

SOUTHWARK COUNCIL

CONSTITUTION

PART 3: WHO TAKES DECISIONS

Contents

	Section	Page number
3.	Who Takes Decisions	1 - 2
3.	A: Council Assembly	3 - 4
3.	B: Cabinet	5 - 8
3.	Cabinet Portfolios	9 - 16
3.	C: Full Cabinet	17 - 18
3.	D: Individual Cabinet Members	19 - 22
3.	E: Cabinet Committees	23 - 26
3.	F: Planning Committee and Planning Sub-committees	27 - 30
3.	G: Licensing Committee and Sub-Committees, the Head of Service and Officer Panel Exercising Licensing Functions	31 - 34
3.	H: Community Councils	35 - 36
3.	I: Appointments Committee	37 - 38
3.	J: Corporate Parenting Committee	39 - 40
3.	K: Audit, Governance and Standards Committee	41 - 44
3.	L: Health and Wellbeing Board	45 - 46
3.	M: Urgency Arrangements and Committees	47 - 48
3.	N: Panels	49 - 52
3.	O: Matters Delegated to Officers	53 - 54
3.	P: Local Act Functions	55 - 62
3.	Q: Local Choice Functions	63 - 64

PART 3: WHO TAKES DECISIONS?

Introduction

This section of the constitution sets out who can take what decision.

Each meeting of the council and decision makers are listed in this section. Each part provides details of:

- the role and functions of the meeting or decision maker – this is a broad description of the areas of responsibility, sometimes known as the “terms of reference”
- the matters reserved for decision – these can only be taken by the named meeting or decision maker.

Any area of responsibility that is not specifically listed under the matters reserved for a meeting or individual decision maker is deemed to be delegated to the senior officers in the relevant department; the senior officers are the chief officers and the heads of service who report to them.

Any issue that is delegated can be taken by the parent body, i.e. the body who originally delegated the decision. Although in practice any decision maker can refer a decision up to a parent body, all decision makers should endeavour to exercise the authority as delegated to it by council assembly unless exceptional circumstances apply.

Strong leader and delegations by the leader

During the course of the year the leader of the council can at any time vary the delegation of executive functions in a number of ways:

- On the forward plan the leader can specify that a decision is to be taken by a particular decision maker. Any variations approved via the forward plan process must be accompanied by a notice of variation form. The proper constitutional officer will notify all councillors of the change at the same time the forward plan is published.
- By submitting a notice of variation to the monitoring officer, the leader can change the delegations set out in the constitution. The proper constitutional officer will then notify all councillors of the change.
- In a report to full cabinet by agreeing a separate recommendation, the leader can give authority to delegate to a cabinet member or chief officer individually, including details of the limitation on their authority.
- By removing or replacing members of the cabinet or making changes to portfolios.

The decision maker can further delegate a decision, but there are some limitations. Cabinet can delegate to cabinet committees and chief officers, but not to individual cabinet members; however, the leader can make such delegations. Individual cabinet members can delegate to chief officers.

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PART 3A: COUNCIL ASSEMBLY

ROLE AND FUNCTIONS

Council assembly is responsible for setting up the decision making structure of the council including its committees. It does this annually. Council assembly takes a number of decisions including agreeing the annual budget, setting the council tax, agreeing policy framework strategies and plans. It makes decisions on local legislation and bylaws. The meeting also appoints to outside bodies unless the appointment is an executive function or has been delegated by council assembly.

The council assembly will question the cabinet. The meeting will receive reports from the cabinet, overview and scrutiny committee and officers. It will also debate matters of local importance and consider members' motions.

MATTERS RESERVED FOR DECISION

The following matters are reserved to the council assembly for decision:

1. Electing the Mayor.
2. Adopting the local authority's code of conduct.
3. Electing the leader.
4. Establishing committees and community councils.
5. Agreeing and amending terms of reference for committees and community councils except for executive functions.
6. Deciding the composition of committees and sub-committees.
7. Agreeing the budget and determining the level of local taxation. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds including reserves and balances, setting the council tax and decisions relating to the control of the council's borrowing requirement, the treasury management strategy and the setting of virement limits.
8. Agree the capital strategy and programme at least once every four years and as necessary in the event of a significant change in circumstances, and the approval of virements over £10,000,000 between capital projects or programme headings as set out in the overall programme.
9. Agreeing the constitution, subject to the provisions in Article 1.05 on changing the constitution.
10. Agreeing the policy framework comprising the following plans and strategies:
 - Children and young persons' plan
 - Corporate plan

- Development plan documents (which form part of the development plan framework)
 - Policy on the community councils
 - Sustainable community strategy
 - Treasury management strategy (including prudential borrowing arrangements)
 - Youth justice plan.
11. Agreeing the following policies:
 - Licensing statement
 - Gambling statement.
 12. Agreeing any application to the Secretary of State in respect of any housing land transfer. Housing land transfer means the approval or adoption of applications to the Secretary of State (whether in draft form or not) for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
 13. Taking decisions in respect of functions which are the responsibility of the cabinet which are not in accordance with the policy framework or budget agreed by the council assembly.
 14. Subject to the urgency procedure contained in the access to information procedure rules in part 4 of this constitution, making decisions about any matter on the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
 15. All local choice functions set out in part 3 of this constitution which the council assembly decides should be undertaken by itself rather than the cabinet.
 16. Taking decisions in respect of functions which are not the responsibility of the cabinet and which have not been delegated by council assembly to committees, community councils, sub-committees or officers.
 17. Making or confirming the appointment of the head of paid service.
 18. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.
 19. Determining the scheme and amounts of members' allowances.
 20. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the council assembly.
 21. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough.
 22. All other matters which, by law, must be reserved to council assembly.

PART 3B: CABINET

ROLE AND FUNCTIONS

The cabinet has responsibility for the following areas. The issues listed are the “executive functions” of the council.

Local leadership

1. To provide community leadership in the borough.
2. To lead the community planning process and the search for best value, with input and advice from overview and scrutiny committees/sub-committees, community councils and any other bodies or persons as appropriate.
3. To take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policy framework as agreed by council.
4. To ensure consultation on the development of the council’s policy framework, other key strategic documents and key decisions.
5. To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
6. To oversee and take responsibility for effective joint work with partner agencies.

Policy

1. To draft the budget and policy framework for approval by council assembly.
2. To have responsibility for drafting the sustainable community strategy and recommending it to council assembly.
3. To formulate the council's overall policy objectives and priorities, recommending them to council assembly for approval where appropriate.
4. To determine the council’s strategy and programme in relation to the policy and budget framework set by the council.
5. To determine the authority’s strategy and programme in relation to the social, environmental and economic needs of the area.
6. To exercise the council's functions in relation to community engagement and the local strategic partnership, including the formulation of council strategies for communication, consultation, capacity building and active citizenship, and their coordination and implementation with particular reference to the provisions of relevant legislation.
7. To promote human rights, equality of opportunity and the interests and particular needs of all those who experience discrimination or disadvantage by virtue of their race, gender, disability, sexuality, or age.

8. To monitor the implementation and coordination of the statutory functions and obligations of the council with respect to equality of opportunity and non-discrimination, including its function as an employer.
9. To oversee and promote initiatives on best value across the council.
10. To set the strategic direction for the council's democratic renewal initiatives.
11. To consider and promote strategic and council wide initiatives to improve the quality, efficiency and effectiveness of the council's services to the public.

Financial management and resources

12. To have responsibility for the strategic management of the council's resources, financial, land, property and staffing, and to take decisions on such matters in the context of the budget and policy framework agreed by council.
13. To have responsibility for the council's revenue and capital budgets, including the council tax base, the housing revenue account, ensuring effective financial control and the achievement of value for money, within the provisions of financial standing orders.
14. To have responsibility for the operation of the council's risk management function.
15. To have responsibility for audit issues.
16. To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the council and to have responsibility for land and property used for operational purposes.

General

17. To oversee the authority's services.
18. To have responsibility for all staffing and human resource matters including the number and type of staff, equalities issues and health and safety, subject to the authority's personnel policies and procedures except for staff appointments and dismissals.
19. To have responsibility for all equalities and diversity matters concerning both employment policy and practices and service delivery and the active promotion of the council's equalities policies.
20. To have responsibility for the council's role as corporate parent.
21. To affiliate to and appoint representatives to outside bodies where such appointments are a function of the cabinet.
22. To delegate to appropriate committees of the cabinet and to chief officers and to receive regular information reports from them with particular reference to value for money; service implementation and development; client/customer

- service and performance; and the performance and achievement of equalities objectives.
23. To agree the reduction or cessation of any service.
 24. To agree the authority's response to consultation papers.
 25. To consult with scrutiny and take into account the final reports of scrutiny inquiries.
 26. To consider whether the council should give evidence before a Royal Commission, government committee or similar body.
 27. To be responsible for all cabinet matters even if not expressly set out in this part of the constitution.

Plans and strategies to be approved by the cabinet

- Asset management plan
- Employment strategy
- Enterprise strategy
- Food law enforcement plan
- Green travel plan
- Housing investment programme
- Housing renewal policy
- Housing strategy
- Local area agreement (LAA)
- Medium term resources strategy (including the housing revenue account)
- Renewal areas strategies
- Road safety plan
- Schemes for financing schools
- Special education needs action plan
- Statement of community involvement
- Supplementary planning documents
- Waste strategy
- Youth strategy.

Note: This list is not exhaustive.

The cabinet makes decisions in the following circumstances:

1. Matters reserved to the cabinet are as set out in Part 3C.
2. Matters reserved to individual cabinet members are as set out in Part 3D, except where, in any particular case, the leader, deputy leader and/or the chief executive directs that the decision should be reserved to the cabinet; or the individual member refers the decision to the cabinet.
3. Matters reserved to cabinet committee(s) are as set out in Part 3E.

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CABINET PORTFOLIOS 2017-18

Leader of the Council – Councillor Peter John

To provide leadership of the council, by setting the strategic direction and key priorities and representing the council in the community and in negotiations with regional and national organisations. The leader will appoint the deputy leader and other members of the cabinet and has the discretion to change cabinet member portfolios during the year. In the absence of a cabinet member the leader will have responsibility for all relevant matters within the remit of the cabinet.

The leader will have particular responsibility for:

- performance management of the cabinet;
- communications;
- jobs and growth, with the cabinet member for business, employment and culture;
- the Bakerloo Line extension, with the cabinet member for regeneration and new homes;
- strategic partnerships and relationships with government and the Mayor of London;
- legal services;
- electoral registration;
- constitutional services;
- the workforce strategy, together with the cabinet member for finance, modernisation and performance;
- the 30 year housing strategy;
- improved further education provision for the borough, with the cabinet member for business, employment and culture and the cabinet member for children and schools.

Deputy Leader and Cabinet Member for Housing – Councillor Stephanie Cryan

To deputise for the Leader of the Council in his absence by representing the borough at external events, within the council and when necessary chairing cabinet.

To be responsible for the housing portfolio, including housing management, community housing services, homelessness and sheltered housing, housing allocations, the housing investment programme and leasehold management.

To work closely with the cabinet member for adult care and financial inclusion (with regard to the housing needs of vulnerable adults) and to work closely with the leader and cabinet member for regeneration and new homes with regard to delivering the long-term housing stock strategy and 11,000 new council houses.

The cabinet member will have particular responsibility for:

- relationships with tenants and residents associations;
- housing asset strategy including delivering a quality kitchen and bathroom for every council tenant;
- meeting tenant and leaseholder expectations of major works contracts;

- housing services;
- housing allocations;
- community housing including homelessness and sheltered housing
- housing repairs;
- engaging with council tenants and leaseholders;
- delivering a new agency – My Southwark Homeowners Service
- rehousing arrangements as part of major regeneration projects;
- quality of estate environment including communal repairs, cleaning and pest control;
- lettings policy and policy on illegal subletting and estate security;
- response to the government's housing reforms.

Cabinet Member for Public Health and Social Regeneration – Councillor Maisie Anderson

To promote and develop sport in the borough including sport development and delivery of free swimming and gym use for all residents.

To improve the health of the borough, including the council's responsibilities for public health. The portfolio holder will work closely with the cabinet member for children and schools (with regard to children's health, play and teenage pregnancy), with the cabinet member for adult care and financial inclusion (with regard to health in older people). With the cabinet member for business, culture and social regeneration, be responsible for improving consultation and communication with local residents about Southwark's regeneration. To ensure that the wider social aspects of regeneration benefit local communities.

The cabinet member will have particular responsibility for:

- the council's public health role;
- swimming and gym use;
- the council's relationship with the NHS;
- local health services;
- reducing teenage conception rates;
- working with grassroots sport communities;
- promoting sport and increasing physical activity;
- healthier high streets with the cabinet member for regeneration and new homes;
- air quality;
- Social regeneration (with the cabinet member for business, culture and social regeneration);
- Regeneration consultations and resident communication (with the cabinet member for business, culture and social regeneration).

Cabinet Member for Finance, Modernisation and Performance – Councillor Fiona Colley

To ensure sound business planning and financial probity within the council, including the medium term resource strategy and all financial management of the general fund, the housing revenue account, the capital programme and the management of capital receipts. To keep council tax low by delivering value for money across all our high quality services.

The portfolio holder will be responsible for oversight of the development and implementation of the council's budget and for the development and delivery of the council's corporate modernisation programme to transform the way it works - to secure savings, improve customer services and deliver value for money for local residents and businesses.

To be responsible for performance management across the council and the integration of the council's budget and Fairer Future Plan enabling the council to deliver on the cabinet's priorities and to cope with financial constraints, together with its partners.

The cabinet member will have particular responsibility for:

- council tax and business rate collection;
- corporate IT;
- customer services – including face to face, telephone and digital services;
- corporate procurement, corporate debt strategy, income management and audit & risk management and anti-fraud;
- property and asset management strategy including acquisitions and disposal – with the cabinet member for regeneration and new homes in relation to major regeneration schemes;
- human resources;
- workforce strategy - with the leader;
- corporate strategy, including the Fairer Future Plan, performance management, shared services, service delivery modernisation;
- developing and delivering a more efficient, effective and sustainable council;
- digital strategy;
- broadband in Rotherhithe;
- response to the government's welfare reforms;
- commercialisation and traded services;
- no recourse to public funds.

Cabinet Member for Communities, Safety and Leisure – Councillor Barrie Hargrove

To improve the council's engagement with all Southwark's communities, including those hardest to reach.

To promote leisure in the borough and increase the quality of and residents access to the borough's parks and green spaces.

To champion volunteering throughout Southwark. To promote equality and diversity and be a champion for Southwark's varied and diverse communities.

To deliver a safer Southwark through oversight of council initiatives and services concerned with community safety, tackling anti-social behaviour, enforcement policy, emergency planning and business continuity. The portfolio holder will work with the police to deliver a domestic violence strategy and further roll out of the women's safety charter. The cabinet member will work closely with the cabinet member for children and schools (to work to reduce the number of young people who are victims of crime or commit offences).

The cabinet member will have particular responsibility for:

- relationships with the voluntary and community sector;
- community councils and community engagement;
- relationships with faith communities;
- Southwark diversity standard;
- equalities and equal opportunities;
- volunteering;
- developing networks of community volunteer champions;
- working to ensure Southwark has a strong voluntary and community sector.
- crime and drugs strategy and alcohol control zones;
- licensing policy;
- lobbying to increase Southwark's police;
- environmental health;
- trading standards;
- Southwark anti-social behaviour unit;
- domestic violence strategy;
- women's safety charter;
- the community warden service;
- noise nuisance;
- CCTV and other safety measures in public places;
- licensing and standards of private rented sector landlords;
- Cleaner, Greener, Safer programme;
- Performance of the council's leisure contractor;
- Leisure investment;
- Working with grassroots leisure communities;
- Play and leisure activities for young people;
- Parks;
- Trees;
- Biodiversity.

Cabinet Member for Adult Care and Financial Inclusion – Councillor Richard Livingstone

To safeguard the needs of vulnerable adults, the provision of personal social services, services to older people, services to people with disabilities, services to those with HIV/AIDS and/or those with drug and alcohol problems, services to those with mental health needs and "supporting people". The portfolio holder will work closely with the cabinet member for housing (with regard to the housing needs of vulnerable adults).

To promote financial inclusion and lead the council work to crack down on payday lenders and other irresponsible lenders.

The cabinet member will have particular responsibility for:

- relationship with the credit union;
- financial inclusion;
- Southwark Smart Savers;
- payday lenders and responsible lending (with the cabinet member for regeneration and new homes);
- adult social care, including personalisation;
- Southwark an Age Friendly borough;
- the council's contribution to the freedom pass and approach on the taxicard scheme;

- older people and pensioner poverty;
- ethical care and improving the quality of homecare;
- disability and supporting vulnerable people;
- financial advice for students.

The cabinet member will work with the deputy cabinet member for mental health.

Cabinet Member for Children and Schools – Councillor Victoria Mills

To assume the statutory role of lead member for children's services in accordance with the guidance produced by the Department for Education (DfE), including responsibility for children's social care and early years, the inclusion agenda, and work to implement the children and young people's plan. The portfolio holder will hold political accountability and exercise leadership over all areas included in DfE guidance. They will work closely with the cabinet member for public health, parks and leisure (with regard to children's health, play and teenage pregnancy) and with the cabinet member for communities and safety (with regard to children's safety and youth offending).

The cabinet member will have particular responsibility for:

- 18 year old employment, education and training guarantee with the cabinet member for business, employment and culture;
- youth offending;
- universal services for people aged 0-19;
- early intervention;
- child protection and specialist services for most vulnerable children, young people and their families;
- raising the quality of children's services;
- school place provision and admissions;
- expanding affordable childcare and nurseries;
- free healthy school meals and free fruit in schools;
- raising school standards and attainment;
- the youth fund;
- capital investment in schools;
- safeguarding children;
- corporate parenting including fostering and adoption;
- Southwark Scholars;
- further education (16-18).

The cabinet member will work with the deputy cabinet member for young people and careers.

Cabinet Member for Business, Culture and Social Regeneration – Cllr Johnson Situ

To promote business growth and employment, including helping Southwark residents into 5,000 jobs and 2,000 apprenticeships. Develop and deliver a new Southwark Business Forum and working with the cabinet member for regeneration and new homes to ensure that Southwark's employers and job-seekers get a good deal out of development.

To promote and develop arts and culture in the borough, including museums and heritage. To promote our libraries and encourage more people to use them.

The cabinet member will lead the council's work on improving our high streets, business space and new shops. To work with the Cabinet Member for Public Health and Social Regeneration to ensure that our regeneration delivers not just new homes for local people, but social change and improvement for Southwark residents. With the Cabinet Member for Public Health and Social Regeneration, be responsible for improving consultation and communication with local residents about Southwark's regeneration. To ensure that the wider social aspects of regeneration benefit local communities.

The cabinet member will have particular responsibility for:

- economic development and employment;
- business improvement districts;
- the council's relationship with Jobcentre Plus;
- employment and enterprise support;
- better business space;
- Fairtrade;
- promoting fair pay and the London Living Wage;
- business engagement;
- Southwark Business Forum
- adult learning, post-18 further education and training;
- libraries;
- events;
- civic issues;
- working with organisations in the borough's thriving culture communities;
- increasing access to arts and culture including for vulnerable groups;
- 18 year old employment, education and training guarantee with the cabinet member for children and schools;
- Social regeneration (with the Cabinet Member for Public Health and Social Regeneration);
- Regeneration consultations and resident communication (with the Cabinet Member for Public Health and Social Regeneration);
- Southwark Arts Scholars.

The cabinet member will work with the deputy cabinet member for cultural strategy.

Cabinet Member for Regeneration and New Homes – Councillor Mark Williams

To deliver regeneration which benefits our communities. To facilitate the sustainable regeneration of Southwark's communities in partnership with local residents and businesses. To work with the Cabinet Member for Business Culture and Social Regeneration, and the Cabinet Member for Public Health and Social Regeneration to ensure that our regeneration delivers not just new homes for local people, but social change and improvement for Southwark residents.

To lead on the delivery of strategic transport projects necessary for the delivery of regeneration in the borough such as the delivery of the Bakerloo Line.

To deliver on Southwark's commitment to build more homes of every kind including 11,000 new council homes.

The cabinet member will have particular responsibility for:

- the council's relationship with Transport for London;
- extension of the Bakerloo Line, with the leader;
- regeneration in the borough [all aspects of development control and planning in Rotherhithe (Canada Water), Bermondsey, Borough & Bankside and Walworth (Elephant & Castle and Aylesbury Estate), Camberwell, Peckham, Nunhead and Dulwich] including transport strategy in regeneration;
- community infrastructure levy and allocation of section 106 funds;
- development of the local development framework;
- planning policy and continuing improvements in planning performance;
- high street planning and with the cabinet member for public health, parks and leisure making high streets healthier;
- Delivery of 11,000 new council houses.

Cabinet Member for Environment and the Public Realm – Councillor Ian Wingfield

To continue to improve the borough's environment and champion sustainability, including having responsibility for waste management, increasing recycling and reducing waste to landfill. To continue reducing the borough's carbon emissions and increase the use of green energy including with SELCHP.

To be responsible for street scene and highway infrastructure, traffic management and parking enforcement.

The cabinet member will have particular responsibility for:

- markets and business space;
- street cleaning including litter and dog fouling;
- recycling and landfill;
- refuse collection;
- carbon reduction and climate change;
- green energy;
- cemeteries and crematorium services;
- marinas and internal waterways;
- flooding and flood defences;
- roads and road safety;
- parking;
- street scene;
- cycling and walking strategy.

All deputy cabinet members

The duties and responsibilities of deputy cabinet members will be:

- to assist cabinet members with specific aspects of their portfolio
- to contribute to the process of setting policy direction, development and review by assisting cabinet members to develop specific aspects of their individual portfolio
- to represent the relevant cabinet member at non-decision making meetings
- to assist cabinet members in the drafting and preparation of reports, responses to questions and other work related to the cabinet deputy's duties

- to promote the core values, corporate priorities and objectives of the council.

Deputy cabinet members will:

- be appointed by the leader using his “strong leader” responsibilities
- hold responsibility for specific tasks designated by the leader, following consultation with the monitoring officer
- be able to attend cabinet meetings but could not take part in any formal decision making
- have access to information on a “need to know” basis only and this access would be proportionate to their defined role or duties
- be called to account when acting in their official capacity.

The following deputy cabinet members have appointed by the leader:

Deputy Cabinet Member for Air Quality – Councillor Octavia Lamb

Deputy Cabinet Member for Community Involvement (Digital) – Councillor Jon Hartley

Deputy Cabinet Member for Community Energy – Councillor James Coldwell

Deputy Cabinet Member for Childcare Costs – Councillor Catherine Rose

PART 3C: FULL CABINET

MATTERS RESERVED FOR COLLECTIVE DECISION MAKING

1. All matters reserved to the cabinet by council assembly for decision.
2. Decisions on matters reserved to the cabinet in accordance with the provisions of contract standing orders in part 4 of the constitution.
3. Approval for recommendation to council assembly of those proposals and plans contained in the council's budget and policy framework.
4. Decisions regarding the strategic management of the council including decisions on major reorganisations and major reallocations of functions between departments or chief officers.
5. Approval to the creation of posts at grade 17 and above.
6. Approval of major terms and conditions of employment outside the national and provincial schemes.
7. Decisions regarding the strategic aspects of the regulation and control of the council's finances.
8. Approval of new fees and charges and agreement of charging levels in line with the medium term resources strategy.
9. Approval of virements over £1,000,000 and up to £10,000,000 between capital projects or programme headings as set out in the overall programme approved by council assembly.
10. Approval of policy and procedures governing the council's relationship with the voluntary sector.
11. Approving write-offs of debt of a value of over £50,000.
12. Amendments to the council's equal opportunities policy.
13. Agreement to the disposal of leasehold and freehold interests in land and property where the market value is more than £750,000 excluding Right to Buy and Leasehold Reform Act cases.
14. All disposals at less than best consideration where the market value is more than £250,000 or where ministerial consent is required, unless the disposal is required by statute.
15. Acquisition of land and property, outside any scheme already agreed by members, where the market value is more than £100,000.
16. The acquisition of land and property which involves the use of compulsory purchase orders.

Education issues

17. Approval of school admissions policies where the council is the admissions authority.
18. Approval of the co-ordinated admissions process for primary and secondary schools in Southwark¹.
19. All school organisation final decisions on statutory proposals e.g. whether to close a school.

Planning issues

20. To adopt preferred options of development plan documents.
21. To adopt supplementary planning documents taking account of comments from the planning committee.

Notes

- a) All matters not reserved as above or to individuals or to cabinet committees (see 3D and 3E) are delegated to the appropriate chief officer and heads of service. All delegated matters can always be decided by the parent body. See also Part 3O: Matters delegated to officers.
- b) Cabinet committees have the power within the role and functions delegated to them to decide all matters reserved to cabinet.

¹ The leader has agreed that if there are no changes to the primary school admissions process in a given year, this decision is delegated to the cabinet member responsible for schools for that year. (See record of delegation at cabinet on 19 March 2013.)

PART 3D: INDIVIDUAL CABINET MEMBERS

MATTERS RESERVED FOR DECISION

Introduction

There are occasions when matters affect more than one portfolio; on such occasions the decision will be referred to a meeting of the full cabinet¹.

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.

Budget

1. Proposing revenue and capital budget allocations to the cabinet, in relation to their areas of responsibility.
2. Agreement of significant programmes in relation to these objectives.
3. Agreement of changes to existing fees and charges, in relation to their areas of responsibility and in line with the medium term resources strategy, other than any set by council assembly as part of the budget process.
4. Approving the submission of bids for additional resources from government and other agencies, in relation to their areas of responsibility, where member level agreement is required by the external agency.
5. Matters reserved to individuals above specific financial thresholds:
 - Approving write offs of debt for their portfolio area of a value of £5,000 – £50,000.
 - Approving grants to voluntary organisations over £2,500.

Service planning and delivery

6. Agreement of statutory and other strategies, in relation to their areas of responsibility, except where they relate to crosscutting issues.
7. Agreement to significant policy issues, in relation to their areas of responsibility.
8. Agreement of performance standards and key policy objectives, in relation to their areas of responsibility.
9. Agreement to policy and performance priorities for the short and medium term in relation to their areas of responsibility and taking into account the needs of the council as a whole.

¹ In the event an issue affects both parts of the shared cabinet portfolio the leader of the council will decide who deals with it.

10. Agreement of service plans, in relation to their areas of responsibility.
11. To consider any inspection report by an external agency and:
 - agree the action plan, including recommendations for no action, where there are no significant policy implications
 - make recommendations to the cabinet, including recommendations for no action, where there are significant policy implications.
12. Agree reports when there are any significant changes associated with the delivery of an agreed plan.
13. Sign off any plan or strategy or programme when completed or take decisions where no further significant cabinet approval is required.
14. Monitor the effectiveness and appropriateness of the plan or strategy or programme within the portfolio holders responsibility and agree any necessary changes.

Tenders and contracts

15. Decisions on matters reserved to individual cabinet members in accordance with the provisions of contract standing orders in part 4 of the constitution.

Partnerships and consultation

16. To approve responses to consultation documents from government, Greater London Authority, Local Government Association, London Councils and other bodies relating to significant changes affecting their portfolio area, which would not require changes to the budget and policy framework.
17. Agreeing broad consultation arrangements, in relation to their areas of responsibility.
18. To promote effective partnerships, between the council and other agencies and bodies affecting the community, in relation to their areas of responsibility.
19. To deal with petitions in their portfolio area in accordance with council procedure.
20. To agree the following school organisation decisions:
 - Agreement to carry out the initial consultation where the council is proposing to make a statutory change to a school
 - Following the outcome of the initial consultation process, to agree to publish the statutory notice
 - Approval of the co-ordinated admissions process for primary schools in Southwark if there are no changes from the previous year².
21. To agree draft local development framework documents for consultation, such as supplementary planning documents.

² See record of delegation at cabinet on 19 March 2013.

Transport issues

22. To decide to implement a traffic and highway improvement project, subject to statutory consultation.
23. To determine statutory objections to a traffic and highway improvement project.

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PART 3E: CABINET COMMITTEES

CABINET (LIVESEY TRUST) COMMITTEE

ROLE AND FUNCTIONS

1. To act as trustee and administer the functions of the trust on behalf of the council.
2. To hold one meeting in the municipal year
3. To produce an annual report
4. To produce accounts (if any)
5. To deal with any changes to membership and attendance
6. To appoint co-optees (if any).

MATTERS RESERVED FOR DECISION

7. The matters reserved for decision are set out in the roles and functions of the committee.

Notes

- a) The delegation to the committee was approved by the leader of the council (see notice of variation to executive scheme of delegation dated 20 July 2015).
- b) The committee shall be comprised of five members of the cabinet. This should be the current cabinet member with portfolio responsibility for culture plus four others. The committee shall be granted power to co-opt additional members. Any such co-opted members would be non voting members.

BETTER PLACED JOINT COMMITTEE

Joint Committee of the London Boroughs of Lambeth, Lewisham and Southwark

ROLE AND FUNCTIONS

The London Boroughs of Lambeth, Lewisham and Southwark have established a joint committee to discharge executive functions on behalf of the three boroughs, in so far as they relate to joint activities or areas of common concern in relation to growth, economic development and skills. Over time the committee may consider other areas.

The committee will:

1. Provide oversight and decision-making of the Pathways to Employment pilot
2. Work together to transform local public services in employment support

3. Work collectively with employers, colleges and other stakeholders on jobs and skills, where appropriate
4. Represent the collective interests of the constituent boroughs to national and local government and other bodies, where appropriate
5. Jointly bid for funding, training and employment programmes e.g. EU funding and oversight of that funding
6. Manage and allocate spending of funding and other financial resources within its remit.
7. Take on additional responsibilities and funding delegated from government where the committee judges this to be in the best interest.

The governance arrangements provide flexibility so that these functions can be added to or amended over time.

The joint committee does not have power to exercise non-executive functions on behalf of the three boroughs.

MATTERS RESERVED FOR DECISION

8. The matters reserved for decision are set out in the roles and functions of the joint committee.

Application of constitution and procedure rules to the joint committee

Membership

9. Each council shall appoint its Leader / Mayor to sit on the joint committee. Each council should also appoint a named substitute (to be an executive member for those operating executive governance arrangements) to attend in the Leader / Mayor's absence.
10. Partners and stakeholders will be invited to be part of/or send representatives to the meetings of the joint committee as appropriate; they will attend in an advisory capacity only.

Quorum

11. The quorum for meetings will be at least one member from each of the boroughs.

Voting

12. Each member of the joint committee will have one vote and all business coming or arising before the joint committee shall be decided by a majority of the members of the joint committee present and voting (in accordance with paragraph 39 of Schedule 12 to the Local Government Act 1972).

Overview and scrutiny

13. Decisions of the joint committee are subject to scrutiny and 'call in' by each or any of the three boroughs.

14. Each of the three boroughs has established overview and scrutiny arrangements for the joint committee.
15. In the event that a decision of the joint committee or any sub-committee is 'called in' the chief executive (or an officer designated by the chief executive) for the relevant borough will attend the relevant scrutiny committee together with the member or their substitute nominated from that borough to be on the joint committee.

Administration

16. Administrative support for the meetings of the joint committee will be provided by Southwark Council and the chief executive of Southwark Council will be formally designated as clerk to the joint committee with responsibility for the provision of administrative support.

Lead borough / Accountable body arrangements

17. Where necessary a lead borough shall be identified from amongst the parties to implement any necessary activities. Subject to any change from joint committee members, below details the initial roles and responsibilities of joint committee members:
 - a) London Borough of Lambeth – lead accountable body for procuring and contracting with third parties
 - b) London Borough of Southwark – lead accountable body for administering the joint committee
 - c) London Borough of Lewisham – lead accountable body for bidding for and holding grant funding and managing community budget staff.
18. Any changes to this will be accepted by unanimous agreement by voting members.

JOINT IT COMMITTEE (BRENT, LEWISHAM AND SOUTHWARK)

ROLE AND FUNCTIONS

The London Boroughs of Brent, Lewisham and Southwark have established the Joint Committee to discharge executive functions on behalf of the three boroughs, in so far as they relate to joint activities or areas of common concern in relation to the provision of ICT infrastructure and related supporting services.

The committee will:

1. Oversee implementation and delivery of the shared ICT service.
2. Set key strategic direction and associated activities.
3. Act as arbiter where there is a conflict in either direction or priority of each council.

4. Agree those matters for which it is identified as responsible for under the inter-authority agreement for the three way shared ICT service.

MATTERS RESERVED FOR DECISION

5. The matters reserved for decision are set out in the roles and functions of the joint committee.

Membership

6. Each council shall appoint two members to the joint IT committee.
7. Partners and stakeholders will be invited to be part of/or send representatives to the meetings of the joint committee as appropriate; they will attend in an advisory capacity only.

Quorum

8. The quorum for meetings will be at least one member from each of the boroughs.

Voting

9. Each member of the joint committee will have one vote and all business coming or arising before the joint committee shall be decided by a majority of the members of the joint committee present and voting (in accordance with paragraph 39 of Schedule 12 to the Local Government Act 1972).

Overview and scrutiny

10. Decisions of the joint committee are subject to scrutiny and 'call in' by each or any of the three boroughs.
11. Each of the three boroughs has established overview and scrutiny arrangements for the joint committee.
12. In the event that a decision of the joint committee or any sub-committee is 'called in' the chief executive (or an officer designated by the chief executive) for the relevant borough will attend the relevant scrutiny committee together with the member or their substitute nominated from that borough to be on the joint committee.

Administration

13. Administrative support for the meetings of the joint committee will be provided by Brent Council and meetings will rotate around the boroughs by prior agreement.

PART 3F: PLANNING COMMITTEE AND PLANNING SUB-COMMITTEES

ROLE AND FUNCTIONS

1. To comment on local development framework documents in respect of all significant planning matters and make recommendations to the cabinet.
2. To consider the future process by which the decisions with respect to planning applications are to be taken.
3. To consider and determine all the following applications:
 - strategic and major planning applications (as defined in the matters reserved to the committee)
 - designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance
 - any other planning responsibilities of the authority created by statute (and delegated to the committee).
4. It is the responsibility of the planning committee to consider strategic planning applications and to establish planning sub-committees to consider applications and other matters reserved as defined in the constitution
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider expenditure of section 106 monies.
7. To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the cabinet.

MATTERS RESERVED FOR DECISION

Matters reserved for decision by the planning committee

8. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 50 or more housing units or more than 3,500m² of commercial floor space or a mixed use development with more than 3,500m² of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
 - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval.
 - b) those which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which

clearly does not raise any material planning considerations) or raise a major issue of a planning nature except:

- i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
 - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
 - iii) where the application is a straightforward refusal.
- c) those requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.
- d) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations).
- e) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
9. To consider the expenditure of funds over £100,000 of strategic importance secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
10. The designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995.
11. To consider and determine all planning applications of strategic importance in the borough, including:
- a) applications which require referral to the Mayor of London
 - b) applications which are required to be notified to the Secretary of State as departures from the development plan document (including the unitary development plan)
 - c) applications where the submission of an environmental impact assessment is required by regulation or following a screening application
 - d) applications for the development of metropolitan open land
 - e) applications for the development of contaminated land
 - f) specific applications not covered by the above but determined as strategic by the appropriate chief officer.
12. To comment on drafts of the local development framework during their consultation periods and make recommendations to the cabinet, as appropriate.

13. To comment on draft supplementary planning documents during their consultation periods and make recommendations to the cabinet, as appropriate.
14. To report to the cabinet on matters relating to the implementation of planning policy.
15. To comment on national and regional consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the cabinet, as appropriate.
16. To consider planning enforcement cases where the appropriate chief officer¹ decides that the matter is of a strategic or controversial nature and should be referred to the committee to consider and determine the taking of enforcement steps.

Matters reserved for decision by a planning sub-committee

17. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 10-49 housing units or 1,000m² - 3,500m² of commercial floor space or a mixed use development with more than 1,000m² - 3,500m² of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
 - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval.
 - b) those which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) except:
 - i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
 - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
 - iii) where the application is a straightforward refusal.
 - c) those requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.
 - d) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as

¹ The appropriate chief officer has a broad discretion to refer enforcement matters to the committee. In practice, the sort of enforcement cases likely to be considered appropriate for member decision would be in particular:

- where officers propose not to take enforcement action on a controversial issue
- on matters of strategic importance
- on matters which, though minor individually, have a considerable cumulative effect
- where a decision could set a precedent establishing or varying priorities for enforcement action.

Operational or routine enforcement issues will not be referred to the committee.

any objection except an objection which clearly does not raise any material planning considerations).

18. To consider applications for the development of metropolitan open land.
19. To consider the expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
20. To consider the confirmation of tree preservation orders which are the subject of a sustained objection (a “sustained objection” is defined as an objection that is maintained despite an attempt by officer to resolve it, or which officer consider incapable of resolution by negotiation).
21. To consider applications requested by two councillors to be determined by the planning sub-committee, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

PART 3G: LICENSING COMMITTEE AND SUB-COMMITTEES, THE HEAD OF SERVICE AND OFFICER PANEL EXERCISING LICENSING FUNCTIONS

ROLE AND FUNCTIONS

1. To approve the council's policies in respect of all licensing and registration matters except the licensing and gambling statements of policy.
2. To consider the future process by which the decisions with respect to licensing applications are to be taken.
3. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.
4. To consider and determine the following applications:
 - the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands
 - street trading and markets
 - film classification
 - any other licensing responsibilities of the authority created by statute and delegated to the committee.
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider and determine the revocation of licences and registrations reserved to the licensing committee.
7. To consider the designation of new sites for street trading and markets.
8. To establish sub-committees under the relevant statutory provisions empowered to discharge any and all of the authority's licensing functions.

MATTERS RESERVED FOR DECISION**Matters reserved for decision by the licensing committee**

9. Approve the council's policies in respect of all licensing and registration matters, except the statement of licensing policy and the statement of gambling policy.¹
10. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.

¹ The approval of the licensing and gambling statements of policy is a matter reserved to council assembly.

Matters reserved for decision by the licensing committee and its sub-committees

Licensing Act 2003

11. Any application for a personal licence which is the subject of a police objection.
12. Any application for a personal licence by a person with unspent criminal convictions.
13. Any application for a premises licence or a club premises certificate which is the subject of a relevant representation.
14. Any application for a provisional statement which is the subject of a relevant representation.
15. Any application to vary a premises licence or club premises certificate which is the subject of a relevant representation, except a minor variation.
16. Any application to vary a premises licence or club premises certificate which is the subject of a relevant representation.
17. Any application to vary a designated premises supervisor which is the subject of a police objection.
18. Any application for a transfer of a premises licence which is the subject of a police objection.
19. Any applications for interim authorities which are the subject of a police objection.
20. Any application to review a premises licence or club premises certificate.
21. Any decision to object when the local authority is a consultee and not the relevant authority considering the application.
22. Any determination of a police objection to a temporary event notice.

Gambling Act 2005

23. Any application for a premises licence where representations have been received and not withdrawn.
24. Any application for a variation to a licence where representations have been received and not withdrawn.
25. Any application for a transfer of a licence where representations have been received from the Gambling Commission.
26. Any application for a provisional statement where representations have been received and not withdrawn.
27. Any application to review a premises licence.
28. Any application for a club gaming/club machine permits where representations have been received and not withdrawn.

29. Cancellations of club gaming/club machine permits.
30. Decision to give a counter notice to a temporary use notice.

Other reserved decisions

31. Any application for the grant, renewal, variation or transfer of any sex establishment licence.
32. New designations for sites for street trading and markets.
33. Revocation of permanent street trading licences and markets.
34. To determine the revocation of any licence following successful prosecution of the holder for breach of licence terms, conditions and restriction.
35. Any application for consent to provide hypnotism or like entertainment.
36. Any application for the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands.
37. Any application for the grant, renewal or variation of any scrap metal licence which involves the applicant making representations.
38. Revocation of any scrap metal licence.

Matters delegated to the head of service and considered by the licensing officer panel

The panel to make recommendations to the head of service on the following matters:

39. All films submitted for local classification under the Cinemas Act 1985.
40. Any opposed application for the grant, renewal or transfer of a special treatments licence.

Matters delegated to the head of service

41. Any minor variation to a premises licence or club premises certificate where such variations will not impact adversely on the licensing objectives, falling into the following categories:
 - Minor change to the structure or layout of a premises
 - Small adjustments to licensing hours
 - The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
 - The addition of certain licensable activities such as the addition of live music unless there is likely to be an adverse impact on the licensing objectives.
 - The revocation of temporary street trading licences under the Food Act 1984 and the London Local Authorities Act 1990 (as amended).

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager. All matters reserved to the licensing officer panel can always be decided by the licensing committee or its sub-committees.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.
- c) Minor variations now fall under delegated authority following an amendment to the guidance to section 41 of the Licensing Act 2003 (as amended) to be determined at officer level (as set out in the relevant departmental scheme of management).

PART 3H: COMMUNITY COUNCILS

ROLE AND FUNCTIONS

1. To promote the involvement of local people in the democratic process and to bring decision making closer to local people.
2. To take decisions about local matters. At present community councils have delegated authority in the following key areas: the neighbourhoods fund, cleaner, greener, safer and devolved highway capital programmes and community project banks.
3. To act as a formal consultation mechanism on council wide policies and strategies.
4. To be a focal point for discussion and consultation on matters that affects the area.

MATTERS RESERVED FOR DECISION

Planning functions (non-executive function)

Consultative/non decision making

5. To comment to planning committee or its sub-committees on the proposed expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation where the site to which the agreement relates and the site(s) where expenditure will be incurred are in the same community council area.
6. To comment to planning committee on proposals for the designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995 affecting the area of the community council.
7. To comment to planning committee on proposals to adopt supplementary planning documents for development control purposes to guide the development of particular sites within the area of the community council.
8. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.

Environmental management (executive function)

Consultative/non decision making

9. Recommendations to the appropriate chief officer on local contract variations.
10. Recommendations to the cabinet on issues concerning major changes to contracts.
11. Appointment of ward members to serve on warden schemes steering groups.
12. To consider regular reports on environmental management issues, including street cleaning, refuse collection, abandoned vehicles and leisure centres.
13. To participate in contract reviews and be able to suggest service improvements and identify local priority issues.

Neighbourhood fund¹, cleaner, greener, safer and devolved highway capital programmes (executive function)

Decision making

14. To approve the allocation of neighbourhood funds, cleaner, greener, safer and devolved highway capital schemes of a local nature using the resources and criteria identified by the cabinet.
15. In the event that a programme variation decision is required before the next scheduled meeting of a community council the appropriate chief officer shall be authorised to determine this, in consultation with the relevant chair of the community council and relevant ward members. Variation decisions shall include any allocation or reallocation of funds or variation in projects (this list is not exhaustive).
16. If successful in the bidding to the cabinet for strategic projects, to oversee and take responsibility for the development and implementation of the schemes.

Consultative/non decision making

17. Recommendation of bids to the cabinet for funding for capital schemes of a strategic nature as part of an open bidding process.

Consultation/non-decision making

18. To be consulted on the Local Implementation Plan (LIP) programme before it is submitted to Transport for London.
19. To be consulted on strategic traffic and highway improvement projects.
20. To be consulted on any non-strategic traffic and highway improvement project that has been referred to community council.

Community project bank (executive function)

Decision making

21. To approve projects for inclusion within the community project bank.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer and head of service. All delegated matters can always be decided by the parent body. See also Part 3O: Matters delegated to officers.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

¹ The neighbourhood fund was established in December 2014 by amalgamating the Community Council Fund and the Cleaner Greener Safer revenue scheme. This required some consequential constitutional changes (see notice of variation to executive scheme of delegation dated 4 March 2015)

PART 3I: APPOINTMENTS COMMITTEE

ROLE AND FUNCTIONS

1. To make recommendations to council assembly as to the appointment of the head of paid service.
2. To appoint the monitoring officer.
3. To appoint the chief finance officer.
4. To appoint to the posts designated in accordance with article 10.01(b) as chief officers.
5. To act as a panel for the purpose of advising council assembly on matters relating to the dismissal of the head of paid service, the chief finance officer or the monitoring officer as prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

MATTERS RESERVED FOR DECISION

6. The matters reserved for decision are as set out in the roles and functions of the committee.

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PART 3J: CORPORATE PARENTING COMMITTEE

ROLE AND FUNCTIONS

1. To secure real and sustained improvements in the life chances of looked after children, and to work within an annual programme to that end.
2. To develop, monitor and review a corporate parenting strategy and work plan.
3. To seek to ensure that the life chances of looked after children are maximised in terms of health educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood.
4. To develop and co-ordinate a life chances strategy and work plan to improve the life chances of Southwark looked after children.
5. To recommend ways in which more integrated services can be developed across all council departments, schools and the voluntary sector to lead towards better outcomes for looked after children.
6. To ensure that mechanisms are in place to enable looked after children and young people to play an integral role in service planning and design, and that their views are regularly sought and acted upon.
7. To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for looked after children.
8. To receive an annual report on the adoption and fostering services to monitor their effectiveness in providing safe and secure care for looked after children.
9. To report to the council's cabinet on a twice yearly basis.
10. To make recommendations to the relevant cabinet decision maker where responsibility for that particular function rests with the cabinet.
11. To report to the scrutiny sub-committee with responsibility for children's services after each meeting.
12. To appoint non-voting co-opted members.

MATTERS RESERVED FOR DECISION

13. There are no specific matters reserved to this committee.
14. The reason for this is that the role and function of the committee is to review and monitor the council's role as a corporate parent. This involves the participation of members on a cross political group committee. However any specific actions the committee might identify as necessary would be executive functions and need to be taken by a cabinet decision maker, in accordance with cabinet responsibility for functions.

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PART 3K: AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

ROLE AND FUNCTIONS

Introduction

The purpose of the audit, governance and standards committee is to provide:

1. Independent assurance of the adequacy of the council's governance arrangements, including its standards regime, the risk management framework and the associated control environment.
2. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.
3. Oversight of the financial reporting process.
4. Scrutiny of the treasury management strategy and policies.
5. A framework to promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.

Audit activity

6. To approve the internal audit charter
7. To approve the risk based internal audit plan, including resource requirements.
8. To approve any significant proposed advisory services, additional to those included in the audit plan.
9. To receive information on the appointment, departure, resignation or change in chief audit executive.
10. To receive in-year summaries of internal audit and anti-fraud activity and the internal audit annual report and opinion and to consider the level of assurance it can give over the council's corporate governance arrangements.
11. To receive reports dealing with the management and performance of the provider of internal audit services, including the performance of the chief audit executive.
12. To receive reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
13. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
14. To consider specific reports as agreed with the external auditor.
15. To comment on the scope and depth of external audit work and to ensure it gives value for money.

16. To have oversight over the appointment of the external auditor.
17. To commission work from internal and external audit.

Accounts

18. To review and approve the annual statement of accounts and specifically to consider compliance with appropriate accounting policies and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
19. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Treasury management

20. To review and scrutinise the treasury management strategy and policies.

Governance activity

21. To review any issue referred to it by the chief executive or a strategic director, or any council body.
22. To monitor the effective development and operation of risk management in the council.
23. To monitor the effective development and operation of corporate governance in the council and to agree actions necessary to ensure compliance with best practice.
24. To monitor council policies on 'whistle-blowing', the 'corporate anti-fraud strategy' and the council's complaints processes.
25. To receive reports from the statutory officers under the council's whistle blowing policy.
26. To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive in-year reports on operational use.
27. To oversee the production of and agree the council's annual governance statement.
28. To review the council's compliance with its own and other published standards and controls.
29. To receive reports on retrospective contract related decisions as set out in contract standing orders.
30. To receive reports from the monitoring officer on any serious breach of the contract standing orders or procurement guidelines.

Standards activity

31. To advise the council on the adoption or revision of the members' code of conduct, the member and officer protocol and the communication protocol.
32. To monitor the operation of the members' code of conduct, the member and officer protocol and the communication protocol.
33. To monitor and advise on training provided for councillors, co-opted members and church and parent governor representatives.
34. To deal with any standards related complaints referred to it and any report from the monitoring officer on any matter which is referred to him or her.
35. To receive reports from the monitoring officer on unlawful expenditure and probity issues.
36. To consider the withholding of allowances from individual members (including elected members and co-opted members) in whole or in part for non-attendance at meetings, or, for elected members only, for failure to attend required training.
37. To establish the following sub-committees:
 - to consider complaints of misconduct against elected councillors and co-opted members
 - to consider civic awards.

Annual report

38. To report annually to all councillors on its work and performance during the year.

MATTERS RESERVED FOR DECISION**Matters reserved for decision by the main committee**

39. The matters reserved for decision to the committee are as set out in the role and functions, other than those functions delegated to the relevant sub-committee.

Matters reserved for decision by the conduct sub-committee

40. To consider complaints of misconduct against elected councillors and co-opted members.

Matters reserved for decision by the civic awards sub-committee

41. To grant civic awards.
42. To consider the process by which the decisions with respect to civic awards applications are to be taken and to make recommendations to the standards committee.
43. To appoint non-voting co-opted members of the civic awards sub-committee.

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PART 3L: HEALTH AND WELLBEING BOARD

ROLE AND FUNCTIONS

1. The Health and Social Care Act 2012 requires the local authority to establish and participate in the health and wellbeing board. The board shall be established as a committee of the council (section 102 of the Local Government Act 1972, subject to regulations issued by government).
2. The Health and Social Care Act 2012 states that the health and wellbeing board will have various functions. These include those conferred on it directly, such as the duty to encourage integrated working and in particular encourage the use of National Health Service Act 2006 powers to pool health budgets. It also includes duties conferred jointly on the local authority and its partner clinical commissioning groups (CCGs) but which must be discharged by the board. These joint duties include the preparation and publication of joint strategic needs assessments (JSNAs) and joint health and wellbeing strategies (JHWSs).

MATTERS RESERVED FOR DECISION

3. To prepare and publish a JSNA and a JHWS to meet the needs identified in the JSNA in relation to the local authority's area.
4. To recommend the final version of the JHWS to be signed off by cabinet and the CCG governing body.
5. To involve third parties in preparation of the JSNA and JHWS including the Local Healthwatch and people living or working in the area, having regard to guidance from Secretary of State.
6. Together with each of its partner clinical commissioning groups, to have regard to the JSNA and JHWS in the exercise of any function.
7. When developing the JHWS, consider extent to which needs could be met more effectively by making arrangements under National Health Service Act 2006, to pool health budgets.
8. To appoint additional members as the board sees fit beyond the statutory membership. It is noted that the local authority may also appoint such additional members as it sees fit (in consultation with the board if an appointment is made after the establishment of the board). The board will determine if these members are voting or non-voting.
9. To establish any sub-committees or working parties including appointment of chair, terms of reference and membership. The board shall identify the resources to support the body and the time period for which the body is established.
10. To consider the working programme of the board including its aims and priorities and to keep these under review.

Membership

11. The health and wellbeing board includes the following voting members:

- Local authority councillors, who will be (or be nominated by) the leader of the council*
 - The leader of the council*
 - The cabinet member for health and adult social care*
 - The cabinet member for children’s services*
- The chief executive of the council
- The strategic director of children's and adults' services*
- The director of public health*
- Three representatives from the clinical commissioning group*
- A representative of Southwark HealthWatch*
- A representative from King’s Health Partners
- Southwark Borough Commander, Metropolitan Police Service
- The chief executive of Community Action Southwark.

* = Denotes a statutory member of the board.

Notes

- a) At the current time none of the council’s executive functions are delegated to the health and wellbeing board. Any decision for the board to exercise any local authority executive functions would be determined by the leader of the council, under the “strong leader” arrangements.
- b) The board will operate in accordance within the council’s existing decision-making framework and normal council budget setting processes.

PART 3M: URGENCY ARRANGEMENTS AND COMMITTEES

Introduction

In the interim period between a full municipal election and the council assembly (annual meeting), council assembly will operate urgency arrangements to deal with decision making and will constitute the urgency committees for non executive functions, planning and licensing. Separate arrangements shall apply for executive functions during this period.

ROLE AND FUNCTIONS

1. To exercise all the functions of the council, that are not reserved by law to council assembly for decision in cases where, in the opinion of the chief executive it is necessary to act urgently in order to secure the efficient and expeditious conduct of the council's business.
2. To consider planning and licensing applications as set out in part 3 of the constitution, through sub-committees comprised of those councillors who have been re-elected and served on the relevant committees (or in the case of planning have undertaken the required training) prior to the municipal election.

MATTERS RESERVED FOR DECISION

3. The matters reserved for decision are as set out in the roles and functions.

Notes

- a) **Executive functions:** The urgency arrangements for executive functions are set out below:
 - (1) The leader of the council (if personally re-elected or his nominee, who must be a cabinet member) will take all executive urgent decisions which shall be recorded on a record of decision.
 - (2) In the absence of a formal call-in process in this period, the urgent decision may only be taken if the leader of the other largest political group (or his/her nominee) or if he/she is unable to act the outgoing Mayor is satisfied the proposed decision is a matter of urgency.
 - (3) In the event the leader of the other largest political group (or his/her nominee) or outgoing Mayor is not satisfied that the matter is urgent and concludes it can be reasonably deferred, he/she must set out their reasons for doing so after having taken account of the decision making principles in the constitution and having sought the advice of the council's monitoring officer and chief finance officer. The decision would be referred to the relevant executive decision maker to consider after the annual meeting.
- b) **Urgency committee:** The urgency committee, together with its sub-committees, will consider non-executive decisions. If the leader is not personally re-elected (or the leader is unable to act), then any executive decisions will also be dealt with by the urgency committee. The membership of the urgency committee will comprise of the leaders (or nominee) of the two largest political groups of the council (1 reserve member each – deputy leaders (or nominee)). It will be possible for one member

of the urgency committee to refer any decision as a recommendation to a meeting of the council assembly.

- c) **Licensing (urgency) sub-committee:** The urgency sub-committee will be comprised of those members of the licensing committee who served on the relevant committee in the year prior to the elections and are re-elected. ¹
- d) **Planning (urgency) sub-committee:** The urgency sub-committee will be comprised of three Labour and two Liberal Democrat members. It should be noted that only members who have received the necessary planning training are able to take part in the consideration of planning applications.

¹ In the event a sub-committee is required to be called to hear an urgent licence application, it will be composed of three members and a reserve and the membership will be based on the allocation process agreed by the licensing committee.

PART 3N: PANELS

SOUTHWARK COUNCIL LOCAL PENSION BOARD

ROLE AND FUNCTIONS

Regulatory

1. The responsibility of the local pension board, as defined by sections 5(1) and (2) of the Public Services Pensions Act 2013, is to assist the administering authority (Southwark Council), the scheme manager, in ensuring the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) including:
 - (i) securing compliance with the LGPS regulations and other legislation relating to the governance and administration of the LGPS and any statutory pension scheme that is connected with it
 - (i) securing compliance with requirements imposed in relation to the LGPS and any connected scheme by the Pensions Regulator
 - (ii) such other matters as the LGPS regulations may specify.
2. The administering authority retains ultimate responsibility for the administration and governance of the Southwark Council LGPS. The role of the board is to assist the administering authority to fulfill that responsibility

Reporting

3. To provide an annual report to be incorporated in the statutory annual pension report which is published on the council's website.

Constitution of the board

4. The board shall consist of seven members and be constituted as follows:
 - (i) three employer representatives (voting)
 - (ii) three scheme member representatives (voting)
 - (iii) one independent chair (non voting).
5. Each member of the local pension board must have a nominated substitute.
6. All members of the local pension board and substitute members must be conversant with the regulations governing the local government pension scheme and any document recording policy about the administration of the fund, and the law relating to pensions. Members of the pension board should aim to reach decisions by consensus. Where an agreement cannot be reached, then the local pensions board will agree how this will be resolved. Decisions/recommendations of the board will be submitted to the relevant officer or body within the council.
8. Any breach brought to the attention of the pension board, whether potential or actual, shall be referred to the council's monitoring officer in the first instance and where required to the national LGPS Advisory Board or the Pensions Regulator.

PENSIONS ADVISORY PANEL

ROLE AND FUNCTIONS

The strategic director of finance and governance will take into account the pension advisory panel's advice when performing the following functions.

1. Establishing and reviewing the strategic investments objectives.
2. Reviewing the definition of the investment return target most likely to satisfy this investment objective.
3. Considering what constraints, if any, should apply to the invested assets and monitor compliance.
4. Establishing and reviewing the strategic asset allocation (benchmark) that is likely to meet the investment return target.
5. Considering and reviewing the appropriateness of the fund structure i.e. the delegation of powers to managers, setting boundaries for the manager's discretion and considering which manager return targets are likely to achieve the investment return target.
6. Monitoring the performance of the investment managers at least once every three months, and from time to time consider the desirability of continuing or terminating the appointment of investment managers. In monitoring performance of investment managers, the panel should consider:
 - the investments made by the managers
 - their input to the process and the value of their advice
 - investment returns and risk against established targets
 - manager compliance with the fund's requirements
 - discussion of results with managers.
7. Considering policy matters in relation to the pension scheme and the council's early retirement policy.
8. Considering applications, from other bodies, for membership of the council's pension scheme.
9. Monitoring early retirements.
10. Monitoring costs incurred in administering the pension scheme, including:
 - management and other direct costs
 - transaction (dealing) costs.

Constitution of the pensions advisory panel

11. The pensions advisory panel will be constituted as follows:
 - three members (two members from the majority group and one member of the majority opposition) who have received the appropriate training; one of those members will chair the panel (voting)
 - three officers (the strategic director of finance and governance (non-voting), an officer with specialist knowledge on the pensions scheme (voting) and the head of human resources (voting) or their equivalents)
 - two independent advisers (non-voting)
 - a representative appointed by the constituent trade unions representing beneficiaries (non-voting).

12. Decisions should aim to be reached by consensus. Where agreement cannot be reached, then a majority vote will apply. Voting rights are restricted to members and officers (excluding the strategic director of finance and governance), with the chair having the casting vote if required.
13. Decisions of the panel will be treated as advice to the strategic director of finance and governance.
14. To be quorate at least three voting members of the panel must be present, plus at least one independent adviser. At least one of the voting members must be an officer.

VOLUNTARY BODIES APPOINTMENTS PANEL

ROLE AND FUNCTIONS

1. To make recommendations on appointments to Southwark charities.

Note

Any recommendations to be submitted to the monitoring officer.

CONSTITUTIONAL STEERING PANEL

ROLE AND FUNCTIONS

1. To oversee, review and recommend amendments to the constitution.
2. To make recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen.
3. To recommend changes to the members' allowances scheme.

COUNCIL ASSEMBLY BUSINESS PANEL

ROLE AND FUNCTIONS

1. To plan a programme of council assembly meetings, including setting the themed debates, ensuring a balanced business agenda and the need to make meetings more engaging.

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PART 30: MATTERS DELEGATED TO OFFICERS

1. All matters not reserved to the council assembly, to the cabinet, or to a committee for decision, are delegated to the appropriate chief officer and/or head of service. The powers of the chief finance officer include the requirement under the pension regulations to review investments made by the investment manager at least once every three months, and to administer all other functions relating to The London Borough of Southwark's pension fund in accordance with the relevant legislation and regulations.
2. In cases where the council is a creditor of a deceased person and seeks recovery of a debt from the deceased person's estate, the strategic director of children's and adults' services is the council's nominee for the purpose of taking out letters of administration¹.
3. Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the council.
3. It is the responsibility of and duty of chief officers to ensure that where appropriate matters of a controversial nature, or involving significant changes in policy, are consulted upon with the relevant cabinet member and recorded or reported to the cabinet, council assembly and committee as appropriate.
4. In respect of awarding grants of £2,500 and under, the decisions are delegated for officer decision following consultation by the chief officer/head of service, with the appropriate cabinet member. All such grants are to be circulated to members in advance and reported to the cabinet.
5. The proper constitutional officer will maintain a list of "proper officers".

¹ This was agreed by the Leader of the Council in a notice of variation dated 16 October 2015.

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PART 3P: LOCAL ACT FUNCTIONS

This section allocates responsibility for functions and powers which the council gets from Local Acts.

	Function	Responsibility
	Any function under a Local Act other than a function specified or referred to in regulation 2 or schedule 1.	
	<p>London Local Authorities Act 2000</p> <p>Service of penalty charge notice on basis of information provided by camera etc. (section 4).</p> <p>Service of penalty charge notice where parking attendant prevented from issuing a notice (section 5).</p> <p>Cleansing relevant land of refuse and litter (section 19).</p> <p>Licensing – see references to different licensing functions referred to below.</p> <p>Licensing of buskers (part V).</p>	<p></p> <p>Non-executive</p> <p>Non-executive</p> <p>Non-executive</p> <p>Non-executive</p> <p>Non-executive</p>
	<p>London Local Authorities Act 1996</p> <p>Penalty charge notices in respect of bus lane infringements (section 4).</p> <p>Fire safety and entertainment licensing:</p> <ul style="list-style-type: none"> • Approval of policies in respect of entertainment licences • Register of all licensed premises for public entertainment • Grant of unopposed transfers and variations of entertainment and night café • Licences • Grant of unopposed renewals for entertainment and night café licences • Hearing and determining applications in respect of entertainment licences. 	<p></p> <p>Non-executive</p> <p>Non-executive</p>
	<p>London Local Authorities Act 1995</p> <p>Making of special temporary prohibitions within a special parking area (section 9).</p> <p>Notice requiring removal of unauthorised advertisement hoardings etc. (section 11).</p>	<p></p> <p>Non-executive</p> <p>Non-executive</p>

	Function	Responsibility
	Notice requiring removal of signs on buildings (section 12).	Non-executive
	Appointment of deputies to the fire authority (section 44).	Non-executive
	Near beer: <ul style="list-style-type: none"> • Approval of policies • Authority to license near beer premises. 	Non-executive
	London Local Authorities Act 1994	
	Consent to distribution of free literature (section 4).	Non-executive
	Night café licensing: <ul style="list-style-type: none"> • Approval of policies in respect of night café licences • Hearing and determination of applications for night café licences • Delegation of authority to director to license premises or persons in respect of night cafés. 	Non-executive
	Street trading: <ul style="list-style-type: none"> • Regulation of street trading and associated issues • Renewal of licences. 	Non-executive
	Making of regulations relating to dangerous structure fees (section 8).	Non-executive
	London Local Authorities Act 1991	
	Removal of distribution containers on the highway (section 22).	Non-executive
	Licensing of special treatment premises (part II): <ul style="list-style-type: none"> • Approval of policies in respect of special treatment licences • Hearing of and determination of applications made to the council in respect of special treatment licences • Licensing of premises or persons in respect of special treatment establishments • To grant unopposed renewals, transfers and variations for special treatment licences. 	Non-executive
	London Local Authorities (No.2) Act 1990	
	Crime prevention measures (section 5): <ul style="list-style-type: none"> • Crime prevention policies. 	Non-executive
	Restoration of gas and water and electricity.	Non-executive
	London Local Authorities Act 1990	

	Function	Responsibility
	Removal of shopping or luggage trolleys found in the open air (section 43).	Non-executive
	Night café licensing: <ul style="list-style-type: none"> • Approval of policies in respect of night café licences • Hearing and determining of applications for night café licences • Licensing of premises or persons in respect of night cafés. 	Non-executive
	Street trading: <ul style="list-style-type: none"> • Regulation of street trading and market trading together with the provision, maintenance and management of storage accommodation • Policies etc. (see above) • Renewal of licences etc. 	Non-executive
	Greater London Council (General Powers) Act 1986	
	Consent for demolition of works under street (section 5).	Non-executive
	Consent for construction which causes obstruction to access to vaults and cellars (section 6).	Non-executive
	Consent for in-filling of vaults and cellars (section 7).	Non-executive
	Powers relating to certain retaining walls (section 8).	Non-executive
	Greater London Council (General Powers) Act 1984	
	Registration of sleeping accommodation (part IV).	Non-executive
	Provisions relating to the sale of goods by competitive bidding (part VI) these provisions include the registration of premises or stalls.	Non-executive
	Power to make charge in respect of approval of plans etc. relating to drains (section 36).	Non-executive
	Removal of occupants of buildings in vicinity of dangerous structures etc. (section 38).	Non-executive
	Greater London Council (General Powers) Act 1982	
	Determination of charges for London Building Acts, consents etc. (section 3).	Non-executive
	Greater London Council (General Powers) Act 1981	

	Function	Responsibility
	Provisions relating to control by borough council of overcrowding in certain hostels - this includes the ability of the council to serve notices (part IV).	Non-executive
	Greater London Council (General Powers) Act 1979	
	Control of Browntail moth (section 8).	Non-executive
	Licensing of entertainment booking offices (section 5).	Non-executive
	Greater London Council (General Powers) Act 1976	
	Power to extinguish rights of interment in cemeteries (section 9).	Non-executive
	Greater London Council (General Powers) Act 1975	
	Power to establish foreign loans reserve fund.	Non-executive
	Greater London Council (General Powers) Act 1974	
	Prohibition of person entering upon grass verges (section 14[2]).	Non-executive
	Authorisation of parking on verges (section 15[4]).	Non-executive
	Greater London Council (General Powers) Act 1973	
	Removal of vehicles for street cleansing (section 21).	Non-executive
	Closure of unsanitary food premises and stalls - the council may seek an order from the court for the closure of premises (section 30).	Non-executive
	Greater London Council (General Powers) Act 1972	
	Contributions in respect of railings (section 18).	Non-executive
	Restoration of gas and electricity services (section 19).	Non-executive
	Greater London Council (General Powers) Act 1970	
	Licences to erect scaffolding (section 15).	Non-executive
	Greater London Council (General Powers) Act 1969	

	Function	Responsibility
	Walkways - There are various provisions in this Act, including the provision and declaration of walkways under section 11 (part III).	Non-executive
	Greater London Council (General Powers) Act 1966	
	Licensing of public exhibitions etc. (section 21).	Non-executive
	London County Council (General Powers) Act 1963	
	Boundary walls (section 6).	Non-executive
	Acquisition of easements etc. (section 8).	Non-executive
	Underpinning of houses near a street improvement (section 9).	Non-executive
	Approval of trade refuse disposal facilities (section 11).	Non-executive
	Provision of shops etc. in subways (section 14)	Non-executive
	Power to provide illumination, floodlighting etc. (section 17).	Non-executive
	London County Council (General Powers) Act 1962	
	Service of notices for prevention of flooding etc. (section 17).	Non-executive
	London County Council (General Powers) Act 1960	
	Restriction of vehicular access to and from street improvements (council may make application to minister) (section 13).	Non-executive
	London County Council (General Powers) Act 1959	
	Acquisition of land for the purpose of providing facilities for storage etc. of horticultural produce (section 12).	Non-executive
	Provision of accommodation and charges (section 13).	Non-executive
	Power to lease and enter into agreements (section 14).	Non-executive
	London County Council (General Powers) Act 1957	
	Provision of advances for erection etc. of buildings (section 78).	Non-executive
	Removal of bottles from streets (section 81).	Non-executive

	Function	Responsibility
	London County Council (General Powers) Act 1956	
	By-laws as to artificial lighting of common staircases (section 63).	Non-executive
	London County Council (General Powers) Act 1955	
	Powers of borough councils to maintain burial grounds (section 36).	Non-executive
	Return of library books etc. (section 37).	Non-executive
	Recovery by borough councils of expenses of fencing certain lands (section 39).	Non-executive
	London County Council (General Powers) Act 1954	
	Defacement of streets with slogans etc. (powers of removal) (section 20).	Non-executive
	London County Council (General Powers) Act 1953	
	Powers to sanitary authority to cleanse aged and feeble persons in their homes (section 43).	Non-executive
	London County Council (General Powers) Act 1951	
	Expenses of councils in connection with ceremonies etc. (section 32).	Non-executive
	Improvement of roadside amenities etc. by borough councils (section 3).	Non-executive
	Power to provide storage etc. for accommodation for costermongers etc. (section 35).	Non-executive
	London County Council (General Powers) Act 1949	
	Supply of heat (part II).	Non-executive
	London County Council (General Powers) Act 1947	
	Maintenance of forecourts to which public have access – council has power to serve improvement notices (section 43).	Non-executive
	Fencing of dangerous lands in or near streets (section 44).	Non-executive

	Function	Responsibility
	Recovery of expenses and costs (section 44).	Non-executive
	London County Council (General Powers) Act 1947	
	Power to provide concert halls etc. (section 4).	Non-executive
	Power to provide entertainment (section 5).	Non-executive
	Contributions to cultural bodies (section 59).	Non-executive
	Acquisition of buildings or places of historic interest (section 61).	Non-executive
	London County Council (General Powers) Act 1933	
	Control of petroleum - filling stations (section 69).	Non-executive
	London County Council (General Powers) Act 1930	
	Gratuities to non-pensionable employees (section 61).	Non-executive
	Power to provide residences for officers or servants (section 11[1]).	Non-executive
	London County Council (General Powers) Act 1925	
	Enclosure of unenclosed land adjoining streets (section 33).	Non-executive
	Power to council to erect or construct hydrants and ballast or orderly bins and pits (section 18).	Non-executive
	London County Council (General Powers) Act 1921	
	Compensation to persons in council's service on abolition of office (section 31).	Non-executive
	London County Council (General Powers) Act 1912	
	Petroleum oil depots (part II).	Non-executive
	Power to contribute to provident fund (section 28).	Non-executive

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PART 3Q: LOCAL CHOICE FUNCTIONS

This section allocates functions which are a matter of local choice.

	Local choice functions	Responsibility
1.	The determination of an appeal against any decision made by or on behalf of the authority.	Non-executive
2.	The making of arrangements pursuant to subsection (1) of section 67 of, and schedule 18 to, the 1998 Act (appeals against exclusion of pupils).	Executive
3.	The making of arrangements pursuant to section 94(1) and (4) of, and schedule 24 to, the 1998 Act (admission appeals).	Executive
4.	The making of arrangements pursuant to section 95(2) of, and schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive
5.	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive
6.	Any function relating to contaminated land.	Non-executive To be dealt with in accordance with other environmental regulation matters except where it features in plans and strategies.
7.	The discharge of any function relating to the control of pollution or the management of air quality.	Executive
8.	The service of an abatement notice in respect of a statutory nuisance.	Non-executive
9.	The passing of a resolution that schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Non-executive
10.	The inspection of the authority's area to detect any statutory nuisance.	Non-executive
11.	The investigation of any complaint as to the existence of a statutory nuisance.	Non-executive
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive

	Local choice functions	Responsibility
13.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Non-executive
14.	The making of agreements for the execution of highways works.	Non-executive
15.	The appointment of any individual: a) to any office other than an office in which he is employed by the authority b) to any body other than: i) the authority ii) a joint committee of two or more authorities c) to any committee or sub-committee of such a body and the revocation of any such appointment.	Cabinet to make appointments to outside bodies in connection with functions which are the responsibility of the cabinet; all other appointments to be made by the council assembly, a committee or officer.