



HILLINGDON
LONDON

Minutes

COUNCIL

4 July 2013

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

Councillor Allan Kauffman (Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: David Allam Janet Gardner Anita MacDonald Lynne Allen Sid Garg John Major Bruce Baker Roshan Ghei Michael Markham Tim Barker Dominic Gilham Carol Melvin Richard Barnes Raymond Graham Douglas Mills Josephine Barrett Paul Harmsworth Richard Mills David Benson Shirley Harper-O'Neill June Nelson Jonathan Bianco John Hensley Susan O'Brien Sukhpal Brar Henry Higgins Mary O'Connor Wayne Bridges Patricia Jackson Ray Puddifoot Mike Bull Phoday Jarjussey Andrew Retter Keith Burrows Sandra Jenkins John Riley Paul Buttivant Judy Kelly Avtar Sandhu Philip Corthorne Peter Kemp Robin Sansarpuri Brian Crowe Mo Khursheed David Simmonds Peter Curling Kuldeep Lakhmana Brian Stead Jazz Dhillon Eddie Lavery Michael White Janet Duncan Richard Lewis David Yarrow</p>
	<p>OFFICERS PRESENT: Fran Beasley, Lloyd White, Trevor Langworth, Paul Whaymand, Glen Egan, Steven Maiden, Merlin Joseph and Nigel Dicker</p>
13.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from the Deputy Mayor (Councillor Dann), Councillors Bliss, G. Cooper, J. Cooper, East, Fyfe, Morgan, Payne, Routledge and Seaman-Digby.</p>
14.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meetings held on 28 February 2013 and 09 May 2013 be agreed as a correct record.</p>
15.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor announced the death of Alderman John Bartlett on 30 May 2013. Mr Bartlett had been Leader of the Council in the 1970s. Those present observed a one minute silence.</p> <p>The Mayor commended the work of Councillor Harper-O'Neill with 14 schools in the area and their recent visit to the Normandy Beaches with veterans of World War II.</p>

The Mayor announced that his Rainbow Charity Appeal had already raised over £9,500.

In the light of the recent announcement that it had been classified as a Class C drug, the Mayor commended the past work of the Residents' and Environmental Services Policy Overview Committee on the use of Khat in the Borough.

The Mayor announced that the Deputy Mayoress would be Ms Rita Kilroy.

16. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES** (*Agenda Item 5*)

Councillor Puddifoot moved, and Councillor Simmonds seconded, the recommendations as set out in the Order of Business and it was:

RESOLVED: That:

- a) **The urgency decisions detailed in the report be noted.**
- b) **The changes to the membership of Committees as shown below be approved:**
 - **External Services Scrutiny Committee – Councillor Kelly to replace Councillor Morgan**
 - **Social Services, Housing and Public Health Policy Overview Committee – Councillor Morgan to replace Councillor O'Connor**
 - **Licensing Committee – Councillor Bull to replace Councillor Payne**
 - **Licensing Sub Committee (North) – Councillor Stead to replace Councillor Payne**
 - **Licensing Sub Committee (South) – Councillor Bull to replace Councillor Stead**
- c) **The amendment to the Access to Information Rules, as set out in Annex A of these minutes, be approved with immediate effect**
- d) **That the changes to officer delegations, as set out in Annex B of these minutes, be approved, with the Adult Social Services statutory responsibilities taking effect from 11 July 2013. In approving this, Council also agreed to make the consequential changes to other parts of the Constitution, in particular Article 12 (Officers) and Part 7 (Management Structure).**

17. **CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS** (*Agenda Item 6*)

Councillor O'Brien proposed the recommendations set out in the Order of Business. Councillor Riley seconded the recommendations and proposed a vote of thanks for the outgoing Standards Committee Independent Person, Alan Edwards.

RESOLVED: That:

- a) **The successful operation of the new ethical regime for Members and Co-opted members adopted in July 2012 be noted and no changes be made to the current Code of Conduct for Members and Co-opted members, associated documents, complaints procedure and Whips' Protocol**
- b) **Mr David Smith be appointed to the position of Standards Committee Independent Person for a 3 year period to July 2016 and that a vote of thanks be given to the outgoing Standards Committee Independent Person, Mr Alan Edwards, in recognition for his hard work and service.**

18. **MEMBERS' QUESTIONS** (*Agenda Item 7*)

7.1 QUESTION SUBMITTED BY COUNCILLOR MELVIN TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH & HOUSING – COUNCILLOR CORTHORNE

“Would the Cabinet Member for Social Services, Health and Housing please update Council of the ongoing activity to support into employment tenants affected by Housing Benefit Changes?”

The Cabinet Member for Social Services, Health and Housing advised that the Council was working closely with a range of partners to help residents to compete for local job opportunities. Agreement had been negotiated with Jobcentre Plus to place an employment adviser at the Civic Centre for 2 half days per week to support residents whose benefits may be capped. The arrangement has been in place since March 2013 and discussions were taking place to increase the number of days the adviser was available. At April 2013, 115 residents had found work of at least 16 hours a week as a result of these services.

The Council was also increasing the work undertaken with developers to seek Local Labour Employment agreements for major developments, for example at the ASDA site in Hayes.

There was no supplementary question.

7.3 QUESTION SUBMITTED BY COUNCILLOR GARDNER TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH & HOUSING – COUNCILLOR CORTHORNE

“What assistance can the Council offer to enable vulnerable residents to have their Housing Benefit paid directly to their landlord and / or the Local Authority once Universal Credit is implemented?”

The Cabinet Member for Social Services, Health and Housing advised that the Department for Work and Pensions (DWP) were currently running 6 pilots to identify the effect of direct payments. They had accepted that some working age people would not be capable of managing financially and it would remain appropriate to provide direct payments to the landlord on their behalf. There would be a mechanism with Universal Credit to facilitate the payment of benefits directly to the landlord once someone was identified as vulnerable. However, the DWP had not yet announced what types of tenants would fall into this 'vulnerable' category.

He advised that, until the timetable for roll-out of Universal Credit was known and what categories of tenants would be protected, it was difficult for the Council to plan appropriately. However, a Welfare Project Board was looking at the implications of Welfare Reform and various sections were working closely together to support residents through the changes.

By way of supplementary question, Councillor Gardner asked if the situation could be reviewed again in six months' time.

The Cabinet Member for Social Services, Health and Housing responded that the situation would be monitored on an ongoing basis.

7.2 QUESTION SUBMITTED BY COUNCILLOR BRIDGES TO THE CABINET MEMBER FOR EDUCATION AND CHILDREN’S SERVICES – COUNCILLOR SIMMONDS

“Can the Cabinet Member for Education and Children's services provide an update on the Councils commitment to ensure every child in Hillingdon has access to a local school?”

The Cabinet Member for Education and Children’s Services advised that there was significant pressure on school places both nationally and in the Borough. The Council had the legal responsibility to ensure that all children between the ages of 5 and 16 were provided with a school place. He emphasised that the administration was committed to ensuring that these places were not provided in the Borough’s libraries or in church halls but in high quality school classrooms. He advised that there was an increasing number of children in the Borough with access to schools that Ofsted rated “good” or “outstanding”.

He concluded by thanking officers and contractors for their hard work in delivering new school places on time.

There was no supplementary question.

19. MOTIONS (Agenda Item 8)

8.1 MOTION FROM COUNCILLOR HARMSWORTH

Councillor Harmsworth moved the following motion:

“Council recognises that, although the Cabinet system in local government has many merits, it is fundamentally flawed, in that it excludes all but a few councillors from the major decision-making process.

Council, therefore, instructs officers in consultation with the Leader of the Council and Leader of the Opposition to draw up proposals for a return to the committee system and to, also, consider a transitional scheme to allow change over time.”

The motion was seconded by Councillor Curling. Following debate (Councillors Corthorne, Crowe, Markham, Simmonds, Major, Barnes and Puddifoot), the motion was lost on a recorded vote as follows:

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

Those voting against: The Mayor Councillor Kauffman, Councillors Baker, Barker, Barnes, Barrett, Benson, Bianco, Brar, Bridges, Bull, Burrows, Buttivant, Corthorne, Crowe, Gilham, Graham, Harper-O'Neill, Hensley, Higgins, Jackson, Jenkins, Kelly, Kemp, Lavery, Lewis, Markham, Melvin, D. Mills, R. Mills, O'Brien, O'Connor, Puddifoot, Retter, Riley, Simmonds, Stead, White and Yarrow

Those Abstaining: None

8.2 MOTION FROM COUNCILLOR CURLING

	<p>Councillor Curling moved the following motion:</p> <p>“This Council recognises that, whilst reform of crown post offices may be necessary, they do provide essential services to the public that are not available anywhere else. Council also notes that some Town Centres in the borough have already lost their crown post offices and there are now plans to close Eastcote Post Office.</p> <p>This Council therefore calls on the Leader of the Council to write to the Parliamentary Under-Secretary of State with responsibility for post offices to express the Council’s concerns with the proposed closure of Eastcote Post Office and request that the Under-Secretary of State conduct a broader social & economic assessment of such proposed crown post office closures, focussing on the impact on customers and the general vitality of Town Centres.”</p> <p>The motion was seconded by Councillor Harmsworth. Following debate (Councillors D. Mills and Harmsworth), and on being put to the vote, the motion was lost.</p> <p>8.3 MOTION FROM COUNCILLOR ALLEN</p> <p>Councillor Allen proposed the following motion:</p> <p>“This Council deplors the illegal practice of ‘blacklisting’ within the construction industry and will ensure that any company known to have been involved in blacklisting practices and not to have indemnified their victims will not be invited to tender contracts by the London Borough of Hillingdon.”</p> <p>The motion was seconded by Councillor Sansapuri. Following debate (Councillors Bianco and Allen), and on being put to the vote, the motion was lost.</p>
	<p>ANNEX A - ACCESS TO INFORMATION RULES</p>
	<p>ANNEX B - SCHEME OF DELEGATIONS TO OFFICERS</p>
	<p>The meeting, which commenced at 7.30 pm, closed at 8.45 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.

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Access to Information Rules – Schedule D

New paragraph 22

22. FILMING, RECORDING & REPORTING OF MEETINGS

22.01 Reporting & facilities for the media and residents

Any person or media organisation attending the public part of a meeting of the Cabinet for the purpose of reporting the proceedings will be given, as far as practicable, the facilities for taking their report and permitted to do so via any device to any medium, such as the Internet, social media and blogging etc.

22.02 Filming and recording

Any person or media organisation who wishes to film or record Part I proceedings of a meeting of the Cabinet will be permitted to do so subject to:

- a) 48 hours prior notification being given to the Head of Democratic Services or his representative, so attendees are aware that the meeting is being filmed and;
- b) The consent of members of the public (i.e. not Members or officers) attending the meeting who have the right not to be recorded and
- c) any such filming or recording being undertaken in an unobtrusive manner and in such a way as not to affect the order and conduct of the meeting.

Should any part of a meeting of the Cabinet be approved for filming or recording the Head of Democratic Services will arrange for the same part of the meeting to be recorded by the Council to ensure a duplicate copy is made.

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Part 3 – Scheme of Delegations to Officers

- Proposed updated and new Director responsibilities
- Post of Corporate Director of Social Care & Health deleted
- Posts of Chief Executive and Corporate Director of Administration and Corporate Director of Finance remain unchanged.
- Delegations to the Deputy Chief Executive and Corporate Director of Residents' Services updated.
- General delegations extended to include "Director" posts.

Delegations to the Deputy Chief Executive and the Corporate Director of Residents Services

The Deputy Chief Executive and the Corporate Director of Residents Services is the officer responsible and accountable for:

- Transportation and Planning Policy
- Public Safety
- Adult Education
- Libraries
- Culture, Sport, Leisure
- Corporate Property and Construction
- Environment
- Highways & Green Spaces
- Consumer Protection
- ICT and Business Services
- Education
- Youth Services
- Planning
- Trading Standards
- Environmental Protection
- Housing [which includes maintenance, management and housing needs]
- Anti-fraud and anti-corruption measures and enforcement in all areas across the whole Council
- Public Health

The Deputy Chief Executive and Corporate Director of Residents Services will specifically assist the Leader and the Chief Executive in relation to resident facing corporate working across the Council.

The Deputy Chief Executive and Corporate Director of Residents Services, in conjunction with the Leader, will oversee the Business Improvement Delivery Programme and authorise expenditure on it.

The Deputy Chief Executive and Corporate Director of Residents Services, in conjunction with the Leader of the Council and Cabinet Member for Finance, Property and Business Services will oversee the development, construction and use of land and property assets across all Council Directorates, including

the Housing Development Programme, and be responsible for all such reporting to Members.

The Deputy Chief Executive and Corporate Director of Residents Services has the delegated authority to deputise for the Council's Chief Executive and Corporate Director of Administration in her absence.

The Deputy Chief Executive and Corporate Director of Residents Services has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those officers who report directly to her. The sub-delegations are set out in full in the Deputy Chief Executive's Internal Scheme of Delegations.

Specific Delegations, which may be sub-delegated, include:

1. To take all procedural steps necessary prior to deciding whether to give a direction to admit a child in the borough to a specified voluntary aided or foundation school in accordance with section 97 of the School Standards and Framework Act 1998.
2. To issue a direction to admit a child in the borough to a specified voluntary aided or foundation school in accordance with section 96 of the School Standards and Framework Act 1998.
3. To request an Academy to admit a child in the Borough to it.

Delegations to the Director of Public Health

Reporting and accountable to the Deputy Chief Executive and the Corporate Director of Residents Services, to be the statutory and responsible officer for the Borough's health emergency planning and infection control and also the local authority's public health functions pursuant to:

- The Health and Social Care Act 2012 and any subsequent related legislation.
- A responsible authority under the Licensing Act 2003.
- The Healthy Start and Welfare Food Regulations 2005 as amended.
- Relevant sections of the NHS Act 2006, as amended by the 2012 Act.
- Section 325 of the Criminal Justice Act 2003.
- Any other relevant primary or secondary legislation.

Delegations to the Director of Children & Young People's Services

The Director of Children & Young People's Services is the officer responsible and accountable for Children and Families Services and responsible for all functions by being designated the statutory Director of Children's Services.

Specifically, the Director is to have overall responsibility for those functions which relate to children which are set out in:

- a) The Children Act 2004 and in particular Section 18;

- b) Such other functions conferred on or exercisable by the Council as may be prescribed by the Secretary of State by regulation or which the Council may consider appropriate.

The Director has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those officers who report directly to her. The sub-delegations are set out in full in the Director's Internal Scheme of Delegations.

Delegations to the Director of Adult Social Care Services

The Director of Adult Social Care Services is the officer responsible and accountable for:

- Adult Services
- Access and Assessment
- Personalised Services
- Improvement in social care

The Director of Adult Social Care Services is to be responsible for all adult social services functions by being designated the statutory Director of Adult Social Services.

Specifically, the Director of Adult Social Care Services is to be responsible for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970, as amended by the Children Act 2004.

The Director has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those officers who report directly to him. The sub-delegations are set out in full in the Director of Adult Social Care Service's Internal Scheme of Delegations.

General Delegations to the Chief Executive, Deputy Chief Executive, and the Corporate Directors and Directors of Social Care and Health and Finance

These delegations are to the Chief Executive, the Deputy Chief Executive, Corporate Directors and Directors of Social Care and Health and Finance who may discharge the function through one of his/her staff.

1. To take any steps necessary for the day to day management and administration of any matters within the designated area of responsibility and to take overall responsibility for the performance of their service area.
2. To take all such action as ordinarily falls within the scope of professional responsibility and deal with all other matters delegated or

- to be delegated by Council, Cabinet, Cabinet Member or the Chief Executive and Corporate Director of Administration.
3. To manage any budget for which the Deputy Chief Executive/Corporate Directors/Directors have lead responsibility within the approved cash limit, provided that no action is taken which would result in growth in future years or which would affect a budget which is not under the chief officer's direct control. This includes authorising virements in accordance with the Budget and Policy Framework Procedure Rules which can be found in Part 4 of the Constitution.
 4. To exercise the council's functions in obtaining registrations, licences, certificates or other similar documents required by the council, its officers or in respect of its premises from any authority or body not being the council.
 5. To exercise the council's right of objection against any application made by third parties for registration, certificates, licences, orders and other similar matters.
 6. To register, issue or grant licences (not being occupational licences), notices, certificates, orders or similar documents which the council are authorised or required to register, issue, grant, give or make by or under any enactment.
 7. To exercise discretion in writing off or remitting in whole or in part debts of up to £5,000 due to the council, but only after all reasonable steps to recover them have been taken.
 8. Within their designated area of responsibility and subject to 1) any corporate property standards, 2) Procurement and Contract Standing Orders and 3) the agreement of the Deputy Chief Executive and Corporate Director of Residents Services to acquire or grant easements and leases for a term not exceeding seven years less 2 days and to acquire or dispose of any other interests in land the value of which does not exceed £10,000.
 9. Subject to compliance with any corporate property standards and the Procurement and Contract Standing Orders, to take any steps for the proper and effective management of such property falling within their designated area of responsibility, subject to the agreement of the Deputy Chief Executive and Corporate Director of Residents Services.
 10. In accordance with the Council's HR Procedures, but subject to the Officer Employment Procedure Rules, to appoint to, dismiss from and amend posts within the chief officer's area of responsibility.
 11. In accordance with the Council's HR Procedures to suspend, other than the three Statutory Officers, Chief Officers and Deputy Chief Officers within their area of responsibility.
 12. To agree compensation payments not exceeding £1000 under the Council's Complaints Procedure.
 13. To make decisions in respect of quotations, tenders, consultants, agency & temporary workers and contracts in accordance with the Procurement and Contract Standing Orders – Schedule H.
 14. To exercise all of the powers of Approved Officers for the purposes of the Procurement and Contract Standing Orders.
 15. To enter into agreements, on behalf of the Council incurring match funding or a revenue commitment from the Council, subject to the

Cabinet having previously agreed the proposal including the final level of Council commitment.

16. In conjunction with the Leader and relevant Cabinet Member, to sign-off expenditure for approved Initiatives.

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