



HILLINGDON
LONDON



Council

To all Members of the
Council

Date: THURSDAY, 6 SEPTEMBER
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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Agenda

Prayers

To be said by the Reverend June Hughman.

- 1** Apologies for Absence
To note any apologies for absence

- 2** Minutes 1 - 10
To receive the minutes of the meeting held on 5 July 2012 (*attached*)

- 3** Declarations of Interest
To note any declarations of interest in any matter before the Council

- 4** Mayor's Announcements

- 5** Report of the Head of Democratic Services 11 - 14

- 6** Audit Committee Annual Report 2011/12 15 - 20
To receive the annual report detailing the work of the Audit Committee 2011-12 (*attached*)

- 7** Members' Questions 21 - 22
To take questions submitted by Members in accordance with Council Procedure Rule 11

- 8** Motions 23 - 24
To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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Agenda Item 2

Minutes

COUNCIL

5 July 2012

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



HILLINGDON
LONDON

Councillor Michael Markham (Mayor)
Councillor Allan Kauffman (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: David Allam 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 George Cooper Judith Cooper Philip Corthorne Brian Crowe Peter Curling</p> <p>Catherine Dann Jazz Dhillon Janet Duncan Neil Fyfe Janet Gardner Roshan Ghei Dominic Gilham Raymond Graham Paul Harmsworth Shirley Harper-O'Neill John Hensley Henry Higgins Patricia Jackson Phoday Jarjussey Sandra Jenkins Judy Kelly Peter Kemp Mo Khursheed Kuldeep Lakhmana</p> <p>Richard Lewis Anita MacDonald John Major Carol Melvin Douglas Mills Richard Mills John Morgan June Nelson Susan O'Brien Andrew Retter John Riley David Routledge Avtar Sandhu Robin Sansarpuri Scott Seaman-Digby David Simmonds David Yarrow</p>
	<p>OFFICERS PRESENT: Hugh Dunnachie, Fran Beasley, Nigel Dicker, Neil Stubbings, Paul Whaymand, Raj Alagh, Lloyd White, Mark Braddock, Morgan Einon, Trevor Langworth and Nikki O'Halloran.</p>
12.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillors East, Garg, Lavery, O'Connor, Payne, Puddifoot, Stead and White.</p>
13.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meetings held on 23 February 2012 and 10 May 2012 be agreed as correct records.</p>
14.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor advised that his new website had been well received and that the Mayor's Parlour was currently being revamped so that it could also be equally informative and educational.</p>

Over the Queen's Jubilee weekend, the Mayor, Mayoress, Deputy Mayor and past Mayors had attended hundreds of events across the whole of the Borough. Thousands of residents had taken part in these events. Councillors were advised that an illuminated address had been sent to the Queen.

15. **PUBLIC QUESTION TIME** (*Agenda Item 5*)

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?"

In the absence of the questioner, the Mayor put the question on her behalf and Councillor Bianco advised that a written response would be provided as follows:

Response:

Councillor Bianco advised that Hillingdon planned to continue its current proactive work in dealing with all empty properties in the Borough. Hillingdon Council recognised the contribution bringing empty properties back into use could make to providing homes for Borough residents and reducing the cost of housing homeless families to the General Fund. It was also recognised that empty homes often caused problems to neighbours and the surrounding area, often became eyesores, gardens became overgrown and they could be a source of fly tipping.

- With a population of around 266,000, comprising approximately 105,000 households, Hillingdon had around 700 empty properties at any given time which accounted for less than 1% of the total housing stock – a small but still significant number of properties.*
- Properties could become empty for a variety of reasons such as financial hardship, renovation works, re-possession, probate, inheritance, etc. The Council worked with owners through both formal and informal action to help and encourage them to bring these properties back into use*
- In 2011-12, 140 properties were brought back into use.*
- 28 Grants were used to assist owners in renovating their properties and in return the Council secured nomination rights for housing vulnerable homeless families for a minimum period of 5 years. These grants assisted in bringing a number of derelict houses back into use which had been vacant for over 15 years and were a blight on the local neighbourhood.*

As for commercial properties, it was recognised that viable town centres should sit at the heart of local communities, but that there were many challenges in achieving this. Clearly, renewal and rejuvenation of the fabric of the high streets and the business frontages could help – and, where appropriate, the Council was doing both these things. With the continued support of Boris Johnson, the Mayor of London and a long time supporter of Hillingdon, the Council had secured funding which specifically included an initiative to bring some of these empty properties back to life.

The Council was working with an expert consultant who was well versed in the art of

identifying and working with landlords, selling the message to them that, with some lateral thinking and the carrot of a modest financial incentive, they could achieve far better use of their properties initially in the short term, but hopefully to also bring them fully back into use. This could involve temporary use of the shops, for example, encouraging entrepreneurial businesses to try running a shop for a trial period in a low-risk rent-free environment. In particular, it could involved enticing the kinds of business missing from that high street to try running a shop there more or less free of competition and to the obvious benefit of the business community and the Borough as a whole.

In other cases, an option would be to allow the premises to be used for short term uses that would be of interest and benefit to the community. The Council was at the beginning of this process, but Councillor Bianco was confident that it would prove to be an important aspect of the Council's approach to its town centres. The key in all these cases was to get the property back into use - to get the shutters opened, locks unlocked and the piles of old mail removed from the door mat.

16. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES** (*Agenda Item 6*)

Councillor G Cooper moved the recommendations as set out on the Order of Business. This was seconded by Councillor O'Brien and:

RESOLVED: That:

- i) the Urgency decisions detailed in the report be noted; and**
- ii) the changes to the membership of Committees as shown below be approved:**
 - a) External Services Scrutiny Committee – Councillor Kelly to replace Councillor Morgan and Councillor Hensley to replace Councillor Fyfe.**
 - b) Residents' and Environment Services Policy Overview Committee – Councillor Allen to replace Councillor Nelson;**
 - c) Corporate Services and Partnerships Policy Overview Committee – Councillor Bliss to replace Councillor Allen;**
 - d) Social Services, Health and Housing Policy Overview Committee – Councillor Nelson to replace Councillor Lakhmana;**
 - e) Central & South Planning Committee – Councillor Duncan to replace Councillor Sansarpuri and Councillor Khursheed to be appointed and shown as the Labour Group Lead; and**
 - f) Registration & Appeals Committee – Councillor Sansarpuri to replace Councillor Curling.**

17. **THE LOCALISM ACT 2011 - A NEW ETHICAL FRAMEWORK** (*Agenda Item 7*)

Councillor G Cooper moved the recommendations as set out on the Order of Business. This was seconded by Councillor O'Brien and:

RESOLVED: That:

- a) w.e.f 1 July 2012, a new Code of Conduct for Hillingdon Members and co-opted members in the form set out at Appendix 1 of the report, including the Whips' Protocol at Appendix 2 of the report, be approved.**

- b) 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 of the report, be approved.
- c) the following be appointed 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) a SRA of £3,000p.a be paid to the Chairman of the Standards Committee to be incorporated into the Scheme of Members' Allowances 2012/13.
- e) the amendments to the associated documents set out at Appendices 3, 7 & 8 of the report be approved.
- f) the expressions of interest received for the role of Independent Person be noted and Mr Allan Edwards be appointed 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) the effectiveness of the new ethical framework be reviewed in 12 months time.

18. **MEMBERS' QUESTIONS** (*Agenda Item 8*)

8.1 QUESTION SUBMITTED BY COUNCILLOR BENSON TO THE LEADER OF THE COUNCIL – TO BE ANSWERED BY COUNCILLOR SIMMONDS ON BEHALF OF 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?”

Councillor Simmonds responded that the third runway proposal continued to be one of the most important issues facing the Borough. The Council continued to maintain its position opposing further expansion at Heathrow and would be responding robustly in the forthcoming consultation on the national aviation framework.

The Council had joined with its 2M local authority partners recently which had resulted in an Evening Standard article stating the third runway proposal was all about greed. Councillor Simmonds maintained that, whatever the reasoning, there was no justification for the misery that this development would cause those residents that would be displaced by the third runway or those living under the flight path.

In addition, politicians and officers had been liaising with peers across the country through working groups in relation to aviation policy, aircraft noise and local air quality to promote the message that Hillingdon was against further expansion at Heathrow. Councillor Simmonds suggested that a more creative solution was required and that, as an alternative, consideration should be given to building an additional runway at one of the airports that was keen to become involved elsewhere in the country.

It was noted that the Council had taken its case to Europe when this issue last came up on the agenda, to protest about expansion in an area already suffering from unacceptable levels of air quality, noise and congestion. The Council would not hesitate to do so again.

Councillor Benson, by way of a supplementary question, asked what further measures were being taken to reassure residents in Heathrow Villages and the surrounding Wards that the Council would continue to oppose the third runway proposals.

Councillor Simmonds stated that the Council would continue to lobby against the development of a third runway at Heathrow. He went on to advise that the Council's message remained the same and should be promoted amongst residents, particularly those in the affected Wards. Furthermore, officers would continue to develop technical answers to the major issues.

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?"

Councillor Simmonds responded that, although there had been an additional 3,500 in-year admission applications this year, the impact of any potential delays were being addressed through the use of the schools' existing accommodation or by the use of temporary classrooms. Where applicable, financial penalties had been applied to the contractors if the delays to the construction were preventable.

With regard to health and safety, Councillor Simmonds stated that, in addition to the contractors' statutory role as Principal Contractor under the Construction Design and Management (CDM) Regulations, a Construction, Design and Management Coordinator (CDM-C) represented the Local Authority on all schemes. Furthermore, all contractors working on site were Criminal Records Bureau checked and there was a zero tolerance for unsafe practices or behaviour on the construction sites. The CDM-C also undertook unannounced site visits from time to time to check compliance. Officers would continue to meet weekly to ensure that delays were minimised.

Councillor Dhillon, by way of a supplementary question, asked if there had yet been any contractors held to account for breaches in health and safety.

Councillor Simmonds advised that, to date, he had not been advised of any health and safety breaches by the contractors. He went on to state that officers continued to monitor and enforce the contracts and he was confident that, if there had been any breaches, these had been minor and had been dealt with by officers.

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

As Councillor O'Connor was unable to attend the meeting, the Mayor posed the question on her behalf. Councillor Corthorne responded that he was surprised that the MP for Hayes & Harlington had made this allegation when the *Planning Obligations – Quarterly Financial Monitoring Report* considered by Cabinet at its meeting on 21 June 2012 had clearly stated that all S106 monies had been committed.

There was no supplementary question.

8.4 QUESTION SUBMITTED BY COUNCILLOR MACDONALD TO THE CABINET MEMBER FOR PLANNING, TRANSPORTATION & RECYCLING – TO BE ANSWERED BY COUNCILLOR BIANCO ON BEHALF OF 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?”

Councillor Bianco stated that there had been a number of issues that had arisen over the last few months in relation to grounds maintenance at parks and cemeteries across the Borough as a result of the rain, which had made the ground too wet, and then the warm weather, which had encouraged the grass to grow.

It was noted that the Council's Residents' and Environmental Services Policy Overview Committee would be starting a general review into the Council's cemeteries at the end of July. It was likely that this review would look at the Council's Cemetery Regulations, which had originally been drafted in 1994 and required revision. Since the Regulations had been drafted, there had been some significant changes in attitudes towards burial and the nature of memorials and there was a need to bring the Council's regulations in line with modern requirements.

Councillor Bianco stated that the possible scope for the review included:

- rules on mementos, furniture and memorials (including size, types, materials, permissions etc);
- rules on purchase of grave spaces;
- the use of authorised installers for memorials and maintenance of safe condition of memorials;
- revision of the Council's bylaws;
- maintenance and upkeep of the Council's cemeteries; and
- enforcement approaches where breaches occurred

The resultant final report and recommendations would be considered by Cabinet in due course.

Councillor MacDonald, by way of a supplementary question, asked for reassurance that sufficient staff would be employed to ensure that West Drayton cemetery would

be well maintained in the future.

Councillor Bianco stated that he was unable to commit to giving such assurances at this time.

8.5 QUESTION SUBMITTED BY COUNCILLOR HARMSWORTH TO THE LEADER OF THE COUNCIL – TO BE ANSWERED BY COUNCILLOR BIANCO ON BEHALF OF COUNCILLOR PUDDIFOOT

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

Councillor Bianco responded that the Council was continuing its discussions with the Primary Care Trust (PCT) over the feasibility of a health care building on the Yiewsley Pool site. He stated that the Council was committed to putting all of its residents first and at the heart of everything it did across the whole of the Borough. It was noted that both sides were trying to find a solution that was mutually acceptable and that would ultimately be to the benefit of the local residents.

Councillor Harmsworth, by way of a supplementary question, asked whether the Cabinet Member was hopeful that the project would get off the ground.

Councillor Bianco stated that, at present, he was hopeful that the project would get underway. However, he was mindful that the abolition of the PCT could provide additional complications (the Hillingdon Clinical Commissioning Group (CCG) would subsequently be taking over the PCTs responsibilities). Although taking longer than expected, Councillor Bianco was confident that, as the CCG would be taking over from the PCT, there was a good chance that the project would be completed by the end of the Autumn.

19. **MOTIONS** (*Agenda Item 9*)

9.1 MOTION FROM COUNCILLOR MAJOR

At the invitation of the Mayor, the Borough Solicitor gave a short statement reminding Members that the Cabinet decision in question was still subject to potential Judicial Review proceedings.

Councillor Major moved the following motion:

“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.”

The motion was seconded by Councillor Curling. Following debate (Councillors Corthorne, Simmonds and Harmsworth), the motion was put to a recorded vote.

Those voting for: Councillors Allam, Allen, Bliss, Curling, Dhillon, Duncan, Gardner, Ghei, Harmsworth, Jarjussey, Khursheed, Lakhmana, MacDonald, Major, Nelson, Sandhu and Sansarpuri.

Those voting against: The Mayor (Councillor Markham), the Deputy Mayor (Councillor Kauffman), Councillors Baker, Barker, Barnes, Barrett, Benson, Bianco, Brar, Bridges, Bull, Burrows, Buttivant, G Cooper, J Cooper, Corthorne, Crowe, Dann, Fyfe, Gilham, Graham, Harper-O'Neill, Hensley, Higgins, Jackson, Jenkins, Kelly, Kemp, Lewis, Melvin, D Mills, R Mills, Morgan, O'Brien, Retter, Riley, Routledge, Seaman-Digby, Simmonds and Yarrow.

Those abstaining: None.

The motion was lost.

9.2 MOTION FROM COUNCILLOR ALLEN

Councillor Allen moved the following motion:

“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."

The motion was seconded by Councillor Sansarpuri. Following debate (Councillors Barnes, Benson, Burrows, Crowe, Curling, Harmsworth, Hensley, Retter and Seaman-Digby), the motion was put to the vote and lost.

The meeting, which commenced at 7.30 pm, closed at 8.54 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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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:

Cabinet Member decisions under special urgency procedures in respect of the School Capital Programme:

- Charville Primary School: phase 2a - classroom extension on 3 July 2012
- Rabbsfarm & Wood End Primary Schools: phase 2a - classroom extension on 4 July 2012-08-17
- Pinkwell Primary School classroom extension, refurbishment of existing toilets and external works on 4 July 2012
- Rosedale Primary School: phase 2a - classroom extension on 10 July 2012
- Ryefield and Hillingdon Primary Schools: phase 2a - classroom extension on 10 July 2012
- Award of consultancy and construction contracts for the Abbotsfield School 6th Form project on 18 July 2012
- Harefield Primary School (Infant and Junior) classroom extensions, refurbishment of existing toilets and external works on 20 July 2012

Cabinet decision under urgency procedures:

- Release of capital funds for the school expansion programme on 26 July 2012.

(ii) CHANGES TO THE CONSTITUTION TO REFLECT NEW SCHOOL GOVERNING REGULATIONS

RECOMMENDATION: That the proposed changes set out in bold in the report be approved.

Governing body appointments to maintained schools

There are now two sets of governing body constitution regulations operating in parallel for maintained schools. Governing bodies constituted before 1st September 2012 must follow the School Governance (Constitution) (England) Regulations 2007. Governing bodies constituted after 1st September 2012 must follow the School Governance (Constitution) (England) Regulations 2012. This also requires the

appointment of school governors be made under these two different sets of regulations.

Schools with a constitution effective before 1st September 2012 will still require the Cabinet Member for Education and Children's Service's formal approval to appoint local authority governors to their governing bodies following nomination.

However, schools with a constitution effective from or after 1st September 2012 can only require the Council to nominate a local authority governor. In such cases it will be the governing body itself that has the power to appoint to the local authority governor, if the candidate is acceptable to them.

It is proposed to amend the Cabinet Member for Education and Children's Services delegations in Article 7 of the Constitution accordingly to clarify both approval and nomination powers under the different regulations.

Local authority influenced status and Academies

There is a legal limit to the number of local authority associated persons that an academy governing body may have on its governing body, including directors or trust members. Local authority 'associated persons' are current Councillors, current officers or anyone who has been a Councillor within the past four years.

Should the number of such persons on an academy governing body be 20% or higher of the total membership, then the academy is deemed to have 'local authority influenced status' and must legally identify itself as having such status. This places extra bureaucratic burdens upon the academy. It is the Department for Education's policy that no academy should have local authority influenced status.

Furthermore, no local authority associated person is eligible to be appointed to the office of Director at an Academy unless his/her appointment to such office is authorised by the local authority to which he/she is associated.

To clarify who at the Council has the authority to authorise such appointments, it is proposed that Borough Solicitor be designated when an officer seeks authorisation and the Head of Democratic Services, in consultation with the Cabinet Member for Education and Children's Services, be designated if a Councillor (present and within the past four years) seeks authorisation. In this way, it will mirror the Council's existing procedures for declarations of interests. Part 3 - Officer Scheme of Delegations in the Constitution - will be amended accordingly.

(iii) NEW URGENT CONTRACT DELEGATION

RECOMMENDATION: That the delegation set out below be approved.

To improve the flexibility of the Council to respond effectively to short-notice pressures placed on the delivery of its capital projects and services, it is proposed a new delegation be given to the Chief Executive as set out below:

In respect of a Council capital project or revenue service, where an emergency or exceptionally urgent situation arises in relation to a commercial contract where:

- a) The Leader and Chief Executive agree the urgency;*
- b) There is no Cabinet meeting imminent;*
- c) Any delay would seriously jeopardise the Council's finances or its ability to deliver services and;*
- d) A previous executive decision has been made or proposed in respect of the capital project or service provision concerned,*

authority is granted to the Chief Executive, subject to the written agreement of the Leader of the Council, to incur expenditure and make any new and necessary contractual decisions in order to secure the successful delivery of the project or service.

In such instances, the Council's Procurement and Contract Standing Orders can be waived. Any decisions taken must be reported to a subsequent Cabinet meeting for formal ratification.

This delegation will be added to Part 3 – Officer Scheme of Delegations.

(iv) PROCUREMENT AND CONTRACT STANDING ORDERS

RECOMMENDATION: That the change set out below be approved to the Standing Orders and related sections of the Council's Constitution.

The Leader of the Council is proposing to amend the Procurement and Contract Standing Orders so that approval to accept tenders is as follows:

£0 – 9,999	Approved Officer
£10,000 - £49,999	Approved Officer with informal written acceptance from relevant Cabinet Member and Cabinet member for Co-ordination & Central Services
£50,000 – 249,999	Formal decision by the relevant Cabinet Member and Cabinet Member for Co-ordination & Central Services or the Leader of the Council
£250,000 or greater	Formal decision by the Cabinet

This change will be amended in the relevant sections of the Procurement and Contract Standing Orders and other related sections of the Council's Constitution.

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REPORT TO COUNCIL ON THE WORK OF THE AUDIT COMMITTEE 2011/12

Reporting Officer: Head of Audit and Enforcement

SUMMARY

In accordance with best practice guidance the Audit Committee is required to submit an annual report to Council outlining the Committee's activities over the previous 12 months. Accordingly, this report summarises for the Council the work of the Audit Committee during 2011-12 in undertaking its responsibilities for overseeing and challenging the key areas within its remit, specifically:

- Internal Control;
- Risk Management;
- Internal Audit;
- Additional financial assurances;
- Anti Fraud; and,
- Annual Accounts and External Audit.

The report provides an opportunity for Members to review the work of the Committee and comment on its contribution and performance.

This report details the key areas reviewed by the Committee in 2011-12. The Committee has had an impact on all areas of its remit, most notably:

- Raising the profile of Internal Audit through its review of its activities and acknowledged support for the service
- Receiving and reviewing
 - the Internal Audit Operational Plan for 2012/13
 - the periodic progress reports presented by the Head of Audit & Enforcement;
 - Internal Audit's Terms of Reference
 - Internal Audit Strategy
 - the Head of Audit Annual Assurance Statement
 - an independent report on the Annual Review of the Effectiveness of the Systems of Internal Audit from the Head of Audit at the City of London
 - a report on the progress of implementing ICT recommendations
 - quarterly reports on the risk management process;
 - reports on Revised Treasury Management Practices
 - the Treasury Management Strategy Statement and Investment Strategy 2012/13 to 2014/15
 - a verbal overview from External Audit on the changes to the accounts under International Financial Reporting Standards (IFRS)
 - a Briefing Note on the Consultation on the Future of Local Public Audit
 - the External Audit Annual Audit Letter, Annual Grants Letter and Annual Audit Plan
 - the External Audit report on the Pension Fund Annual Report and Accounts
 - the Balances and Reserves Statement 2012/13
 - a Consolidated Fraud Report assessing our internal practices against the Audit Commission's recommended good practice

- the bi-annual Corporate Fraud reports
- A Fraud Plan indicating how anti-fraud resources will be utilised in 2012-13 and detailing the expected benefits to the council;
- Approving the 2010/11 Statement of Accounts and External Audit Report, and presenting a robust challenge by addressing questions and seeking assurances from both officers and the external auditors.
- Monitoring the production of the Annual Governance Statement and its supporting evidence, and recommending the adoption of the statement to the Leader and Chief Executive.
- Reviewing and setting its work programme.
- Keeping up to date on changing legislation and emerging issues.

RECOMMENDATION: That the annual report be noted.

INFORMATION

1. Background

The Audit Committee has a wide ranging brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of risk management, internal control including audit, anti-fraud and the financial reporting frameworks. The Audit Committee also approves the Annual Accounts and receives regular reports on the work of the external auditor.

2. Membership

- 2.1 The Committee membership is shown below. They have a wide range of skills and bring both technical and professional experience to the role. The Independent Chairman is a qualified accountant with wide experience in the private and public sector.

Mr. John Morley, (Independent Chairman), Councillors G. Cooper, Graham, Harmsworth and Lewis.

- 2.2 During the course of meetings members are briefed on relevant issues in relation to local government accounts, External Audit, Internal Audit, Use of Resources, Anti-Fraud arrangements, and risk management.

3. Internal Control

- 3.1 In compliance with the Accounts and Audit Regulations 2011, the Committee has reviewed the effectiveness of the systems of internal control by receiving regular reports from those areas that contribute to the control framework, specifically;

- Internal Audit;
- External Audit
- Risk Management;
- Anti Fraud activities;
- Annual Governance Statement steering group.

- 3.2 The Committee has received reports from the Annual Governance Statement Steering Group This group reviews and challenges the assurances used to support the Annual

Governance Statement that accompanies the statutory accounts. It also reviewed the resultant draft Annual Governance Statement 2010-11 and recommended its approval to the Leader and Chief Executive and will do the same for 2011-12

4. Risk Management

- 4.1 Regular reports on the Council's corporate risks are produced and presented to the Audit Committee, which presents a further challenge to the identified risks.
- 4.2 The Committee received assurance that the Corporate Risk Management Group (CRMG) continued to meet regularly and to challenge and review the risks and mitigation strategies.
- 4.3 All corporate risks have a Risk Management Action Plan, which is effectively a strategy for reducing the effect of the risk.

5. Internal Audit

- 5.1 The Council's Internal Audit is mainly provided by an in-house team, with IT audit outsourced to a private firm. There was some staff turnover this year and consequently the number of reports issued to draft stage fell from 90% in 2010-11 to 85% in 2011-12.
- 5.2 High levels of assurance are key to the production of the Head of Audit's assurance statement, which in turn supports the Annual Governance Statement. Consistent with last year 99% of audit recommendations were accepted, against a target of 95%. Acceptance and implementation of audit recommendations is a key element of improving overall control. Implementation rates of around 80% were achieved at follow up and the committee continues to present a challenge where recommendations have been outstanding for long periods of time.
- 5.3 During the year, the Audit Committee received regular updates on performance and summaries of audit reports. The Committee plays an important role in raising the profile of Internal Audit by supporting it in its role of assisting management in the Council. Senior officers are required to provide a commentary on the actions they are taking where a report received no or limited assurance and the Committee can, if it considers it necessary, ask officers to appear before it.
- 5.4 The audit plan and strategy approved by the Committee for 2012-13 is risk based and uses a methodology adopted four years ago. Using this methodology, the highest risk-ranked audits are undertaken each year with the risks being re-evaluated annually to take account of emerging and receding issues.
- 5.5 In line with CIPFA guidance, an annual review of Internal Audit was undertaken. This year, the Head of Audit at the City of London, who was recommended by one of the Audit Committee members, carried out an independent review. He included within his review an assessment of the Head of Audit role based on, The Role of the Head of Audit in Public Sector Organisations, which was issued by CIPFA in 2011. The service and the Head of Audit were found to be compliant. Two good practice suggestions were made for the Head of Audit and one for the council. These will be considered in the coming year.

6. Anti-Fraud

- 6.1 During the year, the Audit Committee received reports summarising the outcome of Internal Audit investigations into alleged fraud and irregularity. Twenty such investigations were concluded in 2011/12 and reported to the committee in updates throughout the year. Largely they have fallen into three categories:
- No issue at the conclusion of the investigation.
 - Issues to be addressed by management action
 - Disciplinary issues
- 6.2 The Head of Audit has responsibility for the Corporate Fraud Team. A fraud report is presented to the committee biannually. During the year the team has investigated fraud related issues in the following areas
- Housing and Council Tax Benefit
 - Social Housing
 - Identity and recruitment
 - Blue Badges
 - Council tax discount
 - Internal issues
- 6.3 Team achievements include
- 38 successful prosecutions
 - 37 cautions
 - 17 administrative penalties
 - 28 council properties reclaimed
 - 46 Blue Badges seized
 - Identified over £440,000 in benefit fraud
 - Recovered £200,0000 in overpayments
 - Obtained £4,000 using Proceeds of Crime Legislation.

7. External Audit

The external auditors have attended each meeting of the committee. The Head of Audit has met with Deloitte's Audit Manager to discuss the respective approaches to audit. The relationship is now well established. Deloitte are currently reviewing Internal Audit reports for their 2011-12 audit and we expect that they will be able to place reliance on the work. This year we will be carrying out some specific testing on grants under the direction of Deloitte and on which they will place reliance. Representatives from Deloitte continue to attend Audit Committee meetings to present various reports and answer questions. The Chairman of the Audit Committee has met the Deloitte auditors independently, in keeping with good governance arrangements.

8. Annual Accounts and Financial Reporting

- 8.1 The Audit Committee received or approved the following reports:

September 2011

- 2010-11 Statement of Accounts
- External Audit Report on the Audit for the Year Ended 31 March 2011
- External Audit's Report on the Pension Fund Annual Report and Accounts

- External Audit's Annual Audit Letter and Annual Grant Audit Letter

March 2012

- External Audit's 2011/12 Annual Audit Plan.

8.2 The Committee have maintained an active interest in all financial matters, including Treasury Management and in the move to International Accounting Standards. Reports have been received on Revised Treasury Management Practices, Treasury Management Strategy Statement and Investment Strategy 2012/13 to 2014/15, International Accounting Standards.

9. Conclusion

The Audit Committee believes it has made a significant contribution to ensuring that the key elements of the Governance Framework are given proper consideration and are appropriately challenged. It will continue to develop this role and contribute to strengthen internal control, risk management and governance throughout the authority.

10. Legal and Financial Implications

None arising from this report.

BACKGROUND PAPERS: Terms of reference for Audit Committee; Annual Governance Statement Framework

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QUESTIONS FROM MEMBERS

7.1 QUESTION SUBMITTED BY COUNCILLOR O'CONNOR TO THE CABINET MEMBER FOR IMPROVEMENT, PARTNERSHIPS & COMMUNITY SAFETY – COUNCILLOR D.MILLS

I understand that the Crossrail design for Hayes & Harlington Station is at a critical point and that over the next few months decisions will be made by Crossrail as to the exact design for the future Hayes & Harlington Station. Given the significance of the design work and the impact it will have on Hayes Town Centre and adjoining redevelopments under construction by third parties, would the Cabinet Member inform me how this very important matter is being dealt with by the Council?

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

Considering

1. that the strategy in the Hillingdon Local Plan reflects the Council's intention that the higher density residential development will continue to take place in the south of the Borough and
2. that the recent inspector's report mentions an annual need to provide well over 2000 affordable homes in the Borough,

Can the Cabinet Member please tell the Council how many of these affordable homes are expected to be built north of the A40 and how many to the south?

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

Given the recent news that the Secretary of State for Education, Michael Gove, has approved every application for the disposal of playing fields that has come before him, in spite of the Coalition agreement stating that this government will encourage competitive sport by protecting and seeking new school playing fields, will the Cabinet Member take this opportunity to assure Hillingdon's residents that he will inspire the next generation by not seeking, and indeed actively campaign against, the disposal, development or change of use of the Borough's school and municipal playing fields?

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

Would you please enlighten us as to how the funds made available to Hillingdon by the government to tackle the "Beds in Sheds" issue will be allocated?

7.5 QUESTION SUBMITTED BY COUNCILLOR SANSARPURI TO THE CABINET MEMBER FOR CULTURE, SPORT & LEISURE – COUNCILLOR HIGGINS

This year we are seeing the nation being brought together through the joys of young people taking part in competitive sport. However, the focus is now turning to the legacy of the Olympics and Paralympics. The Tory led coalition government has scrapped the 2 hours per week of compulsory sport and P.E that the last Labour Government introduced. In light of our recent sporting success, will the Cabinet Member ask the Government to reintroduce compulsory sport and P.E to support and inspire the next generation of Hillingdon residents to become the next recipients of Olympic medals?

MOTIONS

8.1 MOTION FROM COUNCILLOR CURLING

This Council notes and highlights the following statements from the Inspector's report on the core strategy of the Hillingdon Local Plan:

"A particular challenge will be to ensure that planned-for growth does not take place at the expense of valued open space and locally distinctive townscape elements. I have been made aware of the strength of local feeling in this respect. There is concern locally, expressed at the Hearings, that the Green Belt might be eroded by the Council's search for new school sites. Policy EM2 does state that it will carry out the search for school sites in a sequential way, exhausting all other options before Green Belt land is considered. Provided the Council does this, and applies the Policy in accordance with "the very special circumstances" test I am satisfied that the Policy is sound. Clearly it will be a matter for the Council and local residents to be vigilant in ensuring that the Policy is strictly and consistently applied"

This Council believes that the Cabinet has

- failed to carry out a proper search for alternative school sites before opting to build on the much valued Lake Farm Country Park,
- failed to demonstrate any "very special circumstances" that would justify building on Green Belt land and
- failed to display any semblance of transparency or open government in the conduct of this exercise.

It therefore requests the Cabinet to go back to the drawing board and to conduct a thorough review of all possible options for a new primary school in Hayes and to do this with full and meaningful public consultation.

8.2 MOTION FROM COUNCILLOR ALLEN

This Council notes:

1. The findings of the recent 'Dispatches' documentary into fixed odds betting terminals.
2. The outcome of the vote at July 5 Council Meeting where the Council declined to support a motion highlighting the issue of the clustering of betting shops in Hillingdon and the need to reform the current planning laws surrounding betting shops.

This Council resolves to:

1. Enforce and sustain the current limit of no more than 4 Fixed Place Betting Terminals per betting shop.
2. To write to John Whittingdale MP, Chair of the Culture, Media and Sport Committee requesting he withdraw his recommendation to increase the limit on Fixed Place Betting Terminals in Betting Shops.
3. To write to Secretary of State Jeremy Hunt to ask the Government to bring forward legislation that will further regulate the use and numbers of Fixed

- Place Betting Terminals on our High Streets and to commission independent research into their affect on society.
4. Consider the true economic impact of betting shops and the services they offer on the local area and if necessary commission research to examine the effect they have on local communities.