

Part 2D

Terms of Reference and Delegation of Duties to the Cabinet

Executive (Cabinet)

1. 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.
2. The 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.
3. **The Cabinet is responsible for the following functions:**
 - 3.1 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;
 - 3.2 Monitoring the implementation of the budget and financial strategy;
 - 3.3 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;
 - 3.4 Approving policies that are not part of the policy framework;
 - 3.5 Management of the Council's Capital Programme;
4. **All key decisions - namely:**
 - 4.1 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
 - 4.2 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;
 - 4.3 a decision is significant for the purposes of 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;
 - 4.4 award of contracts over £500,000 and all matters reserved to the Executive under the Contract Procedure Rules this may be done via the Procurement Forward Plan;
 - 4.5 variations between budgets as required by the Financial Regulations;
 - 4.6 making all non-key decisions which are referred to the Executive by the relevant Portfolio Holder or Director;
 - 4.7 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;
 - 4.8 Approval of HRA Rents.

Part 2E

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

1. 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:
 - 1.1 in the case of the Deputy Leader; the end of the term of office of the Leader
 - 1.2 they resign from office; or
 - 1.3 they are no longer Councillors; or
 - 1.4 the Leader makes changes to the roles of Members of the Executive, or
 - 1.5 they are removed from office by the Leader.
2. **Vacancies in the Executive**
 - 2.1 If at any time a Member ceases to be a Member of the Executive, the responsibilities of that Member shall be carried out by the Executive collectively until such time as the Leader has appointed a replacement, or where appropriate, re-appointed the Member concerned.
 - 2.2 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.
3. **Temporary Absence of Leader or other Portfolio Holder**
 - 3.1 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 this Constitution.
4. **Special Provision to take urgent action in an election year**
 - 4.1 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;
 - 4.2 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.
5. **Proceedings of the Executive**
 - 5.1 Proceedings of the Executive will take place in accordance with the Executive Procedure Rules.

Leader of the Council and Portfolio Holder Resources and Effective Council

6. The Leader of the Council shall have the following responsibilities:

6.1 When present, to chair meetings of the Cabinet.

- Appoint and dismiss Portfolio Holders and the Deputy Leader.
- Appoint to and dismiss from any committees of the Cabinet.
- Determine from time to time the roles and areas of responsibility of Portfolio Holders.
- In the absence of a Portfolio Holder, or on written notice to that 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 Chief Officer.
- Champion the Borough locally, nationally, and internationally and act as an advocate for its residents.
- Work with the Government to maximise opportunities for devolution, fairer funding and growth.
- Lead the development and implementation of the Council's Corporate Plan, Budget, Resident Experience and Procurement Strategy.
- Liaise with Government Departments, the Greater London Authority, London Councils, West London Alliance and other local, sub-regional and public bodies.
- Champion the Council's media relations and promote its brand and reputation.
- 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.
- Ensuring the effective management of the Council's property and community assets (including assets of community value), with specific authority to acquire or dispose of land up to the key decision threshold (other than at less than best consideration).
- To be responsible for the financial strategy of the Council, including:
 - Developing and promoting its annual and long-term budgets and policy frameworks.
 - Ensuring financial controls and processes are effective, including procurement.
- Championing effective Risk Management and Business Continuity activity including Counter Fraud, Organisational Resilience Emergency Planning, Counter Terrorism Strategy (CONTEST).
- Leading on Council Transformation.
- Ensuring the Council has effective processes to monitor and manage the performance of its services.
- Leading on the Council's Digital Strategy.
- Leading on the Armed Forces Covenant.

7. Deputy Leader of the Council

7.1 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.

8. Portfolio holders generally

- Portfolio holders may not make key decisions except for the leader when the leader is taking urgent decisions. Portfolio holders are expected to work together and where they work collaboratively in specific areas may draft internal protocols for doing so.

9. Portfolio Holder - Adult Social Care

9.1 To be responsible for the development and strategic direction of the Council's Adult Social Care functions, for people who draw on care and support and carers, including:

- Championing the safeguarding of adults at risk older and disabled people and supporting them to have a good as quality of life as possible.
- Oversight and strategic direction on the integration of health and social care and partnerships between the NHS and the council.
- Oversight of commissioning of adult social care services and joint commissioning between the NHS and the council.
- Oversight and strategic direction to ensure that people who draw on care and support, and carers are involved and engaged; and that there are comprehensive involvement and co-production mechanisms in place.
- Overseeing compliance with both relevant statutory duties and performance targets.
- Working in partnership with people, carers, health bodies, other councils, the voluntary and community sector, and national, regional, and sub-regional bodies
- Supporting partnership development in relation to social care and integrated care and joint commissioning of services.

10. Portfolio Holder - Culture, Leisure, Arts and Sports

10.1 To be responsible for the development and strategic direction of the following:

- Promoting Barnet as a destination, a Borough of Culture and leading on the 'Borough of Fun'.
- Cultural and Heritage activities in the Borough.
- Library Services, arts, museums, and tourism.
- Promotion of participation in physical activity and sports.
- Events and activities in, and use of parks and open spaces.
- Strategic direction of leisure services.

11. Portfolio Holder - Community Wealth Building

11.1 To be responsible for the strategic direction and the promotion of employment, skills, higher education, local business engagement and resilience of town centres including:

- Liaising with local and national government bodies and the business community and leading on inward investment.
- Leading on small business and social enterprise support and business engagement and relationships.
- Leading on the Council's approach to community wealth building, economic regeneration, an inclusive economy, and poverty reduction.
- Leading on the promotion of social value through procurement and the council's supply chain including working with all Portfolio Holders to drive value for Council priorities.
- Leading on the night-time economy.
- Ensuring residents have appropriate training and development opportunities and benefit from employment opportunities in the Borough
- Promotion of credit unions and projects to promote employment, benefit advice, skills, and wellbeing.
- Town Teams and engagement with them.

12. Portfolio Holder - Community Safety and Residents Participation

12.1 To be responsible for the strategic direction and promotion of community cohesion, tackling crime and enforcement in the borough including:

- Working with community groups, and statutory agencies to both maintain and improve community cohesion and community safety, reduce crime, mitigate its effect, and reduce fear of crime including hate crime.
- Oversight and strategic direction of Community Safety work and Environmental Crime enforcement activities, including the development of Community Safety Hubs and Community Safety Ward Walks.
- Support the delivery of high-quality CCTV services.
- Oversight and strategic direction on the work to end Violence Against Women and Girls (VAWG), Domestic Abuse and supporting survivors, Integrated Offender Management (IOM) and Serious Youth Violence.

12.2 To be responsible for the strategic direction of resident and community participation including:

- Development and implementation of the Community Participation Strategy.
- Ensuring residents and stakeholders are being appropriately involved and consulted on the Council's decisions, plans and activities.
- Leading on the delivery of the community events programme.

13. Portfolio Holder - Family Friendly Barnet

13.1 To fulfil the requirements in the Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services and Section 19(2) (Lead Member for Children's Services) of the Children Act 2004.

13.2 To be responsible for the development and implementation of strategy for the delivery of high standards of service in Education and Social Care for children and young people including safeguarding and looked after children in the Borough including:

- To be responsible for the strategic oversight of education and social services for children and young people including education, schools, nurseries, safeguarding and child protection.
- To be responsible for the strategic oversight of thoughtful commissioning of services and oversight of contractual arrangements; promoting close partnership working within the community, with Barnet schools, governing bodies, the voluntary sector and the Health Service.
- To promote equality of access to education and to social services for all children and young people in Barnet.
- To represent Barnet in pan London policy discussions with Portfolio Holders for Children's services on promoting improvements to services for children and young people across London.
- To promote the children's voice and encourage consideration of children's views in development of wider council policies.
- Sufficiency in provision of early years and school places.
- Responsibility for the Councils Corporate Parenting duties to Children in Care and those who are Care Experienced.
- Quality and standards in early years and schools provision.
- Lead on the Councils responsibilities under the UN Convention on the Rights of the Child.
- Working with all other Portfolio Holders to promote good outcomes for Children and Young People.

14. Portfolio Holder - Health and Wellbeing

14.1 To be responsible for the development and strategic direction of the Council's Public Health functions and related environmental factors which impact on health outcomes including:

- Overseeing compliance with both relevant statutory duties and performance targets within Public Health.
- Developing policies to tackle health inequalities.
- Lead on the Council's response to major public health incidents, including future pandemics and Covid 19 recovery.
- Leading on the promotion of good mental health and wellbeing across the Borough.
- Leading on the Combatting Drugs Partnership.

15. Portfolio Holder - Environment and Climate Change

15.1 To be responsible for the development and strategic direction of the Council's environment services, addressing climate change and the journey to Net Zero, including:

- Leading on the Council's ambition to be a Net Zero Council by 2030, and a Net Zero Borough by 2042, including working with all Portfolio Holders to deliver this.
- Strategies to reduce, re-use and re-cycle waste.
- Street scene services including street cleaning and the council's waste collection services.
- Leading on the Sustainability Strategy, biodiversity, energy, fuel poverty, water efficiency and improvements to waterways.
- Road safety, major traffic infrastructure, transportation and active travel.
- Protecting and enhancing Barnet's green spaces, including protection of the greenbelt.
- Environment Health services.

16. Portfolio Holder - Homes and Regeneration

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

- To provide new Council homes and develop partnerships with other housing providers for affordable homes.
- To adequately fund the repair and improvement of Council homes ensuring the viability and cost-effectiveness of the Housing Revenue Account.
- To engage and listen to council tenants and leaseholders to enhance and improve housing services.
- To develop policies to prevent homelessness and meet the needs of those at risk of or suffering homelessness.
- To lead on the strategic relationship with Barnet Homes and The Barnet Group.
- To lead on the adoption of the Local Plan and other planning policy documents
- To support the delivery of high-quality new housing of other tenures to meet local need in accordance with the Local Plan and promote development of specialist housing to meet particular needs.
- To promote quality in private sector housing, including through ensuring appropriate regulation of the private rented housing sector, and promoting private tenants' rights.
- To oversee implementation of the councils regeneration programmes in compliance with the Local Plan, including promoting the development of a Regional Park, working with other relevant Portfolio holders.

17. Portfolio Holder - Equalities and the Voluntary and Community Sector

17.1 To be responsible for the development and strategic direction of the Council's approach to Equalities, Diversity and Inclusion (EDI), and to be responsible for the strategic relationship with the Voluntary, Community, and Faith Sector, including:

- Leading the Council's Strategy to address all forms of inequality and compliance with the Equality Act 2010.
- Championing the Council's commitment to social inclusion and fairness, including representation on appropriate partnerships, boards and groups.
- Supporting the development of the Council's equalities framework and monitor progress to drive improvement and ensuring the Council promotes equality of opportunity in all its work.
- Leading on the Borough of Sanctuary.
- Ensuring an effective working relationship with voluntary, community, and faith sector organisations.