



City of Westminster

# Council Follow On Agenda

Title: **Council Meeting**

Meeting Date: **Wednesday 12th November, 2014**

Time: **7.00 pm**

Venue: **Porchester Hall, Porchester Road, Bayswater, London, W2 5DU**

Members: **All Councillors are hereby summoned to attend the Meeting for the transaction of the business set out.**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm.**

**Please telephone if you are attending the meeting in a wheelchair or have difficulty walking up steps. There is wheelchair access by a side entrance.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Mick Steward; Head of Committee and Governance Services.**

**Email: [msteward@westminster.gov.uk](mailto:msteward@westminster.gov.uk) Tel: 020 7641 3134  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**11. FOLLOW ON PAPERS**

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**Westminster City Hall  
64 Victoria Street  
London SW1  
7 November 2014**

**Head of Legal & Democratic Services**

## CITY OF WESTMINSTER

COUNCIL MEETING – 12 NOVEMBER 2014

### AGENDA ITEM 9 FUTURE POLICY PLAN PREFERRED ORDER OF ITEMS FOR DEBATE (STANDING ORDER 11)

#### MAJORITY PARTY

<b>No.</b>	<b>Future Policy Plan Subject</b>	<b>No in List</b>	<b>Cabinet Member Portfolio</b>
1.	Growth Deal for London	49	Housing, Regeneration, Business and Economic Development

#### MINORITY PARTY

2.	Care Bill Implementation	16	Adults and Public Health
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Briefing Notes are attached.

Peter G Large  
Head of Legal and Democratic Services  
7 November 2014

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## **Council Meeting: 12 November 2014**

### **Briefing Note**

#### **Subject: The London Growth Deal**

#### **Background**

Growth Deals provide funds to local enterprise partnerships or LEPs (partnerships between local authorities and businesses) for projects that benefit the local area and economy. The Growth Deal with the London Enterprise Panel (London's LEP) was announced by HM Government on 7 July 2014.

#### **New powers and funding for London**

As part of the deal the London Enterprise Panel has secured **£236m from the Government's Local Growth Fund to support economic growth in the area**. By 2021, HM Government expects this Deal will create at least 6,000 jobs and allow 5,000 homes to be built.

The London Growth Deal focuses on three key areas:

- 1. Building London's Skills Base and Supporting Businesses** by providing capital investment in, and freedoms and flexibilities for, Further Education colleges and other providers so as to increase the numbers of learners taking up opportunities, support increased numbers of apprenticeships, and reduce the people not in employment, education or training.
- 2. Helping Londoners into Sustainable Employment** by providing additional funding and freedoms to the eight central London boroughs that make up Central London Forward (including the City of Westminster) to develop a time-limited pilot for Employment Support Allowance claimants who have been unsuccessful at finding work through the Work Programme.
- 3. Improving Housing Supply** by investing £200m of the £400m Affordable Rent to Buy programme in London and increasing the Housing Revenue Account borrowing limit for a number of boroughs to help support the development of new affordable homes. The City of Westminster's borrowing limit was raised by £8.47m.

#### **Implications for the City of Westminster: supporting the hardest to reach into work**

The City of Westminster will be a major beneficiary of the pilot for Employment Support Allowance claimants and the Council has played a leading role in negotiating the settlement. There are currently over 10,000 adults claiming Employment Support Allowance (ESA) in Westminster at an average cost to the Exchequer of £8,831 per person per year. Mental health is the biggest single cause of ESA claims, but many clients have a variety of complex needs that prevent them from easily obtaining and staying in employment. Success rates through conventional services such as the Work Programme are very low. In London only six per cent of new ESA claimants and 11 per cent of claimants with disabilities have found sustained work since the Work Programme began.

Westminster City Council, working with the Royal Borough of Kensington of Chelsea, the Corporation of London and the London Boroughs of Camden, Southwark, Lambeth, Islington and Wandsworth as part of Central London Forward, expect to be jointly awarded £11.15m of additional funding to deliver a five year pilot that will help almost 4,000 Work Programme returners claiming Employment and Support Allowance (ESA) to find and sustain work. The pilot will test how the integration of employment support and wider public services can be better achieved at a local level for the very hardest to help, thereby delivering better job outcomes and producing increased fiscal savings in terms of a reduction in benefit expenditure and reduced demand for public services.

The key feature of the pilot will be the appointment of dedicated caseworkers who will provide residents with intensive support to tackle the issues that are inhibiting their path into employment. The design of the model has been informed by evidence of what works locally, including our Work Place Coordinator Scheme, Troubled Families programme and the Family Coaching Service. The pilot will aim to significantly improve on the performance of the Work Programme.

To provide the capacity to deliver the pilot, Central London Forward will jointly procure a provider that will work on behalf of the boroughs. Detailed work is underway to ensure that a provider is selected that understands our local neighbourhoods and does not repeat the mistakes of the Work Programme. Robust governance and contract management arrangements will also be established to ensure the provider is directly accountable to the boroughs for delivery and correctly incentivized to deliver the level of service we specify. Success will unlock a series of progressive steps towards further local service integration. HM Government has immediately committed to *'open discussions on ways for London Government to play a greater role in the commissioning of the next phase of employment support programmes [including the Work Programme]'*. Over the longer term, and subject to the success of the pilot, HM Government will also grant London 'priority status' for any future policy changes to locally led commissioning arrangements for future employment services for the hardest to reach.

The pilot is one of only three to be granted nationally (the other two have been awarded to Greater Manchester and Glasgow) and it sets an important precedent that supports the Council's longer term objective of capturing a greater proportion of the upside of economic growth which can then be re-invested back into local services to benefit residents. The Council has played a leading role in securing this ambitious pilot which has positioned Westminster as a leader in the wider national and London wide debate on devolution, enhancing our influence with the Mayor and HM Government.

## **Council Meeting: 12 November 2014**

### **Briefing Note**

#### **Subject: Care Act Implementation Progress**

- 1.1 A Care Act Implementation Board is in place to manage compliance of the reforms required within the Care Act legislation. The programme board is chaired by Liz Bruce, Executive Director for Adult Social Care. There are 7 workstreams delivering the programme to achieve compliance of the Phase 1 (April 2015) reforms listed below:
- Implementation of eligibility framework and single set of criteria for carers
  - All service users in receipt of personal budget (includes review of appropriateness of Resource Allocation System)
  - Assessment processes in line with Care Act requirements (includes Carers Assessments, assessment of self-funders, and prevention duty)
  - Implementation of new safeguarding duties
  - Market shaping responsibilities embedded (including Market Position Statement and protocols regarding duty around provider failure)
  - Information & Advice provision (across operations and commissioned services) and provision of preventative services
  - Provision of advocacy service
  - Workforce trained and developed to meet the new operational requirements
- 1.2 Each of the Care Act programme workstreams have scoped and planned delivery of the reforms based on the draft regulations and guidance issued in June. These will be updated where necessary in the light of the final regulations issued in October, which Legal are currently reviewing. The workstreams have made significant progress on the 'design phase' outputs listed below:.
- Modification of the assessment forms to embed Care Act requirements including building in Carers assessments
  - Design outline of the Deferred Payment Agreement process for all three boroughs.
  - Design of the carer's offer to support their wellbeing
  - Support planning to build in an outcomes based approach for planning care and support for service users and carers
  - Revised Adult Social Care policies based on the Care Act.
  - Design of a high-level Quality Assurance framework
  - A gap analysis and review of the Safeguarding Adults approach
  - Scoped the two contract specifications for Information and Advice, and Advocacy with a view to commissioning new services.
  - Initial scoping of the prevention offer that will help prevent, delay, or reduce needs for care and support
  - An audit checklist of the full scope of Information and Advice required on the People First website and in leaflets.
  - Demand and Financial modelling to feed into a review of the Customer Journey and Department of Health's Local Authority Funding Formulae
  - Develop a system to manage resources linked to allocation of Personal budgets

- Market Position Statement to provide commissioners and providers of care and support with information about the 'as is' market and potential gaps
  - Training Needs Analysis in preparation for development and delivery of a workforce development programme
  - Facilitated Care Act Awareness sessions for all ASC staff which eventually will be extended to relevant departments in the rest of the three Councils, external providers, GPs and CCGs.
  - Identification and training of thirty-six Care Act Champions to help support delivery of the reforms as part of the change management process.
  - High-level plans for adapting social care arrangements to support prison population on remand in Wormwood Scrubs and following their release if eligible in the London Borough of Hammersmith and Fulham.
  - A high-level set of IT requirements to manage informatics from April 2015
  - Review of the transition pathway between children's and adult social care and support systems.
- 1.3 Prior to implementation of the above 'design phase' outputs, they will be checked for compliance against the final regulations and guidance issued by the Department of Health on 23<sup>rd</sup> October. This is because the consultation on the draft regulations and guidance resulted in significant changes to the documentation. Our legal reform workstream will also review the legal implications to highlight any major concerns that might impact on compliance.
- 1.4 The programme hosted a 'Show and Tell' event on 5th November 2014 with a wide group of stakeholders from various departments e.g. Housing, Public Health, Leisure, Libraries, Arts and Culture, and Corporate Communications across the three boroughs and external organisations) e.g. CCG representatives. The purpose of the event was primarily to promote the work delivered so far and to encourage wider stakeholders to become actively involved in implementation. This will run the event again at WCC in December or January. A peer review of the workstream progress was also carried out on the same day to ensure progress and direction and ensure workstreams had the resources needed to deliver the Care Act.

## **Financial Implications**

- 2.1 Financial modelling continues to be carried out to capture projected costs and grant funding. It remains a concern that the costs of the Care Act are significantly higher than the Government's current estimation as a result of the recent funding consultation. In addition, conducting accurate financial modelling of the impact of the Care Act remains a challenge, due to a lack of robust data and the many variables and unknowns. Also, the impact upon London local authorities could be significantly different from those in other regions. This needs to be fully understood, and reflected in any funding received to support the implementation of these reforms.



# REPORT OF THE GENERAL PURPOSES COMMITTEE HELD ON WEDNESDAY 5 NOVEMBER 2014

**Present:** Councillor Melvyn Caplan (Chairman), David Boothroyd, Robert Davis and Tim Mitchell

## 1. Scheme of Delegations

- (a) Following the approval of the Cabinet on 21 July 2014 to a range of measures to establish a new operating model which will place the City Council on a more robust footing in order to address both the funding reductions and the changes that local government will need to make to meet the growth in demand in some service areas. These changes included the abolition of the previous Strategic Executive Board and the creation of a new Executive Management Team, represented by Executive Directors.
- (b) We have accordingly approved for recommendation to the Council the reallocation of existing delegations to Executive Directors to reflect the new management structure. This is outlined in the report we considered which is attached as Appendix A.
- (c) We noted that the scheme did not include any new delegations and as it had been some time since a thorough review of delegations and various thresholds we ordered a review of these to be undertaken and report to our next meeting.

**We recommend:** That the Scheme of Delegations attached to the report (Appendix A) as Appendix 1 be approved.

## 2. Openness of Local Government Bodies Regulations 2014

- (a) The Openness of Local Government Bodies Regulations 2014 provide the public with the strengthened rights to report the proceedings at formal local government meetings by filming, photographing, audio-recording or by any other means to report the proceedings of an open meeting.
- (b) In light of the new powers in the 2014 Regulations Officers have taken the opportunity to review the Council's Standing Orders. Two additional Standing Orders are proposed which specifically address reporting of public meetings of the authority and the use of modern media tools.
- (c) The full detailed report we considered is attached as Appendix B. This report also sets out changes to the Access of Information rules relating to the recording of officer decisions.

**We recommend:** That the Council adopt the new Standing Orders 18 (a) and 36 (a) set out in the report attached as Appendix B.

### **3. Name and Terms of Reference of the Superannuation Committee**

- (a) The current Terms of Reference were last reviewed in 2008 and there have been significant changes in the way the pension fund business in the Council has developed since then.
- (b) The changes proposed reflect more accurately the matters the Committee now cover in the wider pensions area and enable any successor Committees or Officers to have a better understanding of their respective remits and to have a greater degree of alignment across Tri-borough. This last point should enable a greater degree of discussion between the Tri-borough Committee Chairmen where it is appropriate and relevant – given the degree of commonality in some areas between the three funds.
- (c) The name of the Committee has been Superannuation Committee for very many years. However, Superannuation is much less used now than it was, and is not really a term in common parlance. So as to make the title of the Committee understood to all, and to keep the title current, it is proposed that the Committee be re-named the Pension Fund Committee.
- (d) The report we considered is attached as Appendix C.

**We recommend:** That the Superannuation Committee be re-named the Pension Fund Committee with the revised Terms of Reference attached to the report (Appendix C).

### **4. Programme of Meetings 2015-2016**

- (a) We have agreed the Programme of Meetings for the Committees and Sub-Committees of the Council for the 2015-16 municipal year, having regard to the approach we have previously agreed.
- (b) We noted that the principles we endorsed in May 2012 for the scheduling of formal meetings, which allows for a more consistent approach, have worked well to date. Accordingly, these principles were carried forward for the preparation of the 2015-16 Programme of Meetings. Through this approach we have been able to ensure that most Policy and Scrutiny Committee meetings are not held on Tuesdays to avoid clashes with the Council's Planning Committees.

**We recommend:** That meetings of the Council be held as follows:

20 May 2015 (Annual): 8 July 2015, 11 November 2015, 20 January 2016,  
2 March 2016 (Council Tax), 27 April 2016 and 18 May 2016 (Annual).

Melvyn Caplan, Chairman

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Local Government Act 1972: Background Papers: None

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# General Purposes Committee Report

<b>Date:</b>	<b>5 November 2014</b>
<b>Classification:</b>	<b>General Release</b>
<b>Title:</b>	<b>Officer Scheme of Delegations</b>
<b>Report of:</b>	<b>Head of Legal and Democratic Services</b>
<b>Wards Involved:</b>	<b>Not Applicable</b>
<b>Policy Context:</b>	<b>Good Corporate Governance and Management of the City Council</b>
<b>Financial Summary:</b>	<b>There are no financial implications arising from this report</b>
<b>Report Author and Contact Details:</b>	<b>Naomi Stauber Senior Committee and Governance Officer Tel: 7641 2341 Email: <a href="mailto:nstauber@westminster.gov.uk">nstauber@westminster.gov.uk</a></b>

## **1. Executive Summary**

- 1.1 At its meeting 21<sup>st</sup> July 2014 the Cabinet agreed a range of measures to establish a new operating model which will place the City Council on a more robust footing in order to address both the funding reductions and the changes that local government will need to make to meet the growth in demand in some service areas. These proposals included the abolition of the previous Strategic Executive Board and the creation of a new Executive Management Team (EMT), represented by Executive Directors.
- 1.2 These management changes resulted in the need to reallocate a number of functions and duties assigned to the affected senior posts. A revised Scheme of Delegations is therefore required to be reflective of the new organisational model. The proposed new Scheme of Delegations, which has been advised by the Chief Executive, is attached as Appendix 1.
- 1.3 The approach to the Scheme accords with the principles agreed by the Council on 21<sup>st</sup> July 2010, which involves an intrinsically less bureaucratic approach than had been adopted historically. It proceeds on the assumption that ultimate responsibility for the exercise of the City Council's functions,

below Member-level, rests with the Executive Management Team and its individual members, whilst recognising that Executive Directors will, in many cases, authorise senior members of staff to exercise the function on his or her behalf; or in some cases sub-delegate these.

1.4 A group of Deputy Chief Officers and other senior officers comprise the Corporate Leadership Team (CLT). The CLT has a core membership, which is detailed in Appendix 1 of the schedule. The Chief Executive has authority to add or remove officers from CLT.

1.5 A separate report will be submitted to the General Purposes Committee seeking approval for the revised Officer Scheme of Delegations in respect of Non-Executive functions.

## **2. Recommendation**

2.1 That the Scheme of Delegations in respect of non-executive functions attached as Appendix 1, be recommended to the Council for approval

2.2 That it be noted that the Leader of the Council will be asked to approve the Scheme of Delegations in respect of executive functions.

## **3. Reason for Decision**

3.1 Following the review of the Council's organisational model and management structure, and subsequent reallocation of functions to the new Executive Management Team, the City Council's existing Scheme of Delegations requires updating.

## **4. Background Information**

4.1 At its meeting 21<sup>st</sup> July 2014 the Cabinet agreed a range of measures to establish a new operating model, including:

- Authorisation to the Chief Executive to implement the agreed restructure, in consultation with the relevant Cabinet Members;
- The establishment of a Tri Borough Corporate Services function (subject to Tri Borough partners' agreement of the business cases to be reported to a future Cabinet meeting);
- The disestablishment of the existing Built Environment and Housing, Regeneration and Property Directorates and creation of a new Growth, Housing and Planning Directorate.
- A revamp of the existing City Management Directorate to be revised as a City Management and Communities Directorate, with a wider remit
- An integrated City and Corporate Policy function; and

- Authorisation to the Chief Executive and Head of Legal and Democratic Services to propose consequential changes to the Constitution, including the revised allocation of existing officer delegations which arise from the implementation of the new operating model, subject to the approval of the full Council via the General Purposes Committee.
- 4.2 In addition to the above-mentioned changes the aforementioned creation of a new Executive Management Team requires the reallocation of functions contained in the Scheme of Delegations amongst the following EMT posts:
- Chief Executive (Head of Paid Service)
  - Executive Director, City Management and Communities
  - Executive Director, Growth, Housing and Planning.
  - Executive Director, Corporate and Commercial Services
  - Executive Director, Children’s Services
  - Executive Director, Adult’s Services
  - Director of Strategy and Communications
- 4.3 The Head of Legal and Democratic Services and City Treasurer, whilst not EMT members, also hold specific delegations in their capacity as Chief Solicitor to the Council and the statutory Monitoring Officer, and statutory Section 151 Officer, respectively. These delegations are also included in the Scheme.
- 4.4 The Scheme also includes an updated list of CLT members which has been determined and advised by the Chief Executive.

## **5. Proposed Scheme of Delegations**

- 5.1 The proposed Scheme of Delegations follows the approach agreed by the Cabinet at its meeting on 28<sup>th</sup> June 2010, in that it involves an intrinsically less bureaucratic approach than the City Council’s Scheme prior to that time. It proceeds on the assumption that ultimate responsibility for the exercise of the City Council’s functions, below Member-level, rests with EMT and its individual members. In some cases there would be legal difficulties with a model under which the Executive Director was not so responsible. This creates a streamlined way of working and reducing bureaucracy whilst maintaining good corporate governance.
- 5.2 The allocation of delegated powers to Executive Directors is consistent with both the strategic role of EMT and the fact that it is the Directorates which are responsible for day-to-day delivery “on the ground”. Delegated powers do not have to be exercised by Executive Directors personally.

- 5.3 The proposed Scheme of Delegations also enables delegated functions to be sub-delegated to a Deputy Chief Officer who may then exercise the function him or herself. Although the Executive Director would retain the power to recall any matter for decision, the Deputy Chief Officer receiving the delegated function would be responsible for the exercise of that function in practical terms. The Deputy Chief Officer can, in turn, authorise any member of staff to exercise the function on his or her behalf and each EMT member is required to maintain an up-to-date list of authorised officers and sub delegations.
- 5.3 The Executive Director, Growth, Planning and Housing recognises that with his range of responsibilities there is the risk of a perceived or possible conflict of interest in relation to some of the activities delegated to the role. To manage the perceived or possible conflicts of interests the Executive Director for Growth, Planning and Housing confirms the proposed following sub-delegations:
1. In respect of the duty to make recommendations to the Planning Applications Committee, to the Operational Director for Development Control.
  2. In respect of the Council's own planning applications which are not determined by a Planning Applications Committee, these will be determined by the Operational Director for Development Control.
  3. In respect of the power to make planning applications, to the Head of Investments.
  4. In respect of advice on the proportion of affordable housing in planning applications, to the Head of Affordable and Private Sector Housing.
- 5.4 No additional delegations arise from the report. A review of delegations will be conducted over the next few months, with the findings reported in March 2015.

## **6. Legal Implications**

- 6.1 The power for local authorities to delegate functions to officers is contained in Section 101 of the Local Government Act 1972. The Proposed Scheme of Delegations will ensure that the City Council can correctly and legally exercise their powers and that decisions can be taken by officers on behalf of the City Council.

**If you have any queries about this report or wish to inspect any of the Background Papers please contact:  
Naomi Stauber, Senior Committee and Governance Officer  
Tel: 020 7641 2341; Email: [nstauber@westminster.gov.uk](mailto:nstauber@westminster.gov.uk)**



## BACKGROUND PAPERS

- Cabinet Report: *Better City, Better Lives* – Further Reform of Local Government Services in Westminster (21<sup>st</sup> July 2014)

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City of Westminster

# General Purposes Committee

<b>Date:</b>	<b>5 November 2014</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Openness of Local Government Bodies Regulations 2014</b>
<b>Wards Affected:</b>	<b>N/A</b>
<b>Financial Summary:</b>	<b>There are no financial implications</b>
<b>Report of:</b>	<b>Head of Legal and Democratic Services</b>
<b>Report Author:</b>	<b>Naomi Stauber, Senior Committee and Governance Officer</b>

## **1. Executive Summary**

- 1.1 The Openness of Local Government Bodies Regulations 2014 came into force on 6<sup>th</sup> August 2014. The Regulations allow any person attending a public local government meeting to take photographs, film and audio-record the proceedings, and report on the meeting. They also require local government officers to make a written record of certain decisions and to make the record available for inspection by members of the public on request. It will therefore be an offence for an officer, without reasonable excuse, either to intentionally obstruct a person exercising the right to inspect, or to refuse a request to provide a written record or background papers.
- 1.2 This report details the key provisions contained in the Regulations; explains how these provisions impact upon the City Council's current practices and sets-out the action taken by officers to date, to ensure the City Council is fully compliant with the new legislation.

## **2. Recommendations**

2. 1 That the Committee agrees the revised wording of Standing Order 18 (Disorder) detailed in paragraph 3.7 and recommends the revised Standing Order to the full Council for adoption;

- 2.2 That the Committee considers and agrees the threshold of £500,000 at which officers must give notice of decisions to award a contract or incur expenditure, as detailed in paragraph 3.10; and
- 2.3 That the Committee notes the action taken by officers to date to ensure the City Council is fully compliant with the 2014 Regulations and advises on any further actions to be taken.

### **3. Background Information**

- 3.1 The Government has communicated its belief that local government decision-making should be as open and transparent as possible and that local people should have the right to report on meetings of local government bodies that are open to the public. Openness and transparency are important for robust accountability and, in the Government's view, this can only be achieved when local people have adequate rights to access meetings and information of local government bodies, thus allowing residents to be involved in decisions that will affect their day to day lives.
- 3.2 To date the Government has encouraged local government bodies to voluntarily embrace transparency by not only allowing local people to attend their meetings but also allowing them to report on public meetings by using modern communication methods such as filming, audio-recording and tweeting. Whilst some authorities have adopted this approach as a matter of good practice, some councils are still reportedly reluctant to embrace the change the digital world has brought. The Government has therefore extended and strengthened the rights of the public to utilise modern media in this way through the Openness of Local Government Bodies Regulations 2014 ("the 2014 Regulations").

#### **Filming, Photographing and Reporting on Local Authority (Public) Meetings**

- 3.3 The 2014 Regulations provide the public with strengthened rights to report at meetings of local government bodies by filming, photographing, audio-recording or by any other means to report the proceedings of an open meeting. Local people are therefore now able to film, make audio-recordings and provide written commentaries during a meeting and provide oral commentaries outside the meeting, thereby allowing those who are unable to attend the meeting to follow the proceedings.
- 3.4 The City Council already has in place an agreed 'Protocol on Conduct at Meetings and the use of Modern Media' which provides detailed guidance relating to conduct within meetings which is acceptable, particularly in the context of the use of modern media tools such as tweeting, blogging, filming and audio/video recording at meetings. The principles of protocol are reflected in the Council's Standing Order 18 contained in the Constitution.

- 3.5 The protocol details that no restrictions will be placed on members of the public attending Part 1 (public) meetings in relation to the use of modern media including still photography or filming, provided that their actions do not affect the conduct of the meeting. Under the Council's aforementioned Standing Orders, the Chairman of each meeting has powers to deal with issues relating to the conduct of those present to ensure the due and orderly despatch of business. Whilst the Council promotes and adheres to the principles of openness and transparency, including the right of the public to film and alike, any actions which adversely affect the meeting, other members of the public, sitting Councillors or the proper transaction of business will not be acceptable or tolerated. The Council therefore reserves the right to refuse the use of any type of recording equipment, if there are exceptional reasons to do so in the interests of good order.
- 3.6 The filming and recording of meetings by representatives of the media shall also be permitted provided the detailed arrangements for the use of any equipment beyond small hand-held devices (such as mobile phones or dictaphones) are agreed beforehand with the Chairman of the meeting and the Director of Communications, Policy and Performance. Through experience, representatives of the media are more likely to utilise larger and more intrusive recording equipment (such as standalone cameras, tri-pods etc) which require more planning and preparation to accommodate.
- 3.7 The priority of the City Council is to ensure that the business of its public meetings is not, in any way, adversely affected by the use of recording tools. The Council also has a duty to ensure that members of the public are not restricted from observing and witnessing our meetings due to the media's presence or otherwise negatively impacted. For these reasons, the City Council works in collaboration with representatives of the media to ensure the appropriate arrangements are agreed in advance, for logistical reasons and out of courtesy to Members, officers and the public. This has been the long-standing practice and has been implemented without issue to date. These Regulations should therefore have no impact upon the Council's positive relationship with media organisations. We would expect the media to continue to work collaboratively with the Council when requesting to film or report upon our public meetings and the Council will continue to permit and facilitate the media's requests as appropriate.
- 3.8 In light of the 2014 Regulations, officers have taken the opportunity to review the Council's Standing Orders. Officers consider that two additional standing orders which specifically address reporting on public meetings and the use of modern media tools accordingly should be introduced to ensure the Council's position on this matter is agreed, formalised and clearly set-out for Members, officers and the public.

The following additional Standing Order is suggested and is applicable to both full Council meetings as Standing Order 18(a), and Committee/Sub-Committee/Cabinet meetings as Standing Order 36(a).

### **Standing Orders 18(a) and 36(a)**

#### **Reporting on Public Meetings**

**“Members of the public, including representatives of the media, shall be permitted to report on the Part 1 (public) part of the Council’s formal meetings. Reporting may include filming, photographing or making an audio recording of proceedings at a meeting; using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present. The Chairman may only refuse permission if there is just reason for doing so, in exceptional circumstances, in the interests of good conduct and in accordance with Standing Orders 18 or 36 (Disorder). Such decisions shall not be open to challenge”.**

#### **Access to Information relating to Officer Decisions**

- 3.9 The public can already access documents relating to those decisions made by officers under delegation from the executive of the council (i.e. executive decisions) through the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012. The new 2014 Regulations widens this provision to include access to documents relating to decisions taken by officers acting under powers delegated to them by a local government body, their committees, sub-committees or joint committees (i.e. non-executive decisions). These documents must include record of decisions taken, the reason for the decisions, any alternative options considered and rejected, and any other background documents. These documents must be available for inspection as soon as reasonably practicable. Where a person who has custody of these documents, without reasonable excuse, intentionally obstructs or refuses to disclose the whole or part of the documents, such a person can be charged with a criminal offence.
- 3.10 The 2014 Regulations specifically require all decision-making officers to produce a written record of any decision, the effect of which is:
- a) to grant a permission or licence;
  - b) to affect the rights of an individual; or

- c) to award a contract or incur expenditure which materially affects the council's financial position.

In respect of provision (c) above, officers suggest that the threshold at which officers should give notice of decisions to award a contract or incur expenditure, which is considered to "materially affect the council's financial position" should be set at £500,000. The Committee's views are sought on this figure.

3.11 It should be noted that the Council's Financial Regulations (contained in the Constitution) determine which levels and types of expenditure officers can authorise. On the basis of the suggested threshold of £500,000, the following officer decisions would require notification:

- (i) Contract awards between £500k and £1.5M (authority in excess of £1.5M is reserved to Cabinet Members)
- (ii) Authorising payment of invoices over £500k
- (iii) Expenditure relating to treasury management and investments between £500k and £1.5M (authority in excess of £1.5M is reserved to Cabinet Members)
- (iv) Expenditure relating to the operating of contracts for the pension fund over £500k
- (v) Placing of pension fund investments between £500k and £1.5M (authority in excess of £1.5M is reserved to the Superannuation Committee)

3.12 The vast majority of decisions which officers take on a daily basis either do not fall within the scope of the Regulations or have been determined locally to be exempt from the requirement. Some key examples of those decisions which do not need to be recorded are the following:

- Decisions which are already in the public domain in the form of a formal Cabinet or Cabinet Member Report or published as a result of other statutory requirements.
- Decisions which are already in the public domain through the respective service area's existing practices, providing the notice contains all the required information
- Routine administrative and organisational decisions. This includes expenditure and contract awards below the respective thresholds (as detailed above) and minor reorganisations.

- Decisions relating to an individual which contains sensitive and/or legally exempt information such as Housing Benefit, care packages or redundancy packages.
- Functions exercised under the Licensing Act 2003 for which local authorities have no discretion to refuse (i.e. no 'decision' has been taken – an admin function has been completed).

3.13 In order to comply with the Regulations, and to adhere to the principles of openness and transparency, the City Council has implemented an online facility which allows officers to quickly and easily record the relevant decisions they have taken under delegated powers. This information is published on the Westminster City Council website and is accessible by any member of the public. The Head of Legal and Democratic Services has informed all senior council officers of the new requirements and provided practical guidance in respect of the City Council's interpretation and application of the Regulations, including usage of the new online notification facility. In practice, a very similar online facility was already in use by the council in response to the aforementioned 2012 Regulations and officers are simply now required to alter which decisions they formally notify. This will be monitored by Governance Services to ensure compliance.

#### **4. Legal Implications**

- 4.1 Section 40 of the Local Audit and Accountability Act 2014 gives the Secretary of State power, by regulations, to make provision for allowing persons to film, photograph or make sound recordings of proceedings of meetings of certain local government bodies; for allowing those not present at meetings to see and hear the proceedings; and for allowing reporting and commentating on the proceedings.
- 4.2 Section 40 also gives the Secretary of State power, by regulations, to make provision for the keeping of written records of decisions made by officers of local government bodies. Section 40(6) specifies the local government bodies to which section 40 applies.
- 4.3 Part 5A of the Local Government Act 1972 makes general provision for access to meetings and documents of certain authorities, committees and sub-committees. Section 100A concerns admission to meetings of principal councils – they must be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) or by resolution under subsection (4) (these concern proceedings where confidential or exempt information as defined in section 100I are to be discussed). Part 5A applies to principal councils (nonmetropolitan counties, districts and London boroughs) and also applies to the authorities specified in section 100J. Part 5A is applied to overview and scrutiny committees of local authorities by virtue of section 9FA(6)(a) of the Local Government Act 2000.



4.4 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 make provision for public access to meetings and to information relating to decisions of local authority executives, and their committees. In addition, they provide for access to information relating to decisions made by joint committees of local authorities where these are solely comprised of executive members and are discharging executive functions. The Regulations also make provision for public access to documents where executive decisions are made by individual members or officers.

4.5 The 2014 Regulations in question essentially expand the requirement of the above cited 2012 Regulations to include both executive and certain non-executive decisions taken by officers acting under powers delegated to them by a local government body, their committees, sub-committees or joint committees.

## **5. Financial Implications**

5.1 The proposals detailed in this report involve no financial implications. The online facility referred to above has been created at no additional cost to the Council as part of the existing Modern.Gov committee management system.

## **6. Consultation**

6.1 The Regulations came into force on 6<sup>th</sup> August 2014 and required immediate implementation. The Head of Legal and Democratic Services was consulted on the interim approach, prior to the General Purposes Committee's consideration of the full proposals presented in this report.

6.2 The Corporate Leadership Team, which comprise the senior officers responsible for taking officer decisions at the levels impacted by the Regulations, have been consulted. Officers were consulted on an individual basis in the cases of Planning, Licensing, Transportation and Building Control, which are areas specifically cited by Regulation guidance as falling within the scope of the provisions.

6.3 The Director of Communications, Policy and Performance has been consulted specifically in relation to the Council's approach to the filming of public meetings by media organisations and has confirmed her agreement with the long-standing arrangements referred to in section 3 above.

## **7. Summary and Conclusion**

7.1 The Government considers that these Regulations require little or no preparatory work by affected bodies. As evidenced in this report, the City Council already adheres to good practices and actively promotes transparency and openness in respect of its decision-making. Accordingly, the impact of the Regulations upon our current practices is indeed minimal.

- 7.2 The requirements relating to the right of members of the public to film and record our public meetings mimic those good practices already in place at the City Council. The use of modern media tools to record or report on the Council's public meetings will generally be allowed without restriction, unless the usage of those tools or the conduct of the individuals using those tools in any way adversely affects the transaction of business.
- 7.3 Appropriate interim action has already been taken to ensure the City Council is fully compliant with the expanded officer decision requirements and will continue to be enforced going forward, subject to the views of the Committee on the matters set-out in the report.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact:**

**Naomi Stauber, Senior Committee and Governance Officer**

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#### **BACKGROUND PAPERS:**

- Openness of Local Government Bodies Regulations 2014
- Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012
- Westminster City Council Constitution
- Westminster City Council Protocol on Conduct at Meetings and the use of Modern Media



# Committee Report

<b>Decision Maker:</b>	<b>General Purposes Committee</b>
<b>Date:</b>	<b>5 November 2014</b>
<b>Classification:</b>	<b>General Release</b>
<b>Title:</b>	<b>Superannuation Committee – Terms of Reference</b>
<b>Wards Affected:</b>	<b>All</b>
<b>Policy Context:</b>	<b>Management of the Council</b>
<b>Financial Summary:</b>	<b>No Change</b>
<b>Report of:</b>	<b>Tri-Borough Director for Pensions and Treasury</b>

## **1. Executive Summary**

- 1.1 The current Terms of Reference of the Superannuation Committee were established in 2008. Since then, there has been increasing pension related matters that have been considered at Committee, as well as changes with the introduction of a Tri-Borough Pensions team within Finance. Amendments to the Terms of Reference to reflect these developments are now appropriate.

## **2. Recommendations**

- 2.1 That the Council be recommended that the revised Terms of Reference as attached in Appendix A be agreed and that the Superannuation Committee be renamed the Pension Fund Committee.

## **3. Reasons for Decision**

- 3.1 The Terms of Reference for the Superannuation Committee need to be revised to reflect the business the Committee considers, to set out more clearly its responsibilities and to enable a more aligned Terms of Reference across the three Tri-Borough Pension Funds. The renaming of the Committee is to set out more in plain English what the Committee does as Superannuation is now a lesser used word.

#### **4. Background**

- 4.1 The current Terms of Reference we last approved in 2008, and there have been significant changes in the way the pension fund business in the Council has developed since then. The current terms of reference, together with the proposed changes in markup form are attached as appendix A to this paper.
- 4.2 These changes are proposed to reflect more accurately the matters the Committee now cover in the wider pensions' area, to enable any successor Committees or Officers to have a better understanding of their respective remits and to have a greater degree of alignment across Tri-Borough. This last point should enable a greater degree of discussion between the Tri-Borough Committee Chairs where is it appropriate and relevant – given the degree of commonality in some areas between the three Funds.
- 4.3 The name of the Committee has been Superannuation Committee for very many years. However, Superannuation is much less used now than it was, and is not really a term in common parlance. So as to make the title of the Committee understood to all, and to keep the title current, it is proposed that the Committee be renamed the Pension Fund Committee.

#### **5. Financial Implications**

- 5.1 These changes would have no impact on the financial implications – it is more to enable better governance.

#### **6. Legal Implications**

- 6.1 The legal power to the proposal must be set out together with any future possible legal implications.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Jonathan Hunt: 7641 6262; email: [jhunt@westminster.gov.uk](mailto:jhunt@westminster.gov.uk)**

**BACKGROUND PAPERS: Local Government Act 1972**

**PENSION FUND COMMITTEE**1. CONSTITUTION

6 Members of the Council.

2. TERMS OF REFERENCE

To have responsibility for all aspects of the investment and other management activity of the Council's Pension Fund, including, but not limited to, the following matters:

1. To agree the investment strategy and strategic asset allocation having regard to the advice of the fund managers and the Investment Consultant.
2. To monitor performance of the Pension Fund, individual fund managers, custodians, actuary and other external advisors to ensure that they remain suitable;
3. To determine the Fund management arrangements, including the appointment and termination of the appointment of the Fund Managers, Actuary, Custodians and Fund Advisers.
4. To agree the Statement of Investment Principles, the Funding Strategy Statement, the Business Plan for the Fund, the Governance Policy Statement, the Communications Policy Statement and the Governance Compliance Statement and to ensure compliance with these.
5. To approve the final accounts and balance sheet of the Pension Fund and to approve the Annual Report.
6. To receive actuarial valuations of the Pension Fund regarding the level of employers' contributions necessary to balance the Pension Fund.
7. To oversee and approve any changes to the administration arrangements, material contracts and policies and procedures of the Council for the payment of pensions, compensation payments and allowances to beneficiaries.
8. To make and review an admission policy relating to admission agreements generally with any admission body.
9. To ensure compliance with all relevant statutes, regulations and best practice with both the public and private sectors.
10. To review the arrangements and managers for the provision of Additional Voluntary Contributions for fund members.
11. To receive and consider the Auditor's report on the governance of the Pension Fund.
12. To determine the compensation policy on termination of employment and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
13. To determine policy on the award of additional membership of the pension fund and to make any decisions in accordance with that policy other than decisions in

respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).

14. To determine policy on the award of additional pension and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub- Committee).
15. To determine policy on retirement before the age of 60 and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub- Committee).
16. To determine a policy on flexible retirement and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
17. To determine questions and disputes pursuant to the Internal Disputes Resolution Procedures.
18. To determine any other investment or pension policies that may be required from time to time so as to comply with Government regulations and to make any decisions in accordance with those policies other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).