

PART 3

RESPONSIBILITY

FOR

FUNCTIONS

## **PART 3 - RESPONSIBILITY FOR FUNCTIONS**

### **1. COUNCIL**

The approval of the plans and strategies listed in Article 4 and comprising the Policy Framework shall be the responsibility of the Council together with the overall budget and any functions not listed but which are reserved to Council for decision by any legislation. The Council shall also be responsible for making appointments to outside bodies and establishing the terms of reference and membership of schools admission and exclusion appeal panels

### **2. EXECUTIVE TERMS OF REFERENCE**

The Executive shall have responsibility for the following:

#### **2.1 Policy**

- (a) To formulate the Council's overall policy objectives and priorities, recommending them to Council for approval where appropriate.
- (b) To determine the authority's strategy and programme in relation to the policy and budget framework set by the Council.
- (c) To determine the authority's strategy and programme in relation to the social, environmental and economic needs of the area.
- (d) To exercise the Council's functions in relation to community safety, including the formulation of the Council's community safety strategy, and their co-ordination and implementation with particular reference to the provisions of relevant legislation.
- (e) To exercise the Council's functions in relation to community engagement, including the formulation of Council strategies for communications, consultation, capacity building and active citizenship, and their co-ordination and implementation with particular reference to the provisions of relevant legislation.
- (f) To exercise the Council's functions in relation to regeneration, including the formulation of Council strategies, and their co-ordination and implementation with particular reference to the provisions of relevant legislation.
- (g) To exercise the Council's functions in relation to sustainability, including the formulation of Council strategies, and their co-ordination and implementation with particular reference to the provisions of relevant legislation.(h) To carry out best value reviews of services pursuant to the Local Government Act 1999 and to report the outcome of those reviews to the relevant overview or review committee.
- (i) To consider and promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public, and to recommend to the Council the Best Value Performance Plan.

- (j) To have responsibility for agreeing policies and procedures within the Council to promote equal treatment and to counter harassment or discrimination on grounds of race, gender disability, sexuality or age.
- (k) To monitor the implementation and co-ordination of the statutory functions and obligations of the Council with respect to equality of opportunity and non-discrimination, including its functions as an employer.
- (l) To promote human rights, equality of opportunity and the interests and particular needs of all those who experience discrimination or disadvantage by virtue of their race, gender, disability, sexuality, or age.

## **2.2 General**

- (a) To allocate and control financial, land and property resources, to determine priorities in the use of these resources, and take any other action necessary to achieve those objectives.
- (b) To have responsibility for all staffing and human resource matters including the number and type of staff, equalities issues and health and safety, (subject to the Authority's personnel policies and procedures) except for staff appointments and dismissals and decisions as to the terms and conditions upon which staff are employed.
- (c) To oversee and take responsibility for effective joint work with partner agencies.
- (d) To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the Council and to have responsibility for land and property used for operational purposes.
- (e) To have responsibility for all equalities matters concerning both employment policy and practices and service delivery and the active promotion of the Council's equalities policies.
- (f) To liaise with and to agree and allocate funding for voluntary organisations save to the extent that the authority to do this has been given to the Area Committees.
- (g) To consider whether the Council should give evidence before a Royal Commission, Government Committee or similar body.
- (h) To have responsibility for the maintenance of the Council's archives.
- (i) To be responsible for all matters required by the Local Government Act 2000 to be Executive matters even if not expressly set out in this part of the Constitution.
- (j) To draw up recommendations for submission to the Council on all plans contained in the statutory framework.

## **2.3 Education**

- (a) To exercise those of the Council's functions in relation to Education as have been retained by the Council. Such functions include, but are not limited to, the following:

- (i) proposals for schemes of Local Management of Schools, including special schools;
- (ii) preparation of an Annual Report on the Education Service;
- (iii) making awards and other allowances to students attending courses at institutions for further and higher education and exercising the discretionary powers of the Authority in that connection;
- (iv) the provision of day care under s18 of the Children Act 1989 within Early Years Service in the Education Department;
- (v) Library and information services;
- (vi) arts and museum services;
- (vii) provision and maintenance of leisure facilities for children and young persons;
- (viii) to draw up recommendations to Council on the education development plan;
- (ix) the formation of the Schools Organisation Plan for submission to the School Organisation Committee.

## **2.4 Environment**

- (a) To exercise the Council's functions in relation to environmental matters including the formulation of the Council's future policies for referral to Council where appropriate and their co-ordination and implementation with particular reference to the Environment and Conservation Department. Such functions include (but are not limited to) the following in so far as they may lawfully be executive functions pursuant to the Local Authorities (Functions and Responsibilities Order) 2001:
  - (i) Town planning (including economic planning);
  - (ii) The making of compulsory purchase resolutions under town and country planning legislation;
  - (iii) Environmental health;
  - (iv) Highway engineering;
  - (v) Public health;
  - (vi) Building control;
  - (vii) Consumer protection and licensing;
  - (viii) Traffic management, parking control;
  - (ix) Transport planning;
  - (x) Waste and energy management;
  - (xi) Provision of facilities for sports;

- (xii) Development of tourism opportunities and provision of tourism services; responsibility for provision and upkeep of the Council's public parks, gardens,
  - (xiii) open spaces, allotments, cemeteries and burial grounds;
  - (xiv) Contaminated land
  - (xv) The taking of action pursuant to the London Local Authorities Act.
- (b) To encourage and promote the environmentally sustainable development and regeneration of the Borough and the health of the population through its planning, transport, economic planning, waste and energy management and environmental health policies and programmes.
  - (c) To encourage and promote environmental sustainability in the functions of the Council and in the functions of partner organisations, other public bodies and businesses operating within the borough, and to take action to support those initiatives in so far as it may be lawful and appropriate so to do.
  - (d) The adoption or amendment of planning briefs and guidelines for the development of sites in the Borough and conservation area statements.
  - (e) Responses to consultation exercises or notices of intent by external authorities where they relate to strategic issues pertaining to development control.

## **2.5 Finance**

- (a) (Within the budgetary framework required by law to be determined by full Council and the Financial Regulations set out in part 5 of this Constitution), to take decisions on all matters relating to the Council's finances including (but not limited to) the following:
  - (i) budgetary control;
  - (ii) allocations of both capital and revenue expenditure to and from other Services;
  - (iii) financial planning;
  - (iv) significant changes to insurance arrangements;
  - (v) the Council's borrowing and investment policy;
  - (vi) presentation of final accounts;
  - (vii) budget revisions including virements between departmental budgets;
  - (viii) to consider the annual estimates of revenue expenditure and income and the Treasury Policy Statement and make recommendations to the Council on the setting of the Council Tax base and the Council Tax.
  - (ix) To agree the allocation of Revenue and Capital contingencies.
  - (x) To increase the total Capital budget where this is necessitated by virtue of the fact that the Council has received capital from external sources since the annual budget was set and to allocate expenditure against such increases.
- (b) To have responsibility for the Council's revenue and capital budgets, including the Housing Revenue Account, ensuring effective financial control and the achievement of value for money, within the provisions of the Financial Regulations.

- (c) Agreeing the long-term strategy for the Internal Audit Service including the Annual Internal Audit Plan.
- (d) Responsibility for the Council's response and action in respect of external audit reports and their recommendations.
- (e) Receiving the annual external audit management letter.

## **2.6 Resource Management**

- (a) To exercise the Council's functions in relation to the use of the Council's resources and personnel, such functions include (but not limited to) the following:
  - (i) Responsibility for the Council's Health and Safety policies as an employer;
  - (ii) Collective bargaining machinery, including the Trade Union negotiating machinery;
  - (iii) Overall responsibility for properties held for investment purposes;
  - (iv) Corporate purchasing policies and procedures;
  - (v) Corporate communication strategies;
  - (vi) Overall responsibility for the management and maintenance of the Council's office accommodation;
  - (vii) Emergency planning and civil defence.

## **2.7 Housing**

- (a) To exercise the Council's functions in relation to housing and homelessness including the formulation and co-ordination of future policies and their co-ordination and implementation with particular reference to the functions of the Housing Department. Such functions include, (but are not limited to), the following:
  - (i) the management and maintenance of all land and property held for the Council's housing functions;
  - (ii) the assessment and setting of rents and tenancy conditions for dwellings and other charges;
  - (iii) the setting and varying of charges for the use of garages, car parking spaces and other facilities on the Council's housing estates;
  - (iv) the provision, layout, maintenance and oversight of all Council gardens, open spaces and land held for housing purposes;
  - (v) the letting of all contracts for works in relation to the land or properties held for the Housing functions;
  - (vi) the making and rescinding of Compulsory Purchase Order Resolutions under the relevant Housing Legislation;

- (vii) keeping under review issues affecting non-public housing tenures in accordance with the Council's housing strategy including action undertaken by the Tenancy Relations Officer Service in pursuance of the Council's duties under current legislation;
- (ix) responsibility for all matters relating to Housing Associations;
- (x) responsibility for all Right-to-Buy matters affecting land or properties held in connection with the Housing function;
- (xi) Responsibility for regulation of private sector accommodation under environmental and tenancy relation legislation;
- (xii) Responsibility for the assessment of entitlement to and payment of rent allowance and housing benefit payment and other related payments made under the Social Security Contributions and Benefits Act 1992 and the Housing Benefit (General) Regulations 1987.
- (xiii) Where the Council has delegated responsibility for any of the functions listed above to an arms length management company, to monitor the quality of services provided by that company.

## **2.8 Social Services and Health**

- (a) To exercise the Council's functions in relation to Social Services including the formulation of the Council's future policies and their co-ordination and implementation with particular reference to the functions of the Social Services Department. Such functions include (but are not limited to) the following:
  - (i) All matters within Schedule 1 Local Authority Social Services Act 1970.
  - (ii) All matters relating to the National Health Services, including the consideration and review of NHS policies insofar as they affect the Borough and in particular to have responsibility for joint care planning and liaison with the appropriate health authorities, including those related to the Camden and Islington Health Action Zone's work programme and arrangements for its management.
  - (iii) All matters relating to the development, implementation and operation of the Islington Primary Care Trust and Camden and Islington Mental Health Care Trust.
- (b) To draw up and recommend to the Council the Youth Justice Plan.
- (c) To have responsibility for the Council's role as corporate parent.

### **3. EXECUTIVE PORTFOLIOS**

Members of the Executive have the following roles. This means that they have responsibility for setting the direction and being accountable for the operation of the services comprised within their respective portfolios and for bringing forward proposals to the Executive in respect of them. However, subject to the following paragraphs, no individual Executive Member will be entitled to take an Executive Decision. Such decisions will be taken either by the Executive as a whole or a sub-committee of it or by Officers in accordance with the provisions set out below. Although the portfolio responsibilities are determined by the Council, the decision as to which Executive Member has responsibility for which portfolios shall be a matter for the Leader.

The eight executive portfolios are as follows: Sustainability, Children, Customer Focus, Health and Social Care, Resources, Performance, Housing and Community Safety, Communities.

### **4. MATTERS RESERVED FOR EXECUTIVE DECISION**

The following functions shall only be exercised by the Executive or a sub-committee appointed by it:

#### **1. GENERAL**

- (i) To formulate the Council's overall policy objectives and priorities, recommending them to Council for approval where appropriate.
- (ii) To determine the authority's strategy and programme in relation to the policy and budget framework set by the Council.
- (iii) To determine the authority's strategy and programme in relation to the social, environmental and economic needs of the area.
- (iv) To have responsibility for agreeing the Community Strategy and recommending it to Council.
- (v) To oversee the Council's functions in relation to community engagement, including the formulation of Council strategies for communications, consultation, capacity building and active citizenship, and their co-ordination and implementation with particular reference to the provisions of relevant legislation.
- (vi) To oversee the Council's functions in relation to regeneration and social inclusion, including the formulation of Council strategies, and their co-ordination and implementation with particular reference to the provisions of relevant legislation.
- (vii) To oversee and promote initiatives on "best value" across the Council.



- (viii) To review the Council's constitution and make proposals for improvement to the Council.
- (ix) To consider and promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.
- (x) To agree the Council's policies on equalities matters and recommending them to Council where appropriate;
- (xi) To monitor the implementation and co-ordination of the policies, procedures and good practice within the Council to prevent and counter harassment or discrimination.
- (xii) To calculate the annual budget for income and expenditure including the overall Capital Investment Strategy, the Housing Revenue Account Estimates and rents of dwelling houses and fixing charges and the allocation of budgets to departments, recommending these to Council where appropriate.
- (xiii) Monitoring of the budget and recovery of debt.
- (xiv) To oversee and take responsibility for effective joint work with partner agencies.
- (xv) To have responsibility for the Council's role as corporate parent.
- (xvi) Agreeing any significant reduction in or cessation of any service.
- (xvii) Approval of acquisitions and disposals of land where the value of that land exceeds £1.5 million and the declaring of property surplus to the Council's requirements.
- (xviii) The award of all contracts above the values set out in the Procurement Code and Financial Regulations.
- (xix) To consider whether the Council should give evidence before a Royal Committee, Government Committee or similar body and agree the nature of that evidence.
- (xx) Agreeing the award of grants of over £25,000 in any one year and the withdrawal of grant aid originally awarded by Committees or by the Executive.
- (xxi) To maintain an overview of members' training and development.
- (xxii) To delegate to appropriate sub-committees of the Executive, and to Directors and to receive regular information reports from them with particular reference to value for money; service implementation and development; client/customer service and performance; and the performance and achievement of equalities objectives.

## **2. EDUCATION AND REGENERATION**

- (a) Recommending to Council the overall strategy in relation to the provision of services in particular approval of the Education Development Plan and other plans, recommending these to Council for approval where appropriate.
- (b) Agreeing, with the consent of the Schools Organisation Committee, where necessary the establishment of new schools or other education establishments and the alteration or cessation of any existing schools and establishments (save for pupil referral units).
- (c) The consideration of regular reviews of LEA services to ensure that they are efficient and effective.
- (d) The consideration on a regular basis of performance information across all LEA services.
- (e) The submission of Schemes for the Local Management of Schemes to the Secretary of State for approval if necessary.
- (f) The determination of the total school's budget and individual school's budget
- (g) The settling of admissions policies for community and nursery schools.
- (h) The approval of policies and the monitoring of procedures relating to student awards.
- (i) The approval of policies and the monitoring of procedures relating to pupils attendance and exclusions.
- (j) The consideration of policies and the monitoring of procedures relating to special educational needs provision.
- (k) The approval of eligibility criteria for forms of assistance provided by the LEA for pupils in schools.
- (l) The consideration of inspection reports of schools and early years' centres.
- (m) The consideration of action plans arising from inspection reports and any subsequent reviews.
- (n) The receipt of reports on the LEA's Annual Performance Review of Schools and the review of the protocol as it affects head teachers, governors, officers and members.
- (o) To receive reports of death, serious injury, abuse, allegations of abuse, or any other matters of serious concern in respect either of a child or school or other provision within the Education Department in circumstances, which give cause for concern in relation to the wider service.

- (p) Monitoring the performance of services by external contractors/agencies (including monitoring against local and national performance indicators) and reporting issues to the Executive where appropriate
- (q) Agreeing delivery plans for Regeneration Partnerships.

### **3. SUSTAINABILITY**

- (a) Recommending to Council the overall strategy in relation to the provision of services in particular planning policy (including supplementary planning guidance), the Unitary Development Plan.
- (b) Agreeing the overall strategy in relation to environmental quality management policy, Best Value Initiatives, and other plans, priorities and targets.
- (c) Considering responses to external authorities where they relate to strategic highways improvements or traffic or parking management having a major impact on transportation within the borough.
- (d) Monitoring of air and water quality in the borough, implementation of the Council's air quality strategy, the Council's recycling and waste management plans, energy conservation strategies and environmental stewardship initiatives and relevant local Agenda 21 matters.
- (e) Receiving and considering statutory reports e.g. weights and measures.
- (f) Considering and monitoring service changes in response to national initiatives and agencies involving the above services e.g. Food Standards Agency.
- (g) Monitoring community involvement schemes for the purpose of street environment maintenance.
- (h) Monitoring the performance of services within the Environment and Conservation Department (including monitoring against local and national performance indicators) and reporting issues to the Executive where appropriate.
- (i) Approving priorities and the programme of individual schemes contained within the Local Implementation Plan (Interim Transport Plan), including schemes forming part of London-wide strategic networks.
- (j) Making major traffic management orders for controlled parking zones and substantial traffic management schemes and considering substantial objections to such orders.

### **4. FINANCE AND PROPERTY**

- (a) Within the overall budgetary framework set by the Council, to take decisions on all matters relating to the Council's finances including (but not limited to) the following:

- (i) budgetary control;
  - (ii) allocations of both capital and revenue expenditure to and between all services;
  - (iii) significant changes to insurance arrangements;
  - (iv) the Council's borrowing and investment policy (for recommendation to Council).
  - (v) budget revisions;
  - (vi) allocation of capital and revenue contingency.
- (b) To consider the annual estimates of revenue expenditure and income and the Treasury Policy Statement and make recommendations to the Council on the setting of the Council tax base and the Council Tax.
  - (c) Agreeing the long-term strategy for the Internal Audit Services including the Annual Internal Audit Plan.
  - (d) Responsibility for the Council's response and action in respect of external audit reports.
  - (e) Receiving the annual external audit management letter.
  - (f) To receive annual reports from all Directors on the performance of their respective services
  - (g) To approve any major restructures of service.
  - (h) To authorise the settlement of any legal proceedings to which the Council is party where such settlement involves the payment of £500,000 or more.
  - (i) Approving appropriations of land from one statutory power to another whether or not this involves a reallocation of land from one service to another
  - (j) Monitoring:
    - (i) the Council's property strategy and programme;
    - (ii) action taken by directors under delegated authority in respect of property matters;
    - (iii) work undertaken by the Property Services Division, including the property, review programme of work, the performance of the commercial portfolio and Best Value performance indicators and targets;

- (iv) The evaluation criteria to be used by officers in determining which capital schemes are approved and are included in the corporate capital programme.
- (k) To receive reports from all departments relating to profiled budget showing actual and accrued expenditure and to examine reasons for under/over achievement.
- (l) Monitoring the performance of services within Departments (including monitoring against local and national performance indicators).
- (m) Reviewing the adequacy of the Council's internal control systems.
- (n) Monitoring performance of the Internal Audit Service in respect of the Annual Internal Audit Plan.
- (o) Receiving reports on serious breaches of financial regulations.
- (p) Decisions relating to the best use of land and buildings where they are declared surplus to requirements of Services.
- (q) Decisions on acquisitions and disposals of interests in land except :
  - (i) disposals at market value of property for a consideration of £1.5 million or less;
  - (ii) grant of leases for 20 years or less;
  - (iii) acquisitions of interests of 20 years or less;
  - (iv) disposals of interests at less than market value for six months or less.
- (r) Approval of acquisitions by compulsory purchase order.

## **5. PERFORMANCE**

- (a) To agree the Council's corporate approach and framework for best value, including the role of members;
- (b) To recommend the annual Best Value Performance Plan to Council and to agree the programme of reviews;
- (c) To agree the Council's procurement policy and other strategic policies arising from Best Value;
- (d) To oversee the carrying out of Best Value Reviews and to agree improvement plans arising from them.

## **7. HOUSING**

- (a) Recommending to Council the overall strategy in relation to the provision of services in particular approval of all housing policy.

- (b) Approving the housing investment programme bid and approval of the housing strategy statement and other plans, priorities and targets.
- (c) Setting rents for Council dwellings held for housing purposes.

## **8. SOCIAL SERVICES AND HEALTH**

- (a) To set the strategic direction of Social Services policy.
- (b) Agreeing the Joint Investment Plans, Better Care, Higher Standards Charter, and the Code of Practice for Social Care Contracts and also to agree any changes in Commissioning and strategic purchasing which lead to major changes in service levels (including cessation of provision) or method of delivery.
- (c) To take any decisions to enter into arrangements with an NHS body under section 31 of the Health Act 1999 or to apply for Care Trust status under the Health and Social Care Act 2001.
- (d) To develop and approve any policy under which service users are charged by the Council for services provided by it.
- (e) To consider all external reviews of Social Services Performance including:
  - (i) The Annual Performance Review
  - (ii) The Best Value Joint Review
  - (iii) SSI Inspections
  - (iv) Ombudsman's Reports
- (f) To receive reports on the authority's role as a corporate parent including:
  - (i) health status of children looked after
  - (ii) education attainment of looked after children
  - (iii) after care and longer term outcomes for looked after children
  - (iv) quality and duration of placements
  - (v) children who abscond or go missing from placements
- (g) To act on the Council's behalf in any joint governance arrangements for the delivery or commissioning of children's and community care services with the National Health Service.
- (h) To receive reports of any death, serious injury, abuse, allegations of abuse or any other matters of serious concern in respect of a client of the Social Services Department in circumstances which give cause for concern in relation to the wider service. To consider reports on incidents where there has been an apparent failure to protect a client from serious harm, including Part 8 Reviews.
- (i) Regular monitoring of the joint commissioning arrangements and joint management of services.

- (j) Regular monitoring of the implementation of the Better Care Higher Standards Charter as integrated into the Health Improvement Programme and the Better Care, Higher Standards Charter.
- (k) To consider all inspection reports of local authority facilities.
- (l) To monitor the Social Services Department's Complaints System, and consider any general matters raised by individual complaints.
- (m) To oversee the system of "Persons in Control" and any arrangements for Councillors to visit other social services facilities including externally provided ones.
- (n) Those decisions in relation to Social Services functions which are the subject of partnership arrangements with Islington PCT pursuant to Section 31 of the Health Act 1999 which the Executive determines should not be taken by the Executive Member with portfolio responsibility for Health and/or Social Services

## **9. MATTERS DELEGATED TO EXECUTIVE SUB GROUPS**

Health Executive Sub-Committee Decisions in relation to the Health Partnership have been delegated to the Health Executive Sub-Committee which shall comprise three members.

Its terms of reference are as follows:

Inform and oversee the development of

- The health related elements of the Community Strategy, Neighbourhood Renewal Strategy and other health related strategies;
- The partnership element of the Islington Health Improvement and Modernisation Plan;
- The HAZ Programme

Advise the Islington Strategic Partnership on decisions relating to the funds; and review their investments to ensure they bring about sustainable change in mainstream services and activities that impact on health.

## **10. MATTERS DELEGATED TO INDIVIDUAL EXECUTIVE MEMBERS**

In relation to those Social Services functions exercised jointly with the Islington PCT pursuant to Section 31 of the Health Act 1999, the Executive Member with portfolio responsibility for Social Services and or Health shall be entitled to take decisions on an individual basis. Where those decisions are Key decisions, the relevant provisions of the Access to Information Procedure Rules and Scrutiny Procedure Rules shall apply. The fact that the Executive Member is entitled to take decisions in these circumstances shall not prevent the whole Executive from choosing to take the decision itself.

## **11. OFFICER DELEGATIONS**

- (a) All other matters within the terms of reference of the Executive are deemed to be delegated to the Chief Executive or relevant Director.

- (b) The relevant Director may be determined as follows:
- (i) all matters within the housing and performance management department to the Deputy Chief Executive
  - (ii) all matters within the Environment and Conservation Department, to the Director of Environment and Conservation
  - (iii) all matters within the Regeneration and Education Department, to the Director of Regeneration and Education
  - (iv) all matters within the Social Services Department, to the Director of Social Services
  - (v) all matters within the Department of Finance and Property Services, to the Director of Finance and Property Services.
  - (vi) all matters within the Law and Public Services Department, to the Director of Law and Public Services, including the authority to institute, defend or settle any legal proceedings or arbitration
  - (vii) all matters within the Department of Customer Focus, to the Director of Customer Focus
  - ~~(viii) all matters within the Department of Performance Management, to the Director of Performance Management~~

save that each Director may have responsibility for other corporate matters from time to time.

- (c) The Chief Executive shall have all the powers delegated to the other Directors and shall be able to exercise those powers in the place of that Director. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power.
- (d) Notwithstanding anything in this Part, the Chief Executive and Directors shall be authorised to take decisions where the matter is routine or urgent. . In such cases, the Director wishing to take such action or the Chief Executive (as the case may be) shall notify the Leader of the Council, the Executive Member with portfolio responsibility for the matter to which the decision relates, and the Leader of the Opposition of any such action. In addition, the exercise of such authority shall be reported to the next available meeting of the Executive. Where the decision is a key decision which has not been included in the Forward Plan, the provisions of paragraphs 15 and 16 of the Access to Information Procedure Rules shall apply.
- (e) For the purposes of paragraph (d) above a matter is urgent if in the reasonable opinion of the proposed decision taker, to delay the decision relating to it would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the Executive in sufficient time to take the decision.
- (f) Directors may further delegate the powers delegated to them and shall ensure that an internal scheme of delegation is drawn up specifying which of their powers have been delegated to which officers.
- (g) Notwithstanding the reservations of matters to the Executive set out above, the Executive shall be entitled to delegate decisions to Directors or the Chief Executive



on a case by case basis.

## **12. TERMS OF REFERENCE OF THE CORPORATE SERVICES COMMITTEE**

The Corporate Services Committee shall have responsibility for all non-Executive matters specified under the relevant legislation save for those which are reserved to the Council under paragraph 1 of Part 3 of this Constitution or to the Licensing Committee or delegated to Area Committees under the Area Committees Terms of Reference set out in Part 3 of this Constitution.

### **1. Matters Reserved for Committee Decision**

1. Consideration of the following:
  - (a) any planning matters which in the view of the Director of Environment and Conservation have significant or strategic implications for the area which warrant the matters being considered by this Committee rather than the Area Committees.
  - (b) Planning applications which are so urgent as to make it necessary that they be determined before the next available meeting of the relevant Area Committee or Sub-Committee.
2. The approval for the purposes of consultation of draft proposals associated with the preparation of alterations to or the replacement of a development plan.
3. Responsibility for the appointment of a Personnel Sub-Committee, including approval of its terms of reference and membership. The Corporate Services Committee may decide to appoint different members to the Personnel Sub - Committee in order to deal with appointments of different Director posts.
4. Responsibility for the appointment of a Pensions Sub-Committee.
5. Responsibility for the appointment of such other sub-committees or other bodies, including their membership and terms of reference, as the Committee deems from time to time appropriate.
6. To determine matters relating to the organisation and conduct of elections, including the following:
  - (a) appointment of an Electoral Registration Officer.

- (b) appointment of a Returning Officer for local government elections.
  - (c) provision of assistance at European Parliamentary Elections.
  - (d) division of the constituency into polling districts.
  - (e) division of the Borough into polling districts.
7. To regulate matters affecting Members, including remuneration and expenditure and training.
  8. To recommend to Council the introduction, amendment or revocation of byelaws
  9. To take decisions on any matter within the terms of reference of any of its sub-committees where the proper officer considers that it is necessary and reasonable to do so.
  10. To agree the Council's annual accounts, including alterations thereto and any necessary related accountancy functions.
  11. To consider audit reports prepared by the Council's external auditors and such internal reports as have a material impact on the operation of the Council.

## **2. Matters Delegated to the Personnel Sub-Committee**

1. The making of the Council's personnel policies and procedures and the setting of terms and conditions of employment.
2. Responsibility for, and monitoring of, the Council's Health and Safety policies as employer, including reports on health and safety within Council Departments.
3. To monitor (and where appropriate, approve) early retirements.
4. To be responsible for the recruitment and appointment of all Directors (save where this is only on an interim basis).
5. To hear representations in respect of the termination of a Director's employment in accordance with the JNC terms and conditions of employment.
6. To appoint an independent person (within the meaning of the Local Authority (Standing Orders) Regulations 1993) to carry out the functions in Regulation 3 of those regulations.
7. To take decisions on disciplinary matters relating to the Chief Executive including termination of the Chief Executive's contract of employment following consideration of a report prepared by a designated person.
8. To receive submissions from trades unions representatives.
9. To make recommendations to Council on the appointment of the Chief Executive.

## **3. Matters Delegated to the Pensions Sub-Committee**

1. To consider policy matters in relation to the pension scheme, including the policy in relation to early retirements
2. To administer all matters concerning the Council's pension investments in accordance with the law and Council policy.
3. To establish a strategy for disposition of the pension investment portfolio.
4. To determine the delegation of powers of management of the fund and to set boundaries for the manager's discretion.
5. To review the investments made by the investment managers and from time to time consider the desirability of continuing or terminating the appointment of the Investment Managers. (Note: The allocation of resources to the Pension Fund is a function of the Executive).

#### **4. Matters Delegated to Directors**

All matters not specifically referred to above shall be functions exercisable by the appropriate Director. Directors may further delegate the powers delegated to them and shall ensure that an internal scheme of delegation is drawn up specifying which of their powers have been delegated to which officers.

The Chief Executive shall have all the powers delegated to the other Directors and shall be able to exercise those powers in the place of that Director. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power.

Notwithstanding anything in this Part, the Chief Executive and Directors (within their service areas) shall have the authority to take any decision where the matter is urgent or routine. In such cases, the Director wishing to take such action or the Chief Executive (as the case may be) shall notify the Leader of the Council, the Executive Member with portfolio responsibility for the matter to which the decision relates, and the Leader of the Opposition of any such action. In addition, the exercise of such authority shall be reported to the next available meeting of the Executive. Where the decision is a key decision which has not been included in the Forward Plan, the provisions of paragraphs 15 and 16 of the Access to Information Procedure Rules shall apply.

For the purposes of the preceding paragraph a matter is urgent if in the reasonable opinion of the proposed decision taker, to delay the decision relating to it would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the Executive in sufficient time to take the decision.

### **13. TERMS OF REFERENCE OF THE LICENSING COMMITTEE**

\_\_\_\_\_The Licensing Committee shall have responsibility for all licensing matters under the relevant legislation.

#### **1. Matters reserved for Committee Decision**

- (a) The setting and review of policy in relation to the public control functions contained within relevant legislation, including the rules of management for licensed premises.

- (b) The setting of fees and charges for licences.

## **2. Matters delegated to the Central Licensing Sub-Committee**

- (a) Any matter relating to the licensing of street trading, including but not limited to the determination of applications for licences where there are unresolved objections to those applications, the revocation of licences (except on the ground of non-payment of licence fees) and the designation of streets as licensed streets.
- (b) The determination of applications in respect of sex establishments.
- (c) Applications for the registration of door supervisors and special treatment licences where there are unresolved objections to those applications.

## **3. Matters delegated to Area Licensing Sub-Committees**

- (a) The determination of applications for licences in respect of licensed premises, entertainments and late night refreshments premises

## **14. AREA COMMITTEES TERMS OF REFERENCE**

### **1. Delegation**

1. There shall be delegated to Area Committees responsibility for:
  - (a) determining planning applications and other planning matters within their respective areas except in relation to matters which are reserved for decision by the Corporate Services Committee.
  - (b) determining traffic and transportation systems within their areas including controlled parking zones subject to the latter being in accordance with an overall programme agreed by the Executive and to the provision of legal and financial advice.
  - (c) administering a budget of £50,000 (for each area) to be spent on minor environmental improvements.
  - (d) determining greenspace projects where the expenditure is estimated to be in excess of £75,000 or which, in the opinion of the Director of Environment and Conservation will have a significant impact on the area.
2. Area Committees shall also have responsibility for the matters set out in Article 10.02.
3. Area Committees may, should they consider it necessary, establish a Sub-Committee to deal with planning applications
4. Area Committees shall be competent to make decisions on matters delegated to them, subject to that delegation being fully within the policy framework approved by the Executive. If, in the opinion of the Chief Executive, any decision of an Area Committee is contrary to, or not wholly in accordance with the budget and policy

framework delegated to it, that decision shall be referred to the Executive for final determination.

## **2. Matters Reserved for Decision by the Area Committee Planning Sub-Committees**

In respect of planning matters, the following shall be reserved for decision by Planning Sub-Committees:

- (a) Applications recommended for approval which involve the creation of 14 or more residential units, or which involve more than 2,000 square metres of floorspace.
- (b) Applications which are recommended for approval but which do not conform to the Unitary Development Plan
- (c) Applications which involve a legal agreement unless :
  - The heads of terms relate only to securing affordable housing in line with planning policy and/or securing highway works in relation to the application site; or
  - The terms of the agreement are not materially different from any previous agreement approved by the Sub-Committee in relation to the same site.
- (d) Alterations to Grade I or Grade II\* listed buildings, (except matters which in the opinion of the Development Control Manager/Assistant Director (Planning) are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage.
- (e) Applications where the Council has an interest (except for matters which in the opinion of the Development Control Manager/ Assistant Director (Planning) are minor);
- (f) Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or partner).
- (g) Decisions which are likely to result in a claim for compensation or the service of a purchase notice.
- (h) Applications which, in the opinion of the Development Control Manager/ Assistant Director (Planning), should be considered by the appropriate Sub-Committee.
- (i) Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds, other than those applications where, in the opinion of the Development Control Manager/Assistant Director (Planning), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the

decision may be taken by officers unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order.

- (j) The designation or alteration of conservation areas and making of directions under Article 4 of the Town and Country Planning General Development Order 1995.
- (k) The agreement for consultation purposes, and adoption of, area or site specific planning briefs and other supplementary planning guidance where in the opinion of the Director of Environment and Conservation they do not have strategic implications.

### **3. Matters delegated to the Director of Environment and Conservation**

- (a) Apart from those matters which are reserved for committee decision by paragraphs 1 and 2 above, decisions in respect of planning matters within the terms of reference of the Area Committees may be taken by the Director of Environment and Conservation.
- (b) Directors may further delegate the powers delegated to them and shall ensure that an internal scheme of delegation is drawn up specifying which of their powers have been delegated to which officers.

## **Delegations to Joint Committees and Other Bodies**

### **Functions discharged by the Association of London Government (ALG) Joint Committees**

#### **ALG Leaders' Committee:**

This committee comprises one member of each of the London Local Authorities who is designated the authority's "Leader" for the purposes of carrying out these functions.

Its functions are:

1. To consult on the common interests of the London local authorities and to discuss matters relating to local government.
2. To represent the interests of the London local authorities to national and local government, Parliament, the European Union and other bodies.
3. To formulate policies for the development of democratic and effectively managed local government.
4. To provide services to the London local authorities including the provision of information.
5. To provide information to the public, individuals and other organisations on the policies of the ALG and other issues relevant to London.

6. To act for and on behalf of London local authorities in their role as employers, through the provision of a range of services.
7. To appoint members to serve on the Greater London Provincial Council and to represent the views of the London local authorities on pay and terms and conditions of service to the national negotiating body.
8. To review the needs of Greater London under the London Boroughs Grants Scheme, in accordance with which the London local authorities make grants to voluntary organisations within Greater London and to approve the budget proposed for the Scheme each year.
9. To consult with the ALG Transport and Environment and Conservation Committee (see below) regarding strategic policies and annual budget.
10. To establish an independent remuneration panel to make recommendations to the London local authorities regarding the payment of allowances to the members of those authorities.

## **ALG Transport and Environment and Conservation Committee (ALG TEC)**

This committee comprises one member from each London local authority and a member from Transport for London (which is part of the Greater London Authority).

Its functions are:

1. To appoint and provide accommodation and support for Parking Adjudicators and to administer the Parking Appeals Service, which is an independent service for those wanting to appeal against a Council's decision on a parking ticket.
2. To set the level of penalties and other enforcement charges and the level of discount for early payment of penalties.
3. To set the level of penalties for decriminalised contraventions in bus lanes, and the level of discount for early payment of penalties.
4. To operate other parking services including the TRACE line, which provides 24-hour information on cars which have been towed away.
5. The publication of a code of practice on parking enforcement and the dissemination of parking enforcement information to drivers and the general public.
6. To co-ordinate and maintain vehicle clamping and removal operations.
7. To provide IT services to the London Local Authorities for DVLA enquiries, County Court debt registrations and warrants, borough payment information exchange and a persistent offenders database.
8. The production and maintenance of the parking attendants' handbook of contravention codes.
9. To administer the Health Emergency Badge Scheme for doctors, nurses and health visitors.
10. To act as the National Joint awarding body for National Vocational Qualifications for Parking Attendants.
11. To run and pay for the Freedom Pass free ticket initiative for London's senior citizens, blind and disabled people, at a cost to the boroughs of £150M.
12. To administer the London Lorry Ban, which prevents lorries travelling down residential streets at night and at weekends.
13. To run and pay for the Taxicard Scheme, which provides free transport for London's disabled community at a cost of £5M.
14. To take a borough-wide strategic overview on London's transport policy and policy issues in planning, the environment, consumer protection, trading standards and waste.



## **London Boroughs Grants Committee**

This committee comprises one member from each London Local Authority.

Its functions are:

1. To make grants to voluntary organisations benefiting more than one London borough.
2. To consider and review the needs of London in relation to the grants scheme.
3. To recommend an annual budget to the ALG Leaders' Committee, which, once approved, has to be agreed by a two-thirds majority of the London Local Authorities in order to make it binding on all 33 – (which includes the Corporation of London).

## **London Housing Unit Committee**

This committee comprises one representative from each of the following Member Boroughs:

Barnet, Brent, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Redbridge, Southwark, Sutton, Tower Hamlets and Waltham Forest.

The Committee's primary role is to provide a service to its Member Boroughs housing functions. This can include the activity of other housing agencies.

The service includes:

- provision, organisation and co-ordination of housing publicity and information such as on likely implications of changes in Government policy on rents.
- research, evaluation and analysis on housing policy and service delivery such as the effectiveness of different policies e.g. tenants participation, tackling racial harassment etc.
- publicity on the findings e.g. on the particular problems faced by private tenants on HB in London

The service also provides professional, administrative and technical assistance to Member Boroughs and other bodies in the preparation and implementation of specific projects. An example would be looking at the scope for managing priority homelessness demand

Whilst the Service Plan is determined by LHUC and the bulk of it is specifically for LHUC Member Boroughs, part of the work is on behalf of the 33 boroughs as support to ALG more generally. An example would be compiling the evidence for and analysing the case for London boroughs to have higher allowances for managing and maintaining Council housing.