



City of Westminster

Follow-on Council Agenda

Title: **Council Meeting**

Meeting Date: **Wednesday 15th May, 2019**

Time: **7.00 pm**

Venue: **Westminster Council House, 97-113 Marylebone Road,
London, NW1 5PT**

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

Admission to the public gallery is available from 6.30pm.

**Please telephone if you are attending the meeting in a
wheelchair or have difficulty walking up steps. There is
wheelchair access via the Sammy Ofer Centre.**



**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, Reuben Segal, Acting Head of Committee and
Governance Services.**

**Email: rsegal@westminster.gov.uk Tel: 020 7641 3160
Corporate Website: www.westminster.gov.uk**

5. CONSTITUTIONAL MATTERS

(Pages 3 - 30)

**Stuart Love
Chief Executive
7 May 2019**



City of Westminster

Annual Council Report

Date:	15 May 2019
Classification:	For General Release
Title:	Constitutional Matters
Report of:	Chief Executive and Director of Law
Wards Involved:	Not applicable
Policy Context:	Management of the Council
Financial Summary:	None
Report Author and Contact Details:	Reuben Segal Tel: 020 7641 3160 Email: rsegal@westminster.gov.uk

1. Summary

- 1.1 The Council is required to confirm the proportional division of seats on the Standing Committees and to note the Members appointed to them. The Committees are required to appoint and confirm the proportional division of seats on their Sub-Committees and subsidiary bodies, and to note the Members appointed to them. The Committees will meet on the rising of the Annual Council Meeting to do this and, if necessary, but with the exception of the Council's Policy and Scrutiny Committees appoint their Chairmen and agree the appointment of their Sub-Committees and related matters.
- 1.2 The Leader of the Council is responsible for the appointment of Cabinet Members and for the allocation of duties (terms of reference). The Cabinet Members as appointed by the Leader and their terms of reference are unchanged and these are set out in the Council's Constitution. The Leader of the Council has indicated that for the purposes of this report there are no changes to the Cabinet.
- 1.3 The Joint Committees are detailed in Article 11 of the Constitution. The Council is asked to endorse these.

2. Recommendations

- 2.1 That the Standing Committees be established as listed in 2.2 below and their Terms of Reference as set out in Appendix A be approved.

- 2.2 That the Council confirm the proportional division of seats on the Standing Committees as shown in column 3 of Appendix B, circulated separately, as set out below:

Committee	Members	Proportionality	
		Con	Labour
Audit and Performance	4	3	1
General Purposes	4	3	1
Westminster Scrutiny Commission	7	5	2
Family & People Services P&S	8	5	3
City Management & Public Protection P&S	8	5	3
Economic Development, Education, and Place Shaping P&S	8	5	3
Housing, Finance and Regeneration P&S	8	5	3
Communities and Customer Services P&S	8	5	3
Standards	6	4	2
Pensions Fund	4	3	1
Planning & City Development	14	10	4
Licensing Committee	15	11	4
	94	64	30

- 2.3 That the Council note the Members appointed to the Standing Committees by the Chief Executive following notification received from the respective party Chief Whip under the Local Government (Committees and Political Groups) Regulations 1990 as amended, set out in Appendix B, to be tabled.
- 2.4 That the Council's Constitution, including the Scheme of Delegations to Officers in respect of Non-Executive functions, be endorsed.
- 2.5 That the Joint Committees established in accordance with Section 101 of the Local Government Act 1972, as detailed in paragraph 3.8 below, be agreed.

3. Background

- 3.1 The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review periodically the representation of the political groups on their Committees and Sub-Committees to ensure a political balance.
- 3.2 The following principles apply to the allocation of seats:
- (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;

- (b) That the majority of seats on each Committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council must reflect their proportion of the authority's membership; and
 - (d) Subject to (a) to (c), that the number of seats on each committee is, as far as possible, in proportion to the group's membership of the authority.
- 3.3 Sub-Committees are also governed by the political balance rules, but it is not necessary to add up all the Sub-Committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each Sub-Committee should reflect the proportional representation of the political groups on the Council.
- 3.4 Following the City Council Elections on 3 May 2018 the Conservative and Labour Groups hold, respectively, 41 and 19 of the total of 60 Council seats. The proportion by which seats on Committees should be allocated is 68.33% Majority Group and 31.66% Minority Group. The Chief Whip of the Majority Party has proposed the allocation of committee seats detailed above in paragraph 2.2. On the basis of the 94 committee seats proposed, this equates, with rounding, to 64 Majority Party and 30 Minority Party seats. The Chief Executive and the Director of Law have confirmed that this proposed allocation is in accordance with the proportionality rules. Whilst the membership of the Westminster Scrutiny Commission is slightly contrary to strict proportionality it is considered reasonable given the desire to appoint to it all members who are appointed to serve as chairman of a policy and scrutiny committee.
- 3.5 Membership of the Council's Standing Committees and Sub-Committees is governed by Standing Order 23(1) which, in accordance with the Local Government (Committees and Political Groups) Regulations 1990, as amended, provides for Members of Standing Committees and Sub-Committees to be those whose names have been notified to the Chief Executive, who is the duly appointed proper officer for these purposes. The Chief Executive has the delegated power to appoint to all Standing Committees and Sub-Committees in accordance with notifications received from Party officers under the Regulations.
- 3.6 Both political groups on the Council have to notify the Chief Executive of the names of the Members to serve on the Standing Committees, Sub-Committees and subsidiary bodies. It is for the Council to note the Standing Committee memberships as set out in Appendix B to this report, to be tabled, and for the Standing Committees, who are scheduled to meet following this Council meeting, to note their Sub-Committee memberships. In addition the Standing Committees will be asked to appoint their Chairmen, where necessary, and confirm the terms of reference of their Sub-Committees, as set out in the Constitution.

- 3.7 Standing Orders permit the Leader of the Council to nominate the Chairmen and Vice-Chairmen (if any) of Committees and the Committee then determines whether or not to appoint the members nominated. An appropriate recommendation has been included, where the Leader has made a new nomination. It is for the Committee to determine if it wishes to agree the nomination. Otherwise Chairmen will be appointed at the next meeting of the appropriate body.
- 3.8 It is proposed to slightly reduce the membership of the Planning & City Development Committee from 19 to 14. All members who are appointed to sit on the Planning Applications Sub-Committees are given a position on the main committee. The reduction in the Committee's membership reflects the proposal to reduce the membership of the Planning (Major Applications) Sub-Committee by one seat, which will more accurately reflect the proportionality of political parties on the Council, as well as the intention to reduce by one the number of other Planning Applications Sub-Committees.
- 3.9 The City Council is required to appoint a Licensing Committee in accordance with the Licensing Act 2003. In accordance with the provisions of the Licensing Act the minimum number of Members who can be appointed to the Licensing Committee is 10 and the maximum 15. The Council, as the busiest Licensing authority, has always appointed the maximum.
- 3.10 The responsibility for the delegation of executive functions sits with the Leader who allocates these to the full Cabinet, a Cabinet Committee, a Cabinet Member or an Officer. The Leader of the Council has confirmed that she is content with the Scheme of Delegations for executive functions to Officers as set out in the Constitution. The terms of reference of the Cabinet, Cabinet Committees and Cabinet Members remain unchanged.
- 3.11 The City Council has a number of Joint Committees established in accordance with Section 101 of the Local Government Act 1972. These are as follows:
- (a) The London Councils Grants Committee
 - (b) The London Councils Transport and Environment Committee
 - (c) The London Councils – Leaders Committee
 - (d) The North West London Joint Health Overview and Scrutiny Committee
- 3.12 The Council is asked to endorse the Constitution which can be found on the Council's website: www.westminster.gov.uk. Officers have delegated authority to keep the Constitution up-to-date.
- 4. Financial Implications**
- 4.1 Provision has been made in the Council's 2019-2020 budget for an increase in the Members Allowances of 2% - to match the increase being paid to officers.

5. Legal Implications

- 5.1 The Council is required to carry out a review of seats at least annually in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. These requirements are reflected in this report.
- 5.2 The Local Authorities (Members' Allowances)(England) Regulations 2003 provide that the Council may amend its Members' Allowances Scheme in year. It is required to publish the amended scheme and give notice of such amendment in the local press.

If you have any queries about this report or wish to inspect any of the background papers please contact Reuben Segal on 020 7641 3160; Email: rsegal@westminster.gov.uk

Appendices:

- Appendix A – Terms of Reference of the Committees
- Appendix B – Memberships of the Standing Committees (*to be tabled*)

AUDIT AND PERFORMANCE COMMITTEE TERMS OF REFERENCE

CONSTITUTION

4 Members of the Council, 3 Majority Party Members and 1 Minority Party Member, but shall not include a Cabinet Member.

TERMS OF REFERENCE

Audit Activity

1. To consider the head of internal audit's annual report including the auditor's opinion on the Council's control environment and a summary of internal audit and anti-fraud activity and key findings.
2. To consider reports, at regular intervals, which summarise:
 - the performance of the Council's internal audit and anti fraud service provider/s
 - audits and investigations undertaken and key findings
 - progress with implementation of agreed recommendations
3. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
4. To consider specific reports as agreed with the external auditor.
5. To comment on the scope and depth of external audit work and to ensure it gives value for money.
6. To liaise with the Audit Commission over the appointment of the Council's external auditor.
7. To comment on the proposed work plans of internal and external audit.

Regulatory Framework

8. To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
9. To review any issue referred to it by the Chief Executive or a Director, or any Council body.
10. To monitor the effective development and operation of risk management and corporate governance in the Council.
11. To monitor Council policies on 'Raising Concerns at Work', the Council's complaints process and the Antifraud and Corruption Strategy; specifically the effectiveness of arrangements in place to ensure the Council is compliant with the Bribery Act 2010.

12. To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
13. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
14. To consider the Council's compliance with its own and other published standards and controls.
15. To maintain an overview of the arrangements in place for maintaining High Ethical Standards throughout the Authority and in this context to receive a report annually from the Head of Legal and Democratic Services and the Chief Finance Officer.

Accounts

16. To review the annual statement of accounts and approve these for publication. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
17. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Performance Monitoring

18. To review and scrutinise the financial implications of external inspection reports relating to the City Council.
19. To receive the quarterly performance monitoring report and refer any issues which in the Committee's view require more detailed scrutiny to the relevant Policy and Scrutiny Committee.
20. To review and scrutinise personnel issues where they impact on the financial or operational performance of the Council including but not limited to agency costs, long-term sickness, ill health early retirements and vacancies; and
21. To review and scrutinise Stage 2 complaints made against the City Council and monitor progress.
22. To consider and advise upon, prior to tender, the most appropriate contractual arrangements where a proposed contract has been referred to the Committee by the Chief Executive.
23. To maintain an overview of overall contract performance on behalf of the Council.
24. To review and scrutinise contracts let by the Council for value for money and adherence to the Council's Procurement Code.

25. To review and scrutinise the Council's value for money to Council tax payers.
26. To scrutinise any item of expenditure that the Committee deems necessary in order to ensure probity and value for money.

Staffing

27. To advise the Cabinet Member for with responsibility for Finance on issues relating to the remuneration of all staff as necessary.
28. In the course of carrying out its duties in respect of 27 above, to have regard to the suitability and application of any grading or performance related pay schemes operated, or proposed, by the Council.

GENERAL PURPOSES COMMITTEE

CONSTITUTION

4 Members of the Council (3 Majority Party Members and 1 Minority Party Members).

TERMS OF REFERENCE

(1) **MEMBERS ALLOWANCES**

Making recommendations to the Council for the adoption or revision of a scheme of allowances for Members.

(2) **HEALTH AND SAFETY**

The City Council's functions under the Health and Safety at Work Act 1974 (except to the extent that these functions are discharged by the Council or an employer).

(3) **FUNCTIONS IN RELATION TO ELECTIONS**

Elections and Electoral Registration Matters.

(4) **PROMOTION/OPPOSITION OF LEGISLATION/BYELAWS**

- (a) To make recommendations to the Council as to the promotion or opposition to legislation where considered appropriate.
- (b) To recommend to Council the adoption, amendment or repeal of bylaws.

(5) **CONSTITUTION AND STANDING ORDERS**

To keep under review and make recommendations as to the Constitution and to recommend to the Council the adoption, repeal or amendment of Standing Orders. To make recommendations to the Council as to the appointment of Committees.

Note: This does not apply to changes to the following core documents which are the responsibility of the relevant Cabinet Member, Committee or Strategic Executive Board Member or Head of Service to approve. In addition, changes to the terms of reference of Sub-Committees shall, once approved by the relevant parent committee be included in the Constitution, without additional approval being necessary.

Code of Governance	(Chief Executive)
Procurement Code	(Cabinet Member for Finance, Property and Regeneration)
Scheme of Delegations *	(Director of Law)
Employee Code	(Director of People Services)

Financial Regulations (Executive Director Finance and Resources)

* The Scheme of Delegations will only be updated by the Director of Law following the approval of the delegation by the Cabinet, Cabinet Member or relevant Committee.

(6) PAYMENTS OF COMPENSATION IN CASES OF MALADMINISTRATION

Approval of payments and benefits in cases of maladministration where these exceed Chief Officers delegated powers or the relevant Chief Officers refer the matter to the Committee.

(7) ETHICAL GOVERNANCE

Notwithstanding the terms of reference of the Audit and Performance Committee, the General Purposes Committee will retain the responsibility for monitoring and implementing the action plan arising from the Audit Commission's Ethical Governance Audit of Westminster

(8) OTHER MATTERS

- (a) All other non-executive functions not delegated to any other committee.
- (b) All other functions referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (i.e. "local choice" functions) not specifically allocated
- (c) Other matters more specifically included in the terms of reference of the Committee's Sub-Committees.

WESTMINSTER SCRUTINY COMMISSION

CONSTITUTION

7 Members of the Council (5 nominated by the Majority Party and 2 by the Minority Party), but shall not include a member of the Cabinet.

TERMS OF REFERENCE

- (a) To carry out those duties assigned to the Westminster Scrutiny Commission as set out in the Constitution.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with the Policy and Scrutiny procedure rules.
- (c) To be responsible for the management and co-ordination of the Policy and Scrutiny function.
- (d) To assign tasks to the most appropriate Policy and Scrutiny Committee, where the issue does not sit within the terms of reference of a particular Policy and Scrutiny Committee.
- (e) To scrutinise the work of the Leader of the Council including at public Question and Answer session(s).
- (f) To approve the Annual Report of Policy and Scrutiny activity, as required under the Constitution.

STANDARDS COMMITTEE TERMS OF REFERENCE

CONSTITUTION

6 Members of the Council, 4 Majority Party Members and 2 Minority Party Member.

TERMS OF REFERENCE

- (a) To promote and maintain high standards of conduct by the Members and Co-opted Members of the City Council.
- (b) To advise the City Council on the adoption or revision of a Code of Conduct for Members.
- (c) Advising, training or arranging to train Members and Co-opted Members on matters relating to the City Council's Code of Conduct for Members.
- (d) To assist Members and Co-opted Members to observe the City Council's Code of Conduct for Members.
- (e) To monitor the operation of the Code of Conduct for Members.
- (f) Consider reports referred to the Committee by ethical standards officers or the Monitoring Officer of investigations into alleged breaches of the City Council's Code of Conduct for Members.
- (g) Where necessary, to conduct hearings into allegations of breaches of the said code, and interview officers, Members and others as required.
- (h) Determining whether allegations of breaches of the said code are made out and determining what action, if any, to take in relation hereto including, where it is determined that a breach has occurred, deciding what sanctions, if any, should be applied in relation to the Member or Member concerned (and for the avoidance of doubt, the Committee shall only have power to impose any sanction authorised by law).
- (i) Consider any complaints in respect of Members referred to the Committee under the City Council's "Whistleblowing" procedure and determining the action to be taken, if any.
- (j) To the extent allowed by the Law, granting dispensations in relation to Member and co-opted Member interests as referred to in the Members Code of Conduct.
- (k) To consider, advise and, if appropriate, take action upon other Member conduct issues not otherwise dealt with under these terms of reference.

PENSION FUND COMMITTEE

CONSTITUTION

4 Members of the Council (3 Majority Party Members and 1 Minority Party Member)

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:

- (a) To agree the investment strategy having regard to the advice of the Fund Managers and the independent adviser.
- (b) To monitor performance of the Fund and of the individual Fund Managers;
- (c) To determine the Fund management arrangements, including the appointment and termination of the appointment of the Fund Managers, Custodians and Fund Advisers.
- (d) 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.
- (e) To approve and publish the pension fund annual report.
- (f) To prepare and publish a pension administration strategy.
- (g) To make an admission agreement with any admission body.
- (h) To ensure compliance with all relevant statutes, regulations and best practice with both the public and private sectors.
- (i) 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).
- (j) 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).
- (k) 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).

- (l) 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).
- (m) 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). To determine questions and disputes pursuant to the Internal Disputes Resolution Procedures.
- (n) 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).

CITY MANAGEMENT AND PUBLIC PROTECTION POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Members).

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Environment and City Management and the Cabinet Member for Licensing and Public Protection.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations whose services fall within the Committee's terms of reference.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

FAMILIES AND PEOPLE SERVICES POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Member), but shall not include a Member of the Cabinet.

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Families and Public Health.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies and in particular to scrutinise matters relating to the provision of Health Services within Westminster, including the consideration of any reports referred by the local Health Watch.
- (d) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (e) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (f) Any other matter allocated by the Westminster Scrutiny Commission.
- (g) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.
- (k) To discharge the Council's statutory responsibilities under Section 7 and 11 of the Health and Social Care Act 2001 with regard to any planned substantial developments and variations to NHS services.
- (l) To oversee strategic and accountability issues within local health commissioners and providers.

ECONOMIC DEVELOPMENT, EDUCATION, AND PLACE SHAPING POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Members, but shall not include a Member of the Cabinet.

4 co-opted Members with voting rights ie one co-opted representative each from the Church of England and Roman Catholic Diocesan Education Boards and two Parent Governor Representatives. 2 co-opted Members without voting rights, ie 2 Headteachers of Westminster maintained schools.

NB: The voting rights of the co-opted only extend to matters relating to Education.

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution, in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Economic Development, Education and Skills and the Cabinet Member for Place Shaping and Planning.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters, within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission.
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the Scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

HOUSING, FINANCE AND REGENERATION POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (5 Majority Party Members and 3 Minority Party Members), but shall not include a Member of the Cabinet.

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Housing and the Cabinet Member for Finance, Property and Regeneration.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission.
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations under a duty to that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

COMMUNITIES AND CUSTOMER SERVICES POLICY AND SCRUTINY COMMITTEE

8 Members of the Council (5 Majority party Members and three Minority Party Member), but shall not include a Member of the Cabinet.

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Sports, Culture and Community and the Cabinet Member for Customer Services and Digital.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (e) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (f) Any other matter allocated by the Westminster Scrutiny Commission.
- (g) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

PLANNING AND CITY DEVELOPMENT COMMITTEE

CONSTITUTION

14 members of the Council (10 Majority party members and 4 Minority party members). Such members to be members of the Planning Applications Sub-Committees (Nos 1 and 2) and the Planning (Major Applications) Sub-Committee

TERMS OF REFERENCE

- (a) To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
- (b) To have oversight of the practices and procedures of the Planning (Major Applications) Sub-Committee, Planning Applications Sub-Committees (but not to consider individual planning applications) making recommendations where necessary to officers, Planning Applications Sub-Committees and/or the Cabinet for Planning and Public Realm.
- (c) To consider and recommend a training programme for members of the Planning Applications Sub-Committees.

LICENSING COMMITTEE

CONSTITUTION

15 Members of the Council. 11 nominated by the Majority party and 4 nominated by the Minority party.

TERMS OF REFERENCE

- (a) All matters relating to the discharge by the Authority of its licensing functions as required by Section 7(1) of the Licensing Act 2003.
- (b) To receive reports on Licensing Act 2003 matters, as required by the Council's Policy Statement on Licensing.
- (c) To agree procedures for operation by the Licensing Committee and the Licensing Sub-Committees when conducting hearings and other functions within their terms of reference.
- (d) To establish Licensing Sub-Committees and approve their terms of reference.
- (e) To be responsible for those matters more fully set out in the terms of reference of the Licensing Sub-Committee and to determine any matter referred to it by a Licensing Sub-Committee.
- (f) To consider any reports which are required by Statute to be submitted to the Licensing Committee.
- (g) To be responsible for the delegation to Officers of licensing functions as defined by the Licensing Act 2003 and the other functions included within these Terms of Reference.
- (h) Procedures for the conduct of business at the Officer Panel and the Licensing Sub-Committees, including all matters in respect of the processing of applications.
- (i) Non-executive matters in respect of the Council's Street Markets and all other non-executive Street Trading matters.
- (j) Non-executive matters in respect of licensing functions within these terms of reference and those of the Licensing Sub-Committees.
- (k) The grant, approval, review, refusal, revocation, renewal, transfer of variation of any licence, registration, certificate, consent, permit, approval of permission, except where such function is within the terms of reference of a Cabinet Member or such specific matter is being discharged by a Licensing Sub-Committee.
- (l) All non-executive functions relating to the Gambling Act 2005.

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City of Westminster

Title:

Committee Agenda

Family Services and Public Health Policy and Scrutiny Committee
Audit and Performance Committee
General Purposes Committee
Pension Fund Committee
Planning and City Development Committee
Licensing Committee

Meeting Date:

Wednesday 15 May 2019

Time:

On the rising of the Annual Council Meeting

Venue:

Westminster Council House, 97-113 Marylebone Road, London, NW1 5PT

Members:

See list of Memberships attached to report item 8 of the Annual Council Agenda



Members of the public are welcome to attend the meeting and listen to the discussion of Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at Council House from 6.30pm. If you have a disability and require any special assistance please contact the Committee and Governance Officer (details listed below) in advance of the meeting.



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 Reuben Segal, Acting Head of Committee and Governance Services on:

Tel: 020 7641 3160
Email: rsegal@westminster.gov.uk
Corporate Website: www.westminster.gov.uk

AGENDA (PART 1)

Members are reminded that this meeting will be conducted by the Chief Executive in accordance with Standing Order 9.2(4).

1. MEMBERSHIP

To note the Membership of the Committees as listed in Appendix B of the report Constitutional Matters Item 4 on the Annual Council Agenda.

2. CONSTITUTIONAL ISSUES

Report of the Director of Law

**Stuart Love
Chief Executive
7 May 2019**



City of Westminster

Joint Report to Committees

Date: 15 May 2019

Classification: For General Release

Title: Constitutional Matters for Standing Committees

Report of: Director of Law

Wards Involved: Not applicable

Policy Context: Management of the Council

Financial Summary: None

Report Author and Contact Details: Reuben Segal
Tel: 020 7641 3160
Email: rsegal@westminster.gov.uk

1. Summary

- 1.1 This report is submitted to review the proportional division of seats on their respective Sub-Committees, in each case to note the Sub-committee’s membership and to allow the relevant Committees to appoint a Chairman, where necessary. Details of these are set out in the specific recommendations addressed to each of the Committees referred to below.
- 1.2 The procedures for this meeting are set out in Standing Order 9.2 (4), which allows for the all the recommendations before the Committees to be taken together and for the meeting to be conducted by the Chief Executive.

2. Recommendations

Family Services and Public Health Policy and Scrutiny Committee

- 1. That the Committee confirm the proportional division of seats on the Sub-Committee listed below:

Sub-Committee	Members	Proportionality	
		Cons	Labour
Health Urgency	3	2	1

Audit and Performance Committee

That the Committee confirm the proportional division of seats on the Sub-Committees listed below:

Sub-Committees	Members	Proportionality	
		Cons	Labour
Audit and Performance Urgency	3	2	1
Appointments	4	3	1
Staff Appeals	3	2	1

General Purposes Committee

That the Committee confirm the proportional division of seats on the Sub-Committees listed below:

Sub-Committee	Members	Proportionality	
		Cons	Labour
General Purposes Urgency	3	2	1
Education (Awards) Appeals	4	3	1

Pension Fund Committee

That the Committee confirm the proportional division of seats on the Sub-Committee listed below:

Sub-Committee	Members	Proportionality	
		Cons	Labour
Pension Fund Urgency	3	2	1

Planning and City Development Committee

That the Committee confirm the appointment of the Planning Applications Sub-Committees and the proportional division of seats on them as listed below.

Sub-Committees	Members	Proportionality	
		Cons	Labour
Planning (Major Applications)	6	4	2
Planning Applications No 1	4	3	1
Planning Applications No 2	4	3	1

Licensing Committee

That the Committee confirm the appointment of the Licensing Sub-Committees Nos 1 to 5 and the Licensing Sub-Committee No 6:

Sub-Committees	Members	Proportionality	
		Con	Labour
Licensing Sub-Committees (x5)	3	2	1
(NB: In exceptional circumstances the Chief Executive may appoint a Membership which is contrary to this proportionality)			
Licensing Sub-Committee No 6	3	2	1
Urgency Sub-Committee	3	2	1

3. Background Information

- 3.1 Standing Orders permit the Leader of the Council to nominate the Chairmen of Committees, and the Committee then determines whether or not to appoint the members nominated. Where a recommendation has not been included the Chairmen will be appointed at the next meeting of the appropriate body.
- 3.2 Under statutory regulations, Committees are required to review at least annually the proportional division of seats on their Sub-Committees. This applies to all Sub-Committees including those of the regulatory Committees and to the formal Sub-Committees of Policy and Scrutiny Committees. Memberships are set out as Appendix A to the report (agenda item 4) on the Council agenda.
- 3.3 It is proposed to reduce the membership of the Planning (Major Applications) Sub-Committee by one seat which will more accurately reflect the proportional division of seats on the Sub-Committee. The terms of reference of the Sub-Committee remains unchanged. The other Planning Applications Sub-Committees have been reduced from 3 to 2 to make more efficient use of resources in determining planning applications.

4. Legal Implications

- 4.1 The proportional allocation of Sub-Committee places set out in this report conforms to the Proportionality Rules more fully referred to in the report, Item 4, to the Annual Council meeting.

If you have any queries about this report or wish to inspect any of the background papers please contact Reuben Segal on 020 7641 3160; Email: rsegal@westminster.gov.uk

Background Papers

- Constitution