

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

The Leader may discharge any executive function or arrange for the discharge of any executive function:

- (1) by the cabinet,
- (2) by another member of the cabinet,
- (3) by a committee of the cabinet,
- (4) by an area committee, or
- (5) by an officer of the authority.

The sections below and the Officer Allocation of Responsibilities outline how the Leader has decided that those functions should be exercised.

Executive (Cabinet)

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

The Cabinet Executive will have responsibility for approving plans which are not the responsibility of Council and any other non-statutory plans that, from time to time, may be considered their responsibility.

The Cabinet is responsible for the following functions:

- (1) Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
- (2) Monitoring the implementation of the budget and financial strategy;
- (3) Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council;
- (4) Management of the Council's Capital Programme and Strategy;

All key decisions – namely:

- (5) an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or

- (6) an executive decision which is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough;
- (7) a decision is significant for the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question;
- (8) award of contracts over £500,000 and all matters reserved to the Executive under the Contract Procedure Rules;
- (9) virements between budgets as required by the Financial Regulations;
- (10) making all non-key decisions which are referred to the Executive by the relevant Portfolio Holder or Corporate Director;
- (11) Determination of recommendations and references from the Council or any of its Committees or sub-committees and which the Cabinet considers are appropriate for collective decision;
- (12) Approval of HRA Rents.

Cabinet Members' (Portfolio Holders) appointment and term of office

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

- (a) in the case of the Deputy Leader; the end of the term of office of the Leader
- (b) they resign from office; or
- (c) they are no longer Councillors; or
- (d) the Leader makes changes to the roles of Members of the Executive, or
- (e) they are removed from office by the Leader.

Vacancies in the Executive

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

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

Temporary Absence of Leader or other Portfolio Holder

In the temporary absence of the Leader or other Portfolio Holder, decisions may be taken in accordance with the Scheme of delegation relating to Portfolio Holders set out in [the Leader's Scheme of Delegation](#) ~~Part 3 of the Constitution~~ and the Delegated Power of Portfolio Holders in the Appendix to the Executive Procedure Rules). Special Provision to take urgent action in an election year

- (a) That following a Borough Election and until the day of the Annual Council Meeting the Leader or a Portfolio Holder will, if the political group to which they belong do not have a majority of members on the Council, consult and ensure consensus with the Leaders of one or more other groups that together form a majority of members on the Council;
- (b) That following a Borough Election and until the day of the Annual Council Meeting, if the Leader is not re-elected as a Councillor, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all group Leaders.

Proceedings of the Executive

Proceedings of the [Cabinet Executive](#) will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

Portfolio Holders Assistants

Non-Executive Councillors may be appointed as Portfolio Holder Assistants [by the Leader](#). Portfolio Holder Assistants may not exercise any of the powers of a Portfolio Holder nor act in the absence of the Portfolio Holder. Confirmation of the appointment of any Portfolio Holder Assistant must be given by the [Leader Executive](#) at the next meeting of Cabinet.

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

General Responsibilities

- (1) All Portfolio Holders are responsible for the effective management and delivery of executive functions within their area of responsibility and within the following framework:
 - The Council's overall strategic, corporate and policy objectives and all statutory and other plans and strategies approved by the Council the approved revenue and capital budgets
 - The law and the Council's Constitution
 - The decisions made at full meetings of the Cabinet.
- (2) All Portfolio Holders share the responsibility for ensuring:

- The development, co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's Objectives;
- That the Council delivers value for money in all that it does;
- The delivery of Public Health responsibilities;
- The oversight, development, monitoring and promotion of all executive services provided by the Council within the appropriate performance management framework;
- That suitable and proper arrangements are made for the procurement, development, monitoring and promotion of all services relating to executive functions, which are provided under contract to the Council;
- The promotion of the interests of the Borough, and of all the residents, businesses, other organisations and stakeholders within Harrow;
- That the Council takes a community leadership role across the public, voluntary and business sectors involving the development of good and effective working links with all sectors;
- The promotion and implementation of an effective equal opportunities policy;
- The promotion of services which are sustainable, improve community cohesion and community safety, make for more open government, provide opportunities for resident participation in delivering outcomes and include new methods of community engagement;
- That proper arrangements are made for consultation and participation with residents and service users in decision making;

The Leader of the Council

The Leader of the Council shall have the following responsibilities:

- When present to chair meetings of the Cabinet;
- Appoint and dismiss Portfolio Holders and the Deputy Leader
- Appoint to and dismiss from committees of the Cabinet
- Determine from time to time the roles and areas of responsibility of Portfolio Holders and set out their scheme of delegation for executive functions
- In the absence of a Portfolio Holder, or on written notice to the Monitoring Officer at Portfolio Holder, to exercise any of that Portfolio Holder's functions

themselves or arrange the discharge of those functions by another Portfolio Holder or a Corporate Director

- Champion the Borough locally, nationally and internationally and act as an advocate for its residents
- Lead the development and implementation of the Council's Corporate Plan and Budget
- Liaise with Government Departments, the Greater London Authority, London Councils, West London Alliance and other local, sub-regional and public bodies
- Ensure that the decisions and activities of the Council comply with the highest possible ethical standards and that all Members of the Council adhere to the Code of Conduct.
- To oversee the arrangements for all civic and ceremonial matters.

Deputy Leader of the Council

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

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

The Leader has appointed the following Portfolio Holders:

Portfolio Holder for Planning and Regeneration

Portfolio Holder for Adult Services and Public Health

Portfolio Holder for Business, Employment and Property

Portfolio Holder for Children's Services

Portfolio Holder for Community and Culture

Portfolio Holder for Environment & Community Safety

Portfolio Holder for Finance & Human Resources

Portfolio Holder for Housing

Portfolio Holder for Performance, Communications and Customer Experience

Details of the terms of reference of each Portfolio Holder can be found in the Portfolio Holder Terms of Reference Document

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