

## **APPENDIX A| Terms of Reference of the Leader of the Council and Cabinet**

### **TERMS OF REFERENCE – DELEGATIONS TO ALL CABINET MEMBERS**

Each individual Cabinet Member will have the following delegations to the extent that 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 agree the general levels of service for all term contracts that are being let for the first time. In the case of contracts being re-let over the value of £1.5m to approve the service levels only where, in the opinion of the Executive Director, there are significant changes to these since the last contract award.
- (b) 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.
- (c) To monitor the performance of contracts relating to the Cabinet Member's terms of reference let by the said Cabinet Member for the first time or where the re-let of the contract has significant changes to service levels after the first six months after the award of the contract.
- (d) 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).
- (e) To approve extensions of contracts or contract overspends where the total contract value is more than £1.5 million and the extension of overspend would account for an additional cost of 10% or more of the contract value.
- (f) To approve claims in excess of £150,000 from contractors for contracts within the Cabinet Member's Terms of Reference.
- (g) 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.
- (h) To consider such other contractual matters as may be required by the Procurement Code.
- (i) To consider settlement of disputes which exceed £150,000.

#### **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.

To have a responsibility for upholding the Council's commitment to diversity and inclusion and creating a culture of openness, transparency and integrity.

### **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.

### **CONSULTATION**

To consult with other Cabinet Members on major matters affecting this 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.

### **INNOVATION AND CHANGE**

To be responsible for the Council's Innovation and Change directorate including providing leadership in the development and delivery of strategic plans for business intelligence and analytics, public affairs, community engagement, innovation and city promotions, events and filming.

The development and delivery of strategic plans for Communications will be the responsibility of the Cabinet Member for City Management and Air Quality.

### **PEOPLE SERVICES**

To be responsible for the Council's People Services function, including all Human Resources and staffing matters. Corporate personnel, policy and management matters, including in particular:

- grievance, 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 be responsible for Emergency Planning, including the relationship with the Local Fire Authority, and to have general oversight of 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).

To provide leadership to the Cabinet on the Council's emergency and long-term strategic response to the COVID-19 pandemic.

### **GOVERNANCE, DECISION MAKING AND APPOINTMENTS**

To be responsible for overall council governance as advised by the Chief Executive and Monitoring Officer as well as services to support good governance and councillor liaison.

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 him or herself 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.

#### **FUTURE OF WESTMINSTER COMMISSION**

To be responsible for determining the membership of the commission and to set the commission's terms of reference.

#### **CHIEF EXECUTIVE APPRAISAL**

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

#### **STRATEGIC PARTNERSHIPS**

To co-ordinate links with external bodies and agencies in which the Council has an interest, including the Royal Parks Board and to optimise the benefits of those arrangements, including those where the lead is with another Cabinet Member.

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 CABINET

### 1. CONSTITUTION

The Leader and the other members of the Cabinet as appointed by her 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 approve, unless this function is being carried out by the Cabinet Member prior to submission to the full Council for adoption, or submission to the Secretary of State, the following Plans and Strategies: Annual Library Plan, Children and Young People's Strategic Plan, Programme for a Healthier Westminster, Community Strategy (the Westminster City Plan), Crime and Disorder Reduction Strategy, Early Years Development Plan, Education Development Plan, Local Development Framework, Youth Justice Plan and to make any proposals to full Council that are contrary to any of the above approved Plans and Strategies;
- (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 Chairman 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

- (a) To have responsibility for the Departmental Organisation of the City Council.