

Part Three – Responsibility for Functions

A. EXECUTIVE FUNCTIONS

- 1.1 The Leader of the Council is Nicholas Paget-Brown. Details of those Members he has appointed to his Cabinet are published on the Council website and are available also by calling Governance Services on [REDACTED]

RESPONSIBILITY FOR FUNCTIONS - THE CABINET

- 1.2 The Cabinet makes decisions in the following circumstances:
1. matters reserved to the Cabinet as set out in 1.3 below;
 2. matters delegated to individual Cabinet Members where, in any particular case, the Leader directs that the decision should be reserved to the Cabinet;
 3. matters delegated to the individual Cabinet Member where the relevant Cabinet Member decides to refer any particular matter to the Cabinet for decision; and
 4. matters referred to the Cabinet by individual Cabinet Members following call-in by the relevant scrutiny committee - see Part Two, Article 6 of the Constitution.
- 1.3 The Cabinet has overall responsibility for the preparation of the budget, and the policy and financial frameworks, which are to be agreed by the full Council. In discharging these overall functions and responsibilities, the Cabinet is responsible for the following:
- (a) **Leadership** in these areas:
- i. proposing policy development, changes and new policy;
 - ii. articulating existing Council policy to other parties;
 - iii. commenting on proposals from others on behalf of the Council, including through the media;
 - iv. influencing others, including the media, in order to promote existing Council policy or matters reasonably collateral to it;
 - v. ensuring the Council has a programme for continuous improvement of its services; and
 - vi. if for any reason the Leader and the Deputy Leader are both unable to act or the offices of the Leader and the Deputy Leader are both vacant the Cabinet must act in the Leader's place or must arrange for a Member of the Cabinet to act in the Leader's place.
- (b) **Partnership working** with:
- i. any or all other parties who can assist the Council to achieve its stated objectives or where collaboration benefits those who live in, work in or visit the Royal Borough; and

- ii. others involved in community planning and the formation of partnerships with other local public, private, voluntary and community organisations to address local needs.
- (c) **Decision-making** in the following areas:
- i. The introduction of new, or the development or termination of existing services within the Borough;
- ii. The acquisition of any land, which involves the use of a compulsory purchase order;
- iii. The letting of any contract covering the area of more than one portfolio or which is of application across the business directorates in all areas that are not specifically reserved to the full Council or one of its committees as set down elsewhere in the Constitution;
- iv. Any proposal to vire £250,000 or more from one budget head to another;
- v. All property disposals whether by transfer of freehold or leasehold interest, except:
- domestic dwellings under Right-to-Buy legislation;
 - property leases with a value of less than £500,000 over the first five years;
 - freehold disposals with a value of less than £1m; and
 - disposal specifically agreed within the Council's annual budget plans;
- vi. Proposals for major policy plans to be recommended to Council;
- vii. Proposals for the annual revenue and capital budgets to be recommended to Council, including proposals for local taxation;
- viii. The disposal of assets over £250,000; and
- ix. The setting up of a local authority trading company.

RESPONSIBILITIES OF ALL CABINET MEMBERS

- 1.4 There are occasions when matters affect more than one portfolio; on such occasions, the Cabinet Members concerned act in conjunction with one another.
- 1.5 In discharging any functions that have been delegated, the 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.
- 1.6 Each Cabinet Member is responsible for:
 - i. the proper administration of the Council's services;
 - ii. the promotion of the Council's existing policies;
 - iii. the continuous improvement of the Council's services through a programme of work;

- iv. speaking up on matters of local concern and acting as the main Council spokesman on issues within their portfolio;
- v. ensuring budget control;
- vi. decisions proposed and made;
- vii. liaising with the relevant Council scrutiny committees;
- viii. supporting the Leader of the Council in ensuring the success of tri- and bi-borough working, making and maintaining links with Member colleagues at the other tri-borough councils as necessary;
- ix. ensuring adequate staffing, premises and other resources to secure agreed standards and target outcomes in the area of each portfolio;
- x. the efficient use of Council premises ('day-to-day maintenance' under the TFM contract will be the responsibility of Corporate Property and the Cabinet Member for Facilities Management and Procurement Policy);
- xi. approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding;
- xii. approving funding exceeding £19,999 per annum to voluntary and other organisations within their portfolio, and approving jointly with other Cabinet Members where the application affects more than one portfolio;
- xiii. the promotion of the Council's policies and communication with the public as appropriate through local and other media, ensuring always that publications are compliant with the Council's Publications Guidelines;
- xiv. proposing and responding to Government and its agents, the Greater London Authority, and to those sharing common cause and others on matters defined by their responsibilities;
- xv. approving proposals to vire money from one budget head to another between £100,000 and £249,999, in conjunction with the Cabinet Member for Finance and Strategy;
- xvi. writing off debts between £100,000 and £249,999, in conjunction with the Cabinet Member for Finance and Strategy;
- xvii. approving waivers from Procurement Procedure Rules;
- xviii. giving approval to proceed to advertisement or other method of securing competition authorised by Procurement Procedure Rules for inviting and accepting tenders and quotations and for awarding contracts related to matters within their portfolio of £164,176* or more;

*Part 4F of the Contract Regulations provide that decisions in connection with contracts with a value of up to £164,176 are delegated to the relevant director. This EU services threshold applies from 1 January 2016 and is reviewed on 1 January every second year. The Contract Regulations, the Scheme of Delegation and this note will be updated by the Monitoring Officer to incorporate any change to the EU services threshold.

- xix. approving an award of a contract where the decision to go to tender has been taken by the full Cabinet;

- xx. approving variations to contracts in accordance with the Council's Procurement Procedure Rules and Contract Regulations at Part Four (F) of the Constitution;
- xxi. making recommendations to the Cabinet Member for Housing, Property and Regeneration concerning the disposal or acquisition of property; and
- xxii. setting new external charges and revising current ones.

THE FUNCTIONS AND PORTFOLIOS OF INDIVIDUAL CABINET MEMBERS

The Leader of the Council

- 1.7 The scope of the Leader's responsibilities spans all portfolios, ensuring co-ordination and a coherent approach to the Council's decision-making. The Leader can make any decision which is delegated to an individual Cabinet Member or to the Cabinet. In discharging this role, the Leader is specifically responsible for leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:
- i. the development of overall strategic and financial plans for the Council and the promotion of both existing and new strategies and plans;
 - ii. overall control of the revenue and capital finances of the Council, in conjunction with the Cabinet Member(s) with responsibility for those matters;
 - iii. the production and publication of the Council's Forward Plan;
 - iv. the Council's contribution to the life of the Royal Borough and to the Capital and sub-region;
 - v. the functioning of Council's Cabinet, including the allocation of responsibilities to the full Cabinet and individual Cabinet Members; the appointment and dismissal of those Cabinet Members; and the delegation of executive authority to officers;
 - vi. partnership working across the Council's services, including liaison with other statutory agencies in and outside the Borough;
 - vii. the Council's communications strategies and activities and press and publicity activity;
 - viii. speaking up on matters of local concern and representing the views of the Royal Borough and its Council to Government and its agents, the Greater London Authority and to others;
 - ix. appointments to outside organisations between meetings of the Council;
 - x. arrangements for civic ceremonies and matters concerning the Mayoralty and;
 - xi. the Council's influence over, and involvement in, the Notting Hill Carnival.

Deputy Leader and Cabinet Member for Housing, Property and Regeneration

1.8 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:

In relation to housing matters:

- i. all social housing regeneration projects;
- ii. the Housing Regeneration Programme;
- iii. options and policies to improve the quality of existing social housing to include physical condition, urban design and potential for redevelopment;
- iv. housing policy compliance with the Local Development Framework and regional and sub-regional planning policy;
- v. policies that establish the Council's aspirations for the repair and maintenance of social housing stock and the regulated private sector;
- vi. management of housing demand, including homelessness, the Allocations Policy and other housing initiatives;
- vii. Supporting People services;
- viii. the Tenant Management Organisation management agreement and regulation;
- ix. performance improvement of housing services;
- x. responsibility for the Housing stock finance and development;
- xi. responsibility for the Housing Strategy; and
- xii. responsibility for the Housing Revenue Account Business Plan.

In relation to corporate property matters (non-housing):

- xiii. the Council's property assets with the exception of Kensington Town Hall, HRA residential stock and highway land and their associated assets;
- xiv. the letting of Council premises, including Kensington Town Hall;
- xv. acquisition of property (freehold or leasehold) or granting of an interest in land up to a value of £499,999 over the first five years and the disposal of the Council's property interests up to a value of £999,999; and
- xvi. the power to grant leases and easements of a value between £100,000 and of £499,999.

In relation to the local economy and employment:

- xvii. The vitality of the Royal Borough's economy and its development, including regeneration funding and (jointly with the Cabinet Member for Planning Policy, Transportation and the Arts) the activities of the Council's Town Centre Initiatives Manager;

- xviii. Levels of employment in the Royal Borough, and the Council's efforts, with its partners, to improve the employability and job prospects of residents who are workless; and
- xix. Council business with regional and sub-regional bodies dealing with economic and community regeneration.

Cabinet Member for Adult Social Care and Public Health

- 1.9 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:
- i. the establishment and maintenance of high quality social services for adults, including:
 - assessing need and arranging services for those in need, through age, physical or learning disabilities or mental health problems, and for carers;
 - social services to those with HIV/AIDS and/or those with drug or alcohol problems;
 - arrangements for those incapable of conducting their own affairs because of mental capacity;
 - commissioning and providing services to adults and young people in transition entitled to help to maintain their health and independence;
 - the Council's involvement in subsidised transport provision, including the 'Taxicard' scheme, Freedom Pass and Dial-a-Ride;
 - ensuring that families with social care needs experience a 'joined-up' service;
 - discretionary services under welfare legislation;
 - the co-ordination of personal services by other organisations where such services are complementary to the Council's own efforts; and
 - the Council's regulatory duties in relation to personal social services.
 - ii. partnership working with the National Health Service, including decision-making at the Health and Well-Being Board;
 - iii. health services – any health-related functions exercised on behalf of the National Health Service body under Section 75 of the Health Act 2006, insofar as they relate to adults; and
 - iv. Public health, excluding the 'public health' elements of environmental health.

Cabinet Member for Facilities Management and Procurement Policy

- 1.10 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:

- i. All financial, contractual and operational matters associated with the Council's total facilities management contract (with Amey) and the in-house Link Team that oversees these arrangements.
- ii. All financial, contractual and operational matters associated with Kensington Town Hall, including all matters to do with the building such as any proposed improvement, equipment renewal or maintenance works (whether within or outside the TFM contract) and the Town Hall refurbishment project.
- iii. Procurement policy, including the monitoring and oversight of the letting of Council contracts.

Cabinet Member for Environment, Environmental Health, Leisure and the Arts

1.11 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:

- i. licensing policy under licensing legislation (apart from any restrictions specified in the Licensing Act 2003 or any related regulations which reserves any determination, publication or review of licensing policy or such other or related matters to full Council);
- ii. waste management, cleansing, public conveniences and recycling;
- iii. the Council's policy relating to street markets and street trading;
- iv. leisure services, including sports centres and sports development for adults;
- v. parks and open spaces;
- vi. the overall co-ordination of environmental policies, including the Council's response to climate change;
- vii. the Council's responsibility to control pollution and deal with contaminated land;
- viii. the Council's Air Quality Plan;
- ix. cemeteries and burials;
- x. mortuary and coroner's services;
- xi. the SPACE (office accommodation) programme at Kensington Town Hall; and
- xii. Environmental health, including environmental protection, consumer protection, food safety and trading standards and health and safety at home and work.

The arts and cultural services, including:

- Museums and galleries, Holland Park Theatre and Opera Holland Park, the Orangery and the Ice House (but excluding the artistic content of the Notting Hill Carnival); and
- The promotion of public art on the highway and on Council or private land accessible to the public and in public open spaces.

Cabinet Member for Education and Libraries

- 1.12 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas*:

*** Note:** In respect of the schools and children's services areas only, the Cabinet Member works to the overall direction set by the Cabinet Member for Family and Children's Services.

- i. local schools, including plans for new educational provision in the Borough;
- ii. the Council's consultation arrangements with schools, governors, parents and others;
- iii. special education and education for the talented and gifted;
- iv. the Council's interest in school admission and exclusion appeals, including the making of arrangements to determine appeals;
- v. adult and community education;
- vi. links to industry and business, through education business partnerships and the Young People's Learning Agency;
- vii. appointments to school governing bodies;
- viii. the Council's interests in wider educational provision, including provision by the independent sector; and
- ix. the library service, including the local archives.

Cabinet Member for Family and Children's Services

- 1.13 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:

The role of 'Lead Member for Children's Services' as designated under Section 19(1) of the Children Act 2004 and described as follows in statutory guidance:

- "a education services - the authority's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);
- b social services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the authority's functions in relation to children and young people leaving care;
- c health services - any health-related functions exercised on behalf of a National Health Service body under Section 75 of the Health Act 2006 insofar as they relate to children; and
- d inter-agency co-operation - the arrangements for the Children's trust and safeguarding duties set out in the Children Act 2004, in particular leading and building arrangements for inter-agency co-operation."

The above functions incorporate:

- i. the Council's role as 'corporate parent', including assistance to young people up to 24 years who have been looked after 13 weeks beyond their 16th birthday, where circumstances justify;
- ii. fostering and adoption services;
- iii. social services to children and young people in need under Section 17 of the Children Act 1989;
- iv. the Council's responsibilities towards unaccompanied asylum seeking children;
- v. the Council's regulatory duties in relation to children's social services;
- vi. ensuring that families with social care needs experience a 'joined-up' service;
- vii. the development of Children's Centres;
- viii. setting the overall direction in relation to the Council's funding of, and support to, schools (*although these are delegated to the Cabinet Member for Education and Libraries - see above*);
- ix. the Council's interest in nursery and 'early years' education, learning out of school hours, play and subsidised and unsubsidised childcare;
- x. partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Health and Well-Being Board;
- xi. the Youth Offending Team and the youth justice matters;
- xii. the Council's youth services and its encouragement of other services to young people;
- xiii. as 'Young People's Champion' furthering the Council's commitment to the involvement of young people in decision-making processes where appropriate;
- xiv. commissioning and providing services to young people with disabilities in transition to adulthood;
- xv. sports activities for children and young people; and
- xvi. the Council's relationship with the 'Connexions' service for young people offering support and career guidance (or any successor service).

Cabinet Member for Finance and Strategy

- 1.14 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:
- i. budget planning and all action necessary to maintain overall budget control within the cash limits agreed by full Council (in conjunction with the Leader of the Council);

- ii. virements between budget headings between £100,000 and £249,999, in conjunction with relevant Cabinet Members;
- iii. writing off debts between £100,000 and £249,999 in conjunction with the relevant Cabinet Member;
- iv. use of the car parking reserve fund, other special reserves and reserved contingency budgets, within the total budget agreed by full Council;
- v. in-year changes to the Council's Capital Programme;
- vi. financial planning;
- vii. risk management;
- viii. investments and treasury management;
- ix. the collection of taxes, the determination and payment of housing and Council tax benefit;
- x. overall strategy for fees and charges;
- xi. maximisation of the Council's commercial income;
- xii. audit and financial probity;
- xiii. strategy, policy, and revenue and capital provision for Information Systems;
- xiv. the development and application of policies, initiatives and services involving the use of information and communications technology to support the work of the Council and the Council's work with others;
- xv. the Legal Services, Human Resources and Corporate Customer Services functions;
- xvi. the development of policies and strategies for referral to the Administration Committee for decision on human resources, employment and training policies and strategies; measures to manage productivity and sickness absence; and the appointment of staff and approval of the payment of termination benefits to employees, following consultation with the relevant Cabinet Member(s);
- xvii. the health and safety of staff; and
- xviii. payroll and other financial benefits for staff.

Cabinet Member for Planning Policy and Transport

- 1.15 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:

The Council's role as Local Planning Authority, including:

- its interest in the preservation, enhancement and conservation of the streetscape and built environment;
- proposals for the Council's land-using planning policies, for recommendation to full Council, and supplementary guidance;
- planning briefs for individual development sites;

- responses to planning guidance and planning policy statements from Government and the Greater London Authority;
- co-ordination of the Council's response to major developments on private land or developments affecting the streetscape, where these have not been explicitly reserved to another Cabinet Member;
- the Council's policies for the control of development in the public interest, the imposition of planning conditions, the content of planning obligations under Section 106/Community Infrastructure Levy, and enforcement;
- the Council's policies for identifying, and preserving conservation areas;
- the Council's provision of arboricultural, building control and forward planning services (including population and other census information);
- the Council's interest in garden squares;
- the Land Charges Service;
- grants relating to buildings of special architectural or historical interest;
- decisions about environmental awards;
- joint responsibility (with the Cabinet Member for Housing, Property and Regeneration) for the activities of the Council's Town Centre Initiatives Manager;
- major urban renewal where the Council is a funder, or promoter, including where the Council is developing its own land and where responsibility is not reserved to another Cabinet Member;
- all built environment interventions delivered by the Council, or in which the Council has an interest as a land owner, acting as Design Champion and Heritage Champion to hold the Council to account in delivering high quality buildings, public realm and maintaining heritage assets to a high quality; and
- the Council's retail strategy and visitor strategies.

The Council's role as Highway Authority and Traffic Authority and other Council's responsibilities in relation to traffic and transportation, including:

- the Council's Transport Strategy and traffic and transportation policies including the Local Implementation Plan and the Borough Spending Plan;
- the maintenance (including winter maintenance) and improvement of highways and bridges;
- air and rail travel;
- street lighting; and
- the Council's parking policies and parking operations, including associated fees and charges.

Cabinet Member for Civil Society and Community Safety

- 1.16 The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:

Community safety

- Working in partnership with Cabinet colleagues, the Police and other agencies to assist them in reducing crime, the misuse of drugs and anti social behaviour;
- Discharging the Council's responsibilities to have due regard to the likely effect of the exercise of its functions on crime and disorder; and do all that it reasonably can to prevent crime and disorder;
- Leading the executive arm of the community safety partnership, the Safer, Surer Policy Board;
- Ensuring there is sufficient resident involvement in setting the priorities for action by community safety partners in their local area;
- Crime prevention activity;
- Support for victims;
- The public CCTV system; and
- The Council's arrangements for managing major changes to its operations, for coping with unforeseen disruption to its services and for dealing with civil emergencies.

Corporate Services

- The operation of the Council's governance arrangements and its policies and activities to be open and transparent as to its decisions, finances and performance;
- Constitutional arrangements regarding the role of elected members in relation to the wards and residents they represent;
- Electoral matters including electoral participation, registration and proposals to vary the boundaries of the Borough and electoral divisions, wards and polling districts;
- The registration of births, deaths and marriages and other civil ceremonies;
- The Council's complaints system and its response to investigations by the Local Government Ombudsman;
- Custody of the Borough Coat of Arms, including the determination of applications for its use;
- The issue of, and maintenance of records in respect of, minor licences; and
- The Council's interest in international work, including town twinning and European matters.

Voluntary sector

- The Council's relationship with, and funding of, independent advice agencies, community centres, voluntary sector support agencies and other organisations not within the remit of other Cabinet Members;
- The Corporate Grants Scheme;
- Matters in relation to the Community Legal Service, the Grants Committee of London Councils and the National Lottery, insofar as they affect the Royal Borough; and

- Decision-making in relation to corporate grants to voluntary organisations.

Localism

- Arrangements for promoting neighbourliness, personal resilience and community spirit amongst the residents of the borough;
- Partnership working with local groups and allied agencies to this end;
- Promoting and supporting innovation to make it more likely that local solutions can be found to issues of local need or local aspirations; and
- Decision-making in relation to ward-based initiatives to improve quality of life and enhance civic engagement.

Public confidence and engagement

- Activities and initiatives that support residents' understanding of the Council's priorities, duties and powers and their feeling that the Council takes their views and aspirations into account;
- The Council's recognition of, and response to, the diversity of the Royal Borough's residents and service users and the discharge of the Council's responsibilities under equalities legislation;
- The Council's performance and the statistics and indicators it uses to manage, report and be held to account for its performance; and
- Decision-making in relation to plans to consult and engage with local people over Council decision-making (except for specialist areas including planning and licensing), service performance and budget matters.

PARTNERSHIP BOARDS AND OTHER EXECUTIVE SIDE FORUMS

1.17 Kensington and Chelsea Partnership ('the Local Strategic Partnership') Steering Group

Core purpose

To debate and build consensus on those things that need to be preserved or need to change to improve the quality of life for all residents of Kensington and Chelsea, and to ensure the Royal Borough can make a successful contribution to London.

Membership and decision-making

1. The Steering Group will have a total of 15 members, as follows, with a target that at least eight will be local residents:
 - 4 from the Council
 - 1 nominated by the local social councils
 - 4 elected from the Voluntary Organisations Forum to cover the following areas – arts and culture; education and employment; children and families; and one other
 - 1 from the local business community
 - 1 from the Metropolitan Police

- 1 from the local health service
 - 1 from the local Forum of Faiths
 - 1 from a strategic training provider
 - 2 local residents
2. Any decisions or agreements necessary will be made either by clear consensus or by consent generated at the meeting. The Steering Group must be cautious as to the use of a majority will, imposed on another member or members, as such compulsion is unlikely to be helpful or practical.
 3. Any decision seeking the expenditure of monies (or other resources) or the taking of action by one or more of the partner organisations shall require the agreement of the relevant member(s) of the Steering Group if it is to proceed.

Terms of reference

- 1 To co-ordinate and therefore try to improve the overall delivery of services provided by public bodies and voluntary organisations.
- 2 To consult upon, and approve the Community Strategy and review it annually.
- 3 To co-ordinate and add value to the work of the many partnerships already operating in the Borough.
- 4 To value the rich diversity of people living and working in the Borough and to act in a positive way so that all sections of the community are able to play a part in improving the quality of life in Kensington and Chelsea.
- 5 To adopt a structure which is representative of the various stakeholders, with open and transparent decision-making and commitment to community consultation and involvement and which is reviewed from time to time to ensure that it is still fit for its purpose.
- 6 To co-ordinate consultation by partners.
- 7 To recognise the general obligation that public money should be used wisely. To acknowledge the interests of those whose financial support pays for those services.
- 8 To lobby central and regional Government on issues of concern to the Partnership.

1.18 Joint Staffing Panel

Membership

19 staff and 14 Council members

Terms of reference

1. To establish regular methods of negotiation and consultation between the Royal Borough and its employees in order to prevent differences and to adjust them should they arise - always provided that the joint committee

reserves the right to refer individual grievances to a relevant Cabinet Member if it so decides.

2. To consider any relevant matter referred to it by either a Cabinet Member or a scrutiny committee of the Royal Borough, or by any of the recognised trade unions or staff organisations.
3. To make recommendations to the relevant Cabinet Member as to the application of the terms and conditions of service, and the education and training of staff employed by the Royal Borough.
4. To discharge such other functions specifically assigned to the joint committee.
5. The joint committee may refer any question coming before it for consideration by, and for the advice of, the appropriate provincial Council or national body, and shall inform that Council or body of any recommendation of the joint committee which appears to be of more than local interest, always provided that such a recommendation is first approved by the Royal Borough.

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