

# 3B

## Terms of Reference and Delegation of Duties to the Cabinet, Portfolio Holders Advisory Panels and Consultative Forums

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## 1. Executive (Cabinet)

The Executive will exercise all of the local authority functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### 1.1 Responsibilities

The Executive is responsible for the following functions:

- (a) Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
- (b) Monitoring the implementation of the budget and financial strategy;
- (c) Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council;
- (d) Preparation and agreement of other policies and plans for implementation by Portfolio Holders and others;
- (e) Within the framework approved by full Council, to determine overall Council priorities for services and projects and to re-allocate financial and other resources;
- (f) Management of the Council's Capital Programme and Strategy;
- (g) All key decisions as defined in Article 6;
- (h) Award of contracts of a total value of £500,000 and all matters reserved to the Executive under the Contract Procedure Rules;
- (i) Virements between budgets as required by the Financial Regulations;
- (j) Making all non-key decisions which either fall outside Executive policy or agreed Executive guidelines, or have been referred to the Executive by the relevant Portfolio Holder or Chief Officer.

### 1.2 Cabinet Members (Portfolio Holders) Members appointment and term of Office

Cabinet Members shall be appointed to the Executive by the Leader and shall continue in their roles on the Executive until one of the following circumstances applies:

- (a) they resign from Office; or
- (b) they are no longer Councillors; or
- (c) the Leader makes changes to the roles of Members of the Executive, or
- (d) they are removed from Office by the Leader.

### 1.3 Vacancies in the Executive

If at any time a Member ceases to be a Member of the Executive, the responsibilities of that Member shall be carried out by the Executive collectively until such time as the Leader has appointed a replacement, or where appropriate, re-appointed the Member concerned.

In the event that all Members of the Executive are removed or have been disqualified from Office, the Head of Paid Service shall, in the interim, carry out the Executive functions.

### 1.4 Temporary Absence of Leader or other Portfolio Holder

In the temporary absence of the Leader or other Portfolio Holder, decisions may be taken in accordance with the Scheme of delegation relating to Portfolio Holders set out in Part 3 of the Constitution and the Delegated Power of Portfolio Holders.

## 1.5 Proceedings of the Executive

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules.

## 2. Terms of reference for Portfolio Holders

### 2.1 Role and Areas of Responsibility of Portfolio Holders (Cabinet Members)

Where the responsibility for a function sits with the Council or a Council side committee, decisions on it cannot be made by the Executive, or a Cabinet Member. However, it is recognised in the following document that Cabinet Members will need to liaise on some of these functions.

### 2.2 General Responsibilities

All Portfolio Holders are responsible for the effective management and delivery of executive functions within their area of responsibility and within the following framework:

- (a) The Council's overall strategic, corporate and policy objectives and all statutory and other plans and strategies approved by the Council the approved revenue and capital budgets;
- (b) The law and the Council's Constitution;
- (c) The decisions made at meetings of the Executive.

All Portfolio Holders share the responsibility for ensuring:

- (d) The development, co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's objectives;
- (e) That the Council delivers value for money in all that does;
- (f) The oversight, development, monitoring and promotion of all executive services provided by the Council within the appropriate performance management framework;
- (g) That suitable and proper arrangements are made for the procurement, development, monitoring and promotion of all services relating to executive functions, which are provided under contract to the Council;
- (h) The promotion of the interests of the Borough, and of all the residents, businesses, other organisations and stakeholders within Hounslow;
- (i) That the Council takes a community leadership role across the public, voluntary and business sectors involving the development of good and effective working links with all sectors;
- (j) The promotion and implementation of effective equality duties (covering the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation set out in the Equality Act 2010);
- (k) The promotion of services which are sustainable, improve community cohesion and community safety, make for more open government, provide opportunities for resident participation in delivering outcomes;
- (l) That proper arrangements are made for consultation and participation with residents, service users, businesses and other stakeholders in decision making.
- (m) Liaise with Communications Officers to promote the Council's policies and strategic aims through media/social media, at all times upholding the values of the Council.

### 3. The Leader of the Council and Portfolio Holder for Strategy, Planning and Regeneration

The Leader of the Council shall have the following responsibilities:

- (a) When present to chair meetings of the Executive;
- (b) Appoint and removal Cabinet Members and the Deputy Leader;
- (c) Appoint to and remove committees of the Executive;
- (d) Determine annually (or at other times as appropriate) the roles and areas of responsibility of Portfolio Holders and report any changes to Council;
- (e) In the absence of a Cabinet Member, or by agreement with that Cabinet Member, to exercise any of that Cabinet Member's functions themselves or arrange the discharge of those functions by another Cabinet Member or the appropriate Corporate Director
- (f) Champion the Borough locally, nationally and internationally and act as an advocate for the benefit of residents, businesses and other stakeholders
- (g) Work with the Government, London Councils, the Mayor of London, Greater London Authority, the Local Government Association and other appropriate bodies to maximise opportunities for devolution, fairer funding and growth in line with the Council's Corporate Plan
- (h) Lead the development and implementation of the Council's Corporate Plan and Budget
- (i) Ensure that the decisions and activities of the Council comply with the highest possible ethical standards and that all Members of the Council adhere to the Council's Code of Conduct and have regard to Council Protocols.
- (j) To be responsible for the strategic direction of regeneration and the promotion of employment opportunities in the Borough including:
- (k) The development of local and regional plans for adoption by the Executive or where appropriate Council;
- (l) Liaising with local and national government bodies and the business community;
- (m) Protecting Hounslow's built heritage and green spaces;
- (n) Ensuring the effective management of the Council's property assets, with specific authority to acquire or dispose of land up to £499K (other than at less than best consideration).

To oversee matters relating to:

- (o) Corporate strategy and communications
- (p) New housing delivery and estate regeneration
- (q) Strategic planning and development
- (r) Growth and business development
- (s) Corporate property and asset management
- (t) Lampton 360 Ltd and the subsidiary companies, with particular regard to Development 360 LLP and Lampton Investment 360 Ltd (as these relate to the portfolio areas)
- (u) Strategic relationship with Heathrow Airport Ltd
- (v) Any Executive function not allocated to another member of the Executive will be deemed to fall within the Leader's portfolio

### 4. Deputy Leader of the Council and Cabinet Member for Housing and Social Inclusion

The Deputy Leader of the Council shall have overall responsibility for:

- (a) Undertaking the responsibilities and delegated powers of the Leader of the Council, to the extent permitted by the Constitution, in the absence of the Leader;
- (b) The chairing of meetings of the Executive in the absence of the Leader of the Council.

This will include promoting the Council's commitment to social inclusion and fairness and representation on appropriate partnerships, boards and groups.

To be responsible for the development and strategic direction of the Council's housing services including:

- (c) Enabling the provision of affordable homes and supporting the improvement of housing in the borough, working with private developers, landlords and housing associations as appropriate;
- (d) Maximising opportunities to engage tenants and leaseholders and ensuring their feedback shapes services;
- (e) Oversee the discharge of the Council's duties to the homeless;
- (f) Ensuring the viability and cost effectiveness of the Housing Revenue Account.

To oversee matters relating to:

- (g) Homelessness and housing need
- (h) Housing Associations' partnerships
- (i) Private rented sector
- (j) Home ownership
- (k) Council housing and support
- (l) Housing maintenance and repairs/FM360 Ltd
- (m) Social and financial inclusion

## 5. Portfolio Holder for Adults Social Care and Health

To be responsible for the development and strategic direction of the Council's Adults Social Care and Public Health functions, including:

- (a) Championing the safeguarding of vulnerable adults;
- (b) Overseeing compliance with both relevant statutory duties and performance targets;
- (c) Working in partnership with service inspectors, health bodies, the voluntary sector and service clients;
- (d) Championing service projects including commercialisation opportunities;
- (e) Representing service interests on the Health & Well-Being Board;
- (f) Supporting the joint commissioning of services;
- (g) Promoting wellbeing across the Council.
- (h) Developing strategies for People for adoption by the Executive or where appropriate Council;
- (i) Ensuring residents have appropriate training and development opportunities and benefit from employment opportunities in the Borough.

To oversee matters relating to:

- (j) Health partnerships and commissioning
- (k) Mental health
- (l) Learning, physical and sensory disabilities
- (m) Older people
- (n) Safeguarding vulnerable adults
- (o) Public Health
- (p) Liaison regarding Human Resources and Trade Unions

## 6. Portfolio Holder for Communities and Climate Emergency

- (a) To work with community groups, and statutory agencies to both maintain and improve community cohesion and community safety, reduce crime, mitigate its effect and reduce fear of crime;
- (b) To encourage Hounslow's residents to maximise the many assets that exist at the heart of their communities, and to ensure they are appropriately consulted and involved in the Council's decisions, plans and activities;

- (c) To oversee implementation of the Council's Climate Emergency Action Plan, Air Quality Action Plan and Green Recovery Strategy following adoption by the Executive and/or Council where appropriate;
- (d) This will include working with community groups, businesses, the voluntary sector and statutory agencies.

To oversee matters relating to:

- (e) Community Enforcement and liaison regarding Regulatory Services
- (f) Community safety
- (g) Community Cohesion and Countering Violent Extremism
- (h) Voluntary, community and social enterprises sector
- (i) Citizen engagement
- (j) Equalities and diversity
- (k) Carbon Reduction and Improvements to Air Quality

## 7. Portfolio Holder for Highways Recycling and Companies

To oversee matters relating to:

- (a) Hounslow Highways PFI
- (b) Domestic and commercial recycling and refuse/Recycle 360 Ltd
- (c) In-house companies shareholder lead

## 8. Portfolio Holder for Finance and Corporate Services

- (a) To be responsible for the financial strategy of the Council, including
- (b) Developing and promoting its annual and long-term budgets and policy frameworks including those for the housing revenue account for adoption by the Executive or Council as appropriate;
- (c) Ensuring financial controls and processes are effective;
- (d) Keeping under review policy relating to the fees and charges levied by the Council following adoption by the Executive or Council as appropriate;
- (e) Promoting effective risk management and business continuity activity;
- (f) Promoting commercial opportunities;
- (g) Ensuring good governance in the Council.

To oversee matters relating to:

- (h) Finance and Corporate Services
- (i) Legal Services
- (j) Risk management
- (k) Procurement
- (l) Pensions
- (m) Audit and fraud

## 9. Portfolio Holder for Education, Children's Services

To be responsible for the development and strategic direction (for adoption by the Executive or Council where appropriate) of services to young people and schools in the Borough including:

- (a) Promoting the safeguarding of vulnerable young people;
- (b) Acting as the lead member for children, including overseeing compliance with statutory duties, targets and reporting requirements;

- (c) Promoting the interests of children looked after by the Council;
- (d) Representing the interests of young people on partnerships and boards including the local safeguarding children board and the Health and Wellbeing Board;
- (e) Working with partner bodies including the Hounslow Youth Parliament, Ofsted, Health Services and the Police;
- (f) Overseeing the discharge of local education authority responsibilities including sustaining effective relationships with schools and governing bodies.

To oversee matters relating to:

- (g) Corporate parenting
- (h) Fostering and adoption
- (i) Looked after children
- (j) Safeguarding and child protection
- (k) Education
- (l) School places
- (m) Special Educational Needs
- (n) Lifelong Learning and Skills
- (o) Youth engagement, offending and youth services

## 10. Portfolio Holder for Leisure Services

To be responsible for the development and strategic direction (for adoption by the Executive or Council where appropriate) of leisure services in the Borough including:

- (a) Protecting Hounslow's built heritage and green spaces
- (b) Overseeing the development of cultural activities in the Borough;

To oversee matters relating to:

- (c) Greening the Borough
- (d) Libraries
- (e) Parks, allotments and green spaces/ Greenspace 360 Ltd
- (f) Sport, recreation and leisure centres
- (g) Culture and heritage sites

## 11. Portfolio Holder for Transport, and One Hounslow

To be responsible for the development and strategic direction (for adoption by the Executive or Council where appropriate) of transport services in the Borough including:

- (a) Traffic and transport
- (b) Sustainable transport and active travel
- (c) Cycling and road safety
- (d) Parking
- (e) One Hounslow

## 12. Portfolio Holder for Customer Services and Corporate Performance

To be responsible for the development and strategic direction (for adoption by the Executive or Council where appropriate) of customer services, ICT and performance functions in the Borough including:

- (a) Overseeing the implementation of the Customer Services Strategy
- (b) Ensuring strategies for IT are adopted and implemented

- (c) Ensuring the Council has effective processes to monitor and manage the performance of its services

To oversee matters relating to:

- (d) Customer services
- (e) Corporate ICT
- (f) Corporate performance
- (g) Contingency planning and flood management
- (h) Liaison regarding Registration, Health and Safety; Elections; Policy, Performance and Intelligence.

## 13. Executive panels, sub-committees and forums

### 13.1. Executive sub-committees

The Executive may establish sub-committees to carry out Executive functions. Such committees must consist only of Executive members.

Name of Body	Terms of Reference	Membership
<b>Affordable Housing Committee</b>	<ul style="list-style-type: none"> <li>(a) Authority to make decisions about the purchase, disposal or granting of leases, licenses or rights of way and easements subject to the financial implications being accommodated within approved budgets</li> <li>(b) The approval of development schemes on Council land, for any projects that contribute to the delivery of housing as outlined in the Housing Delivery Plan subject to the availability of financing for the scheme within the resources available and approved via the HRA Business Plan</li> <li>(c) Authority to make declarations under Statutory Instrument 3146/2003 (Section 14-17) to use the receipts generated from sales of land (in 1 above) for affordable housing purposes</li> <li>(d) Authority to make decisions on spending money on affordable housing or other housing projects funded from allocated S106 receipts from financial contributions in lieu of on-site provision, capital receipts from the sale of HRA assets and any other receipts or grants formally allocated for housing purposes.</li> <li>(e) Authority to make decisions on HRA borrowing to fund housing schemes within overall Housing Delivery budgets as approved by the Executive subject to consultation with the Executive Director Finance and Resources</li> <li>(f) Authority to make decisions to submit bids in relation to funding for affordable housing or other housing schemes.</li> <li>(g) Authority to give directions on emerging housing schemes prior to formal decisions</li> <li>(h) To receive progress reports on approved schemes and schemes under development</li> <li>(i) To provide an annual report to the Executive on decisions taken</li> <li>(j) Authority to make Key Decisions</li> </ul>	<b>3 Cabinet members</b>



Name of Body	Membership	
<p><b>Shareholder Committee</b></p>	<p>The Shareholder Committee shall meet on a biannual basis and shall exercise responsibility for the Council's functions as corporate shareholder of a company, or group of companies save where specific functions have been reserved to Cabinet including:</p> <ul style="list-style-type: none"> <li>• Adopt, amend, and monitor the performance of a company against, its Business Plan and, in particular, the company's performance:               <ul style="list-style-type: none"> <li>(a) in financial matters</li> <li>(b) against the social goals of the company as set out in the company's Objects, Business Case or Business Plans; and</li> <li>(c) against the values of the Council.</li> </ul> </li> <li>• Evaluate and monitor via periodic reports (including annual reports):               <ul style="list-style-type: none"> <li>(a) performance and progress against business plans;</li> <li>(b) financial and social returns on investment (be that shareholding, loans or direct investment); and</li> <li>(c) risks and opportunities including those arising from joint ventures or new opportunities.</li> </ul> </li> </ul> <p>Consider and determine matters reserved to the Council for shareholder approval, such as those listed below but more particularly set out in a company's Articles of Association or Shareholder Agreement but excluding any such matters that</p>	<p>Councillor Shantanu Rajawat - Leader of the Council</p> <p>Councillor Katherine Dunne, Deputy Leader of the Council</p> <p>Councillor Guy Lambert, Cabinet Member for Highways, Recycling and Health Integration</p>

	<p>are reserved to Cabinet for decision: (a) Varying Articles of Association</p> <p>(b) Varying ownership and structure</p> <p>(c) Variations to shares (number of, rights, etc.)</p> <p>(d) Entering contracts that:</p> <p style="padding-left: 40px;">(i) have a material effect on council business (including other companies within the group)</p> <p style="padding-left: 40px;">(ii) are outside of the business plan or do not relate to the business</p> <p style="padding-left: 40px;">(iii) significant in relation to the size of the business, the business plan, etc.</p> <p>(e) Material legal proceedings outside of ordinary business</p> <p>(f) Adopting and amending business plans each year and strategic plans (3 years)</p> <p>(g) Appointment, removal and the remuneration of directors (members of the company board)</p> <p>(h) Selection of the chair of the board</p> <p>(i) Appointment of auditors</p>	
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	<p>(j) Issue of dividends</p> <ul style="list-style-type: none"> <li>• Consider proposals that might be outside of the agreed operational parameters and business plans.</li> <li>• Exercise oversight on decision making and assurance that the statutory functions of the companies are being properly discharged.</li> <li>• Where appropriate make reports to and consult the Council's Audit Committee.</li> </ul>	
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### 13.2. Advisory Panels

The Executive may appoint a non-decision making Advisory Panels to assist in the carrying out of Executive functions.

### 13.3. Consultative Forums

The Executive may appoint Consultative Forums. These non-decision making bodies shall assist the Executive in consulting with service users, trades' unions and other interested parties.