those people referred to above to address it, to discuss issues of local concern and/or answer questions. For example, it may wish to hear from residents; other interested parties, officers in other parts of the public sector, or experts.

64.4.8 In undertaking the scrutiny of local health bodies, the Health Scrutiny Committee may invite representatives of the health organisations to address it, discuss the issue of local concern and/or answer questions. An officer of a trust/ organisation must attend meetings to provide information needed by the Committees to discharge its functions. However, reasonable notice must be given.

64.5 Rights to Information

64.5.1 The Health Scrutiny Committee will have access to the Forward Plan of key decisions of the Cabinet and timetable for decisions and intentions for consultation.

64.5.2 In addition to their rights as Councillors, Members of Health Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information rules (Part 2, Chapter 17) and in line with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

64.5.3 Nothing in this paragraph shall prevent more detailed liaison between the Cabinet and the Health Scrutiny Committee if considered appropriate for the particular matter under consideration.

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Part 2 – The Articles

Chapter 3 – Meeting Rules - General

12. Public Participation in Council meetings

12.1 The public have the right to ask questions and receive answers at meetings of the Council. The arrangements below shall apply to all public meetings of the Council, with the exception of quasi-judicial meetings that relate to planning and licensing which have their own speaking / public involvement arrangements as set out in the respective Articles within this Constitution.

Arrangements for Submitting Public Questions

12.2 Questions must be submitted to the Chief Executive by no later than midday 3 working days prior to the meeting in question (e.g. for a meeting taking place on a Tuesday, the deadline for the receipt of questions shall be midday on the Thursday before).

12.3 Questions must relate to a substantive item on the agenda for that meeting.

12.4 An individual may submit only one question per meeting and must include his/her home address when submitting the question (this information will not be disclosed by the Chief Executive).

12.5 The Chief Executive may reject a question if in his/her opinion:

- (i) The question has not complied with the requirements of paragraphs 12.2 – 12.4 above;
- (ii) it is of a vexatious or derogatory nature or otherwise considered improper or inappropriate;
- (iii) it is contrary to any provision of any code, protocol, legal requirement or rule of the Council; and/or
- (iv) the same or similar question has already been submitted by another member of the public for the same meeting or been considered in the previous six months.

12.6 Prior to the Chief Executive rejecting a written question on any of the above grounds, he/she shall consult with the relevant Chair. The Chief Executive shall inform the member of the public who submitted the question of his/her decision as soon as possible.

Procedure for Questions at Council Meetings

12.7 Where the member of the public who submitted the question is present at the meeting, he/she shall be invited to introduce the question (as submitted) or it shall be read out on his/her behalf.

12.8 The relevant Cabinet Member under whose name the report is presented or the relevant Chair (as appropriate) shall provide a verbal response to the question without discussion (which may include an undertaking to provide a more detailed answer in writing).

- 12.9 The Member of the public who submitted the question may ask one supplementary question arising directly out of the initial response, without notice, and the relevant Cabinet Member / Chair shall respond to the supplementary question wherever possible, without discussion. Where the relevant Cabinet Member / Chair is unable to respond to the supplementary question, an undertaking may be given to provide a response in writing. A supplementary question may only be asked by the original questioner and not by a substitute.
- 12.10 Where the member of the public who submitted the question is not present at the meeting, the relevant Cabinet Member / Chair may, at his/her discretion, provide a written response to the question which shall be published.
- 12.11 A period of up to 30 minutes in total shall be available for public questions.
- 12.12 Questions will be asked in the order in which they are received by the Chief Executive. This order will be presented to the meeting and those in attendance at the start of the meeting. At the Chair's discretion, this order may be varied by a simple majority vote of the Members present. Questions and supplementary questions will be asked in accordance with this order, until all contributions have been made or 30 minutes elapsed. Any question not raised and answered within the allotted 30 minutes will receive a written answer, which shall also be published on the Council's website.

ASSEMBLY**23 May 2018**

Title: Appointments to the Political Structure and Other Bodies 2018/19	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Leanna McPherson, Democratic Services Officer	Contact Details: Tel: 020 8227 2852 E-mail: leanna.mcpherson@lbbd.gov.uk
Accountable Strategic Leadership Directors: Fiona Taylor, Director of Law & Governance and Chris Naylor, Chief Executive	
Summary	
<p>The Assembly is responsible for appointments to the political structure and various other internal and external bodies. There are various positions to which appointments are required.</p> <p>The appointment of the Mayor will be dealt with at the Ceremonial Council on 25 May 2018.</p>	
Recommendation(s)	
<p>The Assembly is recommended to:</p> <ul style="list-style-type: none"> (i) Agree the membership of the various Council Meetings; (ii) Appoint the representatives on various internal and external bodies; (iii) Note the appointments made by the Leader and/or Cabinet Members; and (iv) Note the appointments that do not require assembly approval. 	
Reason(s)	
<p>To meet the statutory and constitutional requirements and to ensure relevant positions are appointed to.</p>	

1. Introduction and Background

- 1.1 Chapter 4, Part 2 of the Constitution sets out the Assembly's responsibilities in respect of appointments to the political structure and various other internal and external bodies.

- 1.2 The appointments meet statutory and constitutional requirements and ensure the Council is able to proceed with the business reserved to the committees.

2. Proposal and Issues

- 2.1 The nomination process for the various positions to which appointments are required for the municipal year 2018/19 is dealt with through party groups and it is anticipated that the nominations will be reported at the meeting.

3. Options Appraisal

- 3.1 Any delay in reappointing Members to the various meetings and other bodies puts the normal decision-making process and business of the Council at risk.

4. Consultation

- 4.1 Consultation has taken place with Members and officers as appropriate.

5. Financial Implications

Implications completed by: Katherine Heffernan Group Manager

- 5.1 There are no financial implications associated with this report. This concerns the annual appointment of elected Members to Boards and Committees. Where an appointment carries an allowance the financial impact of this is set out in another report to this meeting.

6. Legal Implications

Implications completed by: Paul Field, Senior Corporate Governance Lawyer

- 6.1 The Assembly is a meeting of full Council for the purposes of Section 8 and Schedule 12 of the Local Government Act 1972. This meeting of the Assembly is the annual meeting where the Council decides on the overall political structure and makes the necessary appointments
- 6.2 Part 2 (the Articles) of the Council's Constitution sets out the membership requirements and terms of reference for the various Council committees. The appointments in this report meet statutory and constitutional requirements and ensure the Council is able to proceed with the business reserved to each committee.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None

ANNUAL ASSEMBLY

23 May 2018

Title: Members' Allowances Scheme 2018/19	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: None	Key Decision: No
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Accountable Strategic Leadership Directors: Fiona Taylor, Director of Law and Governance and Chris Naylor, Chief Executive	
<p>Summary:</p> <p>This report sets out proposals in relation to Members' allowances for the 2018/19 municipal year, which covers both the Basic Allowance payable to all councillors and Special Responsibility Allowances (SRAs) for those councillors appointed to specific positions.</p> <p>The Local Authorities (Members Allowances) (England) Regulations 2003 require local authorities to make an annual scheme of allowances and, in doing so, to have regard to any recommendations of an independent remuneration panel (IRP). Since June 2014, the Council has had regard to the London Councils Independent Remuneration Panel (LCIRP) recommendations when considering its annual allowances.</p> <p>Members' allowances were last increased in 2008/9 and the Council has kept them at those levels each year since in recognition of the continuing pressures on public sector funding. Changes to the Council's governance and committee structure arrangements presented to this meeting and the meeting on 28 February 2018 impact on the Members' Allowances Scheme for 2018/19 and the Chief Executive has carried out an interim review of allowances, primarily focussing on the changes to the governance arrangements. It is the intention that a fuller review of the Members' Allowances Scheme will be carried out during the year to assess the impact of the new governance arrangements, Members' new responsibilities under those arrangements and the appropriate level of allowances.</p> <p>This report proposes that the majority of Members' allowances should again remain unchanged – this includes the Basic Allowance paid to all 51 councillors and the SRAs for the Leader, Deputy Leaders, Cabinet Members and the Chairs and Deputy Chairs of the committees that have been largely unaffected by this year's governance changes. There are proposed increases to the SRAs for the Chairs and Deputy Chairs of the new Overview and Scrutiny Committee and the refined Planning Committee, while the new Member Champion roles and the Chairs and Deputy Chairs of the Pensions Committee and the Policy Task Group are included in the allowances schedule for the first time.</p> <p>The changes referred to above have the net effect of increasing the overall Members' Allowances budget by approximately £38,000 (inclusive of on-costs). It is worthy of note,</p>	

<p>however, that LBBD's level of allowances are significantly lower than the rates recommended by the LCIRP and are generally equivalent to or lower than the averages across all other London Boroughs, based on data from a benchmarking exercise carried out in respect of Members' allowance rates for the 2015/16 municipal year.</p>
<p>Recommendation(s)</p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none"> (i) Adopt the Members' Allowances Scheme 2018/19 as attached at Appendix A to the report, to come into effect from 24 May 2018; and (ii) Note that a review will be carried out during the year to assess the impact of the new governance arrangements, Members' new responsibilities under those arrangements and the appropriate level of allowances under the Members' Allowances Scheme.
<p>Reason(s)</p> <p>To meet the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.</p>

1. Introduction and Background

- 1.1 The Local Authorities (Members Allowances) (England) Regulations 2003 require local authorities to make an annual scheme of allowances.
- 1.2 In setting its annual scheme, the Council must have regard to any recommendations of an independent remuneration panel (IRP). The exceptions to this requirement are where allowances are to be increased in accordance with an approved index or where no increase is proposed, subject to a review every four years.
- 1.3 In June 2014, the Council disbanded its own IRP due to a number of the Panel Members stepping down and the decision was taken that, from that point, the Council would have regard to the London Councils Independent Remuneration Panel (LCIRP) recommendations when considering its annual allowances. The LCIRP was established by London Councils in 2001 to exercise the function on behalf of London Boroughs and now produces a report every four years, the latest being its 2018 report.
- 1.4 The Members' Allowances Scheme forms part of the Council Constitution (Part 6).

2. Proposal and Issues

- 2.1 When it published its first report in 2001, the LCIRP recommended that the remuneration of the Leader of a Cabinet (which relates to the governance model adopted in Barking and Dagenham) should equate to that of a Member of Parliament, due to the synergies between the roles in terms of responsibilities and accountabilities. The LCIRP also established a banding system for other roles such as Deputy Leaders, Cabinet Members and Chairs and Deputy Chairs of committees

which were set within a percentage range of the Leader's allowance. The LCIRP's recommendations in its 2018 report continue to be based on those same principles, although its recommended levels are now lower than an MP's remuneration as the LCIRP has applied an uplift in line with the local government pay award while MP's remuneration has increased significantly above those rates in recent years.

- 2.2 The case put forward by the LCIRP for basing a Leader's remuneration on that of an MP is a sound one. Similarly, the LCIRP's methodology of establishing a banding system for other SRA roles based on a percentage range of the Leader's allowance is also well founded. However, the benchmarking of all London Boroughs Members' allowances for the 2015/16 municipal year showed that the vast majority of Councils had set their allowances well below those recommended levels. The most likely reason for this could be attributed to the additional funding that would have been required to bring Members' allowances budgets up to the recommended levels, at a time of significant financial challenges for local authorities due to the Government's public spending cuts.
- 2.3 LBBD Members' allowances have not increased since 2008/9 (for clarification purposes, the Deputy Leader's allowance was reduced from £22,513 in 2013/14 to £21,583 in 2014/15 to reflect the appointment of two Deputy Leaders and to ensure that the overall budget did not increase). During this time and with the development and implementation of the Council's transformation programme, the roles and responsibilities of councillors have evolved. The LCIRP has recognised the position of Leader as a full-time role, which is certainly the case here at Barking and Dagenham, while the roles of the Deputy Leaders, Cabinet Members and Chairs and Deputy Chairs are increasingly demanding.
- 2.4 Solely from a workload perspective, a strong case could be made for applying the levels recommended by the LCIRP. However, the relatively low levels of SRAs here at Barking and Dagenham and the financial pressures that continue to be faced by the Council mean that a more pragmatic approach has to be taken, as any increase to allowances requires additional funding to be allocated to the overall Members' Allowances budget.
- 2.5 With that in mind, only an interim review of allowances has been undertaken at this stage, primarily focussing on the changes that have arisen as a direct result of the new governance arrangements. It is the intention that a fuller review of the Members' Allowances Scheme will be carried out during the year to assess the impact of the new governance arrangements, Members' new responsibilities under those arrangements and the appropriate level of allowances.
- 2.6 Set out below are the proposed levels of allowances, shown in comparison to the LCIRP recommendations and the benchmarking of allowances for all London Boroughs in respect of the rates for the 2015/16 municipal year.

Special Responsibility Allowances

2.7 Leader's Allowance

LBBB Current Allowance	2015/16 London Borough Benchmarking Average	LCIRP 2018 recommended Level	LBBB Proposed Allowance 2018/19
£35,022	£42,109	£57,085 (Band 4)	£35,022 (unchanged)

2.8 Deputy Leaders' Allowance

LBBB Current Allowance	2015/16 London Borough Benchmarking Average	LCIRP 2018 recommended Level	LBBB Proposed Allowance 2018/19
£21,583	£25,830 *	£36,917 to £43,460 (Band 3)	£21,583 (unchanged)

(* excludes LB Newham as it operates a staggered payment system for its Cabinet)

2.9 Cabinet Member's Allowance

LBBB Current Allowance	2015/16 London Borough Benchmarking Average	LCIRP 2018 recommended Level	LBBB Proposed Allowance 2018/19
£	£	£	£
£17,510	£20,894 **	£36,917 to £43,460 (Band 3)	£17,510 (unchanged)

(** excludes LB Newham as it operates a staggered payment system for its Cabinet and LB Barnet and Sutton as they operate a committee system style of governance)

2.10 Chairs and Deputy Chairs of Committees

2.10.1 At present, LBBB Committee Chairs receive an allowance of £3,152 while Deputy Chairs receive £1,571 (half of the Chairs' allowance).

2.10.2 The LCIRP recommends levels of between £36,917 to £43,460 (Band 3) for the Chair of Overview and Scrutiny Committee, £16,207 to £29,797 (Band 2) for Chairs of Scrutiny Panels and the Planning Committee, and £2,582 to £9,397 (Band 1) for other Chair and Deputy Chair positions. It is not possible to provide direct comparisons from the 2015/16 London Borough benchmarking data as different arrangements are in place across Boroughs, although Chair positions typically attract allowances of between £5,000 - £15,000.

2.10.3 Pending the fuller review of allowances referred to in paragraph 2.5 above, it is proposed that the SRA applicable to the roles of Chair and Deputy Chair of the committees that have been largely unaffected by this year's governance changes should remain at £3,152 and £1,571 respectively, as shown in the table below. This includes the new Health Scrutiny Committee, which evolves from the streamlining of

the Council's scrutiny function and assumes the responsibilities of the former Health and Adult Services Select Committee.

Chair, Assembly Chair, Audit & Standards Committee Chair, Health Scrutiny Committee Chair, Licensing & Regulatory Committee Chair, Personnel Board	£3,142
Deputy Chair, Assembly Deputy Chair, Audit & Standards Committee Deputy Chair, Health Scrutiny Committee Deputy Chair, Licensing & Regulatory Committee Deputy Chair, Personnel Board	£1,571

2.10.4 The streamlining of the Council's scrutiny function has resulted in the creation of an Overview and Scrutiny Committee which takes on the responsibilities of the former Select Committees (except health matters). Those combined responsibilities and the increased meeting frequency and workload of the new Committee merits a higher level of SRA. It is proposed, therefore, that the position of Chair attracts an allowance of £10,000 with the Deputy Chair receiving £5,000 (the LCIRP recommends an allowance of £36,917 to £43,460 (Band 3) while the 2015/16 benchmarking of all London Boroughs shows an average of £10,000 - £15,000 for the Chair's role).

2.10.5 The new Planning Committee will be considering an increasing number of large, complex planning applications, reflecting the Borough's status as London's growth opportunity, and its reduced membership of 10 Councillors will be required to give more in-depth critical analysis to those applications. In that respect, it is proposed that the position of Chair attracts an allowance of £8,000 with the Deputy Chair receiving £4,000 (the LCIRP recommends an allowance of £16,207 to £29,797 (Band 2) while the 2015/16 benchmarking of all London Boroughs shows a varied range of between £3,000 - £28,000 for the Chair's role, with the average being around £8,500)).

2.11 New SRA's

2.11.1 At the meeting on 28 February 2018, the Assembly also agreed the establishment of a Policy Task Group and the role of Member Champions under the remit of the Cabinet. The workloads, responsibilities and meeting frequencies of the Chair and Deputy Chair of the Policy Task Group and the Member Champions have been assessed as being equivalent to the Chairs and Deputy Chairs of the committees referred to in paragraph 2.10.3 above. It is proposed, therefore, that the SRA for Member Champions and the Chair of the Policy Task Group be set at £3,142 and the Deputy Chair of the Policy Task Group at £1,571.

2.11.2 Although a longstanding committee the Pensions Committee has, up until now, not been included in the Members' Allowances Scheme, most likely because it was previously chaired by the Cabinet Member with portfolio responsibility for finance, who would have received the Cabinet Member SRA (an individual is only entitled to receive the highest allowance payable). The chairmanship of the Pensions

Committee has now been opened up and it would be appropriate to apply the standard level of SRA to the Chair and Deputy Chair positions in view of the Committee's responsibilities and workload.

- 2.12 The combined effect of the uplift to certain SRAs and the addition of the Pensions Committee, the Policy Task Group and the Member Champions to the schedule amounts to £33,284 (excluding on-costs).

Basic Allowance

- 2.13 The Basic Allowance paid to all LBBD councillors is currently £10,006 (unchanged since 2008/9) which is comparable with the average Basic Allowance across London in 2015/16, according to the benchmarking data, of £10,014 (without accounting for increases that may have been applied since 2015/16).
- 2.14 In its 2018 report, the LCIRP recommends a Basic Allowance of £11,045.
- 2.15 Although a very strong case could be made to increase LBBD's rate, it is suggested that pending a full review the Basic Allowance remain at £10,006 for the 10th successive year.

Other Allowances

- 2.16 The Members' Allowances Scheme also includes allowances in respect of Opposition Leaders, the Mayor's Allowance and Co-Opted Members' allowances, as well as travelling, subsistence and dependants' carers allowances. It is proposed that these allowances also remain unchanged for 2018/19 pending the wider review.
- 2.17 The proposed Members' Allowances Scheme for 2018/19 is set out at **Appendix A**.

3. Options Appraisal

- 3.1 Alternative options could range from not applying any increase or additions to the current Members' Allowances Scheme to applying the levels recommended by the LCIRP.
- 3.2 Pending a full review, however, the proposals in this report have solely focussed on the main changes to the Council's governance arrangements and are considered to represent an appropriate balance in the context of the impact on the Council's finances of any increase to the Members' Allowances budget.

4. Consultation

- 4.1 The proposals in this report have been discussed with and are supported by the Leader (elect).

5. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager, Finance

- 5.1 The current Basic and SRA allowances amount to £770,991 which, along with on-costs of circa £30,000 (primarily for National Insurance contributions), fully utilises the current Members' Allowances budget of £800,000.
- 5.2 The proposed changes to some of the SRAs as detailed in the report amount to £33,284, excluding on-costs which will amount to around £4,593. Therefore, additional budget provision of £38,000 is required to meet the full cost of the proposals in this report. The Finance department has identified that there is available funding within the Council's central services budget to meet this cost.
- 5.3 For information, the Members' Allowances budget was reduced by £100,000 for 2015/16 as part of the budget savings process. The reduction stemmed from the removal of the entitlement of councillors to be members of the Local Government Pension Scheme, which meant that the Council was no longer required to make an employer contribution in relation to those councillors who were, prior to 1 April 2015, in the LGPS.

6. Legal Implications

Implications completed by: Dr Paul Feild, Senior Governance Solicitor

- 6.1 The Local Authorities (Members Allowances) (England) Regulations 2003 require local authorities to make an annual scheme of allowances, which must be approved by the Assembly.

Public Background Papers Used in the Preparation of the Report:

- London Councils Independent Panel Report "The Remuneration of Councillors in London 2018" (<https://www.londoncouncils.gov.uk/who-we-are/about-us/financial-information/leadership-and-expenses/remuneration-councillors-london>)
- London Boroughs' Members' Allowances Scheme 2015/16 Benchmarking Data (*weblink not yet available*)

List of appendices:

- **Appendix A** – Proposed Members' Allowance Scheme 2018/19

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Members' Allowances Scheme 2018/19

The Council of the London Borough of Barking and Dagenham, pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations"), hereby makes the following scheme.

1. Introduction

- 1.1 The Members' Allowances Scheme ("the Scheme") is approved each year by the Assembly at its annual meeting. The Assembly shall have regard to any recommendations made by an Independent Remuneration Panel before making or amending the Scheme.

2. Types of Allowances

- 2.1 The allowances payable are:
- a) Basic Allowance;
 - b) Special Responsibility Allowance;
 - c) Co-opted Members' Allowance;
 - d) Travelling and Subsistence Allowance;
 - e) Dependants' Carers' Allowance;
 - f) Other allowances as described in the Scheme.

3. Effective Date

- 3.1 This Scheme has effect from 24 May 2018.

4. Definitions

- 4.1 "Approved duties" means attendance by a Councillor or Co-opted Member at any:
- a) formally convened meeting of any committee or body to which the individual has been appointed or nominated by the Authority, including any sub-committees or working parties thereof;
 - b) conference, training session and presentation organised by or on behalf of the Authority which the individual is required to attend;
 - c) meeting with a Strategic or other Director where the Councillor's attendance has been requested in writing or by e-mail or where the Councillor is a member of the Cabinet.
- 4.2 "Co-opted Member" means any co-opted, added or independent Member of a Committee or other body to which this scheme relates regardless of whether or not the Co-opted Member receives a Co-opted Members' Allowance.

5. Basic Allowance

- 5.1 A Basic Allowance shall be paid to each Councillor in accordance with Appendix 1 to this Scheme.

6. Special Responsibility Allowances

- 6.1 Special Responsibility Allowances shall be paid in accordance with Appendix 1 to this Scheme.
- 6.2 Where a Councillor would otherwise be entitled under the Scheme to more than one Special Responsibility Allowance, the entitlement shall only be to the highest allowance.
- 6.3 In the event of a person receiving a Special Responsibility Allowance being absent or substantially unable to act for a period of at least three months, the Council may resolve to reduce the level of Special Responsibility Allowance payable to that person and instead resolve to pay the allowance, or part of it, to any person appointed as a deputy or vice-chair for such period as it determines.

7. Travelling and Subsistence Allowances

- 7.1 Travelling and subsistence allowances in respect of Approved Duties undertaken by Councillors and Co-opted Members are payable in accordance with Appendix 1 to this Scheme.
- 7.2 The provisions relating to eligibility to Travelling and Subsistence Allowances apply only to Approved Duties undertaken outside the Borough. Councillors and Co-opted Members are not permitted to claim Travelling and Subsistence Allowances for any activities undertaken within the Borough.

8. Dependants' Carers' Allowances

- 8.1 Dependants' Carers' allowances in respect of Approved Duties undertaken by Councillors and Co-opted Members are payable in accordance with Appendix 1 to this Scheme.
- 8.2 The carers' allowance may be claimed towards the cost of care for children or other dependants within the household who have a recognised need for care.
- 8.3 The allowance will not be payable to a member of the immediate family or household.
- 8.4 The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time.

9. Co-opted Members

- 9.1 Co-opted Members shall be paid in accordance with Appendix 1 to this Scheme.

10. School Appeals Panel Members

- 10.1 Schools Appeals Panel (Admissions and Exclusions) members shall be entitled to an allowance as set out in Appendix 1 to this Scheme but shall not be eligible to receive travelling, subsistence or Dependants' Carers' allowances.

11. National Insurance and Income Tax

- 11.1 Payment of allowances shall be subject to such deductions as may be statutorily required in respect of national insurance and income tax.

12. Local Government Pension Scheme (LGPS)

- 12.1 In accordance with the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, Councillors are not eligible to be members of the LGPS.

13. Renunciation

- 13.1 A Councillor and/or Co-opted Member may, by notice in writing to the Chief Executive, elect to forgo all or any part of his/her entitlement to an allowance under this Scheme.

14. Payments and Claims

- 14.1 Payment of Basic and Special Responsibility Allowances shall be made in instalments of one-twelfth of the amounts specified on a monthly basis, with the exception of the Mayor's Allowance which shall be paid quarterly in advance.
- 14.2 Where an individual takes office part way through a year, a proportionate part of any applicable allowance is payable, unless the allowance is a Special Responsibility Allowance for serving on a committee which is appointed for a period of less than a year.
- 14.3 The Council may determine that an allowance or a rate of allowance will not come into effect until a date other than the effective date of this Scheme. In such circumstances, the alternative date that the allowance shall be payable from shall be specified in Appendix 1 to this Scheme.
- 14.4 Claims for travelling, subsistence and dependants' carers' allowance should be completed monthly and no later than three months from the date that the expenditure was incurred.

15. Councillors who are Members of another Authority

- 15.1 Any Councillor who is also a Member of another Authority shall only receive allowances from one Authority in respect of the same duties.
- 15.2 In such instances, the Councillor shall be required to nominate the Authority from whom he/she wishes to receive the allowance(s) and advise the Chief Executive accordingly.

16. Record of Allowances Paid

- 16.1 A record of the payments made by the Authority to each Councillor and Co-opted Member shall be maintained and published in accordance with the Regulations.

17. Publication of Scheme

- 17.1 As soon as practicable after the making or amendment of this Scheme, arrangements shall be made for its publication within the Authority's area in accordance with the Regulations.

**London Borough of Barking and Dagenham
Schedule of Allowances for 2018/19**

Type	Allowance (per annum unless otherwise stated)
BASIC ALLOWANCE (for all Councillors)	£10,006
SPECIAL RESPONSIBILITY ALLOWANCES	
Leader of the Council	£35,022
Deputy Leader(s) of the Council	£21,583
Other Cabinet Members	£17,510
Chair, Overview and Scrutiny Committee	£10,000
Deputy Chair, Overview and Scrutiny Committee	£5,000
Chair, Planning Committee	£8,000
Deputy Chair, Planning Committee	£4,000
Chair, Assembly Chair, Audit & Standards Committee Chair, Health Scrutiny Committee Chair, Licensing & Regulatory Committee Chair, Pensions Committee Chair, Personnel Board Chair, Policy Task Group Member Champions	£3,142
Deputy Chair, Assembly Deputy Chair, Audit & Standards Committee Deputy Chair, Health Scrutiny Committee Deputy Chair, Licensing and Regulatory Committee Deputy Chair, Pensions Committee Deputy Chair, Personnel Board Deputy Chair, Policy Task Group	£1,571
Leader(s) of the Minority Groups	£342 per seat (with a minimum of £1,110 per Leader)

Type	Allowance (per annum unless otherwise stated)
Mayor's Allowance (payable under section 3(5) of Part I of the Local Government Act 1972)	£12,000 (with effect from 26 May 2018)
CO-OPTED MEMBERS' AND OTHER ALLOWANCES	
Independent Adviser (Public Accounts and Audit Select Committee)	£500 per meeting
Independent Persons (Standards Committee)	£500
Schools Appeals Panel (Admissions and Exclusions) members	£20 per session (up to four hours)
TRAVELLING ALLOWANCES	
Mileage Rates	<ul style="list-style-type: none"> • Car: 45p per mile • Motorcycle: 24p per mile • Bicycle: 20p per mile
SUBSISTENCE ALLOWANCES	
Meal Allowances	<ul style="list-style-type: none"> • Breakfast (away between 7.00am and 11.00am) - £4.92 • Lunch (away between 12.00 noon and 2.00pm) - £6.77 • Tea (away between 3.00pm and 6.00pm) - £2.67 • Evening (away between 7.00pm and 11pm) - £8.35
Overnight (continuous period of 24 hours involving absence overnight)	<ul style="list-style-type: none"> • Normal - £79.82 • Greater London, AMA Annual Conference or other approved Association conferences - £91.04
DEPENDANTS' CARERS' ALLOWANCE	£6.82 per hour

MINUTES OF JOINT JNC SALARIES & CONDITIONS AND APPOINTMENTS PANEL

Thursday, 26 April 2018
(2:00 - 5:05 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf, Cllr Elizabeth Kangethe, Cllr Eileen Keller and Cllr Maureen Worby

19. Declaration of Members' Interests

There were no declarations of interest.

20. Private Business

It was resolved to exclude the public and press from the remainder of the meeting by reason of the nature of the business to be discussed which included information exempt from publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

21. Operational Director, Children's Care and Support: Market Supplement and Appointment

The Panel considered the papers that had been submitted in advance of the meeting, which included the job description and person specification for the post, the market report and search information, together with the CVs and supporting statements of the two shortlisted candidates.

The Panel reviewed and agreed the interview questions to be asked of the candidates.

Following the interviews, Members discussed the presentations and responses to the questions and reached a unanimous decision regarding the appointment.

In respect of applying a market supplement to the post, the Panel considered the need to pay the right amount and no more, balancing the financial context and the importance of paying a competitive salary for the role.

The Panel **resolved**:

- (i) To appoint April Bald to the post of Operational Director, Children's Care and Support, subject to suitable references, other employment checks and usual terms and conditions; and
- (ii) That a market supplement be applied to the post and to delegate authority to the Strategic Director, Service Development and Integration, to offer the appointment within the agreed range.

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