

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: 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 Chief Executive and 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:

Date of Decision	Nature of Decision	Decision-Maker
19 February 2014	Capital Release - Rural Activities Garden Centre – Installation of Modular Buildings to Provide Office Accommodation, Staff Mess Room and Welfare Facility	Leader of the Council (Urgency)
4 March 2014	Tender and Capital Release - HRA Works to Stock - Energy Efficiency Works and use of external funding to improve the thermal efficiency of the Council's housing stock	Leader of the Council (Special Urgency)
20 March 2014	Sale of Amberley Lodge, Percy Bush Road, West Drayton.	Cabinet (Urgency)
24 April 2014	School Capital Programme - decisions in respect of re-providing Northwood School.	Cabinet (Urgency)
1 May 2014	Capital Release - Highways Structural, Localities, Priority Growth and Revenue Growth Programmes 2013/14 (£577,702) carriageway schemes	Leader of the Council (Special Urgency)
14 May 2014	Capital Release - Rural Activities Garden Centre - Phase III Works (£28,000) - resurfacing of the access road and improvements to the internal footpath network.	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
22 May 2014	Granting of a license of the playing fields to Guru Nanak Sikh Academy Limited to allow the building of a Free School on the land.	Leader of the Council (Special Urgency under interim executive arrangements)

Date of Decision	Nature of Decision	Decision-Maker
6 June 2014	Highways Programme 2014/15 (£786,000) carriageway schemes	Leader of the Council (Urgency)
10 June 2014	Environmental Assets programme: Ruislip Lido Beach extension & Little Britain fishing platforms	Leader of the Council (Special Urgency)
26 June 2014	School Condition Programme: Grange Park and Abbotsfield Schools: Drainage Repairs and Boiler Replacement Works	Leader of the Council. Cabinet Member for Finance, Property & Business Services and Cabinet Member for Education & Children's Services (Special Urgency)

BACKGROUND PAPERS: Decision Notices

(ii) AMENDMENT TO THE COUNCIL CONSTITUTION – APPOINTMENT OF NON-VOTING CO-OPTED MEMBERS TO POLICY OVERVIEW AND SCRUTINY COMMITTEES

RECOMMENDATION: That authority be delegated to the Leader of the Council to appoint co-opted members to Policy Overview and Scrutiny Committees, determining the suitability and term of office of such appointments and reviewing the appointments on expiry of that term.

1. Council may appoint non-voting co-opted members to sit on Policy Overview and Scrutiny Committees either as permanent members or for a limited duration to assist with a specific project. Such persons are helpful in expanding the expertise and experience of the Committees and area appointed to those Committees where it is thought they can be of the greatest benefit to the work of the committee.
2. Co-opted members are required to sign the Code of Conduct and make declarations of interest in the same way as elected Members.
3. In order to facilitate and expedite the process for the appointment of Co-opted members it is recommended that authority be delegated to the Leader of the Council to make such appointments, determining the suitability and term of office of such appointments and reviewing the appointments on expiry of that term.

(iii) AMENDMENT TO THE COUNCIL CONSTITUTION – PRIVATE SECTOR LEASING SCHEME

RECOMMENDATIONS: That:

- a) the Procurement and Contract Standing Orders and other relevant parts of the Constitution be amended to enable the effective implementation of a new Private Sector Leasing Scheme upon the recommendation of the

Leader of the Council and Cabinet's decision to implement such a Scheme on 19 June 2014.

b) the required wording changes to the Constitution be delegated to the Head of Democratic Services in consultation with the Leader of the Council.

1. Cabinet on 19 June 2014 agreed a Private Sector Leasing Scheme to increase the supply of temporary accommodation and alleviate the pressures on the temporary accommodation budget from the increased use of more expensive nightly/bed and breakfast accommodation. The Scheme entails signing a lease at an appropriate value with individual landlords on a case by case basis. Full details of the Scheme were set out in the Cabinet Budget Outturn report for Members' further information.
2. Constitutionally, any lease follows the following financial / decision-making thresholds as set out below in the Procurement and Contract Standing Orders:

Property Licenses and Leases	Under 7 years and under £10K	DCE & Corporate Director of Residents Services	In writing
	Under 7 years and £10k - £100k	Cabinet Member for Finance, Property & Business Services	Report
	Under 7 years and above £100k	Cabinet	Report
	7-25 years and any value up to £250k	Cabinet Member for Finance, Property & Business Services	Report
	Over 25 years and any value	Cabinet	Report

3. These Standing Orders were not devised with such a Scheme in mind and the likely value of potential leases under this Scheme could cross between the different thresholds making any decision-making complex. Such leases and financial costs are not expected to be within the ranges required for Cabinet authority.
4. To ensure the expedient and flexible implementation of the Scheme benefitting both residents and landlords, the Leader of the Council is recommending a simple sign-off procedure where all lease and related approvals (for the Private Sector Leasing Scheme only) are delegated directly to the Deputy Chief Executive and Corporate Director of Residents Services, with informal sign-off by the Leader of the Council.
5. Should Council agree this, it will require minor re-wording of the Procurement and Contract Standing Orders and the provision of new delegations to the Deputy Chief Executive and Corporate Director of Residents Services and Leader of the Council, in both the Officer and Cabinet Schemes of Delegations. Council is asked to delegate the exact wording to the Head of Democratic Services to agree, in consultation with the Leader of the Council.

(iv) AMENDMENT TO THE COUNCIL CONSTITUTION – LONDON SAFER LORRY SCHEME AND TRANSFER OF NON-EXECUTIVE OFFICER POWERS TO ANOTHER BODY

RECOMMENDATIONS: That:

- a) the decision taken by the Deputy Chief Executive and Corporate Director of Residents Services on 24 April 2014 to provisionally authorise the transfer of powers to London Councils' Transport and Environment Committee to undertake the legal processes to introduce the required Traffic Regulation Orders to bring into effect the London Safer Lorry Scheme be ratified;**
 - b) authority be delegated to the Chief Executive and Deputy Chief Executive and Corporate Director of Residents Services to authorise the transfer of non-executive powers under delegated authority granted by Council to another body in the best interests of the London Borough of Hillingdon and subject to the endorsement of the Leader of the Council and relevant Cabinet Member.**
1. The Road Traffic Regulation Act 1984 delegates powers to the Traffic Authority, in this case Hillingdon Council, to make regulations to manage the use of the highway. Traffic Regulation Orders (TROs) can be made to prohibit on-street waiting/loading, introduce parking schemes and control the movement of traffic either on a permanent or temporary basis.
 2. In April 2014, there was a provisional decision made by the Deputy Chief Executive and Corporate Director of Residents Services to transfer part of her delegated powers in relation to TROs to London Councils, via their Transport and Environment Committee.
 3. This was so Hillingdon could participate in the proposed Safer London Lorry Scheme, which would effectively impose a London-wide ban on all HGVs over 3.5 tonnes that do not meet the required safety standards. The idea of this scheme was prompted after the number of recent cyclist and pedestrian deaths in road traffic accidents across London and what measures could be taken to mitigate the risk of such collisions in the future. Official figures reveal that a disproportionate number of collisions involve heavy good vehicles (HGVs).
 4. As a result Transport for London (TfL) commissioned the Transport Research Laboratory to examine and report on the incidents of fatal or serious injury to cyclists and pedestrians and to consider what measures could be implemented to reduce the number and severity of casualties. The results of the study were published by TfL in January 2014 and recommended that TfL work with London boroughs to make a "Pan-London" Traffic Regulation Order to prohibit HGVs not meeting the required safety standard standards using London's roads. This could be enforced by Penalty Charge Notices using CCTV systems and on-street traffic enforcement officers. The Department for Transport would need to approve changes to signage and moving traffic legislation.
 5. Under the Council's Constitution, the making and enforcement of TROs within Hillingdon is a delegated function by full Council to the Deputy Chief Executive and Corporate Director of Residents Services, who has sub-delegated this to

relevant officers to make under her department's Officer Scheme of Delegations. This is because such decisions are operational in nature.

6. However, the Constitution is silent on the transfer of such powers (or any other non-executive powers delegated by Council to officers) to another body, i.e. London Councils, where it would be in the Council's best interests to do so. Additionally, as this is a non-executive matter set out under relevant regulations, such decisions cannot legally be made by the Cabinet or a Cabinet Member, though it is advisable they be fully consulted when it is proposed to transfer such powers away from the Council.
7. In order to ratify the decision in relation to the London Safer Lorry Scheme and provide a mechanism to allow authority to be granted in similar situations that may arise, it is proposed that Council authorises a new, more specific delegation to both the Chief Executive and Deputy Chief Executive and Corporate Director of Residents Services.
8. An associated update will be made to the Cabinet Scheme of Delegations to reflect this, which can be approved by the Leader of the Council. This will provide for a formal report to be written to endorse the decision taken by officers for both Members' information and public record.