

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 decision has been made using the urgency procedures:
 - 29 March 2012 – two decisions by the Cabinet in relation to the procurement of energy supplies 2012-2016.

BACKGROUND PAPERS: Decision Notices

(ii) CABINET SCHEME OF DELEGATIONS

RECOMMENDATION: That the changes to the Cabinet Scheme of Delegation be noted

Information

1. The Leader of the Council can make such new arrangements for the Cabinet scheme of delegations at any time on either a temporary or permanent basis, in accordance with Article 7 and the Executive Procedure Rules in the Constitution. This is required to ensure that the powers of Cabinet Members adapt with the operation and continued transformation of the Council.
2. As required by the Constitution, a report should be made to Council on any changes in the previous twelve months and this given below. All Members received formal notification of the changes on the date they became effective:

Delegations	Cabinet Member(s)	Date Effective
Responsibility for Adult Education was transferred from the Culture, Sport and Leisure portfolio to the Education and Children's Services portfolio, and the portfolio area was called ' <i>Adult and Community Learning (which includes the Hillingdon Music Service)</i> '.	Education and Children's Services	27 May 2011
A new delegation was given to the Cabinet Member for Education and Children's Services:	Education and Children's Services	25 Nov 2011

Delegations	Cabinet Member(s)	Date Effective
<i>'To approve the Agreed Syllabus from the Standing Advisory Council for Religious Education, receive their Annual Report and agree any changes to their Constitution.'</i>		
A new joint delegation was given to the Cabinet Members for Culture, Sport & Leisure and Improvement, Partnerships and Community Safety <i>'To be responsible for the provision and direction of Town Twinning'</i>	Culture, Sport & Leisure / Improvement, Partnerships and Community Safety	25 Nov 2011
A transfer of a specific delegation assigned to the Cabinet Member for Social Services, Health and Housing was given to the Cabinet Member for Finance, Property and Business Services: <i>"To approve programmes for stock investment and confirmation of adjustments to the programme"</i>	Social Services, Health and Housing / Finance, Property and Business Services	1 January 2012
Various permanent changes to Cabinet portfolio responsibilities were made, principally to clarify responsibilities in respect of cross-portfolio land, property and finance matters.	Leader of the Council / Finance, Property and Business Services / Social Services, Health & Housing	28 February 2012

BACKGROUND PAPERS: Notifications to Members

(iii) AMENDMENT TO COUNCIL CONSTITUTION

RECOMMENDATION: That the following changes to the Constitution, as set out below, be agreed:

i) Licensing Committee's Terms of Reference

1. The Licensing Act 2003 was amended by the Police Reform & Social Responsibility Act 2011 to include the Licensing Authority [the Council] as one of the statutory Responsible Authorities. This change will be effective from 25th April 2012.

2. The new power will allow the Licensing Authority to make representations against licence applications in their own right and it will also allow the Licensing Authority to apply for reviews of licensed premises.
3. This is a welcome change for regulators of Licensing Law as the current arrangements only allow responsible authorities such as the Police, Fire Authority, Trading Standards etc to make representations or apply for reviews. This mirrors powers that are available to the Licensing Authority for gambling premises.
4. The Licensing Committee have been consulted on the proposed amendment to the Terms of Reference in light of new legislation.
5. **It is therefore proposed** that the Terms of Reference of the Licensing Committee are amended to make reference to the ability to discharge functions under the “The Police Reform & Social Responsibility Act 2011”. The Committee can then agree how to sub-delegate this new power to make representations.

ii) Part 4, Schedule A, Council Procedure Rules (10), Questions from the Public.

1. Recently the Council has received some questions to Council which have sought to take advantage of the procedure rule in order to further political aims or to ask questions that are not appropriate.
2. The Leader of the Council is therefore proposing the following amendments (underlined) to the Council Rules to tighten up on this procedure and ensure it is used for the legitimate purposes for which it was created.

10.1 General

Members of the public may ask questions of the Leader or a Member of the Cabinet at ordinary meetings of the Council (not including the Annual meeting or the budget setting meeting), subject to the requirements of 10.3 and 10.5. Question time will be limited to 30 minutes. A background information document (maximum length 1 typed side A4) can be submitted at the same time as the question for circulation with the agenda.

10.2 – 10.4 no change

10.5 Scope of questions

The Head of Democratic Services may amend or reject a question if it:

- is not from a resident of the borough ~~or a person whose principal place of work or study is within the borough;~~
- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;

- does not contain sufficient detail or information to allow for an informed and detailed answer to be given or, if local authority resources are referred to, does not provide sufficient detail to allow them to be accurately quantified;
- appears to be overtly 'political' in nature / part of or related to a party political / election campaign;
- is substantially the same, similar in nature or concerning the same subject matter as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information as defined in the Access to Information Rules.

10.6 – 10.9 no change

iii) Part 4, Schedule A, Council Procedure Rules (1), Annual Meeting of the Council.

1. Paragraph 1.2 of the above Part of the Constitution sets out the process for the Annual meeting to establish Council Committees for the forthcoming municipal year and appoint Members to serve on those Committees.
2. Currently this section does not include reference to the appointment of any independent persons to serve on certain Committees for the forthcoming Municipal Year and it is therefore proposed to correct this slight anomaly as follows (changes underlined):

Paragraph 1.2 – At the annual meeting, the Council will:

- (iv) receive nominations of Councillors and any independent co-opted members, to serve on each Committee and outside body.

BACKGROUND PAPERS: Licensing Committee minutes
Police Reform & Social Responsibility Act 2011