



HILLINGDON
LONDON



Council

To all Members of the
Council

Date: THURSDAY, 5 JULY 2012

Time: 7.30 PM

Venue: COUNCIL CHAMBER -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

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information.**

Published: Wednesday, 27 June 2012

Contact: Lloyd White, Head of
Democratic Services
Tel: 01895 556743
Fax: 01895 277373
Email: lwhite@hillington.gov.uk

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<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=117&Year=2012>

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



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Agenda

Prayers

To be said by the Mayor's Chaplain.

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- 2 Minutes 1 - 18
To receive the minutes of the meetings held on 23 February and 10 May 2012 (*attached*)
- 3 Declarations of Interest
To note any declarations of interest in any matter before the Council
- 4 Mayor's Announcements
- 5 Public Question Time 19 - 20
To take questions submitted by members of the public in accordance with Council Procedure Rule 10.
- 6 Report of the Head of Democratic Services 21 - 22
- 7 The Localism Act 2011 - A New Ethical Framework 23 - 84
To consider the adoption of a new Members' Code of Conduct
- 8 Members' Questions 85 - 86
To take questions submitted by Members in accordance with Council Procedure Rule 11
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To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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Agenda Item 2

Minutes

COUNCIL

23 February 2012

Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

Councillor Mary O'Connor (Mayor)
Councillor Michael Markham (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: Lynne Allen Bruce Baker Tim Barker Richard Barnes Josephine Barrett David Benson Jonathan Bianco Lindsay Bliss Sukhpal Brar Wayne Bridges Mike Bull Keith Burrows Paul Buttivant Judith Cooper Philip Corthorne Brian Crowe Peter Curling Catherine Dann Jazz Dhillon Janet Duncan</p> <p>Beulah East Neil Fyfe Sid Garg Roshan Ghei Dominic Gilham Raymond Graham Shirley Harper-O'Neill John Hensley Henry Higgins Patricia Jackson Phoday Jarjussey Sandra Jenkins Allan Kauffman Judy Kelly Peter Kemp Mo Khursheed Kuldeep Lakhmana Eddie Lavery Richard Lewis Anita MacDonald</p> <p>John Major Carol Melvin Douglas Mills Richard Mills John Morgan June Nelson Susan O'Brien David Payne Ray Puddifoot Andrew Retter John Riley David Routledge Avtar Sandhu Robin Sansarpuri Scott Seaman-Digby David Simmonds Brian Stead Michael White David Yarrow</p>
	<p>OFFICERS PRESENT: Hugh Dunnachie, Fran Beasley, Jean Palmer, Linda Sanders, Raj Alagh, Paul Whaymand, Nancy LeRoux, Lloyd White, Morgan Einon, Trevor Langworth and Nikki O'Halloran</p>
50.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillors Allam, G Cooper, Gardner and Harmsworth.</p>
51.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meeting held on 12 January 2012 be agreed as a correct record.</p>
52.	<p>DECLARATIONS OF INTEREST (<i>Agenda Item 3</i>)</p> <p>Councillor D Mills declared a personal interest in Agenda Item 7 – Council General Fund Revenue Budget and Capital Programme 2012/13, as being personally affected by the proposed High Speed 2 rail route, and stayed in the room during the</p>

	<p>consideration thereof.</p> <p>Councillor R Mills declared a personal interest in Agenda Item 7 – Council General Fund Revenue Budget and Capital Programme 2012/13, as a beneficiary of a trust relating to a property in the proximity of the proposed HS2 route, and remained in the room during the consideration thereof.</p> <p>Councillor Ghei declared a personal and prejudicial interest in Agenda Item 7 – Council General Fund Revenue Budget and Capital Programme 2012/13, as his wife worked for the Council, and left the room during the consideration thereof.</p>
53.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor welcomed all those present, particularly the journalism students from Brunel University.</p> <p>The Council was advised that, since the beginning of her Mayoralty, the number of events that had been attended by the Mayor and her representatives totalled 713. The Mayor had attended 608 of these events herself.</p> <p>A fun day was being held at Manor Farm on Saturday 14 April 2012 to raise money for the Mayor's charities. Members were encouraged to gain sponsorships to attend the event and either walk or run as far as they could to help raise funds during the day.</p>
54.	<p>REPORT OF THE HEAD OF DEMOCRATIC SERVICES (<i>Agenda Item 5</i>)</p> <p>Councillor Puddifoot moved the recommendations as set out on the Order of Business. The motion was seconded by Councillor Simmonds and it was:</p> <p>RESOLVED: That:</p> <ul style="list-style-type: none"> i) the Urgency decisions detailed in the report be noted; ii) the current Members' Allowances Scheme be revoked as of 31 March 2012 and the new Scheme for 2012/13 be approved as shown in Appendix A of the report for implementation from 1 April 2012; and iii) the amendments to the Constitution, as set out in the report, be agreed.
55.	<p>HOUSING REVENUE ACCOUNT SETTING 2012/13 (<i>Agenda Item 6</i>)</p> <p>Councillor Corthorne moved the recommendations as set out on the Order of Business. The motion was seconded by Councillor Bianco and it was:</p> <p>RESOLVED: That:</p> <ul style="list-style-type: none"> a) formula rents under the DCLG rent restructure policy be used to calculate HRA dwelling rents for 2012/2013. b) the average HRA rents, charges and allowances for 2012/13 be approved as set out in Tables A to D of the report. c) the HRA Budget for 2012/13 be approved as set out in Appendix 1 of the report. d) the proposed programme for works to the existing stock in 2012/13 – plus any additional budget from self financing be approved – as set out in Appendix 4 of the report.

56. **COUNCIL GENERAL FUND REVENUE BUDGET AND CAPITAL PROGRAMME 2012/13** (*Agenda Item 7*)

Councillor White moved and Councillor Retter seconded the suspension of Council procedure rule 14.4 to allow 15 minutes of speaking time each for the mover of the motion, the seconder, the principal speaker from the Labour Group and the seconder of the amendment (if required) to speak on the budget report.

RESOLVED: That the mover and seconder of the budget motion and the principal speaker from the Labour Group and the seconder of the amendment (if required) be allowed to speak for 15 minutes each on this item.

Councillor Bianco moved, and Councillor Puddifoot seconded, the budget recommendations, as set out in the Order of Business.

Councillor Khursheed moved, and Councillor Major seconded, the following amendment:

1. *That the Cabinet be invited to consider the Labour Group's amendments to the Cabinet's proposals set out in the Council Tax report and report back to Council. These amendments would result in a council tax requirement for 2012/13 of £111,555,651.*
2. *The proposals are based on the Cabinet's budget proposals as approved by Cabinet on 16 February 2012, subject to the following amendments:*

Labour Group Proposed Amendments	Budget 2011/12 (£000s)
Council Tax Requirement based on Cabinet Proposals	111,556
<i>Calculated from the Budget Requirement based on Cabinet proposals</i>	190,668
Budget Increases:	
<i>Re: PEECS 12-17 – Reinstatement of Planning Enforcement Officer</i>	48
<i>Recruit 5 additional Planning Enforcement Officers (Full year impact is 5 @ £47k, in 2012/13 only 9 month cost)</i>	176
<i>Retain Woodside Day Centre due for closure in Q4 – reduction in proposed savings</i>	149
Total Increases	373
Budget Reductions:	
<i>Reduce unallocated priority growth</i>	(373)
Total Reductions	(373)
Net Revenue Budget Changes	0
Labour Group Budget Requirement	190,668
Labour Group Council Tax Requirement to Council	111,556

Following debate (Councillors Barnes, Bianco, Corthorne, MacDonald and Puddifoot), the amendment was put to the vote and lost.

Following further debate (Councillors Barnes, Burrows, Corthorne, Curling, Gilham, Higgins, Lavery, D Mills, Retter, Seaman Digby and Simmonds), the original motion was put to the vote and:

RESOLVED: That:

1. the General Fund revenue budget proposals made by Cabinet be approved, resulting in a council tax requirement for 2012/13 of £111,555,651.
2. Council note that at its meeting on 12 January 2012 the Council calculated the amount of 100,236 as its Council Tax Base for the year 2012/13. This was calculated in accordance with Regulation 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax Base for the year (Item T in the formula in Section 31B (3) of the Local Government Finance Act 1992).
3. Hillingdon's own Council Tax be set at £1,112.93 for a Band D property. Taking into account the precept levied by the Greater London Authority, this results in an overall Band D Council Tax of £1,419.65 for the borough.
4. the following amounts be now calculated by the Council for the year 2012/13, in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (the Act):

a) £710,960,000 being the aggregate of the amounts that the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act. (Gross Expenditure including the amount required for additions to working balances).

b) £599,404,349 being the aggregate of the amounts that the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act. (Gross Income including reserves to be used to meet Gross Expenditure).

c) £111,555,651 being the amount by which the aggregate at 4 (a) above exceeds the aggregate at 4 (b) above. This is calculated by the Council in accordance with Section 31A(4) of the Act, as its council tax requirement for the year. (Item R under Section 31B of the Act).

d) £1,112.93 being the amount at 4 (c) above divided by Item T (2 above). This is, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year. (Council Tax at Band D for the Council).

e)

The London Borough of Hillingdon Council Tax			
Band A	Band B	Band C	Band D
£741.95	£865.61	£989.27	£1,112.93
Band E	Band F	Band G	Band H
£1,360.25	£1,607.57	£1,854.88	£2,225.86

being the amounts given by multiplying the amount at 4 (d) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D. This is calculated by the Council in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

5. Council note that for the year 2012/13 the Greater London Authority and its functional bodies have stated the following amounts in precepts. These have been issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwellings shown below:

The Greater London Authority Precept			
Band A	Band B	Band C	Band D
£204.48	£238.56	£272.64	£306.72
Band E	Band F	Band G	Band H
£374.88	£443.04	£511.20	£613.44

6. the Council has calculated the aggregate in each case of the amounts at 4(e) and 5 above. The Council in accordance with Section 30 and 36 of the Local Government Finance Act 1992 hereby sets the Council Tax for the year 2012/13 for each category of dwelling below:

Total Council Tax 2012/13			
Band A	Band B	Band C	Band D
£946.43	£1,104.17	£1,261.91	£1,419.65
Band E	Band F	Band G	Band H
£1,735.13	£2,050.61	£2,366.08	£2,839.30

7. the proposals for fees and charges set out in Appendix 7 of the report to Cabinet on 16 February 2012 are approved.
8. the Capital Programme be agreed as set out in Appendix 8 of the report.
9. the Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Statement for 2012/13 to 2014/15 be agreed as set out in Appendix 10 of the report.
10. the London Borough of Hillingdon Pay Policy Statement for 2012/13 be agreed as set out in Appendix 11 of the report.
11. the Council Tax Discount for Older People be retained at 4.87% of Hillingdon's element of the Council Tax.
12. Council note the Chief Finance Officers' comments regarding his responsibilities under the Local Government Act 2003.

	<p>13. Council authorises its Chief Finance Officer to approve all virements after 31 March 2012 relating to the 2011/12 financial year of any value beyond the levels currently delegated to Corporate Directors necessary to the closure of accounts, within the deadline set for the 2011/12 financial year.</p> <p>14. Council (as set out in Schedule C of the Constitution - Budget and Policy Framework Procedure Rules) resolves that Cabinet may utilise the general reserves or balances during the MTFF financial years 2012/13 to 2014/15 in respect of those functions which have been reserved to the Cabinet in Article 7 of the Constitution.</p> <p>15. Council confirm that the Council's basic amount of Council Tax for 2012/13 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 and therefore a referendum will not be triggered.</p> <p>16. Council note the decision by the GLA to grant London Borough of Hillingdon £2,735,731 funding from the Mayor's regeneration fund budgets during financial years 2012/13 and 2013/14 to carry out improvements to Ruislip Manor and Northwood Hills town centres. This decision was announced after publication of the Budget report to Cabinet on 16 February 2012.</p>
57.	<p>CANCELLATION OF MEETING DATE (<i>Agenda Item</i>)</p> <p>RESOLVED: That the Council meeting scheduled for 1 March 2012 be cancelled.</p>
	<p>The meeting, which commenced at 7.30 pm, closed at 9.05 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White, Head of Democratic Services on 01895 556743. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

Minutes

COUNCIL

10 May 2012

Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

Councillor Mary O'Connor (Mayor in the Chair – agenda items 1 to 3)
Councillor Michael Markham (Deputy Mayor – agenda items 1 to 3)

Councillor Michael Markham (Mayor in the Chair – agenda items 4 to 12)
Councillor Allan Kauffman (Deputy Mayor – agenda items 4 to 12)

MEMBERS PRESENT:

Councillors:	David Allam	Janet Duncan	Anita MacDonald
	Lynne Allen	Beulah East	John Major
	Bruce Baker	Neil Fyfe	Carol Melvin
	Tim Barker	Janet Gardner	Douglas Mills
	Richard Barnes	Sid Garg	Richard Mills
	Josephine Barrett	Dominic Gilham	John Morgan
	David Benson	Raymond Graham	Susan O'Brien
	Jonathan Bianco	Paul Harmsworth	David Payne
	Lindsay Bliss	Shirley Harper-O'Neill	Ray Puddifoot
	Sukhpal Brar	John Hensley	Andrew Retter
	Wayne Bridges	Henry Higgins	John Riley
	Mike Bull	Patricia Jackson	David Routledge
	Keith Burrows	Phoday Jarjussey	Avtar Sandhu
	Paul Buttivant	Sandra Jenkins	Robin Sansarpuri
	George Cooper	Allan Kauffman	Scott Seaman-Digby
	Judith Cooper	Judy Kelly	David Simmonds
	Philip Corthorne	Peter Kemp	Brian Stead
	Brian Crowe	Mo Khursheed	Michael White
	Peter Curling	Kuldeep Lakhmana	David Yarrow
	Catherine Dann	Eddie Lavery	
	Jazz Dhillon	Richard Lewis	

OFFICERS PRESENT: Hugh Dunnachie, Fran Beasley, Jean Palmer, Linda Sanders, Paul Whaymand, Raj Alagh, Lloyd White, Mark Braddock, Morgan Einon, Trevor Langworth and Nikki O'Halloran

1. **APOLOGIES FOR ABSENCE** (*Agenda Item 1*)

Apologies for absence were received from Councillors Ghei and Nelson.

2. **ELECTION OF MAYOR 2012/2013** (*Agenda Item 3*)

The Mayor thanked the Council for the opportunity that she had been afforded over the last 12 months. She and her escorts had personally attended 813 of the 953 mayoral events conducted during the year and she provided Council with some brief highlights of the mayoral year.

	<p>The Mayor thanked everyone that had been involved in fundraising for her charities: MIND, Riverside (Acute Unit), Woodlands (Alzheimer's and Dementia Unit) and CAMHS (Child and Adolescent Mental Health Services). She advised that £64,300 had been raised so far and that money was still coming in. In addition to raising funds, the Mayor had used the mayoral year to raise awareness of mental illness and educate people to reduce the stigma attached to it.</p> <p>During her term of office, the Mayor had given out 256 volunteer pins to volunteers from a range of organisations. She had also encouraged school children to attend the Citizenship Ceremonies held in the Council Chamber. As well as the Council being able to learn a lot from them, these pupils then went back to school and gave presentations at their assemblies about their experience.</p> <p>The Mayor thanked the following for their support and hard work during the course of her mayoralty: her family and friends; her Escorts (Miss Meares, Mr O'Connor and Mr McCarthy); Mr Arthur Preston; Father Philip Blandford and the church community; the Mayoral team; and the Council's events team.</p> <p>Nominations were invited for a Mayor to hold office for the 2012/2013 municipal year. Councillor Markham was nominated by Councillor D Mills and seconded by Councillor O'Brien. Councillor R Mills spoke in support. There were no further nominations.</p> <p>RESOLVED: That Councillor Markham be elected as Mayor for the municipal year 2012/2013.</p>
	<p>ADJOURNMENT FOR THE ROBING OF THE NEW MAYOR</p> <p><i>The Council adjourned for robing of the new Mayor at 7.50pm and reconvened at 8.01pm.</i></p>
3.	<p>ACCEPTANCE OF OFFICE BY THE MAYOR (<i>Agenda Item 4</i>)</p> <p>The newly elected Mayor signed the declaration of acceptance of office.</p>
4.	<p>APPOINTMENT OF DEPUTY MAYOR (<i>Agenda Item 5</i>)</p> <p>The Mayor informed the Council that he had appointed Councillor Kauffman as Deputy Mayor and advised that his Mayoress for the forthcoming year would be Mrs Rosemary Markham.</p> <p>RESOLVED: That the Deputy Mayor and the Mayoress for the year be noted.</p>
5.	<p>NEW MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 6</i>)</p> <p>The Mayor thanked the Council for the honour of being appointed as Mayor for such an exciting, diverse and dynamic Borough. He advised Members that his charities for the year would be Shooting Star Children's Hospice (which cared for more children from Hillingdon than any other London borough), Hillingdon Young Carers and Age UK Hillingdon. Furthermore, the Mayor intended to support all voluntary organisations and charities in Hillingdon, particularly those volunteers that gave so much to the Borough.</p>

6.	<p>VOTE OF THANKS TO OUTGOING MAYOR (<i>Agenda Item 7</i>)</p> <p>Councillor Puddifoot moved a vote of thanks to the retired Mayor, Councillor O'Connor, and her Escorts, Miss Elizabeth (Lily) Meares, Mr Paul O'Connor and Mr Tim McCarthy. This was seconded by Councillor Curling. Councillors Corthorne, Gilham, Khursheed and Retter spoke in support.</p> <p>The Mayor (Councillor Markham) presented the Past Mayor's badge to Councillor O'Connor and Past Mayor's Escort badges to Miss Meares, Mr O'Connor and Mr McCarthy.</p> <p>RESOLVED: That the vote of thanks to the outgoing Mayor, Councillor O'Connor, be agreed.</p>																		
7.	<p>LEADER'S APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL AND CABINET (<i>Agenda Item 8</i>)</p> <p>Councillor Puddifoot advised Members that the Deputy Leader and Cabinet positions would be filled as follows:</p> <table border="1" data-bbox="225 869 1161 1417"> <thead> <tr> <th>Position/Portfolio</th> <th>Councillor</th> </tr> </thead> <tbody> <tr> <td>Deputy Leader and Education and Children's Services</td> <td>David Simmonds</td> </tr> <tr> <td>Co-ordination and Central Services</td> <td>Scott Seaman-Digby</td> </tr> <tr> <td>Culture, Sport and Leisure</td> <td>Henry Higgins</td> </tr> <tr> <td>Finance, Property and Business Services</td> <td>Jonathan Bianco</td> </tr> <tr> <td>Improvement, Partnerships and Community Safety</td> <td>Douglas Mills</td> </tr> <tr> <td>Planning, Transportation and Recycling</td> <td>Keith Burrows</td> </tr> <tr> <td>Social Services, Health and Housing</td> <td>Philip Corthorne</td> </tr> <tr> <td>Cabinet Assistant to the Leader of the Council</td> <td>Allan Kauffman</td> </tr> </tbody> </table>	Position/Portfolio	Councillor	Deputy Leader and Education and Children's Services	David Simmonds	Co-ordination and Central Services	Scott Seaman-Digby	Culture, Sport and Leisure	Henry Higgins	Finance, Property and Business Services	Jonathan Bianco	Improvement, Partnerships and Community Safety	Douglas Mills	Planning, Transportation and Recycling	Keith Burrows	Social Services, Health and Housing	Philip Corthorne	Cabinet Assistant to the Leader of the Council	Allan Kauffman
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8.	<p>REPORT OF THE HEAD OF DEMOCRATIC SERVICES (<i>Agenda Item 9</i>)</p> <p>Councillor Puddifoot moved the recommendations as set out on the Order of Business. The motion was seconded by Councillor Simmonds and, following debate (Councillor Curling), it was:</p> <p>RESOLVED: That:</p> <ul style="list-style-type: none"> (i) the Urgency decisions detailed in the report be noted; (ii) the changes to the cabinet scheme of delegation, as set out in the report, be noted; and (iii) the changes to the Constitution, as set out in the report, be agreed. 																		
9.	<p>COMMITTEE ALLOCATIONS AND MEMBERSHIP 2012/2013 (<i>Agenda Item 10</i>)</p> <p>Councillor G Cooper moved that the proposals on memberships, as set out on the</p>																		

	<p>lilac coloured sheets, subject to Councillor Graham replacing Councillor R Mills on North Planning Committee and Councillor Barker being added as a Planning Committee substitute, be agreed. This was seconded by Councillor O'Brien.</p> <p>RESOLVED: That the Members be appointed to the Committees as set out in Appendix A of the minutes.</p>
10.	<p>POLICY OVERVIEW AND SCRUTINY COMMITTEES ANNUAL REPORT (<i>Agenda Item 11</i>)</p> <p>The Council received a report of the work covered by the Policy Overview and Scrutiny Committees in 2011/12. It was commended by Councillor Lewis and seconded by Councillor O'Brien.</p> <p>RESOLVED: That the Policy Overview and Scrutiny Committees' Annual Report 2011/2012 be endorsed.</p>
11.	<p>STATEMENT BY THE LEADER OF THE COUNCIL (<i>Agenda Item 12</i>)</p> <p>The Leader noted that everyone in the Chamber was aware of the difficult financial position faced by Europe and indeed a large part of the western world. As a country and as politicians, the causes of this could be debated and disagreed and the blame and responsibility could be apportioned – but it would not change what had happened. This country was massively in debt and local authorities were continuing to see reductions in funding for services and facilities.</p> <p>As a borough, Hillingdon was in a far stronger position than other local authorities which was as a result of a number of things: the right policies; a strong administration; good directors and heads of services; good management; and a frontline staff that any Council Leader would be proud of.</p> <p>The Leader noted that this had not always been the situation and stated that, over the years that he had been Leader of the Council, he had witnessed a sea change in professionalism and performance at all levels of service delivery. He went on to note that, earlier in the week, the Council's Chief Executive, Hugh Dunnachie, had announced his intention to retire at the end of the year. The Leader stated that the Chief Executive would leave with the good wishes of the Council and with thanks for a job well done.</p> <p>The Leader stated that the administration was passionate about putting residents first – but he believed that this was a driving force for every Member of Council, regardless of political party. Although they might come at it from different directions, the Leader believed that all Members were there to serve the residents of the Borough in varying capacities, ranging from Cabinet Members to those of both parties who served on the Council's planning, licensing and policy overview committees. He also acknowledged that many of these Councillors did a huge amount of work in their wards.</p> <p>As the new municipal year began, the Leader thanked all Members of Council for the service they gave as individuals to the Borough and its residents. In his twelve years as Leader of the Council, he noted that there had been seven Leaders of the opposition. He paid particular tribute to Councillor Mo Khursheed who had held that post for three of those years and noted that Councillor Khursheed had the respect of residents and most of the Conservative group and that he had a calm, professional and gentlemanly approach with a sense of reality rather than political knockabout.</p>

The Leader believed that Councillor Khursheed was his own man and a man of integrity. He went on to state that Councillor Khursheed had his respect and personal good wishes and noted that he had served his party and this Borough well.

With regard to the future for Hillingdon Council, the Leader announced that he had begun to formulate a plan to change the directorate structure last year, which, as well as resulting in fewer directors, would now also see a change in Chief Executive. What the Leader had not envisaged was the degree of upheaval to Council responsibilities that would be occurring in the coming year: changes to benefits, housing, education, health and the Localism Act which would all necessitate a review of director responsibilities.

These changes would have a knock on effect on the Cabinet portfolios and the make-up of the Cabinet, which in turn would lead to a review of the policy and overview function. Although the Council structure to date had served the organisation well, the Leader stated that the Council now needed to look to the next two years and beyond. He went on to advise that he intended to bring a proposed new structure to Council in September with the schemes of delegation and the necessary changes to Cabinet and scrutiny functions being formalised at the November Council meeting, along with the appointment of the new Chief Executive. It was anticipated that the new structure would function from 1 December 2012 and would be robust enough to take the Council through the next two years.

The Leader stated that the Mayor had tonight become the First Citizen of a Borough that was in a sound financial position with expertise and ability in place to continually adapt to the challenges that he was sure the Council would continue to face.

ANNEX A - COMMITTEE ALLOCATIONS AND MEMBERSHIP 2012/2013

The meeting, which commenced at 7.30 pm, closed at 8.35 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White, Head of Democratic Services on 01895 556743. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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ORDINARY COMMITTEES**EXECUTIVE SCRUTINY COMMITTEE 6(4-2)**

CONSERVATIVE	LABOUR
Lavery (Proposed Chairman)	Curling (Lead)
Riley (Proposed Vice-Chairman)	Harmsworth
Bridges	
Crowe	

Other Voting Members on Education issues only

Parent Governor (3)	Vacant
Church of England Diocesan Representative	Vacant
Roman Catholic Diocesan representative	Anthony Little

EXTERNAL SERVICES SCRUTINY COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
White (Proposed Chairman)	Jarjussey (Lead)
Gilham (Proposed Vice-Chairman)	Major
Barrett	
Fyfe	
Kemp	
Morgan	

EDUCATION & CHILDREN'S SERVICES POLICY OVERVIEW COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
Dann (Proposed Chairman)	Dhillon (Lead)
J. Cooper (Proposed Vice-Chairman)	Bliss
Benson	
Hensley	
O'Brien	
Riley	

Other Voting Members

Parent Governor (3)	Vacant
Church of England Diocesan Representative	Vacant
Roman Catholic Diocesan representative	Anthony Little

RESIDENTS' AND ENVIRONMENT SERVICES POLICY OVERVIEW COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
O'Brien (Proposed Chairman)	Lakhmana (Lead)
O'Connor (Proposed Vice-Chairman)	Nelson
Melvin	
Payne	
White	
Yarrow	

COMMITTEE MEMBERSHIP 2012/2013

CORPORATE SERVICES AND PARTNERSHIPS POLICY OVERVIEW COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
Lewis (Proposed Chairman)	East (Lead)
White (Proposed Vice-Chairman)	Allen
Fyfe	
Graham	
Melvin	
R. Mills	

SOCIAL SERVICES, HEALTH AND HOUSING POLICY OVERVIEW COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
J. Cooper (Proposed Chairman)	Major (Lead)
Kemp (Proposed Vice-Chairman)	Lakhmana
Benson	
Brar	
Jackson	
O'Connor	

SUBSTITUTES FOR SCRUTINY AND POLICY OVERVIEW COMMITTEES ARE ALL COUNCILLORS EXCEPT THOSE IN THE CABINET, GROUP LEADERS AND CHIEF WHIPS.

CENTRAL & SOUTH PLANNING COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
Hensley (Proposed Chairman)	Duncan (Lead)
J. Cooper (Proposed Vice-Chairman)	Sansarpuri
Bridges	
Fyfe	
Gilham	
Stead	

NORTH PLANNING COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
Lavery (Proposed Chairman)	Allam (Lead)
Kauffman (Proposed Vice-Chairman)	Dhillon
Graham	
Melvin	
Morgan	
Payne	

SUBSTITUTE MEMBERS OF PLANNING COMMITTEES (ALL PLANNING COMMITTEE MEMBERS TO BE SUBSTITUTES FOR EACH OTHER'S COMMITTEE PLUS:)

CONSERVATIVE		LABOUR	
Baker	G. Cooper	Allam	Ghei
Barker	Graham	Allen	Harmsworth
Barrett	Jackson	Bliss	Lakhmana
Benson	O'Brien	Dhillon	Major
Brar	Routledge	Duncan	Nelson
Bull	White	East	Sansarpuri
Buttivant			

COMMITTEE MEMBERSHIP 2012/2013

PENSIONS COMMITTEE 6 (4-2)

CONSERVATIVE	LABOUR
Corthorne (Proposed Chairman)	Harmsworth (Lead)
Lewis (Proposed Vice-Chairman)	Duncan
Graham	
Simmonds	
Substitutes	Substitutes
Barrett	East
G. Cooper	
Fyfe	
Kemp	

Advisory Members

UNISON	tbc
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APPOINTMENTS COMMITTEE 6 (4-2)

CONSERVATIVE	LABOUR
Puddifoot (Proposed Chairman)	Curling (Lead)
Simmonds (Proposed Vice-Chairman)	Harmsworth
Burrows	
D. Mills	
Substitutes	Substitutes
Bianco	Allam
J. Cooper	Dhillon
Corthorne	Duncan
Higgins	East
Jenkins	Jarjussey
Lavery	Major
Seaman-Digby	

REGISTRATION & APPEALS COMMITTEE 6 (4-2)

CONSERVATIVE		LABOUR	
G. Cooper (Proposed Chairman)		Allen (Lead)	
Hensley (Proposed Vice-Chairman)		Curling	
Lewis			
R. Mills			
Substitutes		Substitutes	
Barrett	Kemp	Allam	Harmsworth
Bianco	Lavery	Bliss	Jarjussey
Bridges	D. Mills	Dhillon	Lakhmana
Burrows	Payne	Duncan	Major
Corthorne	Puddifoot	East	Nelson
Dann	Seaman-Digby	Gardner	Sandhu
Higgins	Simmonds	Ghei	Sansarpuri
Jenkins	Stead		

SUBSTITUTES ON THIS COMMITTEE MAY COMPRISE CABINET MEMBERS FOR THE PURPOSES OF BEING MEMBERS OR SUBSTITUTE MEMBERS OF THE THREE SUB-

COMMITTEE MEMBERSHIP 2012/2013

COMMITTEES, BUT NO CABINET MEMBERS SHOULD SIT AS MEMBERS OF THE MAIN REGISTRATION AND APPEALS COMMITTEE

OTHER COMMITTEES / PANELS (OUTSIDE THE OVERALL CALCULATION BUT ALLOCATED ON THE BASIS OF OVERALL POLITICAL BALANCE)

STANDARDS COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
Riley (Lead)	Curling (Lead)
Barrett	Harmsworth
Corthorne	
Dann	
Hensley	
Lewis	
Substitutes	Substitutes
Barnes	Allam
Graham	Dhillon
Gilham	Duncan
Harper-O'Neill	East
Kelly	Major
Kemp	

Independent Members (3)

Mr Allan Edwards (Proposed Chairman)
Mr Malcolm Ellis (Proposed Vice-Chairman)
Mr James Keys

AUDIT COMMITTEE 4(3-1)

CONSERVATIVE	LABOUR
G. Cooper (lead)	Harmsworth (Lead)
Graham	
Lewis	
Substitutes	Substitutes
Crowe	Jarjussey
Hensley	East
R. Mills	

Independent Member (1)

Mr John Morley (Proposed Chairman)

LICENSING COMMITTEE 10 (8-2)

CONSERVATIVE	LABOUR
Retter (Proposed Chairman)	Allen (Lead)
Barrett (Proposed Vice-Chairman)	Gardner
Bull	
Kelly	
Kemp	
Melvin	
Payne	
Stead	

N.B. NO SUBSTITUTES ALLOWED FOR LICENSING COMMITTEE

COMMITTEE MEMBERSHIP 2012/2013

HILLINGDON DOMESTIC VIOLENCE ACTION FORUM 3 (2-1)

CONSERVATIVE	LABOUR
O'Connor (Proposed Chairman).	Gardner (Proposed Vice-Chairman)
Melvin	
Substitutes	Substitutes
Brar	Curling

SUB-COMMITTEE MEMBERSHIPS TO BE AGREED BY THE PARENT COMMITTEE IMMEDIATELY FOLLOWING THE END OF THE ANNUAL GENERAL MEETING

APPOINTMENTS SUB-COMMITTEE 4 (3-1)

CONSERVATIVE	LABOUR
D. Mills	Curling (Lead)
Puddifoot	
Simmonds	
Substitutes	Substitutes
Bianco	Allam
Burrows	Dhillon
Corthorne	Duncan
Higgins	East
Jenkins	Jarjussey
Seaman-Digby	Major

INVESTIGATING AND DISCIPLINARY SUB-COMMITTEE (SENIOR OFFICER) 4 (3-1)

CONSERVATIVE	LABOUR
D. Mills	Curling (Lead)
Puddifoot	
Simmonds	
Substitutes	Substitutes
Bianco	Allen
Burrows	Duncan
Corthorne	Harmsworth
Higgins	Major
Jenkins	
Seaman-Digby	

APPEALS SUB-COMMITTEE (SENIOR OFFICER) 4 (3-1)

CONSERVATIVE	LABOUR
To be appointed as required.	Curling (Lead)

GRIEVANCE SUB-COMMITTEE (SENIOR OFFICER) 4 (3-1)

CONSERVATIVE	LABOUR
To be appointed as required.	Curling (Lead)

PENSIONS COMMITTEE INVESTMENT STRATEGY SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
Corthorne (Proposed Chairman).	Harmsworth (Lead)
Lewis	

COMMITTEE MEMBERSHIP 2012/2013

LICENSING SUB-COMMITTEE (NORTH) 5 (4-1)

CONSERVATIVE	LABOUR
Retter (Proposed Chairman)	Allen (Lead)
Payne	
Kelly	
Melvin	

LICENSING SUB-COMMITTEE (SOUTH) 5 (4-1)

CONSERVATIVE	LABOUR
Barrett (Proposed Chairman)	Gardner (Lead)
Bull	
Kemp	
Stead	

ALL MEMBERS OF LICENSING SUB-COMMITTEES MUST ALSO BE MEMBERS OF THE LICENSING COMMITTEE. SUBSTITUTES FOR LICENSING SUB-COMMITTEES - ANY MEMBER OF THE LICENSING COMMITTEE

STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
Barrett	Duncan
Hensley	

Independent Member (1)

Mr Malcolm Ellis (Proposed Chairman)

STANDARDS COMMITTEE REVIEW SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
Riley	Harmsworth
Dann	

Independent Member (1)

Mr James Keys (Proposed Chairman)

STANDARDS COMMITTEE HEARINGS SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
Corthorne	Curling
Lewis	

Independent Member (1)

Mr Allan Edwards (Proposed Chairman)

QUESTIONS FROM MEMBERS OF THE PUBLIC

5.1 QUESTION FROM MRS ANILA HASHIM OF HILLSIDE ROAD, NORTHWOOD HILLS TO THE CABINET MEMBER FOR FINANCE, PROPERTY AND BUSINESS SERVICES - COUNCILLOR BIANCO

What are the Council's plans for the empty properties in the Borough of Hillingdon, whether private or council owned?

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

(i) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5 day call-in provided there is agreement from the Chairman of the Executive Scrutiny Committee to waive this. All such decisions are to be reported for information only to the next full Council meeting.
2. Recently the following decisions have been made using the urgency procedures:
 - A decision taken on 30 May 2012 under special urgency rules by the Cabinet Member for Finance, Property and Business Services to appoint McAfee Strategic Security Services and;
 - A joint decision taken on 26 June 2012 under urgency rules by the Cabinet Members for Finance, Property and Business Services and Co-ordination and Central Services in respect of the West Drayton Cricket Club and Site.

(ii) MEMBERSHIP OF COUNCIL COMMITTEES 2012/2013

RECOMMENDATION: That the changes to the membership of Committees as shown below be approved:

Upon the nomination of the Conservative Group:

- **External Services Scrutiny Committee – Councillor Kelly to replace Councillor Morgan and Councillor Hensley to replace Councillor Fyfe.**

Upon the nomination of the Labour Group:

- **Residents' and Environment Services Policy Overview Committee – Councillor Allen to replace Councillor Nelson;**
- **Corporate Services and Partnerships Policy Overview Committee – Councillor Bliss to replace Councillor Sansarpuri;**
- **Social Services, Health and Housing Policy Overview Committee – Councillor Nelson to replace Councillor Lakhmana;**
- **Central & South Planning Committee – Councillor Duncan to replace Sansarpuri and Councillor Khursheed to be shown as the Labour Group Lead;**
- **Registration & Appeals Committee – Councillor Sansarpuri to replace Councillor Curling.**

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THE LOCALISM ACT 2011 – A NEW ETHICAL FRAMEWORK

Reporting Officers: Borough Solicitor and Head of Democratic Services

SUMMARY

1. Council is asked to give consideration to the recommendations of the Standards Committee regarding the adoption of a new ethical framework for the Council in light of the provisions of the Localism Act 2011 ["the Act"]. The Act makes a number of significant changes to the current ethical framework for Members and co-opted members of local authorities and these provisions of the Act come into force on 1 July 2012.
2. On 13 June 2012 the Standards Committee considered a report which set out a proposed new ethical framework, including a new Code of Conduct for Hillingdon Members and co-opted members, which the Committee resolved to recommend to full Council for adoption along with a number of existing documents which have been amended to take into account the changes made by the Act.

RECOMMENDATIONS: That Council:

- a) **note the recommendations of the Standards Committee detailed in the report and approve, w.e.f 1 July 2012, the adoption of a new Code of Conduct for Hillingdon Members and co-opted members in the form set out at Appendix 1, including the Whips' Protocol at Appendix 2;**
- b) **agree to the abolition of the existing Standards Committee and sub-committees and the appointment of a new Standards Committee with Terms of Reference and Procedure Rules as set out in Appendices 4 and 5.**
- c) **appoint the following as Members of the Committee for the remainder of the Municipal Year:**

Conservative: Councillors Riley (proposed Chairman), Corthorne, Hensley and Lewis
Substitutes: Councillors Barrett and Dann

Labour: Councillor Harmsworth (Labour)
Substitute: Councillor East.
- d) **approve a SRA of £3,000p.a to be paid to the Chairman of the Standards Committee to be incorporated into the Scheme of Members' Allowances 2012/13.**
- e) **agree the amendments to the associated documents set out at Appendices 3, 7 & 8;**
- f) **note the expressions of interest received for the role of Independent Person (Appendix 6) and agree to appoint Mr Allan Edwards to that role until 30 June 2013 in recognition of the experience he has gained as former Chairman of the Standards Committee and that he be paid a SRA of £1,500**

in recognition of the significance of the role – the payment to be incorporated into the Scheme of Members' Allowances 2012/13.

- g) agree to review the effectiveness of the new ethical framework in 12 months time.**

BACKGROUND INFORMATION

Duty to Promote and Maintain High Standards of Conduct

3. Section 27 of the Act requires the Council to promote and maintain high standards of conduct by its Members and co-opted members and in discharging this duty, it must adopt a code of conduct. The Council can either revise its existing code or adopt a replacement code.
4. The Act is much less prescriptive than the Local Government Act 2000 in terms of what a code of conduct must contain and this is exemplified by the fact that that it has dispensed with the requirement that the Council must adopt a national model code.
5. However, Section 28 of the Act requires that any code which is adopted by the Council has to be consistent with the following seven principles [commonly know as the Nolan principles of standards in public life]:
 - selflessness;
 - integrity;
 - objectivity;
 - accountability;
 - openness;
 - honesty;
 - leadership.
6. Furthermore, a code has to provide for what the Council considers appropriate in respect of the registration in its register and disclosure of both pecuniary and non-pecuniary interests.

A Proposed New Code of Conduct

7. The Standards Committee agreed that any new Code should be 'minimalist' in nature and based on the Nolan principles. Both the DCLG and the LGA have issued suggested codes for use by local authorities. The DCLG version is the more minimalist of the two, being less prescriptive and cumbersome than the LGA model. A code based on the DCLG code is attached as Appendix 1 and is being recommended for adoption by the Standards Committee.
8. The Government has very recently issued the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which set out the definition of pecuniary Interests to be included in Part 2 of the proposed new Code of Conduct. The requirements for notification and disclosure of such interests are also set out in Part 2. It is now a criminal offence under the Act for a Member or co-opted member, without reasonable excuse, to fail to give notification of a pecuniary interest or fail to disclose it.

9. Subject to the approval of the Code by Council, all Members will be required to indicate in writing within 28 days, that they will agree to abide by its contents. In addition all Members will be required within the same timescale to complete a Register of Disclosable and other interests form for the publicly available Register. The Head of Democratic Services will write to all Members immediately after Council setting out these requirements.

A New Complaints Procedure

10. The Standards Committee noted the extremely limited range of sanctions available under the new regime which can be imposed against Members or co-opted members who have been found to have breached the new code of conduct.
11. Furthermore, under the new regime Hillingdon will wish to avoid as far as possible in having to deal formally with a proliferation of complaints which are time-consuming, potentially expensive and distressing for the Members concerned. Therefore, a Whips Protocol has been developed, which is attached as Appendix 2, which is designed to deal with the majority of complaints made by both Hillingdon Members and members of the public. The Protocol has been drafted with input from Members of both political groups and it is intended to be the precursor to the formal complaints process and will be the first port of call when complaints are made against Members and co-opted members.
12. The Act requires the Council to have in place arrangements under which firstly, complaints can be investigated and secondly, decisions on complaints can be made. In spite of the existence of the Protocol, there will still be a number of complaints which will be subject to the formal process. Therefore, the current Members' Code of Conduct complaint form, which is attached as Appendix 3, has been amended to bring it up to date.
13. The Act no longer makes it a requirement to have a Standards Committee in place. Members of the Standards Committee are, however, unanimously in favour of retaining this Committee. They are also of the view that that the Standards Committee should largely retain its current terms of reference and should continue to have a process in place to deal with complaints against Members and co-opted members.
14. It is recommended that the three Sub-Committees which have been set up by the Standards Committee [the Assessment, Review and Hearings Sub-Committees] should be abolished and that under the new system, the Standards Committee itself will both assess and hear complaints against Members and co-opted members. It is also proposed that its membership will reduce from 9 to 5 to facilitate this new role for the Committee. A copy of the revised terms of reference and procedure rules for the Standards Committee are attached as Appendices 4 & 5.

Independent Person

15. The Act envisages a new role for an Independent Person, set out in section 28[7], which states that there must be provision for the appointment by an authority of at least one Independent Person whose views are to be sought and taken into account in relation to the conduct of a Member or co-opted member of the authority.

16. The Act originally barred existing Standards Committee members who within the last five years have been a Member, co-opted member or officer of the authority in question from being appointed as the Independent Person.
17. However, the Government has recently made transitional provisions allowing an authority to appoint a person as an Independent Person who, although not a member or chairman of a Standards Committee at the time of appointment [or thereafter] has held such a post within the last five years. This transitional provision would apply for the first year of the new arrangements [i.e. until 30 June 2013] and any person appointed under the transitional provisions would be able to continue to hold office after the transitional period, for whatever term the Council saw fit.
18. The retained Independent Person would not be a member of the Standards Committee but provision would be made for Standards Committee Members to consult with him in the event that a formal complaint is made against a Hillingdon Member or co-opted member.
19. The Act requires that any such appointment be made after the position has been advertised to the general public. Accordingly, the Monitoring Officer has invited, through advert, expressions of Interest for the role of Independent Person. Two such expressions have been received and are attached at Appendix 6 for Members' consideration.

The Planning Code of Conduct for Members

20. Two main changes have been made to this document which is attached as Appendix 7. Firstly, the reference to personal and prejudicial interests which exist in the current Code have been deleted and have been replaced by disclosable pecuniary interests. Secondly, under the heading 'Fettering discretion in the planning process', the new provisions on predetermination introduced by the Act have been inserted.

The ICT Usage Policy for Members

21. A copy of the amended Policy is attached as Appendix 8. There are two main changes to this Policy. Firstly, a number of existing provisions within the current Members' Code of Conduct have been deleted. Secondly, there is a new paragraph, which has been lifted from paragraph 4[7] of the proposed new Code which deals with the prohibition of the use of Council resources for party political purposes, particularly in an election period, unless a Member or co-opted member pays for the use of the resources at a rate agreed by the Council.

Financial Implications

22. There are no specific financial implications arising from this report. However, the adoption of a Whips Protocol will hopefully assist in resolving complaints without having to resort to expensive, independent investigations.

Legal Implications

23. The legal implications are contained in the body of the report.

Background Papers: Localism Act 2011; Code of Conduct for Members.

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**CODE OF CONDUCT FOR MEMBERS
AND CO-OPTED MEMBERS
OF THE LONDON BOROUGH OF HILLINGDON**

**ADOPTED PURSUANT TO A RESOLUTION OF THE COUNCIL
AT A MEETING ON 5 JULY 2012**

Part 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to you as a Member or co-opted member of the London Borough of Hillingdon ["the authority"]
- (2) Co-opted member means a person who is not a Member of the authority but who:-
 - a) is a member of any committee or sub-committee of the authority; or
 - b) is a member of, and represents the authority, on any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- (3) It is your responsibility to comply with the provisions of this Code.

Scope

2. (1) You must comply with this Code whenever you act in your official capacity as a Member or co-opted member.
- (2) For the avoidance of doubt, this Code does not apply to you in any other circumstances including your personal life.

The Nolan principles

3. This Code is consistent with the following seven principles of standards in public life:
 - selflessness;
 - integrity;
 - objectivity;
 - accountability;
 - openness;
 - honesty;
 - leadership.

General obligations

4. (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person. Conferring an advantage includes gaining financial or other material benefits for yourself, your family, a friend or close associate.
- (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (3) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (4) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (5) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (6) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 2 below.
- (7) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for party political purposes (especially in the period between the publication of a Notice of Election and the election date, known as the 'purdah' period). However, this paragraph will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the authority. You must have regard to any applicable Local authority Code of Publicity made under the Local Government Act 1986.
- (8) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Part 2

Registering and declaring pecuniary and non-pecuniary interests

5. (1) In accordance with Section 30 of the Localism Act 2011, you must, within 28 days of taking office as a Member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

The pecuniary interests which are specified in the above regulations are as follows:

Subject:	Prescribed Description:
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member, or co-opted member in carrying out their duties as a Member or co-opted member, or towards the election expenses of a Member or co-opted member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's or co-opted member's knowledge)—

Securities

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Any beneficial interest in securities of a body where—
(a) that body (to the Member's or co-opted member's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (2) In addition, you must, within 28 days of taking office as a Member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the authority has decided should be included in the register.
- (3) If an interest has not been entered onto the authority's register, then the Member or co-opted member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. A 'Sensitive Interest' is one where disclosure of the details of the interest could lead to the Member or co-opted member, or a person connected with the Member or co-opted member, being subject to violence or intimidation.
- (4) Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by the above Regulations. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary interest or non pecuniary interest as defined by your authority.

**PROTOCOL FOR HANDLING COMPLAINTS
MADE AGAINST MEMBERS
OF THE
LONDON BOROUGH OF HILLINGDON**

1. INTRODUCTION

- 1.1 As part of the provisions of the Localism Act 2011, the London Borough of Hillingdon ('the Council') formally adopted a Revised Code of Conduct for Members (the Code). at a meeting of full Council held on 5 July 2012 of which this Protocol forms a part.
- 1.2 All Council Members have undertaken in writing to observe the Code and also, upon election to the Council, new Members attend training provided by the Borough Solicitor and Monitoring Officer and the Head of Democratic Services and Deputy Monitoring Officer in relation to the Code.
- 1.3 As part of the adoption of the Code the Council has approved this Protocol ('the Whips' Protocol') for the initial handling of complaints:
a) by Members against fellow Members and
b) by members of the public (including officers) against Members
- 1.4 It should be emphasised that the purpose of this Protocol is not to take away the right of a Member or a member of the public to complain to the Monitoring Officer; instead, its purpose is to set out for those individuals who are thinking of making a complaint against a Member, a number of informal steps which they should follow before escalating their complaint to the Monitoring Officer.
- 1.5 The standard form used to make a complaint to the Monitoring Officer includes a section which those persons who wish to make a complaint will be required to complete in order to demonstrate that they have exhausted the informal process first.

2. THE TERMS OF THE PROTOCOL

The First Stage - Informal referral to the Chief Whip

- 2.1 **Complaints from Members:** Any complaint from a Member about the conduct of another Member (the 'Subject Member'), should be taken up in the first instance with the Chief Whip of the Group to whom the Subject Member belongs. The relevant Chief Whip, in conjunction with the Leader of the Group, will be responsible for asking for details about the complaint and will carry out a preliminary investigation to determine if the complaint is valid. The Chief Whip, in conjunction with the Leader of the Group, will explore every possibility, which can include liaison with the Chief Whip of the complainant Member's Group, of finding a mutually acceptable resolution of the complaint if he / she determines that it is valid.

- 2.2 **Complaints from the public (including officers):** A member of the public wishing to make a complaint about an elected Member will be advised that, in the first instance, their complaint should be taken up with the Chief Whip of the Subject Member's Group. The relevant Chief Whip, in conjunction with the Leader of the Group, will be responsible for asking for details about the complaint and will carry out a preliminary investigation with the agreement of the complainant, to determine if the complaint is valid. The Chief Whip, in conjunction with the Leader of the Group, will explore every possibility, of finding a mutually acceptable resolution of the complaint if he / she determines that it is valid.

The Second Stage

- 2.3 **Complaints from Members:** In the event that an acceptable resolution of the complaint cannot be found, the aggrieved Member should seek appropriate advice from the Monitoring Officer or Deputy Monitoring Officer as to whether the conduct in question is capable of amounting to a breach of the Code. They should be prepared to provide any necessary evidence in support of their complaint. At this stage, the Monitoring Officer or Deputy Monitoring Officer can ask the Chief Whip who carried out the preliminary investigation for copies of any relevant information which he/she has obtained in order to assist them.
- 2.4 **It is not the role of either the Monitoring Officer or Deputy Monitoring Officer to advise at this stage whether the Code has actually been breached** as this is ultimately a function which falls within the sole remit of the Standards Committee.
- 2.5 However, if having reviewed the evidence, the Monitoring Officer or Deputy Monitoring Officer take the view that there is a prima facie breach of the Code, they should advise the respective Chief Whips, the aggrieved Member and the Subject Member accordingly. In these circumstances, the aggrieved Member should either directly, or through his/her Chief Whip, contact the Subject Member and seek an appropriate and immediate remedy.
- 2.6 In order to maintain the integrity of this Protocol at all times, it is imperative that all Members observe the principle that they should not approach the Monitoring Officer or the Deputy Monitoring Officer in relation to matters which have no substance and which could be construed as being vexatious, tit for tat, politically motivated or frivolous.
- 2.7 **Complaints from the public (including officers):** In the event that an acceptable resolution of the complaint cannot be found, the complainant will be informed that he or she can seek appropriate advice from the Monitoring Officer or Deputy Monitoring Officer as to whether the conduct in question is capable of amounting to a breach of the Code. They should be prepared to provide any necessary evidence in support of their complaint. At this stage, the Monitoring Officer or Deputy Monitoring Officer can ask the Chief Whip who carried out the preliminary investigation for copies of any relevant information which he/she has obtained in order to assist them.
- 2.8 As in 2.4 above, **it is not the role of either the Monitoring Officer or Deputy Monitoring Officer to advise at this stage whether the Code has actually been**

breached as this is ultimately a function which falls within the sole remit of the Standards Committee.

- 2.9 However, if having reviewed the evidence, the Monitoring Officer or Deputy Monitoring Officer take the view that there is a prima facie breach of the Code, they should advise the relevant Chief Whip, the complainant and the Subject Member accordingly. In these circumstances, the complainant should, through the relevant Chief Whip, contact the Subject Member and seek an appropriate and immediate remedy.

The Third Stage

- 2.10 **Complaints from Members**: Should the matter not be resolved at Stage Two, the Monitoring Officer or Deputy Monitoring Officer will approach the respective Chief Whips, the aggrieved Member and the Subject Member to explore whether the Members are prepared to take part in a mediation/conciliation process which will be facilitated by a suitably qualified independent person. The purpose of this process will be to try to agree a mutually acceptable resolution of the complaint.
- 2.11 **Complaints from the public (including staff)**: Should the matter not be resolved at Stage Two, the same process as detailed in 2.10, will be followed.

3. SANCTIONS AND FURTHER ACTION

- 3.1 The process of referring complaints to the Group Whips may result in disciplinary action being taken against the Subject Member in accordance with the relevant Group Rules.
- 3.2 Should the process detailed above not result in the resolution of the complaint, then the complaint may be referred to the Monitoring Officer for consideration as part of the Council's formal Members' Code of Conduct complaints process.
- 3.3 In such cases the aggrieved Member / complainant will be required to include a statement to the Standards Committee as to why they have chosen to escalate the complaint to the formal stage and why the outcome of the process described above did not resolve it.
- 3.4 Should a complaint be resolved as a result of this Protocol process it shall not be open to the aggrieved Member / complainant submitting the original complaint to further submit the same complaint against the same Member to the Monitoring Officer at a later date.

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HILLINGDON

LONDON

APPENDIX 3

MEMBERS' CODE OF CONDUCT COMPLAINT FORM

1. How To Make A Complaint

If you wish to make a complaint about the conduct of an elected Member or co-opted member of the London Borough of Hillingdon, please do so by completing this form. Complaints must be submitted in writing on the prescribed form. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible by using the contact details at the end of this form.

2. What Happens to My Complaint?

As a part of the formal complaints procedure, Hillingdon Council has adopted a protocol (appended to the back of this form), which allows for all complaints against elected Members to be considered initially by the Chief Whip of the Party Group to whom the Member whose conduct is being complained about, belongs.

The purpose of this Protocol is to set out for those persons who are thinking of making a complaint, a number of informal steps which they should follow before escalating their complaint to the Monitoring Officer.

Once the informal process has been exhausted, adjudication of allegations of misconduct against Members of the Council are undertaken in accordance with procedures as set out in the Council's Standards Committee Procedure Rules which can be found in Part 4, Schedule J of the Council's Constitution:

<http://www.hillingdon.gov.uk/index.jsp?articleid=7604>

The Standards Committee has a two stage process for the assessment and adjudication of complaints as follows:

- the Committee will meet to make an initial assessment of your complaint and decide if it is valid;
- the Committee will then meet to conduct a Hearing into the complaint, if appropriate, and determine if action is required.

You will be entitled to attend and speak at the Hearing stage but not at the assessment stage. You will, however be entitled to submit written representations to the Committee in support of the complaint.

The Standards Committee will normally aim to complete the initial assessment of your complaint within 20 working days and will notify you in writing of the result within 5 working days. At that time you will also be notified of the procedures to be followed should further action be required.

For more details of the procedure please contact the Monitoring Officer whose details can be found at the end of this form.

3. Your details

Please provide us with your name and contact details. **Please note** that your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we will tell the following people that you have made this complaint:

- the Council Member(s) you are complaining about.
- the Monitoring Officer and Deputy Monitoring Officer of the Council.
- The Chief Whip of the Party Group to whom the Council Member(s) you are complaining about belong(s)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about this information being released then please complete section 5 of this form.

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	
Date:	

Please tell us which describes you best:

- Member of the public
- An elected or co-opted Member of a local authority
- An independent member of the standards committee
- Member of Parliament
- Local authority Monitoring Officer
- Other council officer or authority employee
- Other ()

4. Your Complaint

Please provide us with the name of the Council Member(s) you believe have breached the Code of Conduct.

Title	First name	Last name

Please explain in the next section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account when consideration is given to any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged mis-conduct and provide their names and contact details if possible.
- You should provide any relevant background information or supporting documentation.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

5. If your complaint has been dealt with through the informal Whips' Protocol but you are dissatisfied with the outcome, please state that outcome below and why you wish to refer your complaint to the Monitoring Officer:

6. Equal Opportunities Monitoring Information

Hillingdon Council is committed to providing equality of opportunity to all. To assist the Council in monitoring the effectiveness of its policies would you please complete the following. Thank you for your assistance.

This information is confidential and does not form part of your complaint. It is kept separate from your complaint and is not taken into account when making any decisions about the complaint.

Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Please select the age grouping to which you belong:	<input type="checkbox"/> Under 18 <input type="checkbox"/> 18 – 24 <input type="checkbox"/> 25 – 34 <input type="checkbox"/> 35 – 44 <input type="checkbox"/> 45 – 54 <input type="checkbox"/> 55 - 64 <input type="checkbox"/> over 65
Do you consider yourself to be disabled? (The Disability Discrimination Act 1995 defines a disabled person as someone with a physical or mental impairment which has a substantial and long term effect on his or her ability to carry out normal day-to-day activities.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
To which of these ethnic groups do you belong? (This is not a question about your nationality or place of birth, but your ethnic origins). Please select only one	<input type="checkbox"/> Asian or Asian British <input type="checkbox"/> White British <input type="checkbox"/> European <input type="checkbox"/> Black or Black British <input type="checkbox"/> Mixed <input type="checkbox"/> Chinese or other ethnic group

Once complete, please return this form to:

Raj Alagh, Monitoring Officer
London Borough of Hillingdon
The Civic Centre
High Street
Uxbridge, UB8 1UW

Or email: ralagh@hillingdon.gov.uk

Appendix

WHIPS' PROTOCOL

(to be inserted here)

ARTICLE 9 – THE STANDARDS COMMITTEE

9.01 Standards Committee

The Council has established a Standards Committee. Its functions are not within the remit of the Cabinet.

9.02 Membership

5 Council Members not including the Leader of the Council. The Committee will be politically balanced.

9.03 Terms of Reference

- (a) To promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives;
- (b) To assist Councillors, Co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;
- (c) To monitor the operation of the Members' Code of Conduct;
- (d) To grant dispensations to Councillors, Co-opted Members, Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
- (e) To consider and hear allegations into the alleged misconduct of Members.
- (f) To oversee the operation of the Officers' Code of Conduct
- (g) To consider periodic reports on a range of standards and ethics indicators
- (h) To consider appeals from staff concerning designations of Politically Restricted Posts under the Local Democracy, Economic Development and Construction Act 2009

9.04 Complaints

In the event that the Standards Committee is required to adjudicate on any issue coming before it, (including in particular, complaints of misconduct against Members or co-opted members of the Council), any such adjudication will be undertaken in accordance with procedures as set out in the Standards Committee Procedure Rules which can be found in Part 4, Schedule J of the Constitution.

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**STANDARDS COMMITTEE
PROCEDURE RULES – SCHEDULE J**



1. INTRODUCTION

- 1.1 Any complaints of misconduct against Members (this definition includes co-opted members) should be made to the Monitoring Officer of the Council.
- 1.2 In accordance with the Protocol for handling complaints against Members, the Monitoring Officer may initially refer the complaint to the appropriate Whips' office for consideration.

The Monitoring Officer may also refer the complaint to the Standards Committee who will determine the complaint in accordance with the procedures set out in this Schedule.

Interpretation

- 1.3 'Subject Member' means the Member of the Council who is the subject of an allegation which has been made.
- 1.4 'Investigator' means the Monitoring Officer or his or her nominated representative appointed to carry a full investigation into the circumstances surrounding the complaint.
- 1.5 'Legal advisor' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.
- 1.6 For the purpose of these Rules, 'misconduct' means any conduct by a Member, which is in breach of the Revised Code of Conduct adopted by the Council on 5 July 2012
- 1.7 'Independent member' means a person appointed by the Council under the terms of the Localism Act 2011, who will attend meetings of the Standards Committee in a non-voting capacity, when the Committee is meeting to consider any complaints of misconduct against Members or co-opted members.

2. MAKING A COMPLAINT

- 2.1 In order that members of the public are aware of the procedures for making a complaint against a Member of the Council, the Council will publicise its complaints system:

- on its website;
 - within its own newspaper;
 - in local libraries and other public areas.
- 2.2 Should any subsequent changes be made to the system, then these will be publicised in a similar manner.
- 2.3 All complaints should be made in writing on the prescribed form (subject to the requirements of the Disability Discrimination Act 2000) and should specify:
- The complainant's name, address and other contact details;
 - The complainant's status e.g. member of the public, Councillor, officer etc;
 - Who the complaint is about and to which authority the Member in question belongs;
 - Full details of the alleged misconduct including where possible dates, witness details and any other supporting information;
 - Equality monitoring data if applicable.
- 2.4 Support will be provided to complainants where English is not their first language.
- 2.5 It should also be made clear to a complainant that his/her identity will normally be disclosed to the Subject Member, unless they specifically request otherwise.

3. ASSESSMENT

- 3.1 Upon receipt of a written complaint, the Monitoring Officer will normally:
- Satisfy himself that the complaint falls within the remit of the Council to consider and is not one that falls within the scope of Part I, Chapter 7, Section 34 of the Localism Act 2011 (relating to non disclosure of Pecuniary Interests);
 - Satisfy himself that the complaint has been subject to consideration by the appropriate Whips' Office in accordance with the adopted Protocol, or that the reasons why this process has not been followed, as stated in the complaint form, are sufficient for it to be referred directly to the Standards Committee.
 - Acknowledge receipt in writing within 3 working days, requesting any additional information that may be required to assist with the assessment of the complaint *
 - Notify the Subject Member that a complaint has been made, giving details of the complainant (unless the complainant has made a request for confidentiality and the Standards Committee has yet to determine whether to grant it), details of the sections of the Code of Conduct to which the alleged breach relates and requesting / inviting any additional information that may be required to assist with the assessment of the complaint *;
 - Notify the Subject Member that a full written summary will be provided once the Standards Committee has met to consider the complaint;

- Arrange for a meeting of the Standards Committee to be held within 20 working days;
- Prepare a report for the Standards Committee, summarising the complaint and giving full details of the alleged breach along with any additional information the Committee may need to assist with its deliberations.

* at this stage seeking additional information should not in anyway amount to an investigation e.g. interviewing witnesses etc, but should be a factual clarification of any ambiguities;

3.2 The Standards Committee, including the non-voting, independent member, will meet to assess the validity of the complaint.

3.3 Before the Committee begins its assessment, it should satisfy itself that a complaint:

- is against one or more named Members of the Council and that those Members were in office at the time of the alleged misconduct and the Code of Conduct was in force at that time;
- if proven, would be a breach of the Code of Conduct under which the Member was operating at the time of the alleged misconduct.

3.4 If the complaint fails the tests above then it cannot be investigated and the complainant must be informed that no further action will be taken.

3.5 To ensure that all complaints are dealt with in a fair and even-handed manner, the Committee will ask itself the following questions and follow any further criteria which is subsequently agreed:

- Has the complainant submitted enough information to satisfy the Committee that the complaint should be referred for investigation or other action?
- Is the complaint about someone who is no longer a Member of the authority, but is a Member of another authority? If so, does the Committee wish to refer the complaint to the Monitoring Officer of that other authority?
- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
- Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
- Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

3.6 The Committee will reach one of the following decisions on a complaint about a Subject Member's actions in relation to the Code of Conduct within 20 working days:

- **referral of the complaint to the Monitoring Officer.** If the matter is to be the subject of a local investigation, the Monitoring Officer

will decide who is to be appointed as the investigator (see paragraph 1.4 above).

- **that no action** should be taken in respect of the complaint.

3.7 The decision of the Committee will be made known in a written summary detailing the main points considered, the conclusion on the complaint and the reasons for that conclusion.

3.8 The written summary must be available for public inspection for six years once the subject Member has been sent a copy.

3.9 **Other Action** - It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The Committee must consult the Monitoring Officer before reaching a decision to take other action which will be dependent on the nature of the complaint but may include:

- arranging for the Subject Member to attend a training course;
- arranging for that Member and the complainant to engage in a process of conciliation;
- instituting changes to the procedures of the Council if they have given rise to the complaint.

Notification of Decision

No Action

3.10 If the Committee decides to take no action over a complaint, then within 5 working days it will give notice in writing of the decision and the reasons for it.

3.11 Where no potential breach of the Code is disclosed, the Committee will explain in the decision notice what the allegation was and why they believe this to be the case.

3.12 This notice will be given to the relevant parties i.e. the complainant, the Subject Member and the Chief Executive.

Referral to Monitoring Officer

3.13 Within 5 working days a summary of the complaint will be sent to the relevant parties stating that the Committee has referred the matter to the Monitoring Officer for investigation or other action. The decision notice will also explain why a particular referral decision has been made.

3.14 The Committee does not have to give the Subject Member a summary of the complaint, if it decides that doing so would be against the public interest or would prejudice any future investigation. The Committee should take advice from the Monitoring Officer in deciding whether it is against the public interest to inform the Subject Member of the details of the complaint made against them.

- 3.15 It should also take advice from the Monitoring Officer in deciding whether by informing the Subject Member of the details of the complaint, it would prejudice a person's ability to investigate it.

4. WITHDRAWING A COMPLAINT

- 4.1 Should a complainant ask to withdraw their complaint prior to the Standards Committee having made a decision on it, the Committee will need to decide whether to grant the request using the following criteria which may be added to subsequently:

- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
- Is the complaint such that action can be taken on it, for example an investigation, without the complainant's participation?
- Is there an identifiable, underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the Subject Member, or an associate of theirs, to withdraw the complaint?

5. MULTIPLE COMPLAINTS

- 5.1 The Standards Committee may take a view on the best way to handle multiple complaints about the same matter bearing in mind the most practical use of time and resources.

- 5.2 A number of complaints about the same matter may be considered by the Committee at the same meeting. If so, the Monitoring Officer should be asked to present one report and recommendation that draws together all the relevant information and highlights any substantively different or contradictory information.

- 5.3 However, the Committee must still reach a decision on each individual complaint and follow the notification procedure for each complaint.

6. VEXATIOUS AND REPEAT COMPLAINTS

- 6.1 Whilst the Standards Committee must consider every complaint it receives about behaviour in relation to the Code of Conduct, it may give regard to the Council's existing policy on persistent and vexatious complainants when doing so.

- 6.2 Should a complaint be resolved as a result of the Whips' Protocol and all parties have signified the same in writing, it shall not be open to the complainant submitting the original complaint to further submit the same complaint against the same Member to the Monitoring Officer at a later date.

- 6.3 If the Committee has already dealt with the same complaint by the same person against the same Subject Member, or a complaint which is substantially about the same issues merely re-worded and the

Monitoring Officer does not believe that there is any new evidence, then a complaint does not need to be considered.

6.4 A person may make frequent allegations about Members, most of which may not have any substance. Despite this, new allegations must still be considered as they may contain a complaint that requires some action to be taken.

6.4 Even where restrictions are placed on an individual's contact with the Council, they cannot be prevented from submitting a complaint.

7. CONSIDERATION

7.1 Should the Standards Committee decide that a complaint is justified and refer it to the Monitoring Officer for investigation, the Monitoring Officer will arrange to convene a meeting of the Committee, including the non-voting, independent member, to consider the investigation report into the complaint and, if required, conduct a hearing.

7.2 Both the complainant and the Subject Member will be invited to the meeting which will normally be held in public. However, there will be occasions when confidential and/or exempt information within the meaning of the Local Government (Access to Information) Act 1985 will need to be considered by the Committee. The Monitoring Officer will in these circumstances advise the Committee whether it is appropriate for all or part of the hearing to be held in private and to restrict the release into public of any or all of the paperwork.

7.3 After considering the Monitoring Officer's report, the Committee will either:

- make a finding of no failure; or
- determine that the matter should proceed to a hearing

7.4 As soon as reasonably practicable after accepting the Monitoring Officer's finding of no failure, the Committee shall give written notice of that finding to:

- the Subject Member;
- the Standards Committee of any other authority concerned;
- the complainant.

7.5 The Committee must also arrange for a notice to be published on the web site of the Council, stating that there has been no breach of the Code of Conduct on the part of the Subject Member.

7.6 The only circumstances in which the Notice will not be published is if the Subject Member requests this.

The Hearing of the Complaint

- 7.7 The Committee should work fairly and in a way that encourages the confidence of Members and the public. The procedures should comply with the principles of natural justice and Article 6 of the Human Rights Act 1998 (the right to a fair hearing within a reasonable time). A copy of the Hearing Procedures is appended to this Schedule.
- 7.8 The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.
- 7.9 The Committee may take legal advice from its legal advisor at any time during the hearing or while it is considering the outcome. The substance of any legal advice given to the committee should be shared with the Subject Member and the investigator if they are present.

Witnesses

- 7.10 Although the Subject Member is entitled to call any witnesses he or she wants, the Committee may limit the number of witnesses if it believes that the number called is unreasonable.
- 7.11 The Committee also has the right to govern its own procedures as long as it acts fairly. For this reason, the Committee may choose not to hear from certain witnesses if it believes that they will simply be repeating the evidence of earlier witnesses or if a witness will not be providing evidence that will assist the Committee to reach its decision.

Evidence

- 7.12 The Committee controls the procedure and evidence presented at a hearing, including the way witnesses are questioned.
- 7.13 The Subject Member must be allowed to make representations, either verbally or in writing and challenge any of the findings of fact contained in the Monitoring Officer's report. If the Subject Member prefers, these representations can be made through his or her nominated representative. The Subject Member must also be given the opportunity to give evidence to the Committee and call witnesses to give evidence.
- 7.14 In many cases, the Committee may not need to consider any evidence other than the investigator's report. If more evidence is needed or if people do not agree with certain findings of fact in the investigator's report, the Committee may need to hear from witnesses.
- 7.15 The Committee can question witnesses directly. It can also allow witnesses to be questioned and cross-examined by the Subject Member or the investigator or their representatives. The Committee can ask that these questions be directed through the Chairman.

- 7.16 If the Subject Member fails to attend a hearing of which that Member has been given notice, the Committee may:
- unless it is satisfied that there is sufficient reason for such failure, consider the allegation and make a determination in the absence of the Subject Member; or
 - adjourn the hearing to another date.
- 7.17 The Committee may, at any stage prior to the conclusion of the hearing, adjourn it and require the Monitoring Officer to seek further information or undertake further investigation on any point specified by it.

The Findings of the Standards Committee

- 7.18 In accordance with Part 1, Chapter 7, Section 11 of the Localism Act 2011, following its hearing, the Committee can make one of the following findings:
- the Subject Member has not failed to follow the Council's Code of Conduct;
 - the Subject Member has failed to follow the Council's Code of Conduct, but no action needs to be taken; or
 - the Subject Member has failed to follow the Council's Code of Conduct and an appropriate sanction should be imposed.

Penalties

- 7.19 If the Committee finds that a Subject Member has failed to follow the Code of Conduct and that he or she should be penalised, it may determine what penalty should be imposed.
- 7.20 When deciding a penalty, the Committee should make sure that it is reasonable and in proportion to the Subject Member's behaviour, reflects the nature and seriousness of the breach of the Code and seeks where possible to make reparations for any damage caused. Before deciding what penalty to set, the Committee should consider the following questions, together with any other relevant circumstances:
- What was the Subject Member's intention? Did the Subject Member know that he/she was failing to follow the Code of Conduct?
 - Did the Subject Member get advice from officers before the incident? Was that advice acted on in good faith?
 - Has there been a breach of trust?
 - Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
 - What was the result of failing to follow the Code of Conduct?
 - How serious was the incident?
 - Does the Subject Member accept that he or she was at fault?
 - Did the Subject Member apologise to the relevant people?
 - Has the Subject Member previously been warned or reprimanded for similar misconduct?

- Has the Subject Member failed to follow the Code of Conduct before?
- Is the Subject Member likely to do the same thing again?

7.21 After taking into consideration those matters above, the Committee may do any one or a combination of the following:

- censure the Subject Member. The Council or a Committee of the Council, can issue a formal censure through a motion;
- issue a press release or otherwise publicise a decision that the Subject Member has breached the Members' Code of Conduct;
- send the Subject Member a formal letter;
- remove the Subject Member from a Committee of the Council provided that this decision is made by the Council itself following agreement from the relevant Party Group and not by a Committee of the Council.

7.22 Any sanction imposed shall commence immediately following its imposition by the Committee.

7.23 As soon as is reasonably practicable after making a finding, the Committee will give notification of its findings and should announce its decision at the end of the hearing whenever it is practicable to do so. It is good practice to make a short written decision available on the day of the hearing, and to prepare the full written decision in draft on that day, before people's memories fade.

APPENDIX

HEARING PROCEDURES FOR THE STANDARDS COMMITTEE

Representation

1. The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.

Legal advice

2. The Committee may take legal advice from its legal advisor at any time during the hearing or while it is considering the outcome.

Setting the scene

3. After all the Members and everyone involved have been formally introduced, the Chairman should explain how the Committee is going to run the hearing.

Findings of fact

4. The Committee should consider whether or not there are any significant disagreements about the facts contained in the investigator's report. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
5. If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report including, with the Committee's permission, calling any necessary supporting witnesses to give evidence. The Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the investigator.
6. The Subject Member should then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
7. At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Subject Member.
8. If the Subject Member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
9. Once the Committee has heard the evidence, the Chairman will announce the Committee's Findings of Fact.

Did the subject Member fail to follow the Code?

10. The Committee then needs to consider whether or not, based on the facts it has found, the Subject Member has failed to follow the Code of Conduct.
11. The Subject Member should be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.
12. The Committee should then consider any verbal or written representations from the investigator and the Subject Member should be invited to make any final relevant points.
13. The Committee may, at any time, question anyone involved on any point they raise in their representations.
14. The Committee will ask the room to be vacated to consider the representations and then the Chairman will then announce the Committee's decision as to whether or not the Subject Member has failed to follow the Code of Conduct.

If the Subject Member has failed to follow the Code

15. If the Committee decides that the Subject Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the Subject Member as to:
 - a. whether or not the Committee should set a penalty; and
 - b. what form any penalty should take.
16. The Committee may question the investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
17. The Committee will ask the room to be vacated whilst considering whether or not to impose a penalty on the Subject Member and, if so, what the penalty should be. Upon the return of those present, the Chairman will announce the Committee's decision.
18. Whenever it is practicable to do so a short written decision will be provided on the day and a full written decision issued shortly after the Hearing.

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18th June 2012

Mr. R Alagh,
Borough Solicitor,
London Borough of Hillingdon,
Civic Centre,
Uxbridge.

Dear Raj,

Having served the Borough for a number of years as the Chairman of Standards I would like to use the experience gained to fulfil the role of 'Independent Person' for the London Borough of Hillingdon Standards Committee.

My background is already on file; however, for the sake of completeness I will record the brief facts.

I have gained experience for the post from being a Parish Councillor in Buckinghamshire. Within the local education system I have been a Chairman of School Governors also Chairman of a School Appeals Panel.

Perhaps the most significant experience for the post of 'Independent Person' was the twenty six years spent working as a Magistrate in the London Borough of Brent. During this time I was Chairman of Licensing, Betting & Gaming, Training & Development, and various other committees.

During my last three years I was Chairman of the total Bench which meant total responsibility for one hundred & seventy Magistrates for the manner in which they discharged the duties annexed to their appointment.

-2-

Should you require any further information please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Allan". The letters are cursive and somewhat stylized.

Allan Edwards JP

c.c. Lloyd White ✓
Head of Democratic Services

Independent Member, Standards Committee

Expression of Interest – Fiona Millar

I have had an interest in politics for around ten years, initially as part of a university degree, and more recently following the MP's expenses issues.

Skills:

- I have held public office as a lay member for a PCT and therefore understand and abide by the Nolan Principles. I also appreciate why councillors should abide by these principles and local code of conduct.
- Part of the PCT lay member role involved being a lay voice on an NHS decision makers group considering evidence of poor practice in clinicians, and made recommendations about their future. I currently serve as a member of Bucks New University 'Fitness to Practice' panel for nursing students. Both these roles involve an ability to understand and apply the relevant standards and codes of conduct for the clinical group, and make valid decisions when complaints are made or rules broken.
- I have been Chair of Governors in a school. This role involved deciding on actions when a cause for concern arose from staff conduct.
- My current employment involves working as a partner organisation within the Local Strategic Partnership, leading to a working understanding of how local government operates.

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PART 5 - CODES

D

PLANNING CODE OF CONDUCT FOR MEMBERS

Introduction

1. This Planning Code of Conduct for Members has been prepared in accordance with advice provided in the Local Government Association's "Probity in Planning – the role of Members & Officers" together with guidance contained in Audit Commission papers and Public Interest Reports. It draws on the Model Code produced by the Association of Council Secretaries and Solicitors in consultation with the District Audit Service, the Local Government Ombudsman and Standards for England. The aim of this Planning Code of Conduct for Members is to ensure that when exercising their planning judgment, both Members and officers can be seen to be open and transparent in the decision making process.
2. The role of a Member of the planning authority is to make planning decisions openly, impartially, with sound judgment and for justifiable planning reasons. The role of a Member on a Planning Committee involves a balance between representing the needs and interests of constituents and the community with the need to maintain impartial and sound decision making on what can be highly controversial proposals.
3. The Planning Code of Conduct for Members applies at all times when any Member is involved in the planning process. This includes taking part in decision making meetings of the Planning Committees and on less formal occasions, such as meetings with officers or the public and other consultative meetings. It applies equally to planning enforcement matters or site specific policy issues as it does to planning applications. The Planning Code of Conduct for Members (this Code) is both complementary and additional to the Members' Code of Conduct.
4. Members and officers should read this Code thoroughly and apply themselves to it consistently. If Members have any doubts about the application of this Code they should seek early advice, preferably well in advance of any meeting, from the Monitoring Officer or the Head of Democratic Services.

Relationship to Members' Code of Conduct

5. Members are reminded that this Code is designed primarily for Members of the Planning Committees and Members who, for whatever reason, find themselves involved in the planning process. The Code is

supplemental to the Members' Code of Conduct found at Part 5 (A) of the Council's Constitution.

6. Members should first adhere to the Members' Code of Conduct and thereafter apply this Code together when involved in the planning process. If Members do not abide by this Code they may put the Council at risk of proceedings on the legality or maladministration of the related decision; and put themselves at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Members' Code of Conduct, a complaint being made to the Standards Committee.

Development proposals and interests

7. The Localism Act 2011 and the new Members' Code of Conduct place requirements on Members about the registration and declaration of their interests and the consequences of having such interests. These must be followed scrupulously and Members should review their interests regularly. Ultimate responsibility for declaring an interest rests individually with each Member.

Pecuniary Interests

8. A Member will have a disclosable pecuniary interest if it is one which is specified by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and the interest is the Member's, his/her spouse's or civil partners, or is the pecuniary interest of some party with whom the Member is living with as husband or wife, or as a civil partner.

The following fall within the definition of pecuniary interests:

- Any employment, office, trade, profession or vocation carried on for profit or gain;
- Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out his/her duties as a Member, or towards the election expenses of a Member. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3);
- Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
 - (a) under which goods or services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged;
- Any beneficial interest in land which is within the area of the relevant authority;
- Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer;

- Any tenancy where to the Member's knowledge –
 - (a) the landlord is the relevant authority; and
 - (b) the tenant is a body in which the relevant person has a beneficial interest;
 - Any beneficial interest in securities of a body where –
 - (a) that body to the Member's knowledge has a place of business or land in the area of the relevant authority; and
 - (b) either –
 - i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or
 - ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
9. In accordance with Section 30 of the Localism Act 2011, the Member must, within 28 days of taking office as a Member, notify the Council's Monitoring Officer of any disclosable pecuniary interest.
 10. If a Member is present at a Planning Committee meeting and has a disclosable pecuniary interest in any matter to be considered at a meeting, the Member must disclose the interest to the meeting if the interest is not registered in the Council's register of interests.
 11. If the interest is not entered in the Council's register of interests and is not the subject of a pending notification, the Member must notify the Council's Monitoring Officer of the interest within 28 days of the date of the disclosure.
 12. The Member must not, unless he or she has been granted a dispensation by the Standards Committee, –
 - (a) participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting.
 13. If a Member, without reasonable excuse, fails to comply with the requirements set out in the above paragraphs, he/she commits a criminal offence. It is therefore imperative that if a Member is uncertain whether or not he/she has a disclosable pecuniary interest, that appropriate advice is sought from an officer in Legal / Democratic Services.
 14. Members should also consider whether they have any non-pecuniary interests in relation to a matter to be considered at a Planning Committee meeting which they should declare. For example, see paragraph 49.

General roles of Members and officers

15. Members and officers have different, but complementary roles. Both serve the public. Officers are responsible to the Council as a whole, whilst Members are responsible to both the Council and the electorate.
16. Officers advise Members and the Council. Officers carry out the daily functions of the Council's business in accordance with council, cabinet or committee decisions or under powers delegated to them pursuant to the Constitution. Officers are governed by the Officers' Code of Conduct contained at Part 5 (B) of the Constitution. In addition, planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Law Society.
17. Members are bound by the Members' Code of Conduct contained in Part 5 (A) of the Constitution. Breaches of the Members' Code of Conduct can result in a Member being reported to the Monitoring Officer of the Council and/or the Standards Committee.
18. Mutual trust, respect and understanding between Members and officers are the keys to achieving effective local government. A successful relationship between Members and officers can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust that underpins it, must never be abused or compromised.

Fettering discretion in the planning process

19. Section 25 of the Localism Act 2011 came into force on 15 January 2012 and this provision makes it clear that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind simply because such person had done anything directly or indirectly that indicated what view the decision-maker took, or would or might take, about the subject matter and that it was relevant to the decision required.
20. This provision applies to all local authorities in England and Wales and is still subject to the following legal principles:
 - Members must continue to declare interests whenever they arise at meetings they attend.
 - Planning Committee Members must, when making decisions, take into account all relevant material planning considerations.
 - The case law on bias remains unaffected by Section 25 and Members will therefore need to approach all decision-making with an open mind.
 - Members should take into account all relevant considerations and discount irrelevant considerations in accordance with the Wednesbury principles of reasonable decision making.

21. Given that the law on bias has remained unchanged by the Localism Act, the safest course for Planning Committee Members is to avoid making public statements ([including expressing views in for example, e-mails(as to their support for or opposition to any application which would give the impression that they had made up their minds before the formal consideration of the application at the Committee meeting.
22. If a Member has made such a statement, then they must be satisfied that they can still consider the application with an open mind and are prepared to take into account any new information or new arguments in favour of or against the proposed development before the decision is made. If they cannot be so satisfied, then they should refrain from taking any part in the decision.
23. Members should not use any political group or other meeting prior to meetings of a Planning Committee to determine how a Member or group of Members will vote on agenda items.

The party whip

24. Members cannot accept an instruction from anyone to determine an application in a particular manner; they must determine the issue on its merits. Accordingly, whilst they may accord appropriate weight to the views of other Members, whether expressed in the committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state in open committee. Therefore, it is inappropriate for any party group to instruct its Members to vote in a particular way on an application or to apply any sanction to any Member who votes contrary to the group's collective views.

Contact with developers, applicants and objectors

25. Members should refer those who approach them for planning, procedure or technical advice to officers.
26. Members should not agree to any formal meeting with applicants, developers or groups of objectors where it is possible to avoid it. Where a Member feels that a formal meeting would be useful in clarifying the issues relating to a planning matter, they should never seek to arrange that meeting themselves but should request the Deputy Chief Executive, Corporate Director of Planning, Environment, Education and Community Services to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Planning Committee.

27. In dealing with approaches on planning matters Members should:
- follow the rules on lobbying¹;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file.
28. In addition in respect of presentations by applicants / developers Members should:
- **not** attend a planning presentation unless an officer is present and/or it has been organised by officers;
 - **ask** relevant questions for the purposes of clarifying their understanding of the proposals;
 - **remember** that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate Planning Committee;
 - **be aware** that a presentation is a form of lobbying and Members must not express any strong view or state how they or other Members might vote.

Access to planning officers

29. Officers are required to manage council services in accordance with the policy and instructions adopted by elected Members through formal Cabinet/committee decisions. Like all other officers of the Council, planning officers are appointed to serve the Council as a whole and not any political group.
30. Any Member wishing to discuss a particular planning matter with a planning officer should make an appointment with the relevant officer through formal reception arrangements (reception desk or Director/Service Head's PA). The request for such a meeting may be refused if the officer considers it may lead to a breach of any code of conduct, or prejudice the proper and effective impartial assessment of an application, or it is otherwise reasonable to refuse an appointment. Where an appointment has been refused the Member concerned may request that the matter may be reviewed by the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services, whose decision shall be final.
31. The Council is expected to make a decision on all applications within statutory timescales. This is not always possible, particularly for applications that are to be considered by committee. Applications are

¹ see paragraphs 32-38 below

always included on the agenda of the first available Planning Committee after completion of the officer's report so that a decision can be taken in the shortest possible time.

32. Planning applications must be dealt with in a timely manner in accordance with statutory guidance and Members should not request officers to delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers or other interested parties.

Material considerations

33. The emphasis in determining applications is upon a plan led system. Section 54a of the Town & Country Planning Act, 1990 requires all planning applications to be determined by reference to the Local Development Framework (LDF), if material to the application, and any other material considerations. If the LDF is material to the application then the statutory position is that the application should be determined in accordance with the LDF unless material considerations indicate otherwise.
34. Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Planning Policy Statements, Non Statutory Development Control Guidelines and case law.
35. Examples of material considerations are:-
- appearance and character of development;
 - traffic generation, highway safety and parking;
 - overshadowing, overbearing, overlooking and loss of privacy;
 - noise disturbance and other loss of amenity;
 - layout and density of buildings;
 - relevant planning policies.
36. Matters which are not material considerations include:-
- a) boundary disputes, covenants or other property rights;
 - b) personal remarks;
 - c) reduction in property values;
 - d) loss of private view.
37. The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, when considering applications which include an applicant's home or the effect of the development on neighbouring homes, Members should have regard to Article 8 Schedule 1 of the Human Rights Act, 1998 which states:-
- "1. Everyone has the right to respect for his private and family life, his home and his correspondence.*

2. *There shall be no interference by a public authority with the exercise of this right except such is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*
38. What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgment for the decision maker having regard to the planning evidence.

Lobbying of and by Members

39. Lobbying is a normal and perfectly proper part of the political process. Members of the public, applicants or local interest groups will often seek to influence a decision through an approach to their ward Member.
40. The Nolan Committee's Third Report states:
"It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Members themselves" (para 288)
41. Any Code of Conduct which fails to take account of the realities of the political/representative process will not carry credibility with experienced elected Members.
42. Lobbying can, unless care is taken, lead to the impartiality and integrity of a Member being called into question. Despite the removal of the rules concerning pre-determination, when being lobbied, Members, and particularly Members of the Planning Committees, should take care not to express an opinion which may be perceived as indicating that they have already made up their mind on a particular matter before having had the benefit of considering the evidence and arguments both for and against the proposal. Members of the Planning Committees should exclude themselves from any such discussions at the earliest opportunity.
43. In such situations, Members should refer those who approach them for planning, procedure or technical advice to officers and suggest to the lobbyists that they write to the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services in order that their views can be included in the officer reports prepared for the Planning Committees or for determination under delegated powers. Even if such lobbying does not give rise to a declarable interest, Members of the Planning Committees should declare any lobbying to which they have been subject.

44. Where a Member receives information (including plans, data, correspondence etc) in respect of an application, they should pass it onto the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services as soon as practicably possible so that it can be taken into account and included in the report on the application.
45. Members should ensure that it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant evidence during the sitting of the relevant Planning Committee.

Applications submitted by Members or officers

46. Proposals to their own authority by serving and former Members and officers and their close friends and relatives can easily give rise to suspicions of impropriety if not handled properly. Proposals can take the form of either planning applications or development plan proposals. This advice also relates to enforcement matters.
47. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of favouritism. Accordingly a Member or an officer making an application should follow the procedures set out below:
 - (a) if a Member or an officer submit their own proposal to the Council which they serve, they should take no part in its processing or the decision making process;
 - (b) Members who act as agents/consultants for people pursuing a planning matter with the authority should take no part in its processing or the decision making process;
 - (c) the Member or officer concerned in (a) or (b) should inform the Monitoring Officer of such proposals no later than the date on which formal proposals are submitted.
48. For the sake of transparency in decision making, where any Member or officer or former Member or former officer is involved in a planning or related application to the Council, this shall be referred to the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services, as soon as possible who shall decide whether or not the application should be referred to the appropriate Planning Committee, or determined in the usual way under delegated powers if the application is in accordance with development plans and all other material planning considerations. In respect of former Members or former officers this requirement shall apply for a period of four years following their departure from the Council.
49. Members of the Planning Committee must consider in accordance with the Code of Conduct for Members whether the nature of any relationship with the person (either a Member or an officer) submitting

the planning application requires that they make a declaration of interest and if necessary also withdraw from the meeting.

Applications submitted by the Council

50. Proposals for a Council's own development can also give rise to suspicions of impropriety. Whilst it is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority, it is vital to ensure that they are handled in a way that gives no grounds for accusations of favouritism. Accordingly, proposals for a Council's own development will be treated no differently from any other application.

Site visits

51. Members should try to attend site visits organised by the Council where possible. However, a site visit should not be requested unless Members feel it is strictly necessary because:
- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
52. Information gained from site visits should be reported back to the Planning Committee, so that all Members have the same information. The visit should be treated only as an opportunity to seek information and to observe the site. During the visit Members should ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
53. During the visit Members should not hear representations from any other party, [with the exception of the ward Member(s) whose address must focus only on site factors and site issues]. If approached by the applicant or a third party, Members should advise them that they should make representations in writing to the authority and direct them to or inform the officer present. Members should exercise caution when expressing opinions or views to anyone.
54. Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
- the Member feels it is essential to visit the site other than through attending the official site visit; and
 - the Member has first spoken to the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services about their intention to do so and why (which will be recorded on the file); and

- the Member can ensure that they will comply with these good practice rules on site visits.

Public speaking at meetings

55. The Constitution² provides for a representative of a petition with 20 or more signatures of borough residents to address a committee meeting for up to five minutes on the subject of the petition. Members of the Committee may ask questions of the petitioners for up to three minutes. Where the petition is opposing a planning application and is being reported to a Planning Committee, the applicant or their agent may address the Committee for up to five minutes in support of the application.
56. Members of the Planning Committees should not allow Members of the public or other Members of the Council to communicate with them, or act in a way which gives the perception that this is happening, during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or as a Member making representations on behalf of constituents, as this may give the appearance of bias. Members should not frame questions so as to permit additional time for an individual speech by a Member of the public.

Pre-application discussions

57. Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and is encouraged by organisations such as the Local Government Association and the National Planning Forum. A Member should not normally be involved in discussions with a developer or agent when a planning application is imminent or has been submitted but remains to be determined. Potentially, these negotiations could be interpreted, particularly by objectors to a proposal, as part of a lobbying process.
58. Where Members need clarification about an application which may be dealt with through appropriate pre-application discussions (for example, in the case of a large scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives), the request should be made to the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services.
59. In order to avoid the potential for criticism or challenge, pre-application discussions generally should follow the guidelines below. Subsequent discussions should also be in accordance with the following guidelines:

² Committee Standing Orders Schedule B, paragraph 13

- (a) officers should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional;
- (b) any advice given should be consistent and in accordance with the LDF. Officers should agree, prior to any meeting, on a consistent interpretation of LDF policies;
- (c) a contemporaneous note of the meeting should be prepared by the council officer attending wherever possible and a copy sent to all parties for their agreement;
- (d) the final version of the note of the meeting should form part of the planning file should a planning application subsequently be received and thereby be open to public inspection.

Decision making

60. In making decisions on planning matters Members should:

- ensure that, if they request a proposal to go before the Planning Committee rather than be determined through officer delegation, that their reasons are recorded and repeated in the report to the Committee;
- come to meetings with an open mind and demonstrate that they are open-minded;
- comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the LDF unless material considerations indicate otherwise;
- come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them, request that further information. If necessary, defer or refuse;
- not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter;
- have recorded the reasons for the Committee's decision to defer any proposal;
- make sure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Members must be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.

Planning appeals

61. Appeals by applicants against the decisions of the Council, and which are heard by an Inspector, are open to the public and Members are able to attend. Members are encouraged to do so, as many have found

them to be a good learning experience. This part of the Code is concerned with Members who wish to participate in these appeals.

62. If Members wish to attend a public inquiry or informal hearing as ward Members they are free to do so. It is strongly recommended that they discuss their participation with the Deputy Chief Executive & Corporate Director of Planning, Environment, Education and Community Services or the Head of Planning and Enforcement to ensure that they are aware of the process and that they do not act in a manner which may expose the Council to a claim of costs.
63. A Member cannot attend an appeal on behalf of the Planning Committees. The decision of the Committee will be documented in the minutes and the case officer will present the Council's case on its planning merits in accordance with the Committee's decision. The Inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed. Where the appealed decision was contrary to the officer recommendation, officers are generally able to present the Council's case in a satisfactory manner. On the rare occasions where this may not be possible, the case will be presented by a planning consultant employed by the Council.

Member training

64. Members may not participate in decision making at meetings of the Planning Committees unless they have attended the mandatory planning training sessions prescribed by the Council on probity and planning. This includes Members who are acting as a substitute for regular Members of these committees.
65. All Planning Committee Members (and substitutes) should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, regulations, procedures, codes of practice and development plans, which will assist them in carrying out their role properly and effectively.

PART 5 - CODES



INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) USAGE POLICY FOR MEMBERS OF THE COUNCIL

Introduction

1. The use of Information and Communications Technology (ICT) is now integral to supporting the role of an elected Member of a local authority. The Council provides all Councillors with electronic facilities, which includes computer hardware and software, access to the internet and e-mail. It is therefore essential that there is clarity not only about what equipment is available and how technical support is provided but also how technical innovation is dealt with and the manner in which the equipment, which is provided out of public funds, is used. This usage policy outlines proper use of the facilities and the Members' responsibilities in using it. It should be read in conjunction with the Members' Code of Conduct and the Protocol for Member and Officer Relations which complement this policy and contain relevant guidance and requirements.

Purpose

2. The purpose of this policy is to; -
 - protect the security and integrity of the Council's computer facilities;
 - clarify the issues and give guidance about the use of the Council's equipment, including computer and telephone facilities; and
 - in doing so, protect Members who use the Council's computer facilities.

Members' Code of Conduct

3. All Members of the Council have signed a written undertaking to observe the Council's Members' Code of Conduct (the Code). A Member must comply with the Code whenever he/she is acting in an official capacity.
4. There is a particular provision within the Code which provides that a Member must, when using or authorising the use by others of the resources of the authority, ensure that such resources are not used improperly for party political purposes (particularly during the period between the publication of a Notice of Election and an election day itself) and they must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. However, this will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the Council.

Scope

5. This policy applies to all Members of the Council and applies to the use of any council communication equipment or facilities, including computer or telephone.

Definitions

6. Council equipment and facilities – This includes any items of Council communications hardware, such as computer equipment or telephones, or software such as e-mail and internet use.

CIT – Corporate Information Technology

ICT – Information and Communication Technology

Use of council resources

7. General principles for the use of Council resources are that:
 - public resources (i.e. equipment, facilities, staff time etc) may only be used in accordance with the Code;
 - You must be able to defend the use of Council resources – if you feel you cannot, you are probably misusing them;
 - There is a general *de minimis* exception – by which is meant usage which would otherwise be contrary to this document, but is so small in extent, and inconsequential in its effect, that a reasonable person, knowing all the facts, would take the view that it should not be thought of as included in what is being controlled, prohibited or otherwise included with this guidance;
 - if in doubt, refer to the Code;
 - always apply common sense – it is a good barometer of what is likely to be acceptable, and what is not;
 - always seek advice before doing something you feel may be on the margins.

Policy

8. Computer and telephone facilities are an essential and integral part of everyday working life and the Council's computer facilities are widely accessible and will increase in the future.
9. This policy is applicable to internal and external transactions using the Council's computer facilities or accessing the council's systems using other equipment either in the workplace or in any other location.
10. Members must ensure that they have the skills necessary to use Council computer systems before doing so and advice can be obtained from the Head of Democratic Services on the availability of suitable training.
11. High standards of conduct and probity are as relevant to the use of the Council computer facilities as they are to all other aspects of work and Members must conduct themselves in line with all appropriate Codes. For example, the

relevant provision of the Members Code is set out above. Unlawful or improper computer usage may expose the Council and/or the individual Member to significant legal liabilities and negative publicity and a complaint to the Standards Committee. Breach of this policy may result in referral to the relevant Party Whip with a recommendation for withdrawal of access to certain computer facilities and may lead to action in line with the Code.

12. This document details the parameters of acceptable use and deals with the following issues: -

- Access to the Council's computer systems
- Authority to express views
- Monitoring computer and telephone usage
- Confidentiality, security and accuracy of data
- Guidance on copyright, legal and contractual issues
- Network efficiency
- Personal use of the Council's computer facilities
- Inappropriate use, prohibited sites and offensive material
- Other use

(i) Access to the Council's Computer Systems

- (a) The Council will provide access to and use of various computer facilities as may be determined from time to time. Although the Council wishes to encourage Members to gain and improve their skills, personal understanding, knowledge and development is a secondary consideration.
- (b) Where a Member is not available, (e.g. due to sickness absence or leave) and access to data is required, the relevant party whip will be advised.
- (c) In cases where there is a need to investigate any potential breaches of this policy appropriate advice must be sought from the Head of Democratic Services, the Deputy Director of ICT, Highways and Business Services and the Borough Solicitor.

(ii) Authority to Express Views

Members using Council computer facilities including e-mail and the internet must act in accordance with the Code and ensure that these facilities are used in connection with council business. They must not be used for any purpose other than those directly concerned with official Council business, or the work of elected Members. 'Official Council business' means matters relating to a Member's duties as an elected councillor; as a member of the executive, a committee or scrutiny or policy overview committee, sub-committee or working party; or as a Council representative on another body or organisation. The e-mail facility provided should be used by Members to engage in correspondence relevant to their role with other Members, officers, other public bodies, their constituents, the public in general and to encourage citizens to contact them when appropriate.

(iii) Monitoring Computer and Telephone Usage

- (a) Use of the Council's computer and telephone facilities is regularly monitored to ensure that the standards within this policy are adhered to, probity maintained and potential breaches of codes identified.
- (b) Software systems are in place that monitor and / or record all usage, including every web site visited, chat, newsgroup, e-mails, and file transfers into and out of internal networks. Usage patterns will be monitored to ensure that council resources are being properly utilised.
- (c) The Council reserves the right to inspect any files stored in all areas of its network and equipment to assure compliance with this policy. This includes the local hard or removable (such as CDs or USB sticks) drives of any machine used by Members. All computer transactions and data within the Council's computer systems or obtained by accessing the Council's systems using other equipment either in the workplace, at their home or in any other location in working time or in their own time belong to the Council. The Council has the absolute right to monitor, inspect or use all transactions and data in any appropriate proceedings at any time, without notice. Personal data is not exempt.
- (d) The provisions of the Human Rights Act 1998 will be observed by the Council when monitoring computer and telephone usage.
- (e) If there are any concerns as to whether the contents of these paragraphs are not being complied with, they will be referred to the Head of Democratic Services in the first instance.

(iv) Confidentiality, Security and Accuracy of Data

- (a) The Council is legally responsible for all information stored in its computer systems or transmitted by it and for any improper, inadvertent or negligent disclosure. This principle applies even if Members store information in the computer systems which is not related to their role as Council Members. Security of data is of primary concern and security measures are in place to ensure the confidentiality of data held by the Council, including data on clients, members, staff, property and also that which could be commercially sensitive.
- (b) Members must co-operate with all security measures and arrangements, and can be held accountable for any breaches of security or confidentiality.
- (c) User IDs and passwords maintain individual accountability for computer access and must be kept secure, confidential and not inappropriately disclosed. Document passwords and read only restrictions should also be used where appropriate.
- (d) Members must not disclose passwords or give access to unauthorised users, and are responsible for changing their passwords if they suspect that an unauthorised person may be aware of their password.
- (e) All external e-mails sent will automatically include a confidentiality and disclaimer notice.
- (f) Members must take care to address e-mails and files correctly to avoid sensitive information being sent or widely distributed to inappropriate individuals or organisations.

- (g) Much of the data held by the Council on individuals is covered by Data Protection legislation. Disclosure of this information, even unintentionally, can be in breach of the Data Protection Code of Practice. Members should ensure the accuracy of data that they are responsible for storing, updating or transmitting, and must not amend or alter e-mails they receive. Files containing sensitive or confidential Council data that are transferred across the Internet must be encrypted.
- (h) Systems to protect the safety and security of the Council's networks and additional devices have been and will continue to be installed. Members must not attempt to disable, defeat or circumvent any Council security facility.
- (i) Modems can provide an intruder with access to the Council's network. Therefore any computer used for independent dial-up or leased-line connections must not be part of the Council's network, unless explicitly authorised by the Deputy Director of ICT, Highways and Business Services. Connections to the Internet using modems from network connected computers are specifically prohibited. To ensure security it may be necessary to prevent machines with sensitive data or applications from connecting to the Internet, or for certain users to be prevented from using certain facilities such as file transfers.
- (j) To prevent unauthorised use Members should not leave computers unattended for long periods when switched on and should use document passwords and screen savers for confidentiality if they leave their machine unattended for short periods. Internet connections will be automatically disconnected after a period of inactivity.
- (k) It is inappropriate to reveal confidential Council information, customer data, trade secrets, and any other material covered by existing Council security policies and procedures into public forums such as chats and newsgroups. Members releasing protected information, whether or not the release is inadvertent, may be in breach of existing data security policies and procedures and the Data Protection Act 1998.

(v) Guidance on Copyright, Legal and Contractual Issues

- (a) Members must conduct themselves honestly and appropriately when using the Council's computer facilities in line with other business dealings, copyright, software licensing rules, property rights, privacy and prerogatives of others.
- (b) Downloading and copying data and software for Members' own or work use or sending the works of others to third parties without permission can infringe copyright.
- (c) Although downloaded data from the Internet may be allowed for individual use copyright may be breached if e-mailed or if the data is incorporated into a Council document. The copyright position should always be checked and the appropriate permissions or acknowledgements sought. In the case of subscription services Members should ensure that the appropriate licences are obtained.
- (d) Downloaded software must be used only under the terms of its licence, and should be added to the appropriate inventory records. Software or files downloaded via the Internet into the Council network become the property of the Council. Members must arrange to have such software

properly licensed and registered where required. To ensure personal protection from any problems software should only be downloaded after permission has been received from the Council's Deputy Director of ICT, Highways and Business Services. Software downloaded without permission may be deleted automatically.

- (e) Members must safeguard council publications covered by copyright. The Council retains the copyright to any original material posted to any forum, newsgroup, chat or World Wide Web page by any Member in the course of their duties. To ensure personal protection from any problems Members must not upload any software licensed to the Council or data owned or licensed by the Council without explicit authorisation from the Council's Deputy Director of ICT, Highways and Business Services responsible for the software or data.
- (f) Transactions through these facilities must be treated in the same way as other transactions on the Council's headed paper.
- (g) The use of computer facilities can lead to contractual obligations in the same way as oral or other written forms of transactions. There are limitations as to whether in some cases these transactions can constitute valid legal agreements. Members should therefore ensure that they do not exceed their powers to enter into contracts or authorise expenditure. If Members are uncertain of the position, they should contact the Borough Solicitor or Head of Democratic Services for advice.
- (h) Computer records should not be relied on where there is a legal requirement for other record keeping to take place. Adequate records of computer transactions on behalf of the Council need to take place either through archiving, or other electronic or non-electronic back up methods. Where appropriate, confirmation of receipt of important e-mails should be gained which may be disclosed in litigation. If in doubt about the legal position, once again, advice from the Borough Solicitor must be sought.

(vi) Network Efficiency

- (a) Members must regularly delete or archive files no longer required or needed for immediate access.
- (b) Any file that is uploaded or downloaded must be scanned for viruses before it is run or accessed. In general this should be achieved through the use of memory resident or network virus checking software. Any files, including files received as e-mail attachments, should not be imported without first checking for viruses using approved software. If in doubt Members must consult the Council's Deputy Director of ICT, Highways and Business Services via the Helpdesk number (6556).
- (c) Unnecessary or unauthorised e-mail and Internet usage causes network and server congestion, slows other users, takes up work time, consumes supplies and ties up printers and other shared resources.
- (d) Where possible Members should schedule communications-intensive operations such as large file transfers, video downloads, mass e-mailing for off-peak times.
- (e) Video and audio streaming and downloading technologies represent significant data traffic that can cause local network congestion. Video and audio downloading should be avoided where possible.
- (f) See also Appendix A on e-mail guidelines.

(vii) Personal Use of the Council's Computer Facilities

- (a) Whilst ICT equipment supplied by the Council is intended primarily to be used for council purposes, provided there is no cost to the Council or any liability for the Council arising from its use for secondary purposes, it is a matter for each individual Councillor as to whether or not they use it for other purposes. If Councillors do use ICT equipment for other purposes, they must satisfy themselves that this secondary use is acceptable and appropriate.

Examples would be personal e-mail correspondence, researching hobbies, downloading audio files etc. If such other use goes beyond the 'de minimis' referred to in paragraph 7 then Members may authorise an appropriate deduction to be made from their basic allowance at a rate agreed by the Council.

- (b) The Council is not liable for any problems arising out of the purchase of goods or financial transactions by members on a personal basis using the Council's computer facilities.

(viii) Inappropriate Use, Prohibited Sites and Offensive Material

- (a) Members must not use computer facilities to access or send transactions that are, libellous, harassing and defamatory or cause offence to an individual and their dignity or contain offensive comments based on, for example, gender, race, age, sexuality or disability or religious belief.
- (b) False statements, or information, which adversely affects a person's, or an organisation's, reputation must not be made.
- (c) Members will be liable for any statements that are not sanctioned by the Council and which may breach equalities or indeed other legislation.
- (d) Members must not access or participate in chat rooms, newsgroups, list servers, e-mail subscription services or other new information sharing technologies unless they have the documented express permission of the Deputy Director of ICT, Highways and Business Services or nominated representative. In cases of any doubt advice must be sought from ICT.
- (e) Members must not deliberately access or deliberately carry out search procedures that result in access to inappropriate Internet sites or material. This may include pornographic, racist or other sites that are not appropriate for members of a public authority to use Council equipment or software to access. Members must not store, view, print or redistribute any inappropriate document or graphic file.
- (f) To ensure that Members are, as far as practicable, protected from inappropriate and offensive sites, software has been introduced to block access to such sites.
- (g) If a Member accidentally connects to a site that contains inappropriate or offensive material that has not been blocked, they must disconnect from that site immediately using the "Home" button on the web browser. Members must then immediately cease to use the search that produced the material.

- (h) No Member may use council facilities knowingly to download or distribute pirated software or data, entertainment software or games, or to play games against opponents over the Internet.
- (i) No Member may use the Council's computer facilities to deliberately propagate any virus, worm, Trojan horse, trap-door program code or any other harmful programs.
- (j) Members must not amend transactions received.
- (k) Members using the council computer facilities must identify themselves honestly, accurately and completely and must not impersonate any other person particularly when in chat rooms or newsgroups, or when setting up accounts on outside computer systems.

(ix) Other use

- (a) Most Councillors are elected on a party political platform and the organisation of local authorities into political groups is recognised in law.
- (b) It is legitimate to use the ICT equipment provided for activities which are pursuant to the conduct of the Council's business including the organisation of group meetings, conducting correspondence including that with political parties which arises because of a Councillor's membership of and/or role within the Council or responding to requests for information.
- (c) Members are not permitted to use any resources, including ICT resources, provided by the authority for party political purposes (see paragraph 4 above), especially in the period between the publication of a Notice of Election and the election date, known as the 'purdah' period. However, this will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the authority.
Party Political uses would include:
 - advocating support for the candidacy of one candidate or political party as opposed to another during an election period,
 - soliciting support from electors
 - preparing a party newsletter for party members or for members of the public.
 - Preparing or maintaining databases of party supporters or mailing lists to be used for eliciting support for a party or candidate

Equipment

13. The following equipment is provided for home use;
- Notebook or desktop PC
 - Docking station (as appropriate)
 - 17 inch TFT monitor
 - Printer/Fax/Scanner (all in one)
 - Keyboard and mouse
 - Broadband internet connection

Similar equipment is also available for use in the Group Office computer rooms.

14. All this equipment is fully supported by the ICT Service Desk between 8.00 am and 5.30 pm which can be contacted as follows:

ICT Service Desk on 01895 556556
<mailto:ICTServiceDesk@Hillingdon.Gov.UK>

Technological changes

15. The equipment provided is designed to last for the life of the Council (i.e. for four years) and be capable of handling technological changes such as new or enhanced software that may be introduced on Council systems. However, it is recognised that the speed of technological innovation means that new hardware and software may become available which might assist Members in connection with Council business. Any request for hardware or software additional to that provided generally to Members will be determined by the Head of Democratic Services (with technical input from the Deputy Director of ICT, Highways and Business Services) after consultation with the Cabinet Member for Finance and Business Services in accordance with the following criteria:

- will it assist in the conduct of the Council's business?
- is it consistent and compatible with the Council's technical standards?
- is it relevant to a particular role carried out by Members?
- can the cost be managed within existing budget provision?

Responsibilities

16. The lead officer for Members' ICT is the Head of Democratic Services with technical advice and guidance from the Deputy Director of ICT, Highways and Business Services. The Cabinet Member for Finance and Business Services has general oversight of the operation of these guidelines.

E-Mail Guidelines for Members

- (a) E-mails enable clear communication, especially for remote sites, disparate workgroups, flexible working arrangements and interdepartmental / organisational partnerships.
- (b) E-mails should not be used as a deliberate means of avoiding personal contact where one face to face discussion can avoid an exchange of numerous e-mails.
- (c) Limit the number of copies to those that are necessary.
- (d) Do not unnecessarily broadcast information widely. Constant bombardment of individuals by irrelevant or unsolicited e-mail is time wasting.
- (e) E-mails should be checked regularly or where this is not possible arrangements should be made for them to be redirected to the appropriate Party Group offices
- (f) Reply promptly to all e-mail messages requiring a reply. Where a prompt, detailed, response is not possible, send a short e-mail acknowledging receipt and giving an estimate of when you will provide a detailed response.
- (g) Do not unnecessarily print out and store hard copies of e-mails.
- (h) Do not either write in capitals as this can be perceived as shouting, or adopt a more aggressive tone in e-mails than you would in a face to face discussion and abide by the corporate standards for written communication.
- (i) E-mail and the Internet provide an immense and unprecedented way to communicate council messages. If authorised to use them, it is important to maintain clarity, consistency and integrity of the Council's corporate image and policy.
- (j) Do not attach long files or include graphics and logos if this is not necessary.
- (k) Members must regularly delete or archive files no longer required or needed for immediate access.
- (l) Summary checklist
 - Is e-mail the best way to communicate this message?
 - Think before you write.
 - Use the spell check facility
 - Think before you print.
 - Only copy in people who you would be prepared to talk to about the subject.
 - Re-read before you send.
 - Delete or electronically file/archive e-mail as soon as it is dealt with.

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QUESTIONS FROM MEMBERS

8.1 QUESTION SUBMITTED BY COUNCILLOR BENSON TO THE LEADER OF THE COUNCIL – COUNCILLOR PUDDIFOOT

Given the massive lobbying effort of BAA aimed at persuading the government to go back to the previous Labour government's disastrous policy of a third runway at Heathrow, will the Leader of the Council outline the proactive measures the Council continues to take to counter them?

8.2 QUESTION SUBMITTED BY COUNCILLOR O'CONNOR TO THE CABINET MEMBER FOR SOCIAL SERVICES, HOUSING & HEALTH – COUNCILLOR CORTHORNE

Will the Cabinet Member confirm that this Council does not, as alleged by (one ill informed commentator), have large unspent sums of S106 funding for housing in Hillingdon?

8.3 QUESTION SUBMITTED BY COUNCILLOR DHILLON TO THE CABINET MEMBER FOR EDUCATION AND CHILDREN'S SERVICES – COUNCILLOR SIMMONDS

Would the Cabinet Member please give the most up to date progress on the primary school expansion programme including how delays or health and safety issues are being dealt with?

8.4 QUESTION SUBMITTED BY COUNCILLOR MACDONALD TO THE CABINET MEMBER FOR PLANNING, TRANSPORTATION & RECYCLING – COUNCILLOR BURROWS

Would the Cabinet Member for Planning, Transportation & Recycling please update the Council on the poor state of West Drayton Cemetery and what action is being taken to improve it for bereaved families in the area?

8.5 QUESTION SUBMITTED BY COUNCILLOR HARMSWORTH TO THE LEADER OF THE COUNCIL – COUNCILLOR PUDDIFOOT

Would the Leader of the Council please give an update on the Yiewsley Pool site?

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MOTIONS

9.1 MOTION FROM COUNCILLOR MAJOR

That this Council calls upon the Cabinet to reconsider the decision to close the three Day Centres – Parkview, Woodside and Phoenix.

This has been done under the guise of giving people more choice. The removal of any service clearly gives people less choice. These closures are taking away a much valued service, that is a certainty. Whilst not explaining what the replacement will be, that is clearly an uncertainty.

This was clear to all who attended the individual consultation meetings about the centres. When questioned, those leading the meetings were very vague about what was to be the replacement. Vague references were made to a directory of services that was not yet available. It was not available when the closure decision was taken and carers are still in the dark about what is available.

These carers are amongst those who save the Statutory Authorities in Hillingdon £442.6 million annually, according to Leeds University research. Surely we must owe them something?

Day Centres are valued by carers as having a dual benefit. On the one hand they are a safe environment that their dependents enjoy and on the other hand they give valuable 'me time' for carers. This enables these beleaguered families to survive. Removing these centres puts that fragile situation in jeopardy.

The decision to close the centres sent a clear message to carers. Day care will be a thing of the past in Hillingdon. This is demonstrated in the Council's 'Frequently asked questions' document, question 9 – what will people be able to buy with a personal budget? Part of the answer states 'people will be able to use personal budgets to buy back a service from the Council, provided the service is not a Day Centre'. What could be clearer? Less choice for users and carers.

Please rescind this desperate situation and give Carers hope.

9.2 MOTION FROM COUNCILLOR ALLEN

This Council welcomes the recommendation, in the recent independent Mary Portas Review into revitalising our high streets, which called on the government to reclassify betting shops in planning law to give local authorities more control over the number of betting shops in their area.

Council also notes.

1. The results of a recent survey by the Gambling Association which show that problem gambling has increased by 50% since liberalisation in 2005.
2. There are currently 450,000 problem gamblers in the UK and they are hugely expensive to treat.
3. Evidence from the Responsible Gambling Fund shows that there is a clear targeting of betting shops machines in poorer areas with disproportionately high levels of unemployment and young people.
4. The proliferation of bookies on the high street in our poorest communities can exacerbate debt and problem gambling and create demand for pawnbrokers and payday loan companies who move in and can put more productive businesses off.
5. Betting shops are currently included in the same use class as job centers, restaurants, estate agents and banks under planning law.
6. A betting shop wanting to open in a property formerly occupied by a business such as a bank or post office does not have to seek planning permission.

This Council therefore Resolves:

1. To back the High Streets First campaign, which calls on the government to reclassify betting shops in planning law and give local authorities control over their numbers.
2. To write to the Secretary of State for Communities & Local Government asking him to implement the recommendation contained in the Portas Review to reclassify betting shops.
3. To encourage all Council Members to sign the High Streets First petition.
4. To write to the local MPs and ask them to sign the petition and endorse the campaign.
5. To ask the appropriate Cabinet Member to submit evidence on the prevalence of betting shops and associated problems to the government's upcoming use class review.