

AUDIT AND PERFORMANCE COMMITTEE TERMS OF REFERENCE

CONSTITUTION

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

TERMS OF REFERENCE

Audit Activity

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

Regulatory Framework

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

effectiveness of arrangements in place to ensure the Council is compliant with the Bribery Act 2010.

12. To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
13. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
14. To consider the Council's compliance with its own and other published standards and controls.
15. To maintain an overview of the arrangements in place for maintaining High Ethical Standards throughout the Authority and in this context to receive a report annually from the Director of Law and the S151 Officer.

Accounts

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

Performance Monitoring

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

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

Staffing

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

GENERAL PURPOSES COMMITTEE

CONSTITUTION

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

TERMS OF REFERENCE

(1) MEMBERS ALLOWANCES

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

(2) HEALTH AND SAFETY

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

(3) FUNCTIONS IN RELATION TO ELECTIONS

Elections and Electoral Registration Matters.

(4) PROMOTION/OPPOSITION OF LEGISLATION/BYELAWS

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

(5) CONSTITUTION AND STANDING ORDERS

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

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

Code of Governance	(Chief Executive)
Procurement Code	(Cabinet Member for Finance and Council Reform)
Scheme of Delegations *	(Director of Law)

Employee Code (Director of People Services)
Financial Regulations (Executive Director of Finance and
Resources)

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

(6) PAYMENTS OF COMPENSATION IN CASES OF MALADMINISTRATION

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

(7) OTHER MATTERS

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

WESTMINSTER SCRUTINY COMMISSION

CONSTITUTION

5 Members of the Council (3 nominated by the Majority Party and 2 by the Opposition Party), but shall not include a member of the Cabinet.

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Chapter 4 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Leader of the Council.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraphs 18.2 and 18.3 as well as section 19 of Chapter 4 of the Constitution.
- (c) To carry out those duties assigned to the Westminster Scrutiny Commission as set out in the Constitution.
- (d) To be responsible for the management and co-ordination of the Policy and Scrutiny function.
- (e) To assign tasks to the most appropriate Policy and Scrutiny Committee, where the issue does not sit within the terms of reference of a particular Policy and Scrutiny Committee.
- (f) To approve the Annual Report of Policy and Scrutiny activity, as required under the Constitution.

STANDARDS COMMITTEE TERMS OF REFERENCE

CONSTITUTION

5 Members of the Council, 3 Majority Party Members and 2 Opposition Party Member.

TERMS OF REFERENCE

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

PENSION FUND COMMITTEE

CONSTITUTION

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

TERMS OF REFERENCE

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

- (a) To agree the investment strategy having regard to the advice of the Fund Managers and the independent adviser.
- (b) To monitor performance of the Fund and of the individual Fund Managers;
- (c) To determine the Fund management arrangements, including the appointment and termination of the appointment of the Fund Managers, Custodians and Fund Advisers.
- (d) To agree the Statement of Investment Principles, the Funding Strategy Statement, the Business Plan for the Fund, the Governance Policy Statement, the Communications Policy Statement and the Governance Compliance Statement and to ensure compliance with these.
- (e) To approve and publish the pension fund annual report.
- (f) To prepare and publish a pension administration strategy.
- (g) To make an admission agreement with any admission body.
- (h) To ensure compliance with all relevant statutes, regulations and best practice with both the public and private sectors.
- (i) To determine the compensation policy on termination of employment and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
- (j) To determine policy on the award of additional membership of the pension fund and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
- (k) To determine policy on the award of additional pension and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).

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

COMMUNITIES, CITY MANAGEMENT & AIR QUALITY POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Chapter 4 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Cabinet Member for Communities and Public Protection and the Cabinet Member for City Management and Air Quality.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraphs 18.2 and 18.3 as well as section 19 of Chapter 4 of the Constitution.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations whose services fall within the Committee's terms of reference.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.
- (k) To discharge the Council's statutory responsibilities under Section 19 of the Police and Justice Act 2006, thus acting as the Council's crime and disorder committee and fulfilling all the duties that entails.

CHILDREN & ADULTS, PUBLIC HEALTH & VOLUNTARY SECTOR POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Member).

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

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

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Chapter 4 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Cabinet Member for Young People, Learning and Leisure and the Cabinet Member for Adult Social Care, Public Health and Voluntary Sector.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraphs 18.2 and 18.3 as well as section 19 of Chapter 4 of the Constitution.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies and in particular to scrutinise matters relating to the provision of Health Services within Westminster, including the consideration of any reports referred by the local Health Watch.
- (d) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (e) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (f) Any other matter allocated by the Westminster Scrutiny Commission.
- (g) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.

- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.
- (k) To discharge the Council's statutory responsibilities under Section 7 and 11 of the Health and Social Care Act 2001 with regard to any planned substantial developments and variations to NHS services.
- (l) To oversee strategic and accountability issues within local health commissioners and providers.

FINANCE, PLANNING & ECONOMIC DEVELOPMENT POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

(a) To carry out the Policy and Scrutiny functions, as set out in Chapter 4 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Cabinet Member for Business and Planning and the Cabinet Member for Finance and Council Reform.

1

(b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraphs 18.2 and 18.3 as well as section 19 of Chapter 4 of the Constitution.

(a) Matters, within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.

(d) Any other matter allocated by the Westminster Scrutiny Commission.

(e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the Scrutiny of functions within these terms of reference.

(f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.

(g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference

(h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.

(i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.

(j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

CLIMATE ACTION, HOUSING AND REGENERATION POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Chapter 4 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Cabinet Member for Housing Services and the Cabinet Member for Climate Action, Regeneration and Renters.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraphs 18.2 and 18.3 as well as section 19 of Chapter 4 of the Constitution.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission.
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations under a duty to that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

PLANNING AND CITY DEVELOPMENT COMMITTEE

CONSTITUTION

14 members of the Council (8 Majority party members and 6 Opposition party members). Such members to be members of the Planning Applications Sub-Committees (Nos 1 to 3) and the Planning (Major Applications) Sub-Committee

TERMS OF REFERENCE

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

LICENSING COMMITTEE

CONSTITUTION

15 Members of the Council. 8 nominated by the Majority party and 7 nominated by the Opposition party.

TERMS OF REFERENCE

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