

## **ARTICLE 7 - THE CABINET (EXECUTIVE)**

### **7.01 The Executive**

- (a) The Executive is responsible for undertaking all of the Council's functions, except for those functions (specified in Articles 4, 8 and 9) that are reserved to the Council and that are undertaken by the Full Council or delegated to committees, sub-committees, other bodies or officers. When the Executive meet collectively, it is known as "the Cabinet". Individual councillors that are members of the Executive are known as "Cabinet Members".
- (b) The Cabinet comprises up to 10 Councillors including the Leader, but the Leader may reduce this number at some future date.

### **7.02 Leader**

The Leader will be a Councillor elected at the annual meeting immediately following the ordinary election of Councillors to the position of Leader of the Council. The Leader holds office until:

1. he or she resigns from office; or
2. he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension); or
3. he or she is no longer a councillor; or
4. he or she is removed from office by a resolution of the Full Council; or
5. on expiry date of fixed term save that the Council may remove the Leader from office at an earlier date.

Any Leader appointed other than at the Annual Meeting immediately following the ordinary election of Councillors shall hold office until the next Annual Meeting immediately following the ordinary election of Councillors.

### **7.03 Other Cabinet Members**

- (a) The Leader shall appoint other Cabinet Members. Cabinet Members hold office until:
1. they resign from office; or
  2. they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
  3. they are no longer Councillors; or
  4. they are removed from office by the Leader; or
  5. they are removed from office by the full Council following a recommendation from the Leader; or
  6. on expiry date of fixed term save that the Council can remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council.

- (b) As circumstances require and to cover planned and unplanned absences, the Leader may assign Cabinet portfolio responsibilities from one Cabinet Member to another and will notify the Head of Democratic Services where this arrangement is intended to last for more than four weeks.
- (c) The Leader will designate one of the Cabinet Members to be the Deputy Leader.

#### **7.04 Cabinet Assistants**

Other members of the Council may, from time to time, be designated by the Leader and notified as such to the Head of Democratic Services as a Cabinet Assistant for a particular activity or range of activities. Such a Member will not be a Cabinet Member and cannot make executive decisions, but will work with the relevant Cabinet Member. The Leader of the Council will make arrangements for, determine and review from time to time a protocol relating to the roles and responsibilities of Cabinet Assistants

#### **7.05 The Cabinet Members**

The Leader of the Council is Councillor Ray Puddifoot. The following Councillors have been appointed by the Leader to be Cabinet Members with their respective portfolio responsibilities:

	<b>NAME</b>	<b>CABINET PORTFOLIO</b>
1.	Councillor Ray Puddifoot MBE	Leader of the Council
2.	Councillor David Simmonds CBE	Deputy Leader of the Council
3.	Councillor David Simmonds CBE	Cabinet Member for Education and Children's Services
4.	Councillor Philip Corthorne	Cabinet Member for Social Services, Housing, Health and Wellbeing
5.	Councillor Douglas Mills	Cabinet Member for Community, Commerce and Regeneration
6.	Councillor Jonathan Bianco	Cabinet Member for Finance, Property and Business Services
7.	Councillor Richard Lewis	Cabinet Member for Central Services, Culture and Heritage
8.	Councillor Keith Burrows	Cabinet Member for Planning, Transportation and Recycling

## 7.06 Proceedings of the Cabinet

This Article is to be read in conjunction with the Executive Procedure Rules set out in Part 4 of the Constitution.

- (a) The Cabinet will meet as often as required but will usually meet on a monthly basis. The Leader will keep this arrangement under review.
- (b) Councillors who are not members of the Cabinet cannot make any executive decisions, nor can they act as substitute or deputy Cabinet members. In the absence of Cabinet Members, the Leader and/or Deputy Leader will act on their behalf or determine which Cabinet Member will cover an absent colleague's responsibilities.
- (c) A Cabinet Assistant, Champion or Borough Advocate may attend and speak (but not vote) at any Cabinet meeting on issues within the portfolio that are discussed with the approval of the Chairman (Leader).
- (d) The Chief Whip of the Majority Party may attend Cabinet meetings and speak, but not vote on any item under discussion.
- (e) With the permission of the Chairman (Leader), Chairmen or in their absence Vice-Chairmen of Policy Overview and Scrutiny Committees may attend meetings of the Cabinet and speak (but not vote) on any item previously considered by their Committee – to present the views of the Committee rather than a personal view

## 7.07 Delegation of Functions

- (a) This part of the Constitution records the arrangements made by the Council for the allocation of responsibilities and the discharge of executive functions by the Leader, the Cabinet and Cabinet Members.
- (b) The Leader may review and make new arrangements for the discharge of the Cabinet scheme of delegations as set out in 7.08.
- (c) However, the Leader cannot approve alterations to the definition of key decisions, key financial decisions and any financial thresholds in this article, of which any decision to alter is reserved by full Council. The Leader cannot approve any other decision, including those that are statutory and legislative, which fall within the remit of full Council.
- (d) The Leader can make such new arrangements for the Cabinet scheme of delegations at any time on either a temporary or permanent basis, in accordance with the Executive Procedure Rules in Part 4 of the Constitution. Where this is the case, the Leader will notify the Borough Solicitor and Head of Democratic Services in advance of any proposed changes made. This will ensure that:
  - 1. All Councillors are informed of those alterations;
  - 2. The Constitution is amended accordingly;

3. The alterations are published; and
4. A report is made annually to the Full Council on the changes that have been made during the previous twelve months.

(e) Wherever arrangements are not specifically made in this article for the discharge of executive functions by Cabinet Members, those functions remain with the Leader.

### **7.08 Cabinet Scheme of Delegations**

(a) To underpin the principles of greater accountability and transparency in decision-making, all delegations to the Cabinet and Cabinet Members are set out in this section. All anticipated key decisions and other decisions, following from these delegations, will be set out in the Council's Forward Plan.

#### **(b) KEY DECISIONS**

The Cabinet collectively will be responsible for taking the key decisions and key financial decisions as defined below:

1. Developing proposals that require the Council to amend its policy framework.
2. Decisions resulting in cost/savings outside of existing budget that exceed the following thresholds:-
  - 10% of the annual revenue budget for a service or any proposals in excess of £500,000.
  - variations to capital schemes on programmes in excess of £250,000 in any one year.
3. Decisions which have a significant impact on two or more wards as defined below:-
  - where the outcome will have a significant impact on the well-being of the community or the quality of service provided to a significant number of people living or working in an area.
  - Where 'Communities of Interest' as well as geographic areas are affected significantly, e.g. young people by the closure of a youth centre.

#### **(c) CABINET DELEGATIONS**

The Cabinet makes decisions in the following circumstances:

1. matters reserved to the Cabinet as set out in Article 7.08;
2. matters delegated to individual Cabinet members where, in any particular case, the Leader directs that the decision should be reserved to the Cabinet;

3. matters delegated to the individual Cabinet members where the relevant Cabinet member decides to refer any particular matter to the Cabinet for decision; and
4. matters referred to the Cabinet by individual Cabinet members following call-in by the relevant overview and scrutiny committee.

### **The General Responsibilities of the Cabinet**

1. The Cabinet has overall responsibility for the preparation of the budget, and the policy and financial frameworks, which are to be adopted by the full Council. In discharging these overall functions and responsibilities, the Cabinet is responsible for the following:

#### *Leadership in these areas:*

- i. proposing policy development, changes and new policy;
- ii. articulating existing Council policy to other organisations;
- iii. commenting on proposals from others on behalf of the Council, including through the media;
- iv. influencing others, including the media, in order to promote existing Council policy or matters reasonably collateral to it;
- v. ensuring the Council has a programme for continuous improvement of its services.

#### *Partnership working with:*

- vi. any or all other organisations who can assist the Council to achieve its stated objectives or where collaboration benefits those who live in, work or visit Hillingdon;
- vii. others involved in community planning and the formation of partnerships with other local public, private, voluntary and community organisations to address local needs.

#### *Decision Making:*

- viii. As indicated in Article 7.01 above the Cabinet will be responsible for undertaking all of the Council's functions, and making decisions accordingly, except for those listed in ix. below.
- ix. It will not have responsibility for those functions, which have been reserved to full Council as set out in Article 4. Neither will it have responsibility for the functions to be exercised by those Committees or other bodies outlined in Articles 8 and 9.
- x. The Cabinet will also exercise those 'local choice' functions which are set out in Appendix A to this Article.

#### *Monitoring:*

- xi. To regularly monitor the performance and development of Council services.

**Other decisions to be taken collectively by the Cabinet:**

1. Any decision having an impact on two or more wards, whether the impact is direct (e.g. where the decision relates to a road which crosses a ward boundary) or indirect (e.g. where the decision relates to the provision or withdrawal of a service which is or would be used by people from two or more wards).
2. Consideration of any report prepared by an external organisation into the performance of the Council whether in general or in relation to a particular case, including the Council's response to it. Cabinet Member sign-off may be given to such inspections in urgent cases as set out under the delegations to Cabinet Members
3. Closure of, or significant reduction in provision of, any Council service.
4. Where the decision is one, which will involve a significant change in the manner of Council service provision.
5. The fixing of fees and charges for Council services.
6. Granting or withdrawing financial support to any external organisation, except where under agreed initiatives delegated to the Leader or Cabinet Member.
7. Writing off any bad debt in excess of £50,000, unless the Council has within the last 3 years already written off debts for the person/organisation concerned totalling that amount in which case any further write off would be a key decision.
8. The exercise of the Council's compulsory purchase powers.
9. Authority to apply for funding from any external body which if successful would require Council matched funding either revenue or capital, and agreement to the final scheme.
10. Consideration of any policy and budget framework documents which are to be the subject of a recommendation to full Council.
11. Where the Mayor on advice from the Head of Paid Service and/or Monitoring Officer and/or Chief Finance Officer is of the view that the matter is one which ought properly to be treated as a key decision, and informs the proper officer to that effect at least 6 weeks before the decision is in the opinion of the Monitoring Officer likely to be taken.
12. To approve Planning Briefs for sites.
13. To determine school organisation proposals where objections have been received.

**Procurement and Contract decisions to be taken collectively by the Cabinet:**

Refer to Schedule H – Procurement and Contract Standing Orders, for decisions to be taken by the Cabinet on contracts, tenders, land and property matters.

**(d) GENERAL CABINET MEMBER DELEGATIONS**

**Preamble**

There are occasions when matters affect more than one portfolio; on such occasions the Cabinet members concerned act in conjunction with one another.

In discharging any functions that have been delegated, a Cabinet member must act lawfully. This means that the Cabinet member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this constitution, Council policies, procedure rules and the Members Code of Conduct.

All Cabinet members have responsibility for the following functions:

**Budget**

1. To approve write-offs of income for their portfolio area of a value of £5,000 or over.
2. To receive monthly/regular reports on income written off by officers under delegated powers (i.e. sums under £5,000) for their portfolio area.
3. To recommend to Cabinet an appropriate level of fees and charges for services appropriate for their portfolio area.
4. To agree virements as set out in the Budget and Policy Framework Procedure Rules which can be found in Part 4 of the Constitution.
5. To receive regular reports on the budgets for their portfolio area
6. To recommend to Cabinet the submission of bids from their portfolio area for additional resources from Government and other agencies.
7. To recommend to Cabinet capital and revenue bids for their portfolio area.
8. To agree for their portfolio area and on the recommendation of the appropriate Deputy Chief Executive / Corporate Director compensation payments above £1,000 under the Council's complaints procedure or the request of the Ombudsman. (below that level will be delegated to officers).

9. To make bids for external funding where there is no requirement for a financial commitment from the council, in consultation with officers, in consultation with the Leader of the Council and Cabinet Member for Finance, Property and Business Services.

**Service Planning and Delivery**

10. To determine which proposals for alterations to service provision within their portfolio area should be reported to Cabinet for a decision.
11. To agree service specific strategies and action plans and to agree proposals for enhancements and alterations to service provision within their portfolio area subject to being in-line with the council's policy framework and costs being contained within agreed budgets (where such strategies, plans and service changes cover more than one-portfolio, to also be agreed with the relevant cabinet member and the Leader of the Council)
12. To determine priorities and where appropriate agree the reallocation of approved resources for the delivery of services in their portfolio area, in conjunction with the appropriate Deputy Chief Executive / Corporate Director or Head of Service.
13. To make suggestions for future policy initiatives and for amendments for the policy framework in their portfolio area, for consideration by the Cabinet and Council.
14. To receive internal audit reports for their portfolio area and to make recommendations to Cabinet for changes to the service as appropriate.
15. To consider any inspection report by an external agency and make recommendations to the Cabinet where appropriate. In cases where an external agency requires the Council's urgent consideration of an inspection report and there is no Cabinet meeting scheduled, the relevant Cabinet Member and the Leader of the Council may receive and consider the inspection report, give signed approval to the Council's response and ensure Members are notified as appropriate. The Cabinet Member may also give permission for an alternative Member-level meeting or Policy Overview Committee to formally receive the inspection report on behalf of the Council, though such a meeting will not be able to sign-off the Council's response to the inspection.'
16. To call for monitoring reports on service development and performance within their portfolio responsibilities.
17. To ensure services contribute to the Public Health priorities of the Council in accordance with the Public Health and Social Care Act 2012.



### **Land and Property**

18. In conjunction with the Cabinet Member for Finance, Property and Business Services, to determine whether land and properties in their portfolio area are to be declared surplus to requirements of the service and to report to the Cabinet.
19. In conjunction with the Cabinet Member for Finance, Property and Business Services, to make recommendations to Cabinet for use within their portfolio area of properties declared surplus to requirements by other services.
20. Authority to submit planning applications for projects and proposals within their Portfolio area subject to the projects and proposals being in line with the policies of the Council.
21. Refer to Scheduled H – Procurement and Contract Standing Orders for all property and land contract decisions taken by Cabinet Members.

### **Tenders and Contracts**

22. Refer to Schedule H – Procurement and Contract Standing Orders for decisions to be taken by Cabinet Members on contracts, quotations and tenders.

### **Partnerships and Consultation**

23. To review resident satisfaction and consultation with partners in their portfolio area.
24. In consultation / liaison with the Cabinet Member for Community, Commerce and Regeneration, to promote effective partnerships between the Council and all other bodies and agencies affecting the community for their portfolio area.

### **General**

25. To deal with petitions in their portfolio area in accordance with Council procedure.
26. To recommend to the Cabinet, where there are implications for the policies of the Council, responses to be made to consultation documents from Government, GLA, LGA, London Councils and other bodies affecting their portfolio area.

To approve and sign consultation responses on behalf of the Council in urgent cases where there is no Cabinet meeting timetabled to consider the responses, and in such cases to inform Party Leaders and the Chairman of the relevant Policy Overview Committee of the responses when signed off.

27. To make recommendations to Cabinet and Council for revisions to officer delegations within their portfolio area.
28. To make recommendations to Cabinet on Policy Overview and Scrutiny reports that are being presented in their portfolio area.
29. To attend Policy Overview and Scrutiny committee meetings when so required by these committees.
30. To meet all reasonable requests for information made by those Overview and Scrutiny committee members.
31. To determine and hear appeals against any decision made by or on behalf of Hillingdon Council as set out in Appendix A to the Cabinet Scheme of Delegations.
32. In conjunction with the relevant Officer, to sign off expenditure for approved Initiatives as agreed by the Cabinet.

**(e) INDIVIDUAL CABINET MEMBER DELEGATIONS**

Based upon the portfolios approved by the Leader, individual Cabinet members have responsibility for the following delegations:

**Leader of the Council**

**Leadership, Policy and Communications**

1. To be responsible for the principal policy direction of the Council within its statutory functions.
2. To represent the Council in the community and in negotiations with the Government and regional, national and international institutions and organisations, reporting to Cabinet as necessary.
3. To identify the need for new strategies and policies for the better discharge of the Council's functions insofar as specific policies and strategies fall within the remit of other Cabinet Members or the Cabinet.
4. To agree or amend service specific policies or official codes of practices and guidance.
5. To be responsible for the overall management structure of the Council, in consultation with the Chief Executive and Corporate Director of Administration.
6. To oversee the Hillingdon Improvement Programme and authorise expenditure on it, in conjunction with the appropriate officer.
7. To sign-off all approved expenditure on external support, agency and consultancy advice for the Business Improvement Delivery programme

8. To approve Council Initiatives, oversee their operation and approve grants for such initiatives to be issued by appropriate officers.
9. To act as Chairman of the Health and Wellbeing Board.
10. To be responsible for the Council's Communications Service.
11. To be responsible for and make all necessary decisions in pursuit of the Council's policy on Heathrow Expansion and High Speed 2.

**Finance, Property, Enforcement and Audit**

12. To be responsible for overseeing the development of the short, medium and long term financial strategies to be recommended for adoption by the Council.
13. Jointly with the Cabinet Member for Finance, Property and Business Services, to make decisions on the release of monies for all capital projects.
14. In conjunction with the Cabinet Member for Finance, Property and Business Services and the Deputy Chief Executive and Corporate Director of Residents Services, to oversee the development, construction and use of land and property assets across all Cabinet portfolios. This to include the Housing Development Programme, Social Housing Grants and other related grants.
15. In conjunction with the Cabinet Member for Finance, Property and Business Services, to oversee and monitor the housing revenue account budget, housing capital fund & housing rent setting.
16. Jointly with the Cabinet Member for Finance, Property and Business Services to be responsible for the overall internal and external audit strategies and arrangements of the Council, with operational decision-making and work programmes delegated to the Corporate Director of Finance and monitoring the review of such activity undertaken by the Audit Committee.
17. Jointly with the Cabinet Member for Finance, Property and Business Services to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
18. To be responsible for the overall enforcement, fraud and corruption strategies and arrangements of the Council, with operational decision-making and activity delegated to the Deputy Chief Executive and Corporate Director of Residents Services.
19. To list Assets of Community Value, jointly with the Cabinet Member for Finance, Property and Business Services.

**Decision-making**

20. To take responsibility for or to assign responsibility to one or more Cabinet portfolio holders for issues not specifically allocated in these delegations or involving one or more portfolio holder.

21. 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.
22. To monitor the operation of the Council's decision-making structure and make recommendations to the Cabinet and Council as appropriate.
23. To be responsible for and oversee the Council's Democratic Services function.
24. To authorise another Cabinet Member, including the Leader of the Council, to deputise and make decisions on behalf of any other Cabinet member in that person's unavailability or absence.
25. To be responsible for the resolution of differences of opinion between portfolio holders acting within their delegated powers and reporting to Cabinet as necessary.
26. To resolve any dispute over the spending of Ward Budgets after consultation with other Party Group Leaders, where appropriate. To also approve spending of the Ward Budget for the Ward represented by the Cabinet Member for Community, Commerce and Regeneration.
27. To approve, in consultation with the Borough Solicitor, the appointment of Counsel
28. Jointly with the Cabinet Member for Finance, Property and Business Services to allocate funds from planning obligations.
29. To sign-off decisions to be taken by the Deputy Chief Executive and Corporate Director of Residents Services in respect of the Private Sector Leasing Scheme, including Finders Fee and Guaranteed Rental Schemes.
30. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the programmes for street lighting, highway maintenance, traffic management, London Cycling Network, London Bus Priority Network, Parking Revenue Account funded schemes, (in consultation with other Cabinet Members as appropriate) within the financial limits set out in the budget framework.

**Interim or urgent decision-making at particular times**

*These are powers granted specifically to the Leader of the Council (in conjunction with relevant Officers and/or Cabinet Members), to make formal or informal decisions at specific times or urgently, where the need for flexible, responsive decision-making is required to provide continuity of services and safeguard residents' interests.*

*Decision-making when deemed urgent by the Leader*

31. To take all formal decisions deemed under special urgency procedures in the Council's Constitution, in conjunction with the relevant Cabinet Member(s).

32. To take contract decisions on behalf of the Cabinet, in accordance with the Procurement and Contract Standing Orders.
33. To sign-off decisions to be taken by the Chief Executive under his/her Emergency Contract Decisions delegation.
34. In the event of extreme weather and incidents affecting the Borough (not declared major incidents where other civil contingency procedures will apply) and in order to safeguard and protect residents and services, to give informal sign-off for any decision ordinarily reserved to Cabinet Members or the Cabinet when recommended by the relevant Corporate Director and that all such decisions taken be reported to a subsequent Cabinet meeting for formal ratification to ensure transparency.

*Interim powers when no Cabinet and during the closing of accounts*

35. In conjunction with the relevant Cabinet Member and Corporate Director, to make formal interim decisions that would ordinarily be reserved for the Cabinet in the absence of a monthly Cabinet meeting, e.g. during August, reporting back to Cabinet for ratification to ensure transparency.
36. To sign-off decisions to be taken by the Corporate Director of Finance during the interim period leading up to the closure of the Council's annual accounts for any necessary revenue or capital budget virements, allocation of priority growth funds or acceptance of grants that may be required for service or project delivery within the overall budget framework approved by Council. That such decisions be reported to a subsequent Cabinet meeting for formal ratification and to ensure transparency.
37. In conjunction with the Corporate Director of Finance, to review individual council services budget accounts and make any necessary decisions on adjustments to budgets that may be required before the presentation of the yearly Outturn Budget report to Cabinet.
38. To approve the release and use of contingency funds in urgent cases and in the absence of a Cabinet meeting.

**Civic and Ceremonial**

39. To have overall responsibility for Civic Pride and Heritage across the Borough.
40. To oversee the Council's relationship with the Armed Services.
41. Approve arrangements for significant civic ceremonies and Borough events and also key matters concerning the Mayoralty, in consultation with relevant Officers.
42. In conjunction with the Chief Executive and Corporate Director of Administration, to be responsible for the operation of the London Borough of Hillingdon Civic Medal Award Scheme.
43. In consultation with the Mayor, to be responsible for the operation of the London Borough of Hillingdon Volunteer Pin Scheme.

44. To sign-off decisions to be taken by the Deputy Chief Executive and Corporate Director for Residents Services' in relation to the award of grants from the Council's Charitable Fund, in conjunction with the Cabinet Member for Planning, Transportation and Recycling.
45. To approve proposals for street naming, naming of buildings and naming of housing schemes and developments.
46. To determine the flying of flags on the forecourt of the Civic Centre and agree the list of flags and dates.

### **Older People and Appointments**

47. To champion the interests of Older People in the Borough. To ensure that their views are heard and taken into account by the Council. To work towards effective partnerships between Older People and our partner organisations.
48. The Leader may appoint any Councillor or Member of the Public living in the Borough as a Borough Advocate to protect and promote single-issue interests on behalf of the council and where appropriate with partner organisations and beyond. Such a person should hold significant experience within their agreed area of appointment.

*A protocol will be agreed between the Leader of the Council and a Borough Advocate to determine their exact role and length of appointment, however such a post cannot make formal decisions (which are reserved by the Cabinet or appropriate committee) and would undertake a more defined or temporary role than either a Cabinet Assistant or Champion.*

49. To appoint co-opted members to Policy Overview and Scrutiny Committees, determining the suitability and term of office of such appointments and reviewing the appointments on expiry of that term.

### **Deputy Leader of the Council**

1. To assist the Leader in the exercise of his or her functions, and to deputise in his or her absence.

### **Cabinet Member for Education and Children's Services**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - special needs,
  - school attendance,
  - grants and awards scheme,
  - careers service,
  - home and hospital tuition,
  - transport and travel concessions for school pupils,
  - school places,

- raising standards of education.
  - all other education services to children.
  - the youth and community service,
  - young people's services,
  - youth centres,
  - Care services for children and families,
  - Provision of care for children,
  - child abuse,
  - juvenile justice,
  - corporate parenting,
  - Services to asylum seekers,
  - Services for children in need including children with a disability.
  - Adult and Community Learning (including the Hillingdon Music Service)
2. To represent or recommend to Cabinet, another Councillor to represent the Council on the Authority's Adoption and Permanency Panel and Fostering Panel.
  3. To approve statements of purpose for Children's homes and establishments.
  4. Jointly with the Cabinet Member for Finance, Property & Business Services, to monitor the operation of Management Advisory Committees for projects / facilities managed by the Council and to approve the establishment of any new Management Advisory Groups.
  5. To approve variations to schemes for the Local Management of Schools.
  6. To exercise the LEA's powers of intervention including the suspension of delegated powers from a governing body in accordance with the School Standards and Framework Act 1998.
  7. To receive monthly reports on the performance of schools.
  8. To approve or nominate appointments of Council nominees to School Governing Bodies and vary and approve Constitutions in accordance with the relevant legislation and any local procedures allowing nominations from all political groups.
  9. To monitor the performance of any schools where special measures have been applied.
  10. To consider Ofsted reports on schools in the Borough as necessary
  11. To determine school organisation proposals where no objections have been received.
  12. To approve the Agreed Syllabus from the Standing Advisory Council for Religious Education, receive their Annual Report and agree any changes to their Constitution

13. To authorise, on behalf of the local authority, any Councillor (present or within the past four years) to be appointed to the office of Governor or Director at an Academy.
14. To consider requests for School Redundancy Payments and decide whether to approve them on behalf of the Local Authority.

### **Cabinet Member for Social Services, Housing, Health and Wellbeing**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - housing need for the Borough,
  - homelessness duties,
  - conditions of tenancies,
  - home ownership,
  - private sector housing grants,
  - new homes initiatives,
  - maximising the use of empty homes

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  - care services for adults and older people
  - services for clients with disabilities,
  - mental health services

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  - The public health priorities of the Council, including:
    - The Health and Wellbeing Board
    - Local authority health related services
    - Health and wellbeing promotion
    - Wellbeing of residents and Wellbeing strategies
    - Environmental Health
  - Health Control Unit, Heathrow
  - Sports Strategy
2. To consider monthly reports on sensitive services and those with significant budget implications, e.g. placements in residential homes.
3. To provide link contact between the Council and the local Clinical Commissioning Group.
4. Jointly with the Cabinet Member for Finance, Property and Business Services to authorise the grant of extension of leasehold interests in properties where the Council is freeholder, to consider requests from leaseholders of Council properties for loft conversions and to take all constitutional decisions required in relation to disposals, sales and leases for loft spaces under Council



freehold, in consultation with the Deputy Chief Executive and Corporate Director of Residents Services.

5. To approve systems for consultation with tenants and lessees.
6. To approve housing management arrangements.

### **Cabinet Member for Community, Commerce and Regeneration**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-

- partnerships,
  - seeking external funding,
  - promoting harmony between different cultures and races,
  - working with local organisations, including faith groups,
  - the Chrysalis programme of environmental improvements,
  - Street Champions & Streets Ahead
  - Community Engagement
  - Town Centre Regeneration
  - emergency planning,
  - community safety,
  - CCTV, including the CCTV control room
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- Animals
  - Trading Standards
  - Mortuaries
  - Crematoria
  - Cemeteries
  - Burial Grounds
  - Weights and Measures
  - Consumer Protection
  - Imported Food office, Heathrow
  - All Licensing Policies and Procedures, including the Statement of Licensing Policy, Statement of Gambling Policy and Sex Establishments Policy.
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- Fleet and Passenger Services
- Transport and travel for social services clients

2. To agree proposals for methods of partnership working, in consultation with the appropriate Cabinet Member if this relates to specific service areas, e.g. transport.
3. In consultation with the Cabinet Member for the appropriate service area, to promote effective partnerships between the Council and all other bodies and agencies affecting the community.

4. To represent the Council on the Uxbridge Initiative and similar town centre partnerships.
5. To oversee proposed arrangements with public and other bodies for the delivery of partnership initiatives and to develop successful partnerships with the other private, public and voluntary agencies which affect the Borough.
6. To take the lead for the Council on civil emergencies and on the response to disasters.
7. To provide a link between the Council and the Community Trust.
8. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme and to also approve specific alleygating schemes and alleygating policies and procedures.

To approve the inclusion of individual projects in the Chrysalis Programme which are for security works in parks and open spaces jointly with the Cabinet Member for Finance, Business and Property Services.

9. To be responsible for developing awareness throughout the Council and Borough of community safety.
10. To develop partnership working with the community, the Police, probation service, health service and other stakeholders to develop solutions to community safety concerns.
11. To monitor the implementation of the community safety strategy, including the achievement of targets in the strategy.
12. Responsible for consultation arrangements.
13. To approve the spending of Ward Budgets.
14. Oversee the Member Development Programme and agree associated seminars and training.
15. To be responsible for the provision and direction of Town Twinning.
16. To approve and agree any changes to the Terms of Reference of the Hillingdon Safer Neighbourhood Board and appoint (or dismiss) the Chairman of the Board upon the recommendation of the Chief Executive of the London Borough of Hillingdon and the Hillingdon Borough Police Commander.

### **Cabinet Member for Finance, Property and Business Services**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-

- financial controls,
  - monitoring of the overall revenue and capital budgets
  - schools budget
  - Information & Communications Technology
  - Information Governance
  - Digital Services
  - risk management
  - facilities management
  - Energy / Carbon use and consumption
  - major construction projects
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- housing stock management, development and construction
  - housing revenue account budget, housing capital fund
  - housing rent setting
  - housing benefit scheme
  - housing maintenance
  - stock refurbishment
- 

- Economic Regeneration
- land and property holdings,
- the management of industrial and business units,
- council shops
- management of meeting halls
- reservoirs,
- land drainage,
- parks,
- open spaces,
- woodlands,
- allotments,
- other amenity land,
- provision and management of trees,
- Colne Valley Park
- Land charges

### **Land and Property**

The Cabinet Member for Finance, Property and Business Services, in conjunction with the Leader of the Council and Deputy Chief Executive and Corporate Director of Residents Services, will oversee the development, construction and use of land and property assets across all Cabinet portfolios.

Specific delegations to the Cabinet Member are:

2. In pursuance of the Council's objectives and on the recommendation of the Deputy Chief Executive and Corporate Director of Residents Services, to take (or recommend to Cabinet) decisions regarding land and property as set out in the Procurement and Contract Standing Orders – Schedule H.

3. To approve annually a report on the performance of the property portfolio
4. To receive monthly updates of the sales programme.
5. To recommend to the Cabinet an Asset Management Policy and Plan and Capital Investment Strategy for the best use of the Council's land and property, in consultation with service portfolio holders.
6. Jointly with the Cabinet Member for Social Services, Housing, Health & Wellbeing to authorise the grant of extension of leasehold interests in properties where the Council is freeholder, to consider requests from leaseholders of Council properties for loft conversions and to take all constitutional decisions required in relation to disposals, sales and leases for loft spaces under Council freehold, in consultation with the Deputy Chief Executive and Corporate Director of Residents Services.
7. To make recommendations to the Cabinet for the use of land and property, where there are competing service needs.
8. In conjunction with the Leader of the Council, to be responsible for overseeing and reporting to Cabinet on all aspects of the Housing Development Programme, social housing grants and other related external grants.
9. In conjunction with the Leader of the Council, to agree rent reviews, including rent free periods for tenants undertaking capital works or determine whether the Council carries out such capital works and agree to modify any future rent accordingly.
10. To approve programmes for housing stock investment and confirmation of adjustments to the housing programme.
11. To approve terms for the appropriation between services, on the recommendation of the Deputy Chief Executive and Corporate Director of Residents Services.
12. To list Assets of Community Value, jointly with the Leader of the Council.

**Finance and Audit**

13. Jointly with the Leader of the Council to make decisions on the release of monies for all capital projects.
14. Jointly with the Leader of the Council to allocate funds from planning obligations.
15. To oversee and monitor the housing revenue account budget, housing capital fund & housing rent setting, in conjunction with the Leader of the Council.
16. To approve virements between services if provided for in the budget framework.
17. Jointly with the Leader of the Council to be responsible for the overall internal

and external audit strategies and arrangements of the Council, with operational decision-making and work programmes delegated to the Corporate Director of Finance and monitoring the review of such activity undertaken by the Audit Committee.

18. Jointly with the Leader of the Council to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.

**Other responsibilities**

19. To report to the Cabinet on the development of information technology within the Council's organisation and the arrangements to promote digital services.
20. To take the lead for the Council in health and safety at work legislation.
21. Jointly with the Cabinet Member for Education and Children's Services, to monitor the operation of Management Advisory Committees for projects / facilities managed by the Council to approve the establishment of any new Management Advisory Groups.
22. To approve lettings of public open space for funfairs, circuses and other similar events.
23. Jointly with the Cabinet Member for Community, Commerce & Regeneration, and within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme which are for security works in parks and open spaces.

**Cabinet Member for Central Services, Culture and Heritage**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-

- Legal services
- Human Resources
- Procurement policy and commissioning of services
- Learning & Development

- 
- Libraries
  - Leisure services
  - Cultural activities
  - Development of the Arts
  - Theatres
  - Museums
  - Heritage Education Centres
  - Maintenance of Heritage Assets
- 

2. On the request of an Appropriate Delegated Officer within the meaning of the Procurement and Contract Standing Orders, to enter into negotiations, in

conjunction with this officer or any other officers nominated by him/her, with those parties who have entered into contracts with the Council.

3. In conjunction with the relevant portfolio holder(s) where required, to take any decisions as set out in the Procurement and Contract Standing Orders – Schedule H.

### **Cabinet Member for Planning, Transportation and Recycling**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - designation of conservation areas,
  - Borough wide planning policies,
  - Planning enforcement policies,
  - highways,
  - purchase notices,
  - revocation of planning consents,
  - stop notices,
  - bus routes,
  - traffic,
  - transportation,
  - parking,
  - road safety
  - building control,
  - school crossing patrols,
  - conservation,
  - promoting a high quality built environment,
  - local safety schemes.
  - recycling,
  - waste strategy,
  - civic amenity sites,
  - refuse collection,
  - street cleansing,
  - trade waste.
  - sustainable development
2. To receive monthly reports on numbers of parking penalty charge notices written off or cancelled by officers.
3. To approve variations to the cost of projects funded from the parking revenue account and other schemes, within the limits set out in the overall budget framework.
4. To approve or refuse requests for footway parking exemptions.
5. To consider comments received as a result of public consultation on traffic management proposals, including waiting and loading restrictions, clearways, controlled parking zones, local safety schemes and to approve the final form

of schemes, including approval to the conditions of use for parking permits to e.g. traders, business users, residents.

6. To receive monthly progress reports on the completion of planning obligations (section 106) Agreements.
7. To consider representations made on proposals for modifications to the Local Development Framework and to make recommendations to Cabinet as appropriate.
8. To consider representations made to proposals for supplementary planning guidance and to make recommendations to Cabinet as appropriate.

## **7.09 DECISION-MAKING**

### **(a) The Budgetary and Strategic Framework**

This Article is to be read in conjunction with the Budget and Policy Framework Procedure Rules set out in Part 4 of the Constitution.

- i The Cabinet and/or individual Cabinet Members are responsible for the preparation of the Council's budget and the various plans and strategies that constitute the Council's strategic framework.
- ii In preparing the budget and the strategic plans, the Cabinet consults with relevant stakeholders and partner agencies in the local community.
- iii The Cabinet is also required to consult with the relevant Policy overview committee at appropriate stages in the formulation of budgetary and strategic plans, and to give proper consideration to the Policy overview committee's responses. In this respect, the Cabinet needs to give advance notification to the overview side to allow the consideration of draft plans and strategies to be built into the annual overview and scrutiny programme.
- iv Having considered the views and recommendations of the relevant Policy overview committees (and also outside stakeholders and agencies), the Cabinet will then present the budget, plans and/or strategies to the Full Council for adoption.

### **(b) The Cabinet's Forward Plan**

The Chief Executive and Corporate Director of Administration, in consultation with the Leader and Cabinet members, is responsible for updating and publishing the Forward Plan setting out the key decisions (and any other decisions) to be made, in accordance with the Access to

Information Procedure Rules which can be found in Part 4 of the Constitution.

**(c) Key Decisions Not in the Forward Plan**

Where a key decision is not included in the Forward Plan the decision may, subject to Rule 16 of the Access to Information Procedure Rules which can be found in Part 4 of the Constitution, still be taken if the circumstances set out in Rule 15 of these Rules apply.

**(d) Urgency Provisions**

Where it is necessary for a key decision to be made without giving the prescribed notice, the decision can only be taken if the requirements of Rule 16 of the Access to Information Procedure Rules are observed.

**(e) Officer Advice, Reports and Briefings**

Officers are responsible for providing professional advice to the Cabinet and or Cabinet members who will be taking a decision. This may take the form of a report setting out the issue, policy context, options available, results of consultation, any legal or financial considerations, and professional advice. It may be a briefing giving more detailed background information. All such written material is made available to public inspection, as long as it is not confidential or exempt under Access to Information provisions.

**(f) Decision-taking**

Key decisions are made either by the full Cabinet, Leader, Committees of the Cabinet, individual Cabinet Members or Officers.

**(g) Decision by Cabinet or a Committee of the Cabinet**

Where a Cabinet decision is required, officers check whether it is included in the Forward Plan. Where it is for decision by full Cabinet, the following procedure applies:

1. The Democratic Services section is notified and the item placed on the agenda for the next Cabinet meeting. The agenda is then published giving at least five clear days notice of the meeting, and overview and scrutiny committee members are notified.
2. The decision is then made by the Cabinet. The decision is recorded and published as soon as reasonably practicable in accordance with the Access to Information Procedure Rules.
3. There is a right for a key decision to be called-in. If this right is exercised, paragraph 16 of the Overview and Scrutiny Procedure Rules which are in Part 4 of the constitution will apply.

**(h) Decision by Individual Cabinet Members**



Where an executive decision is required, officers check whether it is included in the Forward Plan. Where it is for decision by an individual member, the following procedure applies:

1. The report dealing with the matter upon which the decision is needed, will be sent to the relevant Cabinet member. If the Cabinet member is to make a key decision, he/she will not make the decision until at least five clear days after receipt of that report.
2. On the giving of a report to the Cabinet member, the person who prepared the report will give a copy of it to the chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.
3. A decision is then made by the Cabinet member. The Head of Democratic Services will be instructed to prepare a record of the decision, reasons for it and any alternative options considered and rejected. The decision will be published as soon as reasonably practicable. Therefore, the provisions of Rules 7 and 8 of the Access to Information Procedure Rules (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.
4. There is a right for a key decision made by an individual Cabinet member to be called-in. If this right is exercised, paragraph 16 of the Overview and Scrutiny Procedure Rules which are in Part 4 of the Constitution will apply.

#### **7.10 Attendance at Cabinet Meetings**

If a member of the Cabinet fails for six months to attend any meeting of the executive, or any Committee of the executive or, acting alone, to discharge any functions which are the responsibility of the executive, then unless the failure was due to some reason approved by the Council, he or she shall cease to be a member of the Council.

**APPENDIX A**

Hillingdon proposes that the following local choice functions should be the responsibility of its Cabinet:-

1. Any function under a local Act unless the Act in question specifies that the function must be discharged by the full Council or the function is a licensing, consent, permission or registration function.
2. The determination of an appeal against any decision made by or on behalf of Hillingdon provided that it does not relate to an application for a licence, approval, consent, permission or registration. (Hillingdon has an existing Registration and Appeals Committee which determines both statutory and non statutory appeals).
3. The making of arrangements to hear appeals against the exclusion of pupils.
4. The making of arrangements for appeals by governing bodies.
5. The following functions involve a combination of delivery and implementation of Hillingdon's policy, direct regulation of persons and policy and strategy development;
  - Any function relating to contaminated land
  - The discharge of any function relating to the control of pollution or the management of air quality
  - The service of an Abatement Notice in respect of a statutory nuisance
  - The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in Hillingdon
  - The inspection of Hillingdon to detect any statutory nuisance
  - The investigation of any complaint as to the existence of a statutory nuisance.

These functions are to be the responsibility of Hillingdon's Cabinet unless they involve:

- determining an application from a person for a licence, approval, consent, permission or registration;
  - direct regulation of a person (which would for example, encompass the service of an Abatement Notice in respect of a statutory nuisance);
  - enforcement of any licence, approval, consent, permission, or registration.
6. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as a preliminary to the exercise of powers to make a compulsory purchase order.
  7. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as a preliminary to the exercise of powers to make a compulsory purchase order.
  8. The making of agreements for the execution of highway works.