

3B

LEADER'S SCHEME OF DELEGATION FOR CABINET MEMBER FUNCTIONS

Terms of Reference and Delegation of duties to the Cabinet, Cabinet Members (Portfolio Holders), Executive Advisory Panels and Consultative Forums

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1. EXECUTIVE DECISIONS

- 1.1 The Leader and Cabinet are responsible for the exercise of all functions not reserved to the Council or a committee of Council under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) or other specific legislation (such as the Licensing Act 2003). These are known as 'executive functions'.
- 1.2 Certain executive decisions are defined in law as 'Key Decisions' as defined at Article 13.3 of this Constitution.
- 1.3 A Key Decision differs from other kinds of decisions because, where a decision maker intends to make a key decision, they must first publish a document containing publicity requirements about the decision and (subject to certain exception and urgency provisions) they cannot make the decision until at least 28 clear days the document, known as the 'Forward Plan', has been made available for inspection by the public. Further information on this can be found in the Access to Information Rules of Procedure at Part 4E of the Council's Constitution.
- 1.4 Those Rules also require a non-key decision taken by Cabinet, a Cabinet Committee or individual Cabinet Member to be recorded and published and similar requirements apply to some non-key executive decisions (known as Publishable Officer Decisions) taken by officers.
- 1.5 Many administrative and operational decisions to be taken by officers relate to their general management role in conducting the Council's business and how they deal with their day-to-day work. This may involve sums greater than those amounting to a key decision, particularly in relation to decisions taken on expenditure on individual children's or adult social care packages. These decisions are not to be regarded as executive decisions and, as such, they do not need to be recorded and published.
- 1.6 All Key Decisions and any executive decision that is not a key decision to be taken by Cabinet, a Cabinet Committee or an individual Cabinet Member are subject to the Council's call-in process at paragraph 15 of the Council's Overview and Scrutiny Rules of Procedure at Part 4I of the Council's Constitution.

2. DELEGATION FRAMEWORK

- 2.1 The Leader of the Council has overall responsibility for the discharge of the Council's executive functions, as described in Article 6 of the Constitution. Subject to any joint arrangements with another local authority, the Leader may undertake responsibility for the discharge those functions or may arrange for the discharge of any of those functions:
 - (a) by the Cabinet;
 - (b) by an individual member of the Cabinet (including the Leader);
 - (c) by a committee of Cabinet;
 - (d) by an area committee; or
 - (e) by an officer of the authority.
- 2.2 To deliver those executive functions the Leader, in accordance with Rule 2 (Delegation by the Leader) of the Executive Procedure Rules set out at Part 4C of the Council's Constitution, has:

- (a) appointed a Cabinet comprising up to nine further elected Members of the Council and appointed one of those Members as Deputy Leader of the Council to act in the absence of the Leader;
- (b) has directed those executive functions that are to be reserved as being the responsibility of the collective Cabinet meetings to determine or further delegate;
- (c) appointed to one or more Cabinet Committees (and joint committee if any) and established terms of reference relating to those executive functions that are to be discharged by the committee;
- (d) allocated a portfolio of responsibility to each of the Cabinet Members, including a portfolio of matters to be retained by the Leader;
- (e) has directed those executive functions that are delegated to be exercised by each individual Cabinet Member to determine (including details of the limitation on their authority or further delegation); and
- (f) determined the process and circumstances in which those decisions are to be made,

as set out in this scheme of delegation.

- 2.3 The Leader has separately determined a scheme of delegation to the Head of Paid Service and chief officers, for the general management of the authority and for day-to-day operations for functions and services of the Council, as set out as Part 3C of the Council's Constitution.

3. **CABINET DECISION MAKING**

- 3.1 The Cabinet makes all executive decisions that are not otherwise delegated to a Cabinet Committee, an individual Cabinet Member or an officer of the Council. These will include:
- (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 individual Cabinet Members (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) award of (or authority to procure) contracts of a total value above £1,000,000 (£1m) for revenue and more than £2,000,000 (£2m) for capital and all matters reserved to the Cabinet under the contract procedure rules;
 - (h) virements between budgets as required by the Budget & Policy Framework Procedure Rules (Part 4D of the Council's Constitution);

- (i) making all non-key decisions which either fall outside Cabinet policy or agreed Cabinet guidelines or have been referred to the Cabinet by the relevant Portfolio Holder or Chief Officer.

3.2 Any executive functions or matters may additionally be referred by the Leader, Cabinet Member or a Chief Officer to Cabinet for consideration, determination and decision. Examples of matters that should normally be referred to Cabinet rather than be taken as a delegated decision are those that fall into one or more of the following categories:

- (a) the matter under consideration is a high-profile matter;
- (b) the decision has a significant budgetary impact;
- (c) there is a need, or it is considered prudent to engage the public and/or raise public awareness; and/or
- (d) the function/matter provides important performance management information.

3.3 Decisions of the Cabinet will be taken at a meeting convened in accordance with the Council's Access to Information Procedure Rules (set out in Part 4E of the Constitution and which set out the requirements covering meetings in public).

3.4 The standing orders as to the business of Cabinet are set out in Executive Procedure Rules at Part 4C of the Council's Constitution.

3.5 An executive decision shall be taken by Cabinet only on consideration of a full report by the relevant officer(s), published in accordance with the Council's Access to Information Procedure Rules, which shall contain as a minimum:

- (a) a recommended decision;
- (b) a presentation of reasons for the recommendation being put forward
- (c) details of any other options considered and why those options were rejected;
- (d) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
- (e) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the Head of Paid Service, S.151 Officer or Monitoring Officer) may require, including risk, staffing or equalities implications; plus
- (f) a list compiled of any Background Papers to the report, meaning those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report; and
 - (i) disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) were relied on to a material extent in preparing the report.

3.6 The minutes of the meeting must, as a minimum, contain:

- (a) a record of the decision;
- (b) the date the decision was taken;
- (c) a record of the reasons for the decision;

- (d) details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;
- (e) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted; and
- (f) a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet which made the decision and where applicable, a note of dispensation granted by the Audit & Governance Committee; and
- (g) where appropriate, a statement of urgency and that the decision is exempted from call-in.

3.7 The decisions taken by Cabinet are subject to the Council's procedures for delayed implementation and call- in (as referred to at paragraph 1.6 above).

4. **CABINET COMMITTEE DECISION MAKING**

- 4.1 Where executive decisions are delegated to a Committee of the Cabinet the Procedures relating to Cabinet meetings and consideration of business as shown at paragraph 3.3 to 3.7 above apply also to Cabinet Committee meetings, subject to any member of the Cabinet being read as any member of the Committee.
- 4.2 Where the Leader or Cabinet has established and appointed to a Committee of Cabinet, the composition and terms of reference are set out at and appended to this Scheme at **Appendix A**.

5. **INDIVIDUAL CABINET MEMBER (PORTFOLIO HOLDER) DECISION MAKING**

- 5.1 The Leader of the Council has allocated a portfolio of responsibility to each Cabinet Member, which is set out as **Appendix B**. An individual Cabinet Member may take executive decisions within the scope of their portfolio subject to the conditions set out in this Scheme of Delegation and related procedures as detailed below.
- 5.2 A Cabinet Member may then take a decision **only**:
 - (a) where it is considered on the basis of a written report prepared in accordance with paragraphs 5.4 below;
 - (b) at a time that will be agreed with the relevant Chief Officer (or nominee) and the relevant Chief Officer (or nominee) is in attendance when the decision is taken;
 - (c) after the Leader has been given at least 5 clear days' prior notice that the decision is proposed to be taken by the Cabinet Member and the Leader has not decided that the proposed decision is to be referred to the Cabinet, Cabinet Committee or take the decision themselves; and
 - (d) the decision is not otherwise reserved to Cabinet (under 5.3 below).
- 5.3 Where a proposed executive decision concerns:
 - (a) the extension of contracts for any period greater than two years or where an extension was not an option in the original contract;
 - (b) the commencement of a procurement exercise over the value of £1,000,000 (£1m) revenue or over £2,000,000 (£2m) capital;

- (c) the acceptance of tenders and award of a contract over the value of £1,000,000 (£1m) revenue or over £2,000,000 (£2m) capital; or where the tender value exceeds the figure set out in the relevant budget; or
- d) in any case requires a virement between budget heads of an amount in excess of £500,000 (revenue) or £1,000,000 (£1m) capital.

the matter must be referred to Cabinet.

5.4 The Cabinet Member shall ensure that a 'Cabinet Member Decision Notice' is prepared as a written record of their decision and that it contains:

- a) a record of the names and titles of the decision taker and, where appropriate, the officer(s) in attendance;
- b) a record of the decision;
- c) the date the decision was taken;
- d) a statement of the reasons for the decision;
- e) details of any alternative options considered and rejected by the Cabinet Member when making the decision;
- f) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted;
- g) where appropriate, a statement of urgency and that the decision is exempted from call-in and is counter-signed by the relevant Chief Officer (or nominee).

5.5 The Cabinet Member Decision Notice shall be delivered it to the Monitoring Officer (via the *Head of Democratic Services* who shall publish the Decision Notice and accompanying report in accordance with this Constitution.

5.6 The decisions taken by a Cabinet Member are subject to the Council's procedures for delayed implementation and call- in (as referred to at paragraph 1.6 above).

5.7 Cabinet Member decisions will be reported to the next meeting of the Cabinet.

6 Advisory Panels

6.1 The Leader or Cabinet may wish to appoint one or more non-decision-making Advisory Panels from time to time to develop recommendations or investigate issues of interest or concern.

6.2 ¹When establishing an advisory panel, the Leader or Cabinet shall specify terms of reference and membership, which may include invited persons holding relevant expertise or knowledge as well as Members of the Council from one or more political groups. An advisory panel is a non-decision-making body.

6.3 Advisory Panels will take place in the presence of advising officers and be chaired by the Leader or relevant Portfolio Holder, with the intention to involve others to inform the Cabinet and Cabinet members in their decision making, for which reports, or other materials may be produced and distributed.

6.4 Advisory Panel meetings are normally held in private and the accompanying or resulting papers, minutes or notes will not be published unless otherwise stated. The provisions of

¹ These following further requirements/explanations are not in the current version

the Freedom of Information Act 2000 (Fol) do, however, apply (including the application of Fol exemptions as determined by the proper officer), as will the ability of an overview and scrutiny committee or of certain officers to access documentation or meetings in order to fulfil their duties.

7 Consultative Forums

- 7.1 The Leader or Cabinet may wish to appoint one or more consultative forums to assist the Executive in consulting with service users, trades' unions and other interested parties.
- 7.2 ⁵When establishing a consultative forum, the Leader or Cabinet shall specify terms of reference and membership, which may include invited persons holding relevant expertise or knowledge as well as Members of the Council from one or more political groups. A consultative forum is a non-decision-making body.
- 7.3 Consultative forums will take place in the presence of advising officers and be chaired by the Leader or relevant Portfolio Holder, with the intention to involve others to inform the Cabinet and Cabinet members in their decision making, for which reports, or other materials may be produced and distributed.
- 7.4 A consultative forum will normally be held in private and the accompanying or resulting papers, minutes or notes will not be published unless otherwise stated. The provisions of the Freedom of Information Act 2000 (Fol) do, however, apply (including the application of Fol exemptions as determined by the proper officer), as will the ability of an overview and scrutiny committee or of certain officers to access documentation or meetings in order to fulfil their duties.

Appendix A

CABINET COMMITTEES

<p>Lampton 360 Shareholder Committee</p>	<p>Leader, Deputy Leader, Portfolio Holder for Finance and Corporate Services (if not held by the above) Portfolio Holder for Housing Management and Homelessness Quorum of 3. To meet at least twice per year.</p>	<p>To 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)²</p> <p>To exercise responsibility for reserved matters under shareholder agreements, including to:</p> <p>(1) Adopt, amend, and monitor the performance of a company against, its Business Plan and, in particular, the company's performance:</p> <p>(a) in financial matters (b) against the social goals of the company as set out in the company's Objects, Business Case or Business Plans; and (c) against the values of the Council.</p> <p>(2) Evaluate and monitor via periodic reports (including annual reports):</p> <p>(a) performance and progress against business plans; (b) financial and social returns on investment (be that shareholding, loans or direct investment); and (c) risks and opportunities including those arising from joint ventures or new opportunities.</p> <p>(3) 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 are reserved to Cabinet for decision:</p> <p>(a) Varying Articles of Association (b) Varying ownership and structure (c) Variations to shares (number of, rights, etc.) (d) Entering contracts that:</p> <p>(i) have a material effect on council business (including other companies within the group) (ii) are outside of the business plan or do not relate to the business (iii) significant in relation to the size of the business, the business plan, etc. (e) Material legal proceedings outside of ordinary business (f) Adopting and amending business plans each year and strategic plans (3 years) (g) Appointment, removal and the remuneration of directors (members of the company board)</p>
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² To be reviewed alongside the code of governance

		<p>(h) Selection of the chair of the board</p> <p>(i) Appointment of auditors</p> <p>3B</p> <p>3B- 11</p> <p>London Borough of Hounslow Constitution May 2021</p> <p>(j) Issue of dividends</p> <ul style="list-style-type: none"> • Consider proposals that might be outside of the agreed operational parameters and business plans. • Exercise oversight on decision making and assurance that the statutory functions of the companies are being properly discharged. • Where appropriate make reports to and consult the Council's Audit Committee
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Appendix B

CABINET MEMBER PORTFOLIOS LEADER PORTFOLIO

Generally

Each portfolio holder is collectively and, in respect of their portfolio of responsibility, to inform themselves, Cabinet and Council as to:

- (a) The development, co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's objectives;
- (b) The delivery of best value in the exercise of executive functions;
- (c) The oversight, development, monitoring and promotion of all executive functions as provided within the appropriate performance management framework;
- (d) 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;
- (e) The promotion of the interests of the Borough, and of all the residents, businesses, other organisations and stakeholders within Hounslow;
- (f) 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;
- (g) 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);
- (h) 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;
- (i) That proper arrangements are made for consultation and participation with residents, service users, businesses and other stakeholders in decision making.

Cabinet Members are to liaise with the relevant Chief Officer and the Council's Communications Officers to promote the Council's policies and strategic aims, including through media/social media, at all times upholding the values of the Council

Portfolio of Responsibility

PORTFOLIO	LEADER'S PORTFOLIO-STRATEGY, RESOURCES AND EXTERNAL AFFAIRS
	Councillor Shantanu Rajawat
BRIEF	Provide strategic direction for the organisation and leadership for place. Represent the Council and its area at a regional, national and international level. <small>[OBJ]</small>
PORTFOLIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Strategy, Policy, • Communications, • External Affairs, • Performance Oversight and Risk

	<ul style="list-style-type: none"> • Financial Strategy • Capital Delivery and Treasury Management • Governance & Legal • Commissioning, contracts and Local Economy • Digital and ICT • Lampton 360 Shareholder Interest • Workforce
Decisions to be reserved to the Leader	None

PORTFOLIO	DEPUTY LEADER
	Councillor Tom Bruce
BRIEF	Assets, Regeneration and External Affairs
PORTFOLIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Planning Policy and Strategy • Housing Development and Council Housing Building Programme • Inclusive Economic Development • Regeneration • Estate Renewal and Regeneration • Property and Corporate Assets (including investment portfolio)
Decisions to be reserved to the individual Cabinet Member (Portfolio Holder)	None

PORTFOLIO	CABINET MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH AND HEALTH INTEGRATION
	Cllr Lily Bath
	All matters relating to adult social care, public health and health integration
PORTFOLIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Adult Social Services (statutory) • Public Health • Health and Wellbeing • Health Integration – ICB and ICP • Migration and Asylum
Decisions to be reserved to the	None
	CABINET MEMBER FOR EDUCATION, CHILDREN, SKILLS AND EMPLOYMENT
	Councillor Samia Chaudhary
PORTFOLIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Lead Member for Children's Social Care (statutory) • Education and Schools • Learning • Skills • Employment Strategy and Services for residents • Young Persons Guarantee

	CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHNAGE
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	Councillor Katherine Dunne
PORTFOILIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Transport Strategy (including Active and Sustainable Travel) • Aviation policy • Climate Emergency • Net Zero Neighbourhoods • Environment Strategy and Policy (including air quality)

	CABINET MEMBER FOR RESIDENTS SUPPORT, COMMUNITIES AND EQUALITIES
	Councillor Ajmer Grewal
PORTFOILIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Highways • Street Cleaning • Waste and Recycling Operations • Environmental Operation, Performances and Quality • Customer Services • Transformation (One Hounslow) • Parking

	CABINET MEMBERS FOR INFRASTRUCTURE, RECYCLING AND TRANSFORMATION
	Councillor Shivraj Grewal
PORTFOILIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Highways • Street Cleaning • Waste and Recycling Operations • Environmental Operations, Performance and Quality • Customer Services • Transformation (One Hounslow) • Parking

	CABINET MEMBER FOR HOUSING MANAGEMENT AND HOMLESSNESS
	Councillor Sue Sampson
PORTFOILIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Housing Strategy • Housing Managment • Housing Repairs and maintenances (including COALO Operations and Quality) • Estate Pride • Homelessness and Prevention Services • (Single Front Door- Prevention- Linked to community Solutions)

	CABINET MEMBER FOR CULTURE, LESUIRE AND PUBLIC SPACES
	Councillor Salmon Shaheen
PORTFOILIO OF RESPONSIBILIT Y	<ul style="list-style-type: none"> • Libraries, Registration, Arts, Culture and Heritage • Parks (including Greenspace 360 Operations) • Cemeteries • Allotments • Public Space Management • Leisure and Active Hounslow (Including Lampton Leisure Operations)

	CABINET MEMBER FOR PUBLIC SAFETY, REGULATORY SERVICES AND ENFORCEMENT
	Councillor Raghwinder Siddhu
PORTFOLIO OF RESPONSIBILITY	<ul style="list-style-type: none"> • Community Safety • Domestic Violence • Violence Against Women and Girls • Prevent & Protect UK • Community Cohesion • Neighbourhood Safety and Partnerships • Regulatory Services • Criminal Justice System • Enforcement Strategy

Note: If there are any changes made to the details of each portfolio during the course of the municipal year, these will be reported in the usual way. Councillor Rajawat has also confirmed that he will appoint the following five members as Cabinet Assistants for 2024/25:

NAME OF CABINET ASSISTANT	NAME OF LEAD MEMBER	AREA OF WORK
Councillor Amy Croft	Councillor Lily Bath	Health Integration
Councillor Farhaan Rehman	Councillor Ajmer Grewal	Food Policy
Councillor Marina Sharma	Councillor Tom Bruce	Estate Regeneration
Councillor Hina Mir	Councillor Shivraj Grewal	Customer Services
Councillor Mohammed Umair	Councillor Kathrine Dunne	Net Zero Neighbourhoods