

CHAPTER 3 – THE LEADER AND THE
CABINET

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1. THE EXECUTIVE - LEADER AND THE CABINET

1.1. ROLE

The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

1.2. FORM AND COMPOSITION

The executive will consist of the Leader together with other councillors, the precise number of which is determined by the Leader but cannot be more than 10, including the Leader, appointed to the Cabinet by the Leader.

1.3. LEADER

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until:

- i. they resigns from the office; or
- ii. they are no longer a councillor; or
- iii. they are removed from office by resolution of the Council.

The Leader of the Council will be elected at the Annual Council Meeting in the year of the City Council elections.

1.4. OTHER CABINET MEMBERS

Other Cabinet members shall hold office until:

- i. they resign from office; or
- ii. they are no longer councillors; or
- iii. they are removed from office by the Leader who must give written notice of any removal to the proper officer.

1.5. PROCEEDINGS OF THE EXECUTIVE

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules and, so far as relevant, the Council Procedure Rules set out in Chapter 2 of this Constitution.

1.6. RESPONSIBILITY FOR FUNCTIONS

The Proper Officer will on behalf of the Leader maintain a list in this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions and of non-decision making Deputy Cabinet Members.

2. THE CABINET – TERMS OF REFERENCE

1. CONSTITUTION

The Leader and the other members of the Cabinet as appointed by them not exceeding 10 Members (including the Leader).

2. TERMS OF REFERENCE

Subject always to the budget and policy framework approved by the full Council; executive functions in relation to the following:

(1) POLICY PLANNING AND ADVICE

- (a) to review and recommend to the Full Council policies and strategies which form the policy framework of the Council, unless this function is being carried out by the Cabinet Member responsible;
- (b) to keep under review the Council's objectives and to co-ordinate plans for their achievement;
- (c) within the framework approved by full Council to determine overall Council priorities for services and projects and to re-allocate financial and other resources therefore;
- (d) to require Cabinet Members to consider or to review the detailed application of service policies;
- (e) to consider all matters which, in the opinion of the Leader of the Council or the Chief Executive, involve questions of major policy or which requires co-ordination of decisions between Cabinet Members;
- (f) to advise Cabinet Members on such matters as have been referred by them for such advice or upon which the Cabinet considers they should have done;
- (g) To determine matters within the terms of reference of individual Cabinet Members where a dispute has arisen on the matter in question between the relevant Cabinet member and the Chair of the relevant Policy and Scrutiny Committee;
- (h) To meet any other requirements incumbent on the Cabinet as set out in the Constitution.

(2) BUDGET PREPARATION AND FINANCIAL MANAGEMENT

- (a) within the framework approved by the full Council the overall control of the finances of the Council;

- (b) to consider and submit for approval annually a programme of capital expenditure and its revenue implications for the General Fund and the Housing Revenue Account for the succeeding five years and the capital estimates for the next financial year;
- (c) to indicate to Cabinet Members the limits within which revenue budgets - including the Housing Revenue Account, shall be framed for approval by the Council and to examine their individual revenue forecasts;
- (d) to recommend to the Council for approval the annual revenue and capital estimates and the Council Tax levied after making provision for contingencies and balances and taking into account any other factor that may affect the level of the Council Tax and the National Non Domestic Rate.
- (e) to take decisions on any supplementary estimates requests where the Cabinet Member for Finance, Corporate and Customer Services is minded to defer or refuse a request.
- (f) to recommend for approval any strategy or plan for the control of the Council's capital expenditure or borrowing.

(3) DEPARTMENTAL ORGANISATION

To have responsibility for the Departmental Organisation of the City Council.

**WESTMINSTER CITY COUNCIL
MEMBERS OF THE CABINET**

Portfolio	Name	Ward
Leader of the Council	Councillor Adam Hug	Westbourne
Deputy Leader and Cabinet Member for Children and Public Protection	Councillor Aicha Less	Church Street
Deputy Leader and Cabinet Member for Adult Social Care, Public Health and Voluntary Community Sector	Councillor Nafsika Butler-Thalassis	Maida Vale
Cabinet Member for Finance and Council Reform	Councillor David Boothroyd	Westbourne
Cabinet Member for Climate, Ecology and Culture	Councillor Ryan Jude	Lancaster Gate
Cabinet Member for Planning and Economic Development	Councillor Geoff Barraclough	Maida Vale
Cabinet Member for City Management and Air Quality	Councillor Paul Dimoldenberg	Hyde Park
Cabinet Member for Housing Services	Councillor Liza Begum	Pimlico South
Cabinet Member for Regeneration and Renters	Councillor Matt Noble	Church Street
Cabinet Member for Communities	Councillor Cara Sanquest	Queen's Park

DEPUTY CABINET MEMBERS

Portfolio	Special Area of Interest	Name	Ward
City Management and Air Quality	City Management and Air Quality	Councillor Max Sullivan	Bayswater
Young People, Learning and Culture	Culture, Leisure and the Arts	Councillor Jessica Toale	West End
Climate Action, Regeneration and Renters City Management and Air Quality	Climate Action and Biodiversity	Councillor Ryan Jude	Lancaster Gate
Finance and Council Reform Housing Services	Housing Improvement and Procurement	Councillor Ellie Ormsby	Lancaster Gate
Planning and Economic Development	Planning and Economic Development	Councillor James Small-Edwards	Bayswater
Housing Services Adult Social Care, Public Health and Voluntary Sector Climate Action, Regeneration and Renters	Adult Social Care, Supported and Specialist Housing	Councillor Maggie Carman	Bayswater
Planning and Economic Development Finance and Council Reform	Fairer Working	Councillor Robert Eagleton	Pimlico South
Planning and Economic Development Resident Participation, Consultation Reform and Leisure	Equalities and Skills	Councillor Sara Hassan	Maida Vale
Young People, Learning and Culture Communities and Public Protection	Young People and Public Protection	Councillor Hamza Taouzzale	Queen's Park

3. LEADER AND CABINET PROCEDURE RULES

HOW DOES THE EXECUTIVE OPERATE?

3.1. WHO MAY MAKE EXECUTIVE DECISIONS?

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- iv. the executive as a whole;
- v. a committee of the executive;
- vi. an individual member of the executive, including the Leader;
- vii. an officer;
- viii. joint arrangements; or
- ix. another local authority.

3.2. DELEGATION BY THE LEADER

At the annual meeting of the Council, immediately following the full City Council elections (or otherwise as necessary), the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation in this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- i. the names, addresses for correspondence and wards of the Councillors appointed to the Cabinet by the Leader;
- ii. the delegations to Cabinet members individually including the limitation on their authority, if any;
- iii. the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet members appointed to them;
- iv. the nature and extent of any delegation of executive functions to any joint committee; and
- v. the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

3.3. SUB-DELEGATION OF EXECUTIVE FUNCTIONS

Unless the Council directs otherwise, the Cabinet may delegate further to a committee of the Cabinet or to an officer.

Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

Unless the Leader directs otherwise, a Cabinet member to whom functions have been delegated by the Leader may delegate further to an officer.

Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

3.4. THE COUNCIL'S SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS

- i. Subject to (ii) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council.
- ii. As the Leader is able to decide whether to delegate executive functions, they may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, or committee. The proper officer will notify all members of the Council setting out the changes made by the Leader.
- iii. Similarly unless the Leader otherwise directs, delegations by the Cabinet (to Cabinet Committees or officers) or by Cabinet Committees or Cabinet Members (to officers) can be amended or withdrawn by the body or person concerned by written notice in the same way.
- iv. Where the Leader or Cabinet seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when they have served it on its chair.

3.5. CONFLICTS OF INTEREST

Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter 7 of this Constitution.

If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter 7 of this Constitution.

If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Chapter 7 of this Constitution.

3.6. EXECUTIVE MEETINGS – WHEN AND WHERE?

The Cabinet will meet in accordance with a programme of meetings agreed by the Leader. A meeting may be cancelled by the Leader where there is insufficient business. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

3.7. PUBLIC OR PRIVATE MEETINGS OF THE EXECUTIVE?

Cabinet meetings and meetings of Cabinet committees will be held in public save where there would otherwise be a disclosure of confidential or exempt information within the meaning of the Local Government Act 1972 as amended.

3.8. QUORUM

The quorum for a meeting of the Cabinet, or a committee of it, shall be 3 and 2 respectively. Additionally, the Cabinet shall not be quorate unless either the Leader, -Deputy Leader or Chief Whip (or some other member of the Cabinet nominated by the Leader or Deputy Leader to chair the meeting) is present.

3.9. HOW ARE DECISIONS TO BE TAKEN BY THE EXECUTIVE?

Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 8 of the Constitution.

Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

3.10. WHO PRESIDES?

The Leader, or in their absence, the Deputy Leader, will preside at meetings of the Cabinet (unless both are unavailable, in which case the Chief Whip or

some other Cabinet Member nominated by the Leader or Deputy Leader will chair the meeting).

The Leader will appoint a member of any Cabinet Committee to preside at meetings of that committee.

3.11. WHO MAY ATTEND?

All members of the Council may attend meetings of the Cabinet or Cabinet Committees but may speak only if they are a member thereof or with the consent of the person presiding.

3.12. WHAT BUSINESS?

At each meeting of the Cabinet or any Cabinet Committee the following business will be conducted:

- i. consideration of the minutes of the last meeting;
- ii. declarations of interest, if any;
- iii. any matters referred to the Cabinet or Cabinet Committee (whether by a policy and scrutiny committee or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution;
- iv. consideration of any reports from policy and scrutiny committees;
- v. other matters set out in the agenda for the meeting.

3.13. CONSULTATION

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

3.14. WHO CAN PUT ITEMS ON THE CABINET AGENDA?

The agenda for Cabinet meetings and meetings of Cabinet Committees will be determined by the Proper Officer in consultation with the Leader or Chair of the relevant Cabinet Committee as appropriate.

3.15. INDIVIDUAL CABINET MEMBER DECISIONS

Upon consideration of a report from the relevant Chief Officer(s) issued in accordance with the relevant regulations, individual Members of the Cabinet may take decisions in respect of the executive functions set out in their terms of reference, subject to:-

- i. the budget and policy framework approved by the full Council;
- ii. the exclusion of any matter which falls within the terms of reference of the Cabinet;
- iii. the exclusion of matters falling within the delegated power of officers unless referred to the Cabinet member by the relevant Chief Officer or "called in" by the Cabinet member (see below); and

If the relevant Chief Officer is unwilling to refer a matter (or class of matters) falling within their delegated powers to the Cabinet Member for decision, then the Cabinet member may call the matter (or class of matters) in for their own decision by giving written notice to the relevant Chief Officer. A copy of the written notice shall at the same time be given to the Council's Monitoring Officer. Where a matter or class of matters has been "called in" in accordance with this provision, the power or powers in question shall, until the notice is withdrawn, be exercisable by the Cabinet member and not the Chief Officer unless the notice is countermanded by the Leader, or the Monitoring Officer advises that the power or powers in question are not appropriate to be discharged by the Cabinet member for legal or technical reasons.

4. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

4.1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

4.2. PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework shall be developed is:

- i. Each year Chief Officers and relevant Cabinet Members will update Policy and Scrutiny Committees on potential issues for Committees work programmes (see the Policy and Scrutiny Procedures Rules) including any matters which form part of the Budget and Policy Framework, which will require adoption in the coming year.
- ii. If a Policy and Scrutiny Committee wishes to include the matter into the work programme the Chief Officer will ensure that the Committee is consulted in good time to enable the Committee's views to be considered by the Cabinet or Cabinet Member prior to firm proposals being submitted to the Council. In the event that the Policy and Scrutiny Committee chooses to consider a report which forms part of the Budget and Policy Framework then its views shall be included in the report submitted to the Cabinet or Cabinet Member who shall take them into account in drawing up firm proposals for submission to the Council. The report to Council will reflect the comments made by Policy and Scrutiny Committee consultees and the Cabinet's response. It should be noted that the terms of reference of the Budget Scrutiny Task Group include considering, on behalf of the Policy and Scrutiny Committees, reports on budget options and draft business plans and estimates at the appropriate stages in the business planning cycle and submitting recommendations/comments thereon to the Cabinet and/or Cabinet Members.
- iii. Once the Cabinet or relevant Cabinet Member has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- iv. In reaching a decision, the Council may adopt the Cabinet's/Cabinet Member's proposals, amend them, refer them back to the Cabinet for further consideration, or, substitute its own proposals in their place.
- v. If it accepts the recommendation of the Cabinet/Cabinet Member without amendment, or the Leader of the Council on behalf of the Cabinet or the Cabinet Member supports the amended recommendation the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle

decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

- vi. The decision will be publicised in accordance with the access to information rules.
- vii. An in-principle decision will automatically become effective on the expiry of 5 working days from the date of the Council's decision, unless the Leader informs the proper officer in writing within the period of 5 working days that they object to the decision becoming effective and provides reasons why. If the Leader informs the proper officer that he has no objection it shall become effective upon receipt of such notice.

In that case, the proper officer will call a Council meeting to take place within a further 10 working days. The Council will be required to re-consider its decision and the Leader's written submission. The Council may:

- a) approve the Cabinet's/Cabinet Member's recommendation by a simple majority of votes cast at the meeting; or
 - b) approve a different decision which does not accord with the recommendation of the Cabinet/Cabinet Member's by a simple majority.
- viii. The decision shall then be made public in accordance with the Access to Information rules, and shall be implemented immediately;
 - ix. In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet or Cabinet Member and these will be set out in the financial procedural rules. Any other changes to the policy and budgetary framework are reserved to the Council.

4.3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

Subject to the provisions of paragraph 4.2 (ix) the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4.4 below.

If the Cabinet, committees of the Cabinet, individual members of the Cabinet or any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer or, as appropriate, the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in

accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4.4 (urgent decisions outside the budget and policy framework) shall apply.

4.4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- i. if it is not practical to convene a quorate meeting of the full Council; and
- ii. if the chair of a relevant Policy and Scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Policy and Scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Policy and Scrutiny committee the consent of the Lord Mayor will be sufficient.

Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.5. VIREMENT

“Virement” is the ability to meet increased expenditure or reduced income under one expenditure vote from savings in another expenditure vote. The City Council’s rules on virement are set out in the Financial Regulations in Chapter 9 of the Constitution.

4.6. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- i. which will result in the closure, amendment or discontinuance of a service or part of service to meet a budgetary constraint;
- ii. necessary to ensure compliance with the law, ministerial direction or government guidance;
- iii. in relation to the policy framework in respect of a policy which would normally be agreed periodically by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- iv. which are within the scope set out for in year charges in the policy document in question, or when the policy document was approved by the Council.

4.7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

Where a policy and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer or, as appropriate, chief financial officer.

In respect of functions which are the responsibility of the Cabinet, the monitoring officer's report or chief financial officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the overview and scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.

If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the policy and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief financial officer. The Council may either:

- i. endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further

action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; *or*

- ii. amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; *or*
- iii. where the council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer.

4.8. SUSPENSION OF PROCEDURAL REQUIREMENTS

A procedural requirement of these rules may be suspended to the extent that the Monitoring Officer advises is strictly necessary to meet a legal requirement.

5. COMMITTEES OF THE CABINET

URGENCY COMMITTEE OF THE CABINET

CONSTITUTION

3 Members of the Cabinet, as notified to the Chief Executive by the Leader of the Council or in their absence the Deputy Leader of the Council.

TERMS OF REFERENCE

1. All matters, within the terms of reference of the Cabinet, which the Urgency Committee of the Cabinet is satisfied are Urgent and cannot wait for a decision by the Cabinet at its next programmed meeting.
2. To make a recommendation direct to the Council on any urgent matters which by statute or under the City Council's executive arrangements must be determined by full Council.

WESTMINSTER SHAREHOLDER COMMITTEE

1. OVERVIEW

1.1 The Shareholder Committee forms part of the overall governance arrangements for Westminster City Council ("**the Council**") in relation to companies and other legal entities which are wholly or partly owned or controlled by the Council (including where such control comes about indirectly, such as via a loan agreement) (each a "**Subsidiary**" and together the "**Subsidiaries**").

2. CONSTITUTION

2.1 The members of the Shareholder Committee will be appointed by the Leader of the Council. Only Cabinet Members may sit on the Shareholder Committee.

2.2 Each Shareholder Committee member may nominate an alternate Cabinet Member to attend a meeting in their place.

2.3 The Shareholder Committee will be supported by Council officers as required.

2.4 The Shareholder Committee will appoint the Leader as Chair of the Shareholder Committee. If the Chair is not present at the start of a meeting of the Shareholder Committee, those members present will appoint one of the members present to chair that meeting.

2.5 Additional advisors, who do not need to be officers or members of the Council, may be invited to attend the Shareholder Committee as required.

3. ROLE OF THE SHAREHOLDER COMMITTEE

3.1 The Shareholder Committee will have a role in ensuring proper governance of the Council's Subsidiaries, such role to include:

3.1.1 monitoring information from each Subsidiary, in particular on financial and other risks and escalating such risks within the Council as appropriate;

3.1.2 exercising decisions relating to the Council's role as shareholder, member, owner, lender, or other position of significant control over the Subsidiary, where those decisions have been delegated to the Shareholder Committee; and

3.1.3 making reports and recommendations to the Cabinet on areas outside of the Shareholder Committee's delegated authority.

3.2 It is expected that each Subsidiary will enter into a form of agreement with the Council (whether as owner, controller or lender) setting out the basis of the relationship between them (each a "**Memorandum of Agreement**").

3.3 A detailed description of the Shareholder Committee's role in relation to each Subsidiary will be set out in the relevant Memorandum of Agreement.

3.4 Authority to make decisions on behalf of the Council is delegated to the Shareholder Committee for each Subsidiary as follows:

3.4.1 The following decisions are delegated to the Shareholder Committee for all Subsidiaries:

Altering in any respect the articles of association of a Subsidiary (or any other governing document such as the Rules of a Community Benefit Society)
Altering the rights attaching to any of the shares in a Subsidiary
Permitting the registration of any person as a shareholder or member of a Subsidiary
Nominating directors to be appointed on the board of a Subsidiary and notifying a Subsidiary to remove directors from its board
Increasing the amount of a Subsidiary's issued share capital
Altering the name of any Subsidiary
Adopting, reviewing or amending a Subsidiary's Business Plan
Where a Subsidiary fails to produce a Business Plan as required by its Memorandum of Agreement, producing that Subsidiary's Business Plan
Directing the board of a Subsidiary to take or to refrain from taking a particular action

3.4.2 Any Memorandum of Agreement entered into with a Subsidiary may identify additional decisions which are delegated by Cabinet to the Shareholder Committee in relation to that Subsidiary only.

3.5 Decisions which are not delegated to the Shareholder Committee in accordance with 3.4 above will be taken through the usual decision-making processes in accordance with the Council's governance and constitutional framework. This will include decisions relating to the issue of loan capital in relation to any Subsidiary and to any approvals relating to any intra-group loans.

4. OPERATION OF THE SHAREHOLDER COMMITTEE

- 4.1 The Shareholder Committee will meet three times per year, or more frequently if required.
- 4.2 The quorum for a meeting of the Shareholder Committee is a minimum of 2 members.
- 4.3 Meetings will be held in public or otherwise in line with the Council's democratic meeting protocol. There may be particular matters or agenda items which are required to be considered in private due to commercial confidentiality, and these will be handled in accordance with the Council's usual democratic protocol.
- 4.4 Minutes and agendas will be managed and published in accordance with the Council's usual democratic protocol.
- 4.5 The Shareholder Committee shall make its decisions as follows:
 - 4.5.1 At meetings of its members by consensus of those present, unless any member of the Shareholder Committee requires a vote, in which event a majority decision will be taken with each member of the Shareholder Committee present having a single vote. Advisors and officers present to support the Shareholder Committee will not have a vote. The Chair of the meeting has a casting vote in the event that there is no clear majority; or
 - 4.5.2 In cases of urgency, by a decision made by the Leader or by an alternate Cabinet Member nominated by the Leader.
 - 4.5.3 Certain decisions, including the nomination of Directors, may be taken outside of meetings by signed resolution of a majority of Committee Members. The Monitoring Officer will determine if a decision may be taken in this manner.
- 4.6 After each meeting, the Chair shall approve the minutes and authorise the implementation of the Shareholder Committee's decisions, including where relevant the signature of any documents by appropriate Council signatories.
- 4.7 The Shareholder Committee will review the Terms of Reference annually and make any necessary recommendations to the Leader and Cabinet.

6. CABINET MEMBERS AND THEIR POWERS

TERMS OF REFERENCE – DELEGATIONS TO ALL CABINET MEMBERS

Each individual Cabinet Member will have the following delegations to the extent that they relate to the services within their portfolios:

CONTRACTS

Subject to the policies and procedures approved by the Cabinet Member for Finance and Council Reform:

- a) To award all contracts exceeding £1,500,000 and consultants' agreements exceeding £300,000 within the Terms of Reference of the Cabinet Member and relevant Chief Officer, with the exception of contracts which have been referred to the Cabinet Member for Finance and Council Reform on the basis that there are corporate or major implications which need to be considered.
- b) To monitor all contracts within the Terms of Reference of the Cabinet Member where the contract value exceeds £1,500,000 (£300,000 in respect of consultant's agreements).
- c) To approve contract overspends and/or variations of contracts in the following circumstances:
 - Where the Total Contract Value (TCV) (which includes any previous contract overspend and/or contract variations) is below £1.5m, or below £300k for Consultancy, but the value of the proposed contract overspend and/or contract variation will take the revised Total Contract Value to/above £1.5m or to/above £300k for consultancy
 - Where the Total Contract Value (which includes any previous contract overspend and/or contract variations) is £1.5m or above, or £300k or above for Consultancy, and the value of the proposed contract overspend and/or contract variation is valued at either, a minimum of £2m or more, or is 10% or more of the Total Contract Value (whichever criteria is reached first). e.g:
 - TCV (Consultancy) £350k and proposed contract variation/overspend is valued at an additional £35k (10% of the original contract award value)
 - TCV £1.5m and proposed contract variation/overspend is valued at an additional £150,000.00 (10% of the original contract award value)
 - TCV £30m and the proposed contract variation/overspend is valued at an additional £2.2m (exceeds minimum increase in additional spend threshold of £2m)
 - TCV £80m and the proposed contract variation/overspend is valued at an additional £5m (exceeds minimum increase in additional spend threshold of £2m)

- TCV £500m and the proposed contract variation/overspend is valued at an additional £3m (exceeds minimum increase in additional spend threshold of £2m)
 - No further Cabinet Member approvals will be required for permissible contract extensions, where its full provision was accounted for in the original contract award. The original Cabinet Member approval would have been provided on the basis that the proposed contract extension does not change the scope, risk profile or value of the contract (provided at the time of the original contract award). Where a change of this nature has occurred, new Cabinet member approvals will need to be sought.
- d) To approve claims in excess of £150,000 from contractors for contracts within the Cabinet Member's Terms of Reference.
 - e) To make decisions on requests for waiver of the Procurement Code in respect of contracts with overall values of more than £1,500,000 (£300,000 for consultancy agreements) for contracts within the Cabinet Member's Terms of Reference.
 - f) To consider such other contractual matters as may be required by the Procurement Code.
 - g) To consider settlement of disputes which exceed £150,000.

POLICY MAKING

To lead the development of strategic policy contained in the Cabinet Members terms of reference, referring matters in the Council's policy framework to Full Council for decision.

STAFFING MATTERS

Staffing matters which fall within the scope of the Cabinet Member's Terms of Reference.

Where proposals involve redundancy/"early retirement" payments these will also be subject to the endorsement of the Cabinet Member for Finance and Council Reform.

FINANCIAL MATTERS

To approve capital expenditure in accordance with the Financial Procedures on schemes within the Terms of Reference for the Cabinet Member which form part of the approved Capital Programme.

Such other financial matters as set out in the Financial Regulations contained in the Council's Constitution.

ETHICAL STANDARDS

To have responsibility for ensuring that all activities within the remit of the Cabinet Member are carried out to the highest ethical standards.

COMMUNITY ENGAGEMENT

To lead the Council's engagement with our communities, driving standards of openness and transparency in everything we do and particular in consultation around decision making.

EQUALITY, DIVERSITY AND INCLUSION

To lead the Council's commitment to equality, diversity and inclusion both internally and in interactions with partners and communities.

CLIMATE ACTION

To lead the Council's commitments to:

- Become a net zero carbon emissions Council by 2030
- Reduce carbon emissions in the city to net zero by 2040; and
- Become a truly zero carbon Council by 2050

by working across all areas of service delivery.

CROSS-CABINET CONSULTATION

To consult with other Cabinet Members on major matters affecting their portfolio, as appropriate, to enable them to maintain a general oversight across portfolios as described in their Terms of Reference.

THE LEADER OF THE COUNCIL (CABINET MEMBER)

CORPORATE STRATEGY DIRECTION

To provide leadership to the Cabinet in the development and delivery of corporate strategy and policy.

PEOPLE SERVICES

To set policy and strategic direction for

- All Human Resources and staffing matters which require Member-level direction;
- Grievance, pay grading, and disciplinary appeals; training, development and staff education; wellbeing and welfare.
- Staff consultation and industrial relations arrangements; recruitment and selection; superannuation, pensions, compensations and gratuities.

EMERGENCY PLANNING

To set policy and strategic direction for:

- Emergency Planning, including the relationship with the Local Fire Authority,
- The Council's civic contingency planning arrangements and security (this relates to requests from the Metropolitan Police Service, Cabinet Office, Government Security Services and third parties for action by the City Council, which are sought in response to security issues).

GOVERNANCE AND APPOINTMENTS

To chair the Cabinet meetings, appoint/dismiss other Cabinet Members and the Deputy Leader(s) and appoint/dismiss committees of the Cabinet with Terms of Reference.

To determine the terms of reference of the Cabinet, the Deputy Leader(s) and other individual Cabinet Members. To appoint and determine the terms of reference of any non-decision-making Lead Members.

To exercise any executive function not otherwise allocated to either the Cabinet or any other individual Cabinet Member, or to delegate such functions to another Cabinet Member, a committee of the Cabinet, or to an officer.

In the absence or unavailability of another Cabinet Member, or on written notice to the relevant Cabinet Member, the Leader may exercise any of that Cabinet Member's functions themselves or arrange for the discharge of those functions by another Cabinet Member(s), a committee of the Cabinet, or an officer, including those functions of the full Cabinet.

To refer matters for consideration by the Cabinet in accordance with paragraph 2(1)(e) of the Terms of Reference of the Cabinet.

To appoint and determine the membership and terms of reference of any non-decision-making Cabinet Working Parties, in consultation with relevant Cabinet Members.

To agree or confirm arrangements for the establishment of joint committees under Section 101 (5) of the Local Government Act 1972 in so far as the functions of any such joint committee are executive functions and to appoint Members thereto, save to the extent that the Leader delegates this function to another Cabinet Member or Cabinet Members.

CHIEF EXECUTIVE APPRAISAL

To conduct the annual appraisal, including the setting of annual targets, of the Chief Executive.

STRATEGIC PARTNERSHIPS

To have oversight of the Council's links with the local authority associations and to act as Lead Member on the Local Government Association and London Councils.

To lead on relations with the Greater London Authority, the Mayor of London and other such external partners.

- The Council's relationship with the Westminster Faith Exchange;

DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN AND PUBLIC PROTECTION

DEPUTY LEADER

To deputise for the Leader as directed.

To exercise the functions of the Leader in the absence or unavailability of the Leader, except the appointment and dismissal of Cabinet Members.

To coordinate and oversee the Council's response regarding the national Census, including any matters arising from the Census results together with the Cabinet Member for Finance and Council Reform.

PUBLIC PROTECTION

To set policy and strategic direction for:

- The Council's approach to reducing crime, disorder and antisocial behaviour including our work through the Safer Westminster Partnership;
- The Council's relationships with the Metropolitan Police;
- Services which tackle domestic abuse, including the Multi Agency Risk Assessment Conference process;
- Services and activity which address antisocial behaviour, nuisance, noise, and road safety, including action to tackle pedicabs;
- The Council's Prevent duties in accordance with the Counter-terrorism and Security Act 2015;
- The Council's approach to deployment and operation of CCTV, in consultation with other Cabinet Members where necessary, including the Cabinet Member for Housing where cameras operate on housing estates;
- The Council's duties under the Regulation of Investigatory Powers Act;
- Matters relating to gangs, serious youth violence and criminal exploitation of young people including the Integrated Gang and Exploitation Unit (18+).

LICENSING

To set policy and strategic direction for Licensing, including enforcement and all those matters that fall under the remit of the Licensing Act 2003 and the Gambling Act 2005 and to do so in consultation with the Chairman of the Licensing Committee.

REGULATORY SERVICES

To set policy and strategic direction for:

- Trading standards;
- Health and safety (public, not staff)
- Food safety;
- Pest control;
- Street trading enforcement including for street markets
- Environmental sciences
- Home improvements under the Disabled Facilities Grant.

CITY INSPECTORS

To set policy and strategic direction for the deployment of City Inspectors for all regulatory enforcement and other activities; where this relates to non-regulatory issues this should be in consultation with the Cabinet Member for City Management and Air Quality.

CHILDREN'S SERVICES SAFEGUARDING AND VULNERABLE CHILDREN

To act as the lead member for Children's Service by having political responsibility for the leadership, strategy and effectiveness of the Council's children's services. This includes sharing responsibility and setting policy and strategic direction for:

- Services which safeguard vulnerable children and young people, including early intervention.
- Provision for disabled children and those with Special Educational Needs;
- Provision of suitable home to school transport arrangements;
- The Council's role as effective and caring corporate parent for looked after children;
- The Council's role in partnership arrangements for children involved in the youth justice system, including the Youth Offending Team;

To be a "participating observer" (but non-decision making) of the Local Safeguarding Children's;

EDUCATION AND LEARNING

To set policy and strategic direction for:

- Services which promote a diverse supply of strong schools, ensure fair access to schools and provide alternative provision for children outside of mainstream provision;
- The Council's statutory obligations in accordance with the School Admissions, the School Admissions Appeal Codes, guidance of Home to School travel and transport
- Promotion of early years provision and development of the early years market, and
- The promotion of young people and children's involvement in public decision making and participation in education and training for young people.

To be the Council's strategic lead in working with headteachers, school governors and academy sponsors and principals, to promote educational excellence for all children and young people and be ambitious in tackling underperformance.

REFUGEES, ASYLUM SEEKERS AND CITY OF SANCTUARY

To set policy and strategic direction for:

- The Council's overall approach to supporting refugees and asylum seekers;
- The Council's response to refugee crises and any schemes enacted by the UK Government to resettle people from across the world;

- The delivery of the commitments made to make Westminster a City of Sanctuary

DEPUTY LEADER AND CABINET MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH AND VOLUNTARY SECTOR

DEPUTY LEADER

To deputise for the Leader as directed.

To exercise the functions of the Leader in the absence or unavailability of the Leader, except the appointment and dismissal of Cabinet Members.

ADULT SOCIAL CARE AND PUBLIC HEALTH

To set policy and strategic direction for:

- All Adult Social Care and Public Health matters.
- Services for vulnerable adults including older people learning disability, physical disability and mental health as per the requirements set out in the Care Act 2014.
- Services and support for Carers as per the requirements set out Care Act 2014.
- Public Health matters for children and young people, in consultation with the Cabinet Member for Communities, Children and Public Protection.
- The Council's relationships with the NHS, including Council functions under Section 75 of the Health Act 2006.
- All health-related functions exercised on behalf of an NHS body insofar as they relate to Adult Social Care.
- The provision and commissioning of quality care and support services for vulnerable adults and ensuring adequate standards in partnership with regulatory bodies where relevant to ensure safeguards are in place to protect service users.
- The safeguarding of vulnerable adults in line with the requirements of the Care Act 2014 and the practices recommended by the Pan London Safeguarding Adults Agreement.

The Cabinet Member for Adult Social Care, Public Health and Voluntary Community Sector will act as Chair (along with their counterpart in The Royal Borough of Kensington and Chelsea) of the Bi-Borough Health and Wellbeing Board and champion the health of people in Westminster across the full range of issues which may negatively or positively impact on physical or mental health. This may often involve close working with other Cabinet Members or partner agencies.

The Cabinet Member will discharge their responsibilities and roles in accordance with the framework provided by the following legislation:

- Local Authorities Social Services Act 1970
- Care Act 2014
- Mental Health Act 1983
- Mental Capacity Act 2005
- Health and Social Care Act 2012
- Health Act 2006

FOOD POVERTY STRATEGY

To set policy and strategic direction for:

- The Council's food poverty strategy;
- The provision of additional assistance to community-led support services including food banks.

VOLUNTARY AND COMMUNITY SECTOR (VCS)

To set policy and strategic direction for:

- The Council's engagement with the VCS;
- Core grants targeted towards the VCS.

COMMUNITY INVESTMENT

To set policy and strategic direction for:

- The Ward budget programme;
- Community investment programmes and grants.

EQUITY, EQUALITY, DIVERSITY AND INCLUSION

To set policy and strategic direction for:

- The Council's work to promote equity, equality, diversity and inclusion across all Council practices and workings with external providers.
- The Council's Equalities Policy and statutory obligations and the Equality Act 2010.
- Community leadership development

COMMUNITY SUPPORT

To set policy and strategic direction for:

- Westminster Connects;
- The Council's advice services, including providing support for communities from outside of the UK, in consultation with the Cabinet Member for Climate, Ecology and Culture where this support relates to registrar services and citizenship.

CABINET MEMBER FOR PLANNING AND ECONOMIC DEVELOPMENT

PLACE-SHAPING

To set policy and strategic direction for:

- The Council's overall Place Shaping approach including any area-based documents or strategies to which other Cabinet Members and Chief Officers shall have regard to when developing and making decisions on specific projects;
- Urban design.

communities

SMART CITY AND DIGITAL CONNECTIVITY

To set policy and strategic direction for:

- The Smart City programme, in consultation with other Cabinet Members as relevant, including driving digital innovation throughout the city.
- The Council's strategy to promote investment in digital connectivity including broadband infrastructure, 5G and Wi-Fi in Westminster in collaboration with the Cabinet Member for City Management and Air Quality.
- Digital inclusion, in consultation with other Cabinet Members as relevant.

PLANNING FUNCTIONS, BUILDING CONTROL AND STREET NAMING

To set policy and strategic direction for:

- Westminster's local plan, supplementary planning documents and all other related documentation as required under the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004;
- Any supplementary planning documents needed in consultation with other Cabinet Members as relevant;
- The Council's position with regard to the London and national planning framework;
- The discharge of the Council's duties to consider planning applications in line with the relevant statutory requirements;
- All other planning matters, including listed building including Planning Performance Agreements and planning enforcement;
- Sustainable urban drainage matters in consultation, as appropriate, with the Cabinet Member for City Management and Air Quality.
- Building Control; and
- Street Naming.

LONDON LOCAL AUTHORITIES ACT 2007

To set policy and strategic direction for:

- All executive functions relating to Portable Advertisement Designation Areas in accordance with powers contained in the London Local Authorities Act 2007 and any other planning matters contained in this enactment not included in any other Cabinet Members terms of reference.

COMPULSORY PURCHASE ORDERS

To issue Compulsory Purchase Orders (CPOs), except in matters relating to the Council's provision of new housing (which will be the responsibility of the Cabinet Member for Regeneration and Renters).

NEIGHBOURHOOD PLANNING COMMUNITY RIGHTS

To set policy and strategic direction for:

- The designation of neighbourhood areas and forums;
- The development of Neighbourhood Plans including advising on general conformity;
- The Council's legal obligation to support the neighbourhood planning process.
- The Community Right to Bid Scheme
- The register of Assets of Community Value.

COMMUNITY INFRASTRUCTURE LEVY AND SECTION 106

To set policy and strategic direction for:

- The Council's role in administration of the Community Infrastructure Levy both as a collecting authority on behalf of the Mayor of London and of a Westminster Community Infrastructure Levy as a charge setting authority.
- The distribution of appropriate funds to parish councils and allocations of funding for neighbourhoods.
- The management of the Section 106 fund and commitments, other than those S106 funds and commitments made to the Affordable Housing Fund, which are the responsibility of the Cabinet Member for Regeneration and Renters.
- To be responsible for decisions relating to Neighbourhood CIL where the value of the proposed project does not exceed £250,000. Where the value of a proposed project exceeds £250,000, or the Cabinet Member for Planning and Economic Development otherwise deems that the decision is of a sufficient level of complexity or scale, that decision will be brought to a meeting of Cabinet.

ECONOMIC DEVELOPMENT AND EMPLOYMENT

To set policy and strategic direction for:

- Support to businesses, including small to medium sized enterprises, new start-ups, Business Improvement Districts (BIDS) (including exercising the Council's vote) and other business and enterprise development programmes;
- Markets and street trading in consultation with the Cabinet Member for Communities, Children and Public Protection;
- The evening and night-time economy, in consultation with other Cabinet Members as appropriate;

- Inward investment;
- The Council's Employment Service and other initiatives promoting employment, including training and apprenticeships for those 18 and over.

OXFORD STREET

To set policy and strategic direction for the Oxford Street Programme. This includes all executive decision-making authority relating to the Oxford Street programme. The Leader and other Cabinet Members as required should be consulted prior to any decisions being taken.

WESTMINSTER ADULT EDUCATION SERVICE AND LIFELONG LEARNING

To set policy and strategic direction for:

- The provision of lifelong learning services, including those provided by; the Westminster Adult Education Service (WAES).
- All matters relating to Post Compulsory Education awards and awards for further and higher education.

SKILLS

To set policy and strategic direction for:

- Skills
- Matters relating to youth employment (under 18 years).
- Internships (16 – 17 years) and science, technology, engineering, arts and mathematics (STEAM) opportunities for those under 18.

CABINET MEMBER FOR FINANCE AND COUNCIL REFORM

STRATEGIC FINANCE AND FINANCIAL MANAGEMENT

To set policy and strategic direction for:

- Strategic Finance, most notably financial matters which, in the opinion of the Executive Director for Finance and Resources, have significant implications across portfolios;
- Financial practices and procedures within the approved budget framework (Financial Regulations);
- The Council's Capital Programme including financing and monitoring of the Capital Programme;
- The Council's revenue budget, including monitoring all expenditure out of revenue against the approved annual estimates;
- The Council's Treasury Management Strategy.

To determine, within the approved budget framework, any re-allocation of funds between services during the financial year.

To determine any proposals for expenditure, which Cabinet Members cannot meet from their respective Revenue or Capital estimates, and to advise the Cabinet of the decisions taken.

FINANCIAL AND ASSET ADMINISTRATION

To set policy and strategic direction for:

- Revenue collection;
- Cash flow management, borrowing, lending and investments;
- Green finance and green investment mechanisms, in consultation with the Cabinet Member for Climate, Ecology and Culture.
- Internal audit and anti-fraud;
- All insurance matters;
- Loan provision or grant to companies, including decisions relating to the issue of loan capital in relation to any subsidiary and to any approvals relating to any intra-group loans except those delegated to the Shareholder Committee.
- Benefits and benefits policy;
- Business rates.

CORPORATE PROPERTY

To set policy and strategic direction for:

- All property assets, except schemes delivered jointly with other Cabinet Members. Housing management and development of housing schemes sits outside the area of responsibility.
- All property assets of the Council allocated for use for operational and service purposes;
- The future of property identified by other Cabinet Members as surplus to their requirements;

- The use of powers under section 203 of the Housing and Planning Act 2016 to override easements, restrictive covenants or other rights in respect of land, in consultation with the other Cabinet Member(s) where such use affects another Cabinet Member's area of responsibility;
- The delivery of major capital projects within Council-owned buildings and programmes across services, in conjunction with the Cabinet Member responsible for delivery of the service;
- Capital maintenance and delivery of externally funded projects across schools and operational buildings.

To determine matters relating to appropriation of land, including appropriation for planning purposes. Any appropriations must be made in consultation with the other Cabinet Member(s) where such appropriation affects another Cabinet Member's area of responsibility.

To assist the Cabinet Member for Housing Services with the management and maintenance of the Council's commercial property within the HRA.

PROCUREMENT AND CONTRACT MANAGEMENT

To set policy and strategic direction for:

- The Council's Procurement Strategies including contract management and central commissioning;
- The Council's Procurement Code, including approval of changes to the Code and Responsible Procurement and Commissioning Strategy, including the Council's commitments to social value.
- The Council's contract processes relating to market testing and competitive tendering;
- Contract management on behalf of the City Council and, on the advice of the Chief Executive, to review and take decisions on any City Council contract which is giving cause for concern and to inform the appropriate Cabinet Member of the action taken.

LEGAL AND INFORMATION MANAGEMENT

To set policy and strategic direction for:

- Legal services provided and used by the Council;
- Electoral services, land charges and coronial services;
- Data protection, GDPR, Freedom of Information, related Environmental Regulations and Subject Access requests.

INFORMATION TECHNOLOGY

To set policy and strategic direction for:

- The infrastructure for the Council's Information and telecommunications systems;
- Cyber security;
- Architecture and data.

CENSUS

To coordinate and oversee the Council's response regarding the national Census, including any matters arising from the Census results together with the Deputy Leader and Cabinet Member for Communities, Children and Public Protection.

CABINET MEMBER FOR CITY MANAGEMENT AND AIR QUALITY

COMMUNICATIONS

To oversee the development and delivery of any strategic plans of the Communications team within the Innovation and Change directorate.

To oversee all Corporate Communications in consultation with the Leader of the Council.

PUBLIC REALM

To set policy and strategic direction for individual public realm projects, in consultation with the Cabinet Member for Planning and Economic Development or any other appropriate Cabinet Members. Public Realm projects are those that significantly change the design of public realm in the City; these are distinct from any place shaping projects which will require a 'place plan' and/or consider a wider range of cross cutting outcomes, and are the sole responsibility of the Cabinet Member for Planning and Economic Delivery. This includes taking responsibility for the Executive's role in overseeing the Public Realm Capital Works Programme.

To set policy and strategic direction for:

- All matters relating to the Parliamentary Estate including Parliament Square;
- The annual maintenance programmes that are carried out on our footways, carriageways and public lighting.

AIR QUALITY AND FLOODING

To set policy and strategic direction for:

- The Council's Air Quality Action Plan, in consultation with the Cabinet Member for Climate, Ecology and Culture.
- The Schools Clean Air Fund, in consultation with the Cabinet Member for Communities, Children and Public Protection;
- Flood planning and management (lead local flood authority responsibilities), in consultation with the Cabinet Member for Planning and Economic Development.

CEMETRIES AND PUBLIC MORTUARIES

To set policy and strategic direction for:

- Cemeteries managed by the Council;
- The public Mortuary service
- The London Mortuary Management programme, on behalf of all London Local Authorities, in consultation with the Leader of the Council who has responsibility for emergency planning.

STREET CLEANSING, WASTE AND PUBLIC CONVENIENCES

To set policy and strategic direction for:

- Street cleansing, including major cleansing contracts

- Public conveniences.
- Waste collection and disposal, including bulky refuse.
- Support to residents, businesses, and visitors to reduce waste production and increase recycling in consultation with the Cabinet Member for Climate, Ecology and Culture;
- Commercial waste consolidation as part of a wider sustainable transport approach in consultation with the Cabinet Member for Climate, Ecology and Culture.

CITY INSPECTORS

To set policy and strategic direction for the deployment of City Inspectors for all non-regulatory enforcement activities (illegal dumping of waste, littering and other street based anti-social behaviour issues); where this relates to licensing or other regulatory issues this should be in consultation with the Cabinet Member for Children and Public Protection.

HIGHWAYS, TRANSPORT AND PARKING

To set policy and strategic direction for:

- The Council's functions under the statutory powers within Highways Acts including (but not limited to) the Highways Act 1980 and the Traffic Management Act 2004.
- Planned roads and highway maintenance including footway and carriage works, public lighting, bridges and other structures and surface water drainage as well as the transportation works budget and other related and capital projects.
- Transport projects and the management of all transport schemes including major transport initiatives;
- Local road safety schemes and school/play streets;
- The Local Implementation Plan;
- Relationships with Transport for London (TfL);
- Relationships with utilities in Westminster, including the operation of the utilities permit scheme;
- Highways planning.
- Parking policy, including responsibility for the development and maintenance of parking on the City's housing estates in consultation with the Cabinet Member for Housing Services;
- Parking enforcement, including on housing estates in consultation with the Cabinet Member for Housing Services;
- Sustainable and active travel;
- Road safety functions, including pedestrian safety and school crossing patrols.

MAYORALTY AND CEREMONIAL MATTERS

To set policy and strategic direction for all ceremonial and Lord Mayoral matters.

CABINET MEMBER FOR HOUSING SERVICES

HOUSING ALLOCATIONS, ROUGH SLEEPING ACCOMMODATION AND HOMELESSNESS SERVICES

To set policy and strategic direction for the Council services which:

- Prevent homelessness
- Allocate, transfer, exchange and arrange inheritance of Council owned housing
- Provide homeless accommodation (including temporary accommodation and hostels)
- Support rough sleepers off the streets

SOCIAL HOUSING MANAGEMENT MATTERS

To set policy and strategic direction for the management and maintenance of the Council's housing stock and HRA land, including:

- Repairs and maintenance
- Major works
- Energy conservation
- Setting rents for social housing
- Setting service charges for leaseholders
- Social and community facilities on housing estates
- Anti-social behaviour and CCTV
- Asset management of HRA land
- Pimlico District Heating Undertaking (PDHU)
- Sheltered and Special Needs housing.

HOUSING PARTNERSHIPS

To lead the Council's partnerships with key local stakeholders involved in housing management, most notably lessees' and tenants' resident's associations and Registered Providers.

CABINET MEMBER FOR REGENERATION AND RENTERS

PRIVATE RENTED SECTOR

To set policy and strategic direction for:

- The Private Rented Sector Strategy;
- The regulation of the Private Rented Sector (including houses in multiple occupation);
- Action to tackle issues associated with short-term letting.

REGENERATION

To set policy and strategic direction for:

- Housing-led regeneration programmes, including liaison with other Cabinet Members where regeneration programmes overlap with other areas of responsibility.
- The provision by the Council of new housing within the City by way of new construction and conversion of existing buildings.
- The acquisition of properties by Compulsory Purchase for housing purposes.
- The clearance, general improvement and housing action areas and the implementation of proposals for the acquisition, improvement and/or conversion of properties in such areas.
- The allocation for the Affordable Housing Fund provisions made in accordance with S106 of the Town and Country Planning Act 1990, in consultation with the Cabinet Member for Housing Services, Cabinet Member for Planning and Economic Development and Cabinet Member for Finance and Council Reform.

CABINET MEMBER FOR CLIMATE, ECOLOGY AND CULTURE

CLIMATE ACTION AND ECOLOGY

To set policy and strategic direction for:

- The City Council's response to the Climate Emergency;
- The Council's role and response to cross-cutting sustainability issues, such as reducing carbon emissions, improving resource efficiency and developing sustainable energy. This includes use of the Carbon Offset Fund.
- The City Council's response to the Ecological Emergency
- City-greening initiatives such as hanging baskets, tree planting and maintenance;
- Biodiversity including, the protection of important habitats and species; the protection of existing green assets and, in consultation with the Cabinet Member for Planning and Economic Development, the creation of new green infrastructure.

PARKS AND OPEN SPACES

To set policy and strategic direction for parks and open spaces.

LIBRARIES, ARCHIVES AND REGISTRATION SERVICES

To set policy and strategic direction for:

- The Council's functions under the Public Libraries Act, including the public library service and facilities, including community and specialist libraries, specialist collections, home library service, schools' library service;
- The Council's functions under the Registration of Births, Deaths and Marriages Acts.
- Council's functions under the Public Records Act, and other legislation covering archives and records;
- Fees and charges for the libraries and archives services, and for non-statutory fees and charges in the registration service; and
- Registration, citizenship and ceremonies services in the Council's venues and other licensed venues.

CULTURE AND TOURISM

To set policy and strategic direction for:

- The cultural offer across Westminster;
- Liaison with the cultural industries in the city;
- Public Arts (non-planning related decisions);
- Green Plaques and City of Sculpture; and
- Tourism matters related to the cultural offer in Westminster.
- The City Lions Programme

Where decisions impact on the performance of the tourism and culture sectors in Westminster, to act in consultation with the Cabinet Member for Planning and Economic Development.

CABINET MEMBER FOR COMMUNITIES

CUSTOMER SERVICES AND DIGITAL

To set policy and strategic direction for:

- The corporate contact centre;
- Corporate Complaints;
- The digital transformation of the Council's services in collaboration with other Cabinet Members and partner agencies where necessary;
- Applications, core digital tools and platforms which enable public engagement with the Council e.g. the website, ReportIt and other such functions.

COMMUNITY ENGAGEMENT AND NEIGHBOURHOODS

To set policy and strategic direction for:

- The Council's Community Engagement Strategy, including raising the standard of consultation and engagement across the Council and widening participation (including the use of citizens assemblies, register of active residents and other innovative mechanisms);
- Liaison with Neighbourhood Forums (except on designation and plan adoption matters) and Amenity Societies, in consultation with relevant Cabinet Members as necessary, most notably the Cabinet Member for Planning and Economic Development;
- Westminster Together or similar public forums or engagement events;
- Relationships with the Queen's Park Community Council.
- Community Priorities programme

COMMUNITY HUBS

To set policy and strategic direction for the Community Hubs Programme.

LEISURE

To set policy and strategic direction for:

- Sports and leisure services including leisure centres, active communities' initiatives and Sayers Croft Field Centre;

NORTH PADDINGTON AND OTHER PLACE BASED INITIATIVES

To set policy and strategic direction for the North Paddington Programme. The Leader and other Cabinet Members as required should be consulted prior to any decisions being taken.

7. LOCAL CHOICE FUNCTIONS

THE LOCAL AUTHORITIES (FUNCTIONS AND RESPONSIBILITIES) (ENGLAND) REGULATIONS 2000 RESPONSIBILITY FOR FUNCTION ¹

FUNCTIONS Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1	EXECUTIVE (ie CABINET/COUNCIL)	COMMITTEE OR CABINET MEMBER RESPONSIBLE
<u>London Local Authorities and Transport for London Act 2008</u> The Whole Act	Executive	Relevant Cabinet Members
<u>London Local Authorities Act 2007</u> Part 2, Sections 4 to 31 Section 32 Part 3, Section 37 Remainder of Part 3 Part 4 Part 5, Sections 70, 72 and 75	Executive Non-Executive Executive Non-Executive Executive Non-Executive	Relevant Cabinet Member Planning Applications Committee Relevant Cabinet Member Licensing Committee Relevant Cabinet Member Licensing Committee
Section 71 Sections 73-4, 76-78 Part 6	Non-Executive Executive Executive	Licensing Committee Relevant Cabinet Member Relevant Cabinet Member
<u>London Local Authorities Act 2004</u> Parts 2, 3, 4 and 6	Executive	Relevant Cabinet Member
<u>London Local Authorities and Transport for London 2003</u>		

¹ The relevant Executive Directors hold the officer level authority across each of these areas according to the Scheme of Delegation set out elsewhere in this Constitution.

The Whole Act	Executive	Relevant Cabinet Member
<u>London Local Authorities Act 2000</u>		
Service of penalty charge notice on basis of information provided by camera etc (Section 4)	Cabinet	Relevant Cabinet Member
Service of penalty charge notice where parking attendant prevented from issuing a notice (Section 5)	Cabinet	Relevant Cabinet Member
Cleansing relevant land of refuse and litter (Section 19)	Cabinet	Relevant Cabinet Member
Licensing – see references to different licensing functions referred to below	Council	Licensing Committee
Licensing of Buskers (Part V)	Council	Licensing Committee
<u>City of Westminster Act 1999</u>		
The Whole Act	Non-Executive	Licensing Committee
<u>London Local Authorities Act 1996</u>		
Penalty Charge Notices in respect of Bus Lane infringements (Section 4)	Cabinet	Relevant Cabinet Member
<u>Fire Safety and Entertainment Licensing</u>		
Approval of policies in respect of Entertainment licenses	Cabinet	Relevant Cabinet Member
Register of all licensed premises for public entertainment	Council	Licensing Committee
<u>City of Westminster Act 1996</u>		
Service of Closure Notices and Closure Orders	Council	Licensing Committee

<u>London Local Authorities Act 1995</u>		
Making of special temporary prohibitions within a special parking area (Section 9)	Cabinet	Relevant Cabinet Member:
Notice requiring removal of unauthorised advertisement hoardings etc (Section 11)	Council	Planning Applications Committee
Notice requiring removal of signs on buildings (Section 12)	Council	Planning Applications
Appointment of deputies to the Fire Authority (Section 44)	Council	General Purposes Committee
<u>London Local Authorities Act 1994</u>		
Consent of distribution of free literature (Section 4)	Council	Licensing Committee
Street trading	Council	Licensing Committee
- Regulation of street trading and associated issues	Cabinet	Relevant Cabinet Member
- Renewal of licenses	Council	Licensing Committee
Making of regulations relating to dangerous structure fees (Section 8)	Council	
To grant unopposed renewals, transfers and variations for special treatment licenses.	Council	
<u>London Local Authorities Act 1991</u>		
Removal of distribution containers on the highway (Section 22)	Council	General Purposes Committee
<u>Licensing of Special Treatment Premises (Part II)</u>		

Approval of policies in respect of special treatment licenses	Cabinet	Relevant Cabinet Member
Hearing of and determination of applications made to the Council in respect of special treatment licenses	Council	Licensing Committee
Licensing of premises or persons in respect of special treatment establishments	Council	Licensing Committee
To grant unopposed renewals, transfers and variations for special treatment licences	Council	Licensing Committee
<u>London Local Authorities (No 2) Act 1990</u>	Council	
Crime prevention measures (Section 5)	Cabinet	Relevant Cabinet Member
Crime prevention policies	Cabinet	Relevant Cabinet Member
Restoration of gas and water and electricity	Cabinet	Relevant Cabinet Member
<u>London Local Authorities Act 1990</u>		
Removal of shopping or luggage trolleys found in the open air (Section 43)	Cabinet	Relevant Cabinet Member
<u>Street Trading</u>		
- Regulation of street trading and market trading together with the provision, maintenance and management of storage accommodation.	Cabinet	Relevant Cabinet Members
- Policies etc (see above)		
- Renewal of licenses etc.	Council	Licensing Committee
<u>Greater London Council (General Powers) Act 1984</u>		

Registration of sleeping accommodation (Part IV)	Council	Planning Applications Committee
Provisions relating to the sale of goods by competitive bidding (Part VI) these provisions include the registration of premises or stalls.	Council	General Purposes Committee
Power to make charge in respect of approval of plans etc relating to drains (Section 36)	Council	General Purposes Committee
Removal of occupants of buildings in vicinity of dangerous structures etc (Section 38)	Council	General Purposes Committee
<u>Greater London Council (General Powers) Act 1982</u>		
Determination of charges for London Building Acts, Consents etc (Section 3)	Cabinet	Relevant Cabinet Member
<u>Greater London Council (General Powers) Act 1981</u>		
Provisions relating to control by Borough Council of overcrowding in certain hostels – this includes the ability of the Council to serve notices (Part IV)	Council	General Purposes Committee
<u>Greater London Council (General Powers) Act 1979</u>		
Control of Browntail moth (Section 8)	Cabinet	Relevant Cabinet Member
Licensing of entertainment booking offices (Section 5)	Council	Licensing Committee
<u>Greater London Council (General Powers) Act 1976</u>		
		Relevant Cabinet Member

Power to extinguish rights of internment in cemeteries (Section 9) <u>Greater London Council (General Powers) Act 1975</u>	Cabinet	General Purposes Committee
Power to establish foreign loans reserve fund	Council	
<u>Greater London Council (General Powers) Act 1974</u>		
Prohibition of person entering upon grass verges (Section 14 (2))	Cabinet	Relevant Cabinet Member
Authorisation of parking on verges (Section 15 (4))	Cabinet	Relevant Cabinet Member
Removal of vehicles for street cleansing (Section 21)	Cabinet	Relevant Cabinet Member
<u>Greater London Council (General Powers) Act 1973</u>		General Purposes Committee
Closure of insanitary food premises and stalls – the Council may seek an order from the court for the closure of premises (Section 30)	Council	
<u>Greater London Council (General Powers) Act 1972</u>		Relevant Cabinet Member
Contributions in respect of railings (Section 18)	Cabinet	Relevant Cabinet Member
Restoration of gas and electricity services (Section 19)	Cabinet	
<u>Greater London Council (General Powers) Act 1969</u>		General Purposes Committee
Walkways – There are various provisions in this Act, including the provision and declaration of walkways under Section 11 (Part III)	Council	

<u>Greater London Council (General Powers) Act 1966</u>		
Licensing of public exhibitions etc (Section 21)	Council	Licensing Committee
<u>London County Council (General Powers) Act 1963</u>		
Boundary Walls (Section 6)	Cabinet	Relevant Cabinet Member
Acquisition of easements etc (Section 8)	Cabinet	Relevant Cabinet Member
Underpinning of houses near a street improvement (Section 9)	Cabinet	Relevant Cabinet Member
Approval of trade refuse disposal facilities (Section 11)	Cabinet	Relevant Cabinet Member
Provision of shops etc in subways (Section 14)	Cabinet	Relevant Cabinet Member
Power to provide illumination, floodlighting etc (Section 17)	Cabinet	Relevant Cabinet Member
<u>London County Council (General Powers) Act 1962</u>		Relevant Cabinet Member
Service of Notices for prevention of flooding etc (Section 17)	Cabinet	
<u>London County Council (General Powers) Act 1960</u>		
Restriction of Vehicular access to and from street improvements (Council may make application to Minister) (Section 13)	Cabinet	Relevant Cabinet Member
<u>London County Council (General Powers) Act 1957</u>		
	Cabinet	Relevant Cabinet Member

Provision of advances for erection etc of buildings (Section 78)	Cabinet	Relevant Cabinet Member
Removal of bottles from streets (Section 81)		General Purposes Committee
<u>London County Council (General Powers) Act 1956</u>	Council	
Bye-laws as to artificial lighting of common staircases (Section 63)		Relevant Cabinet Member
<u>London County Council (General Powers) Act 1955</u>	Cabinet	Relevant Cabinet Member
Powers of Borough Councils to maintain burial grounds (Section 36)	Cabinet	Relevant Cabinet Member
Return of library books etc (Section 37)	Cabinet	
Recovery by Borough Councils of expenses of fencing certain lands (Section 39)		
<u>London County Council (General Powers) Act 1954</u>		
Defacement of streets with slogans etc (Powers of removal) (Section 20)	Cabinet	Relevant Cabinet Member
<u>London County Council (General Powers) Act 1953</u>		
Powers to sanitary authority to cleanse aged and feeble persons in their homes (Section 43)	Cabinet	Relevant Cabinet Member

<p><u>London County Council (General Powers) Act 1951</u></p> <p>Expenses of Councils in connection with ceremonies etc (Section 32)</p> <p>Improvement of roadside amenities etc by Borough Councils (Section 3)</p> <p>Power to provide storage etc for accommodation for costermongers etc (Section 35)</p>	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>	<p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p>
<p><u>London County Council (General Powers) Act 1948</u></p> <p>Maintenance of forecourts to which public have access – Council has power to serve Improvement Notices (Section 43)</p> <p>Fencing of dangerous lands in or near streets (Section 44)</p>	<p>Cabinet</p> <p>Cabinet</p>	<p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member City Management and Communities</p>
<p>Recovery of expenses and costs (Section 44)</p> <p><u>London County Council (General Powers) Act 1947</u></p> <p>Power to provide concert halls etc (Section 4)</p> <p>Power to provide entertainment (Section 5)</p>	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>	<p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p>

<p>Acquisition of buildings or places of historic interest (Section 61)</p> <p><u>London County Council (General Powers) Act 1933</u></p> <p>Control of Petroleum – filling stations (Section 69)</p> <p><u>London County Council (General Powers) Act 1930</u></p> <p>Gratuities to non-pensionable employees (Section 61)</p> <p><u>Westminster City Council (General Powers) Act 1925</u></p> <p>Power to provide residences for officers or servants (Section 11 (1))</p> <p><u>London County Council (General Powers) Act 1925</u></p> <p>Enclosure of unenclosed land adjoining streets (Section 33)</p>	<p>Cabinet</p> <p>Council</p> <p>Council</p> <p>Cabinet</p>	<p>Relevant Cabinet Member</p> <p>General Purposes Committee</p> <p>General Purposes Committee</p> <p>Relevant Cabinet Member</p>
<p><u>London County Council (General Powers) Act 1921</u></p> <p>Compensation to persons in Council service on abolition of office (Section 31)</p> <p><u>London County Council (General Powers) Act 1912</u></p> <p>Petroleum oil depots (Part II)</p> <p><u>Westminster City Council (Superannuation and Pensions) Act 1909</u></p> <p>Power to contribute to provident fund (Section 28)</p> <p>The determination of an appeal against any decision made by or on behalf of the Authority</p>	<p>Cabinet</p> <p>Cabinet</p> <p>Council</p>	<p>Relevant Cabinet Member /Superannuation</p> <p>Relevant Cabinet Member</p> <p>Superannuation Committee</p> <p>Relevant Cabinet Member</p>

<u>Introductory Tenancy Panel</u> (No member involvement)	Cabinet	Relevant Cabinet Member
<u>Housing Grants Panel:</u> <u>Delegated powers</u>	Cabinet	Relevant Cabinet Member
<u>Housing Act 1996 Tier of Appeal for Introductory Tenants:</u> No member involvement	Cabinet	
The appointment of review boards under regulations under sub-section (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998 (a)	Council	General Purposes Committee
The making of arrangements pursuant to sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Act (appeals against the exclusion of pupils)	Council	General Purposes Committee
The making of arrangements pursuant to Section 94 (1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals)	Council	General Purposes Committee
The making of arrangements pursuant to Section 95 (2) of, and Schedule 25 to, the 1998 Act (children to whom Section 87 applies: appeals by governing bodies)	Council	Relevant Cabinet Member
<u>Any function relating to contaminated land</u>		
- Identification of contaminated land	Cabinet	Relevant Cabinet Member
- Designation of "special sites" where it appears that land might be contaminated	Cabinet	Relevant Cabinet Member
- Duty of enforcing authority (could be Local Authorities) to require	Cabinet	

remediation of a contaminated land site		
- Local Authority may need to determine who is the appropriate person to bear responsibility for remediation.	Cabinet	Relevant Cabinet Member
- Duty on enforcing authority (could be the Local Authorities) to use its reasonable endeavours to consult before service of a notice.	Cabinet	Relevant Cabinet Member
- Preparation of a Remediation statement	Cabinet	Relevant Cabinet Member
- Service of a Remediation notice	Cabinet	Relevant Cabinet Member
- Power to carry out remediation in default	Cabinet	Relevant Cabinet Member
- Entitlement to recover costs of works in default – service of a charging notice	Cabinet	Relevant Cabinet Member
- Respond to appeals against charging notices	Cabinet	Relevant Cabinet Member
- Maintain a register of Remediation notices	Cabinet	Relevant Cabinet Member
- Duty to supply appropriate Agency with information necessary to prepare a report on state of contaminated land in England and Wales	Cabinet	Relevant Cabinet Member
- Local Authorities may act in a case where land outside its area if significant harm is likely	Cabinet	
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	Relevant Cabinet Member

<p>The service of an Abatement Notice in respect of a statutory nuisance</p> <p>The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area</p> <p>The inspection of an authority's area to detect any statutory nuisance</p> <p>The investigation of any complaint as to the existence of a statutory nuisance</p> <p>The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land</p> <p>The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>The making of agreements for the execution of highways works</p>	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Council</p> <p>Council</p> <p>Cabinet</p>	<p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p> <p>Relevant Cabinet Member</p> <p>Planning Applications Committee</p> <p>General Purposes Committee</p> <p>Relevant Cabinet Member</p>
<p>The appointment of any individual:</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p>	<p>Council</p>	<p>General Purposes Committee</p>

<p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p> <p>The making of agreements with other local authorities for the placing of staff at the disposal of those authorities</p>	<p>Cabinet</p>	<p>The Cabinet Member responsible for the staff or service in question</p>
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8. JOINT ARRANGEMENTS

8.1. ARRANGEMENTS TO PROMOTE WELL BEING

The Council or the executive, in order to promote the economic, social or environmental well being of its area, may:

- i. enter into arrangements or agreements with any person or body;
- ii. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- iii. exercise on behalf of that person or body any functions of that person or body.

8.2. JOINT ARRANGEMENTS

The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below, and as provided in the Local Authorities (Arrangements for the Discharge of Functions)(England)(Amendment) Regulations 2001, the executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

The executive may appoint members to a joint committee from outside the executive in the following circumstances:

- i. the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for an ward which is wholly or partly contained within the area;
- ii. If a joint committee discharging executive functions relates to 5 or more authorities or is statutory, the executive can appoint executive or non-executive members.

In this case the political balance requirements do not apply to such appointments.

The Council has established joint arrangements in respect of the following:

- i. The London Councils Grants Committee
- The London Councils Transport and Environment Committee
- ii. The London Councils – Leaders Committee
 - iii. The North West London Joint Health Overview and Scrutiny Committee
 - iv. Inner West London Mental Health Services Reconfiguration Joint Health Overview and Scrutiny Committee

8.3. ACCESS TO INFORMATION

The Access to Information Rules in Chapter 8 of this Constitution apply.

If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

8.4. DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

8.5. CONTRACTING OUT

The executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.