



HILLINGDON  
LONDON



# Council

## To all Members of the Council

**Date:** THURSDAY, 4 JULY 2013

**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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**Published:** Wednesday, 26 June 2013

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# Agenda

## Prayers

To be said by the Reverend Susan Male

- 1 Apologies for Absence
- 2 Minutes 1 - 48  
To receive the minutes of the meeting held on 28 February and 9 May 2013  
(*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 49 - 56
- 6 Code of Conduct for Members and Co-opted Members 57 - 64  
To consider a review of the Code of Conduct
- 7 Members' Questions 65 - 66  
To take questions submitted by Members in accordance with Council Procedure Rule 11
- 8 Motions 67 - 68  
To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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# Agenda Item 2

## Minutes

### COUNCIL

28 February 2013

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



HILLINGDON  
LONDON

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

	<p><b>MEMBERS PRESENT:</b></p> <p>Councillors: David Allam Janet Duncan John Major Lynne Allen Beulah East Carol Melvin Bruce Baker Janet Gardner Douglas Mills Tim Barker Sid Garg Richard Mills Richard Barnes Roshan Ghei John Morgan Josephine Barrett Dominic Gilham June Nelson David Benson Raymond Graham Susan O'Brien Jonathan Bianco Paul Harmsworth Mary O'Connor Lindsay Bliss Shirley Harper-O'Neill David Payne Sukhpal Brar John Hensley Ray Puddifoot Wayne Bridges Patricia Jackson Andrew Retter Mike Bull Phoday Jarjussey John Riley Keith Burrows Sandra Jenkins David Routledge Paul Buttivant Judy Kelly Avtar Sandhu George Cooper Peter Kemp Robin Sansarpuri Judith Cooper Mo Khursheed Scott Seaman-Digby Philip Corthorne Kuldeep Lakhmana David Simmonds Peter Curling Eddie Lavery Brian Stead Catherine Dann Richard Lewis Michael White Jazz Dhillon Anita MacDonald David Yarrow</p>
	<p><b>OFFICERS PRESENT:</b> Fran Beasley, Jean Palmer, Linda Sanders, Raj Alagh, Lloyd White, Morgan Einon, Trevor Langworth, Paul Whaymand, Nancy LeRoux, Andy Evans, Iain Watters, Gary Milne and Steven Maiden</p>
46.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillors Crowe, Higgins and Fyfe.</p>
47.	<p><b>MINUTES</b> (<i>Agenda Item 2</i>)</p> <p><b>RESOLVED:</b> That the minutes of the meeting held on 17 January 2013 be agreed as a correct record.</p>
48.	<p><b>DECLARATIONS OF INTEREST</b> (<i>Agenda Item 3</i>)</p> <p>Councillor D. Mills declared a non-pecuniary interest in Agenda Item 7 – General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2013/14, as being personally affected by the proposed High Speed 2 rail route.</p>

	<p>Councillor Curling declared a non-pecuniary interest in Agenda Item 8 – Adoption of Article 4 Direction to Control Houses In Multiple Occupation Around Brunel University, as he worked at Brunel University.</p> <p>Councillor Allam declared non-pecuniary interest in Agenda Item 5 – Petition Requiring Council Debate, as he was a Member of the Council’s North Planning Committee.</p> <p>Councillor Dhillon declared non-pecuniary interest in Agenda Item 5 – Petition Requiring Council Debate, as he was a Member of the Council’s North Planning Committee.</p> <p>All the Members stayed in the room during the consideration of these items.</p>
49.	<p><b>PETITION REQUIRING COUNCIL DEBATE</b> (<i>Agenda Item 5</i>)</p> <p>The petition organiser, Mr Grimmel, had submitted a petition with more than 2,500 signatories for Council debate. He spoke in support of the petition which was in relation to a planning application at the Kings College Playing Fields. It was noted that, as this petition related to a planning application, it was appropriate for it to be referred to the North Planning Committee for consideration.</p> <p>Councillor G. Cooper moved, and Councillor O’Brien seconded the recommendation as set out on the Order of Business.</p> <p>Councillor Simmonds moved, and Councillor Bianco seconded, that the question be now put and it was:</p> <p><b>RESOLVED: That the question be now put.</b></p> <p>The motion was put to the vote and it was:</p> <p><b>RESOLVED: That Council note the petition and the views of the petitioners and refer the petition to the North Planning Committee for consideration with all other representations and relevant material when determining the planning application to which it refers.</b></p>
50.	<p><b>REPORT OF THE HEAD OF DEMOCRATIC SERVICES</b> (<i>Agenda Item 6</i>)</p> <p>Councillor Puddifoot moved, and Councillor Simmonds seconded, the recommendations as set out in the Order of Business and it was:</p> <p><b>RESOLVED: That:</b></p> <ul style="list-style-type: none"> <li>a) The Urgency decisions detailed in the report be noted.</li> <li>b) The current Members’ Allowances Scheme be revoked as of 31 March 2013 and the new Scheme for 2013/14 as shown in the appendix to the report be approved for implementation from 1 April 2013.</li> </ul>
51.	<p><b>GENERAL FUND REVENUE BUDGET, HOUSING REVENUE ACCOUNT AND CAPITAL PROGRAMME 2013/14</b> (<i>Agenda Item 7</i>)</p> <p>Councillor Cooper moved, and Councillor O’Brien seconded, the suspension of Council procedure rule 14.4 to allow unlimited speaking time for the mover and seconder of the motion and the principal speaker and seconder of the amendment</p>

from the Labour Group.

**RESOLVED:** That the mover and seconder of the budget motion and the principal speaker and seconder of the Labour Group amendment be allowed unlimited speaking time on this item.

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

Councillor Harmsworth moved, and Councillor Curling 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 2013/14 of £97,321,276.
- 2 The proposals are based on the Cabinet's budget proposals as approved by Cabinet on 14 February 2013, subject to the following amendments:

<b>Labour Group Proposed Amendments</b>	<b>Budget 2012/13 (£000s)</b>
<b>Council Tax Requirement based on Cabinet Proposals</b>	<b>97,321</b>
Calculated from the <b>Budget Requirement</b> based on Cabinet proposals	<b>211,159</b>
<i>Budget Increases:</i>	
Restore Woodside Day Centre – reduction in savings	185
Bring all directly employed staff to the 'London Living Wage' level	5
Recruit 2 additional Animal Control Officers (Full year impact is 2 @ £32k, in 2013/14 only 6 month cost)	32
Within the Food Health & Safety service recruit an additional 0.44 FTE Principal Environmental Health Officer at a cost of £22.4k and an additional 0.5 FTE Scientific Officer at a cost of £20k	42.4
<b>Total Increases</b>	<b>264.4</b>
<i>Budget Reductions:</i>	
Reduce unallocated priority growth	(264.4)
<b>Total Reductions</b>	<b>(264.4)</b>
<b>Net Revenue Budget Changes</b>	<b>0</b>
<b>Labour Group Budget Requirement</b>	<b>211,159</b>
<b>Labour Group Council Tax Requirement to Council</b>	<b>97,321</b>

Following debate (Councillors Harmsworth, Puddifoot and Curling), the amendment was put to the vote and lost.

Following further debate (Councillors Puddifoot, Simmonds, Burrows, Corthorne, D. Mills, Curling and Bianco), the original motion was put to the vote. During the course of the debate Council noted a declaration by the Leader of the Council of his intention to ask officers to begin the process of designating Lake Gardens as Green Belt land.

**RESOLVED: That:**

- 1 The General Fund revenue budget proposals be approved, resulting in a Council Tax requirement for 2013/14 of £97,321,276.
- 2 Council note that at its meeting on 17 January 2013 the Council calculated the amount of 87,446 as its Council Tax Base for the year 2013/14. This was calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, 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 £1,415.93 for the borough.
- 4 The following amounts be now calculated by the Council for the year 2013/14, in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (the Act):

a) £676,619,276 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) £579,298,000 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) £97,321,276 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 2013/14 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:

<b>The Greater London Authority Precept</b>			
<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>
£202.00	£235.67	£269.33	£303.00
<b>Band E</b>	<b>Band F</b>	<b>Band G</b>	<b>Band H</b>
£370.33	£437.67	£505.00	£606.00

- 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 2013/14 for each category of dwelling below:

<b>Total Council Tax 2013/14</b>			
<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>
£943.95	£1,101.28	£1,258.60	£1,415.93
<b>Band E</b>	<b>Band F</b>	<b>Band G</b>	<b>Band H</b>
£1,730.58	£2,045.24	£2,359.88	£2,831.86

- 7 The Housing Revenue Account budget proposals made by Cabinet be approved.
- 8 The proposals for fees and charges and housing rents for both the General Fund and Housing Revenue Account set out in Appendix 7 of the report to Cabinet be approved.
- 9 The capital programme as set out in Appendix 8 of the report to Cabinet be approved.
- 10 The Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Statement for 2013/14 to 2016/17 as set out in Appendix 10 of the report to Cabinet be approved.
- 11 The London Borough of Hillingdon Pay Policy Statement for 2013/14 as set out in Appendix 11 of the report to Cabinet be approved.
- 12 The Council Tax Discount for Older People be retained at 4.87% of Hillingdon's element of the Council Tax.
- 13 The Corporate Director of Finance' comments regarding his responsibilities under the Local Government Act 2003 be noted.
- 14 The Corporate Director of Finance be authorised to approve all virements after 31 March 2013 relating to the 2012/13 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 2012/13 financial

	<p>year.</p> <p><b>15 (as set out in Schedule C of the Constitution - Budget and Policy Framework Procedure Rules), Cabinet be authorised to utilise the general reserves or balances or approve virements between the General Fund budget, Housing Revenue Account budget or Capital budgets during the MTFF financial years 2013/14 to 2016/17, in respect of those functions which have been reserved to the Cabinet in Article 7 of the Constitution.</b></p> <p><b>16 It be confirmed 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.</b></p>
52.	<p><b>ADOPTION OF ARTICLE 4 DIRECTION TO CONTROL HOUSES IN MULTIPLE OCCUPATION AROUND BRUNEL UNIVERSITY</b> (<i>Agenda Item 8</i>)</p> <p>Councillor Burrows moved, and Councillor R. Mills seconded, the recommendation as set out on the Order of Business. Following debate (Councillor Curling), the motion was put to the vote and it was:</p> <p><b>RESOLVED: That the consultation responses be noted and the commencement of the Article 4 Direction from 24 March 2013 be approved.</b></p>
53.	<p><b>ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR SINGLE STOREY REAR EXTENSIONS OVER 4M IN DEPTH</b> (<i>Agenda Item 9</i>)</p> <p>Councillor Burrows moved and Councillor Lavery seconded the recommendation as set out on the Order of Business. Following debate (Councillors Hensley, Duncan, Khursheed and Puddifoot), the motion was put to the vote and it was:</p> <p><b>RESOLVED: That:</b></p> <p><b>(i) officers be authorised to prepare an Article 4 direction withdrawing permitted development rights for single storey rear extensions over 4m depth. The Article 4 Direction to cover all wards in the Borough.</b></p> <p><b>(ii) officers be authorised to implement the Article 4 Direction (taking into account any statutory notification period to avoid compensation) immediately following any legislative change that enables single storey rear extensions of over 4m depth to be undertaken without the need for planning permission such direction to have effect after 12 months prior notice has been given.</b></p>
	<p>The meeting, which commenced at 7.00 pm, closed at 9.06 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

9 May 2013

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



HILLINGDON  
LONDON

	<p><b>MEMBERS PRESENT:</b></p> <p>Councillors: David Allam Lynne Allen Bruce Baker Tim Barker Richard Barnes Josephine Barrett Jonathan Bianco Lindsay Bliss Sukhpal Brar Wayne Bridges Mike Bull Keith Burrows Paul Buttivant George Cooper Judith Cooper Philip Corthorne Brian Crowe Peter Curling Catherine Dann Jazz Dhillon Janet Duncan</p>	<p>Beulah East Neil Fyfe Janet Gardner Sid Garg 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 Eddie Lavery Richard Lewis</p>	<p>John Major Carol Melvin Douglas Mills Richard Mills John Morgan June Nelson Susan O'Brien Mary O'Connor 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><b>OFFICERS PRESENT:</b> Fran Beasley, Jean Palmer, Linda Sanders, Paul Whaymand, Raj Alagh, Lloyd White, Mark Braddock, Morgan Einon, Trevor Langworth, Steven Maiden</p>		
1.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Benson.</p>		
2.	<p><b>ELECTION OF MAYOR 2013/2014</b> (<i>Agenda Item 3</i>)</p> <p>The Mayor thanked the Mayoress, his fellow Councillors, officers and the Borough's residents for the support that they had offered him throughout his year as Mayor. He provided Council with some brief highlights of his mayoral year in which he particularly commended carers and volunteers for their work that bound the Borough together.</p> <p>Nominations were invited for a Mayor to hold office for the 2013/2014 municipal year. Councillor Kauffman was nominated by Councillor Harper-O'Neill and seconded by Councillor Kelly. Councillors Burrows and Higgins spoke in support. There were no further nominations.</p>		

	<b>RESOLVED: That Councillor Kauffman be elected as Mayor for the municipal year 2013/2014.</b>												
	<b>ADJOURNMENT FOR THE ROBING OF THE NEW MAYOR</b>  <i>The Council adjourned for the robing of the new Mayor at 7.50pm and reconvened at 8.04pm.</i>												
3.	<b>ACCEPTANCE OF OFFICE BY THE MAYOR</b> ( <i>Agenda Item 4</i> )  The newly elected Mayor signed the declaration of acceptance of office.												
4.	<b>APPOINTMENT OF DEPUTY MAYOR</b> ( <i>Agenda Item 5</i> )  The Mayor informed the Council that he had appointed Councillor Dann as Deputy Mayoress.  <b>RESOLVED: That the Deputy Mayoress for the year be noted.</b>												
5.	<b>NEW MAYOR'S ANNOUNCEMENTS</b> ( <i>Agenda Item 6</i> )  The Mayor thanked those who had come to support him in his appointment, the retired Mayor (Councillor Markham) and Mayoress (Mrs Rosemary Markham) and the Mayoral Support Team. He advised that he would be raising money for seven charities during his time as Mayor.												
6.	<b>VOTE OF THANKS TO OUTGOING MAYOR</b> ( <i>Agenda Item 7</i> )  Councillor Puddifoot moved a vote of thanks to the retired Mayor, Councillor Michael Markham, and his wife Mrs Rosemary Markham. This was seconded by Councillor Curling. Councillors Burrows, Gilham, Major and Harmsworth spoke in support.  The Mayor (Councillor Kauffman) presented the Past Mayor's badge to Councillor Markham and Past Mayoress's badge to Mrs Markham.  <b>RESOLVED: That the vote of thanks to the outgoing Mayor, Councillor Markham, be agreed.</b>												
7.	<b>LEADER'S APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL AND CABINET</b> ( <i>Agenda Item 8</i> )  Councillor Puddifoot advised Members that the Deputy Leader and Cabinet positions would be filled as follows:  <table border="1" data-bbox="220 1787 1161 2123"> <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>Central Services</td> <td>Scott Seaman-Digby</td> </tr> <tr> <td>Finance, Property and Business Services</td> <td>Jonathan Bianco</td> </tr> <tr> <td>Community, Commerce and Regeneration</td> <td>Douglas Mills</td> </tr> <tr> <td>Planning, Transportation and</td> <td>Keith Burrows</td> </tr> </tbody> </table>	Position/Portfolio	Councillor	Deputy Leader and Education and Children's Services	David Simmonds	Central Services	Scott Seaman-Digby	Finance, Property and Business Services	Jonathan Bianco	Community, Commerce and Regeneration	Douglas Mills	Planning, Transportation and	Keith Burrows
Position/Portfolio	Councillor												
Deputy Leader and Education and Children's Services	David Simmonds												
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Finance, Property and Business Services	Jonathan Bianco												
Community, Commerce and Regeneration	Douglas Mills												
Planning, Transportation and	Keith Burrows												

Recycling	
Social Services, Health and Housing	Philip Corthorne
Cabinet Assistant to the Leader of the Council	Michael Markham

8. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES** (*Agenda Item 9*)

Councillor Puddifoot moved the recommendations as set out on the Order of Business. The motion was seconded by Councillor Simmonds.

Councillor Allam moved, and Councillor Duncan seconded, an amendment to approve the recommendation subject to the deletion, as shown below, of the following words in paragraph 5, on page 2, item 9 iii) of the report:

*“As the potential number of applications will be less than those being considered by the existing Committees, it is suggested that the Committee meet as and when required, ~~on the same evening as one of the scheduled meetings of the other two Planning Committees.~~”*

Following debate (Councillors Allam and Puddifoot), the amendment was put to the vote and lost.

The original motion was put to the vote and it was:

**RESOLVED: That the changes to the Constitution, as set out below, be agreed:**

1. That the Audit Committee Terms of Reference as set out in Annex B of these minutes, be approved.
2. That the Terms of Reference for the Policy Overview and Scrutiny Committees as set out in Annex C of these minutes, be approved.
3. That:
  - a) the establishment of a ‘Major Applications Planning Committee’ and the Terms of Reference as set out in Annex D of these minutes, be approved;
  - b) the Head of Democratic Services, in consultation with the Leader of the Council be authorised to make any amendments to the Scheme of Delegations required as a result of a) above.
4. That:
  - a) the establishment of a Health and Wellbeing Board and its Terms of Reference as set out in Annex E of these minutes, be approved;
  - b) authority be given to the Head of Democratic Services, in consultation with the Leader of the Council, to agree the names of the representatives and substitutes for the Statutory Members on the Board from Healthwatch Hillingdon and the Clinical Commissioning Group.
  - c) authority be given to the Head of Democratic Services, in

	<p>consultation with the Leader of the Council, to make any further necessary changes to the Constitution and in particular, officer delegations, that may be required in respect of the implementation of the Health and Social Care Act 2012 and associated regulations.</p> <p>d) That the following dates for meetings of the Board for 2013/14 be approved and added to the Programme of Meetings:</p> <ul style="list-style-type: none"> <li>• 30 May</li> <li>• 1 August</li> <li>• 31 October</li> <li>• 5 December</li> <li>• 6 February 2014</li> </ul> <p>5. That the revised Petition Scheme as set out in Annex F of these minutes, be approved.</p> <p>6. That paragraph 4.1(b) of the Procurement and Contract Standing Orders be amended to include the Leader of the Council.</p>
9.	<p><b>COMMITTEE ALLOCATIONS AND MEMBERSHIP 2013/2014</b> (<i>Agenda Item 10</i>)</p> <p>Councillor O'Brien moved the proposals on memberships, as set out on the sheets provided, subject to Councillor Bliss replacing Councillor Allen on the Corporate Services and Partnerships Policy Overview Committee and Councillor Barrett replacing Councillor Harper-O'Neill on Licensing Committee and Licensing Sub-Committee (South). This was seconded by Councillor G. Cooper.</p> <p><b>RESOLVED: That the Members be appointed to the Committees as set out in Annex A of the minutes.</b></p>
10.	<p><b>ADOPTION OF POLICY FRAMEWORK DOCUMENTS</b> (<i>Agenda Item 11</i>)</p> <p>Councillor Corthorne moved the recommendations as set out on the Order of Business. The motion was seconded by Councillor Burrows.</p> <p>Councillor Major moved, and Councillor Curling seconded, an amendment to the recommendation to delete the words "Borough's Housing Strategy 2012/15" and thereafter to add an additional recommendation to read:</p> <p><i>"That the Borough's Housing Strategy 2012/15 be referred back to Cabinet for further examination into the supply, security and length of tenure of affordable housing."</i></p> <p>Following debate (Councillors Corthorne, Curling and Major), the amendment was put to the vote and lost.</p> <p>The original motion was put to the vote and it was:</p> <p><b>RESOLVED: That the Borough's Housing Strategy 2012/15, Accessible Hillingdon Supplementary Planning Document and Interim Planning Policy on Houses in Multiple Occupation be adopted as part of the Council's policy framework.</b></p>

11.	<p><b>POLICY OVERVIEW AND SCRUTINY COMMITTEES ANNUAL REPORT</b> <i>(Agenda Item 12)</i></p> <p>The Council received a report of the work covered by the Policy Overview and Scrutiny Committees in 2012/13. It was commended by Councillor Lewis and seconded by Councillor J. Cooper.</p> <p><b>RESOLVED: That the Policy Overview and Scrutiny Committees' Annual Report 2012/2013 be endorsed.</b></p>
12.	<p><b>STATEMENT BY THE LEADER OF THE COUNCIL</b> <i>(Agenda Item 13)</i></p> <p>The Leader noted that the Borough of Hillingdon had probably never been in a stronger financial position than it was at the end of the 2012/13 Municipal year. With the economic climate worsening and predictions that there would be further financial restrictions to come, the Council could face the future with a greater degree of confidence than many other authorities.</p> <p>He advised that the Council could be proud of what had been achieved to date with:</p> <ul style="list-style-type: none"> <li>• the completion of the £50 million investment in leisure facilities;</li> <li>• the continued delivery of the £150 million schools building programme;</li> <li>• the only total library rebuilding and refurbishment programme in the country;</li> <li>• more land under green flag status than any other London borough;</li> <li>• A strong level of financial balances and reserves which enabled the freezing of Council Tax for Hillingdon residents.</li> </ul> <p>The Leader advised that, at a time of hugely demanding financial pressure on local government, the Council would continue its policy of sound financial management and continuous review of its operating structures and operational procedures.</p> <p>He outlined proposed changes to the Directorate structure that had been agreed with the Chief Executive. He advised that, with effect from the 1st May, he had transferred responsibility for Health, including Public Health to the Deputy Chief Executive responsible for Residents Services who would put this service through the BID process.</p> <p>He advised that the current administration was passionate about putting residents first and noted that this was a driving force for every member of Council regardless of political allegiance. He thanked all Members of Council - those from his own party and those from the opposition for the service they gave as individuals to the Borough and its residents.</p> <p>He also thanked the Chief Executive, who had served the Borough admirably through her first year in office and asked her to thank the staff of Hillingdon Council who were staff that any Council Leader would be proud to have in their authority.</p> <p>The Leader wished both the newly elected Mayor and Mayoress a wonderful and enjoyable year ahead.</p>

	<b>ANNEX A - COMMITTEE MEMBERSHIP</b>
	<b>ANNEX B - AUDIT COMMITTEE TERMS OF REFERENCE</b>
	<b>ANNEX C - TERMS OF REFERENCE FOR POLICY OVERVIEW COMMITTEES</b>
	<b>ANNEX D - MAJOR APPLICATIONS PLANNING COMMITTEE TOR</b>
	<b>ANNEX E - HEALTH &amp; WELLBEING BOARD TOR</b>
	<b>ANNEX F - PETITION SCHEME</b>



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

CONSERVATIVE	LABOUR
Higgins (Chairman)	Curling (Lead)
Riley (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
O'Connor (Chairman)	Jarjussey (Lead)
Gilham (Vice-Chairman)	Major
Barrett	
Harper-O'Neill	
Kemp	
Morgan	

**CHILDREN, YOUNG PEOPLE AND LEARNING POLICY OVERVIEW COMMITTEE 8(6-2)**

CONSERVATIVE	LABOUR
Riley (Chairman)	Dhillon (Lead)
J. Cooper (Vice-Chairman)	Bliss
Benson	
Crowe	
Gilham	
Hensley	

Other Voting Members

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

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

CONSERVATIVE	LABOUR
White (Chairman)	Lakhmana (Lead)
Yarrow (Vice-Chairman)	Allen
Harper-O'Neill	
Jackson	
Melvin	
Payne	

## COMMITTEE MEMBERSHIP 2013/2014

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

CONSERVATIVE	LABOUR
Lewis (Chairman)	East (Lead)
R.Mills (Vice-Chairman)	Bliss
Bridges	
Buttivant	
Graham	
Melvin	

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

CONSERVATIVE	LABOUR
J. Cooper (Chairman)	Major (Lead)
Kemp (Vice-Chairman)	Gardner
Benson	
Brar	
Dann	
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 (Chairman)	Khursheed (Lead)
J. Cooper (Vice-Chairman)	Duncan
Bridges	
Fyfe	
Gilham	
Stead	

### NORTH PLANNING COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
Lavery (Chairman)	Allam (Lead)
Morgan (Vice-Chairman)	Sansarpuri
Graham	
Markham	
Melvin	
Yarrow	

### MAJOR APPLICATIONS PLANNING COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
Lavery (Chairman)	Duncan (Lead)
Hensley (Vice-Chairman)	Allam
Gilham	
Markham	
Morgan	
Stead	

## COMMITTEE MEMBERSHIP 2013/2014

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

CONSERVATIVE		LABOUR	
Barker	Higgins	Allen	Lakhmana
Barrett	Jackson	Bliss	Major
Benson	R. Mills	Dhillon	Nelson
Brar	Payne	East	
Buttivant	Routledge	Ghei	
G. Cooper	White	Harmsworth	

### PENSIONS COMMITTEE 6 (4-2)

CONSERVATIVE	LABOUR
Corthorne (Chairman)	Harmsworth (Lead)
Markham (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 (Chairman)	Curling (Lead)
Simmonds (Vice-Chairman)	Harmsworth
Burrows	
D. Mills	
Substitutes	Substitutes
Bianco	Allam
J. Cooper	Dhillon
Corthorne	Duncan
Lavery	East
Lewis	Jarjussey
Riley	Lakhmana
Seaman-Digby	Major

## COMMITTEE MEMBERSHIP 2013/2014

### REGISTRATION & APPEALS COMMITTEE 6 (4-2)

<b>CONSERVATIVE</b>		<b>LABOUR</b>	
G. Cooper (Chairman)		Allen (Lead)	
Hensley (Vice-Chairman)		Curling	
Lewis			
R. Mills			
<b>Substitutes</b>		<b>Substitutes</b>	
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-COMMITTEES, BUT NO CABINET MEMBERS SHOULD SIT AS MEMBERS OF THE MAIN REGISTRATION AND APPEALS COMMITTEE*

\*\*\*\*\*

## COMMITTEE MEMBERSHIP 2013/2014

**OTHER COMMITTEES / PANELS** (*Outside the overall calculation but allocated on the basis of overall political control*)

### STANDARDS COMMITTEE 5 (4-1)

CONSERVATIVE	LABOUR
Riley (Chairman)	Harmsworth
Lewis (Vice-Chairman)	
Corthorne	
Hensley	
Substitutes	Substitutes
Barrett	East
Dann	

Non voting Independent Person

Mr Allan Edwards ( <i>until 4 July 2013 – position to then be re-appointed by Council</i> )
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### AUDIT COMMITTEE 4(3-1)

CONSERVATIVE	LABOUR
G. Cooper (Lead and Vice-Chairman)	Harmsworth (Lead)
Graham	
Lewis	
Substitutes	Substitutes
Crowe	Jarjussey
Hensley	East
R. Mills	

Independent Member (1)

Mr John Morley (Chairman)
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### LICENSING COMMITTEE 10 (8-2)

CONSERVATIVE	LABOUR
Gilham (Chairman)	Allen (Lead)
Yarrow (Vice-Chairman)	Gardner
Barrett	
Kelly	
Kemp	
Melvin	
Payne	
Stead	

*N.B. NO SUBSTITUTES ALLOWED FOR LICENSING COMMITTEE*

### HILLINGDON DOMESTIC VIOLENCE ACTION FORUM 3 (2-1)

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

## COMMITTEE MEMBERSHIP 2013/2014

### 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
Seaman-Digby	East
	Harmsworth
	Jarjussey
	Lakhmana
	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
Seaman-Digby	Major

#### 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 (Chairman).	Harmsworth (Lead)
Markham	

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

CONSERVATIVE	LABOUR
Gilham (Chairman)	Allen (Lead)
Payne	
Kelly	
Melvin	

## COMMITTEE MEMBERSHIP 2013/2014

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

CONSERVATIVE	LABOUR
Yarrow (Chairman)	Gardner (Lead)
Barrett	
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

\*\*\*\*\*

**HEALTH AND WELLBEING BOARD** - outside of the overall calculation and subject to the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

VOTING STATUTORY MEMBERS	Substitute
Councillor Puddifoot (Chairman)	Any Elected Member
Councillor Corthorne (Vice-Chairman)	Any Elected Member
Councillor Simmonds	Any Elected Member
Councillor Mills	Any Elected Member
Councillor Bianco	Any Elected Member
Councillor Burrows	Any Elected Member
Councillor Seaman-Digby	Any Elected Member
Healthwatch Hillingdon	Tbc
Clinical Commissioning Group	Tbc
NON - VOTING STATUTORY MEMBERS*	Substitute
Statutory Director of Adult Social Services	
Statutory Director of Children's Services	
Director of Public Health	
CO-OPTED MEMBERS**	Substitute
NHS Hillingdon	N/A
Hillingdon Hospitals NHS Foundation Trust	N/A
Central and North West London NHS Foundation Trust	N/A

\* These Members are non-voting, subject to consultation with the Board.

\*\* These Members are non-voting, subject to consultation with the Board. In addition, these Members are not allowed substitutes and their appointment is subject to approval by the Board, not full Council

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### Article 8 - Audit Committee Terms of Reference

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#### *(a) Introduction*

The Audit Committee's role will be to:

- ~~• Provide independent assurance of the adequacy of the Council's audit, governance and risk management framework and the associated control environment;~~
- ~~• Provide independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and;~~
- ~~• Oversee the financial reporting process.~~
- Review and monitor the Council's audit, governance, risk management framework and the associated control environment, as an independent assurance mechanism;
- Review and monitor the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and/or weakens the control environment;
- Oversee the financial reporting process of the Statement of Accounts.

**Decisions in respect of strategy, policy and service delivery are reserved to the Cabinet or delegated to Officers.**

#### *(b) Membership*

Membership will be four elected Councillors and an independent Chairman with relevant financial expertise and that the Vice-Chairman comes from the majority group. No Cabinet Member or Member of the Executive Scrutiny Committee shall serve concurrently on the Audit Committee.

#### *(c) Terms of Reference*

The Audit Committee will:

##### **Internal Audit**

1. **Review and monitor, Approve,** but not direct, Internal Audit's strategies and plans, work programmes, summaries of Internal Audit reports, their main recommendations and whether such recommendations have been implemented within a reasonable timescale, ensuring that work is planned with due regard to risk, materiality and coverage. ~~This will not prevent the Cabinet directing internal audit to review a particular matter.~~
2. **Make recommendations to the Leader of the Council and Cabinet Member for Finance, Property and Business Services on any changes to the Council's Internal Audit Strategy and plans.**

2. Review the ~~Head of Internal Audit's~~ Annual Report and Opinion and Summary of Internal Audit Activity (actual and proposed) and the level of assurance this can give over the Council's corporate governance arrangements.
3. ~~Review summaries of Internal Audit reports and the main recommendations arising.~~
4. ~~Review a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.~~
5. Consider reports dealing with the management and performance of ~~the providers of~~ internal audit services.
6. **Following a request to the Corporate Director of Finance, and subject to the approval of the Leader of the Council and Cabinet Member for Finance, Property and Business Services, to commission work from Internal Audit.**

### External Audit

7. Receive and consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
8. Monitor management action in response to issues raised by External Audit.
8. Receive and consider specific reports as agreed with the External Auditor.
9. Comment on the scope and depth of External Audit work and ensure that it gives value for money, **making any recommendations to the Corporate Director of Finance**
10. **Be consulted by the Corporate Director of Finance over the appointment of the Council's External Auditor - ~~Liaise with the Audit Commission over the appointment of the Council's External Auditor.~~**
11. **Following a request to the Corporate Director of Finance, and subject to the approval of the Leader of the Council / Cabinet Member for Finance, Property and Business Services, to commission work from External Audit. ~~Commission work from Internal and External Audit, following a formal request by the Committee to and a joint decision from the Leader of the Council and Cabinet Member for Finance & Business Services.~~**
12. **Monitor effective arrangements for ensuring liaison between Internal and External audit, in consultation with the Corporate Director of Finance. ~~Ensure that there are effective arrangements for ensuring liaison between Internal and External audit.~~**

### Governance Regulatory Framework

~~The Audit Committee will:~~

1. Maintain an overview of the Council's Constitution in respect of contract procedure rules **and** financial regulations ~~and codes of conduct and behaviour~~. And, where necessary, bring proposals **to the Leader of the Council or the Cabinet and/or Council** for their development.
2. Review any issue referred to it by the Chief Executive, a Deputy Chief Executive, Corporate Director, or any Council body.
3. **Monitor and review, but not direct, Approve and regularly review** the authority's risk management arrangements, including regularly reviewing the corporate risk register and seeking assurances that action is being taken on risk related issues.
4. Review and monitor Council policies on 'Raising Concerns at Work' and anti-fraud and anti-corruption strategy and the Council's complaints process, **making any recommendations on changes to the Leader of the Council and the Deputy Chief Executive and Corporate Director of Residents Services.**
5. Oversee the production of the authority's Statement of Internal Control and recommend its adoption.
6. Review the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice, **make recommendations to the Corporate Director of Finance on necessary actions to ensure compliance with best practice.**
7. **Where requested by the Leader of the Council, Cabinet Member for Finance, Property and Business Services or Corporate Director of Finance, provide recommendations on Consider** the Council's compliance with its own and other published standards and controls.

#### Accounts

~~The Audit Committee will:~~

1. Review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from financial statements or from the auditor that need to be brought to the attention of the Council.
2. Consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### Review and reporting

- **Undertake an annual independent review of the Committee's effectiveness and submit an annual report to Council on the activity of the Audit Committee.**

# Schedule B - Committee Terms of Reference

## 7. ATTENDANCE AT COMMITTEES

~~(5) That Cabinet Members and Officers be required to attend the Audit Committee to answer questions – DELETE~~

## Audit Committee Terms of Reference (as amended)

### *(a) Introduction*

The Audit Committee's role will be to:

- Review and monitor the Council's audit, governance, risk management framework and the associated control environment, as an independent assurance mechanism;
- Review and monitor the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and/or weakens the control environment;
- Oversee the financial reporting process of the Statement of Accounts.

Decisions in respect of strategy, policy and service delivery or improvement are reserved to the Cabinet or delegated to Officers.

### *(b) Membership*

Membership will be four elected Councillors and an independent Chairman with relevant financial expertise and that the Vice-Chairman comes from the majority group. No Cabinet Member or Member of the Executive Scrutiny Committee shall serve concurrently on the Audit Committee.

### *(c) Terms of Reference*

The Audit Committee will:

#### Internal Audit

1. Review and monitor, but not direct, Internal Audit's work programmes, summaries of Internal Audit reports, their main recommendations and whether such recommendations have been implemented within a reasonable timescale, ensuring that work is planned with due regard to risk, materiality and coverage.
2. Make recommendations to the Leader of the Council and Cabinet Member for Finance, Property and Business Services on any changes to the Council's Internal Audit Strategy and plans.
3. Review the Annual Report and Opinion and Summary of Internal Audit Activity (actual and proposed) and the level of assurance this can give over the Council's corporate governance arrangements.

4. Consider reports dealing with the management and performance of internal audit services.
5. Following a request to the Corporate Director of Finance, and subject to the approval of the Leader of the Council and Cabinet Member for Finance, Property and Business Services, to commission work from Internal Audit.

#### External Audit

6. Receive and consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
7. Monitor management action in response to issues raised by External Audit.
8. Receive and consider specific reports as agreed with the External Auditor.
9. Comment on the scope and depth of External Audit work and ensure that it gives value for money, making any recommendations to the Corporate Director of Finance.
10. Be consulted by the Corporate Director of Finance over the appointment of the Council's External Auditor.
11. Following a request to the Corporate Director of Finance, and subject to the approval of the Leader of the Council / Cabinet Member for Finance, Property and Business Services, to commission work from External Audit.
12. Monitor effective arrangements for ensuring liaison between Internal and External audit, in consultation with the Corporate Director of Finance.

#### Governance Framework

13. Maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations. And, where necessary, bring proposals to the Leader of the Council or the Cabinet for their development.
14. Review any issue referred to it by the Chief Executive, a Deputy Chief Executive, Corporate Director, or any Council body.
15. Monitor and review, but not direct, the authority's risk management arrangements, including regularly reviewing the corporate risk register and seeking assurances that action is being taken on risk related issues.
16. Review and monitor Council policies on 'Raising Concerns at Work' and anti-fraud and anti-corruption strategy and the Council's complaints process, making any recommendations on changes to the Leader of the Council and the Deputy Chief Executive and Corporate Director of Residents Services.
17. Oversee the production of the authority's Statement of Internal Control and recommend its adoption.

18. Review the Council's arrangements for corporate governance and make recommendations to the Corporate Director of Finance on necessary actions to ensure compliance with best practice.
19. Where requested by the Leader of the Council, Cabinet Member for Finance, Property and Business Services or Corporate Director of Finance, provide recommendations on the Council's compliance with its own and other published standards and controls.

#### Accounts

20. Review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from financial statements or from the auditor that need to be brought to the attention of the Council.
21. Consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### Review and reporting

22. Undertake an annual independent review of the Committee's effectiveness and submit an annual report to Council on the activity of the Audit Committee.

## Appendix 2

### Schedule E - Policy Overview & Scrutiny Terms of Reference

#### **CORPORATE SERVICES & PARTNERSHIPS**

To perform the policy overview role outlined above in relation to the following matters:

1. Democratic Services
2. Localism
3. Central Services, incl. Human Resources, ICT, Communications & Legal Services
4. Capital programme, property, construction & facilities management
5. Financial Planning & Financial Services
6. Enforcement and anti-fraud activities
7. Procurement
8. Performance Improvement
9. Economic development & town centres and regeneration
10. Local commerce, employment, skills and job creation
11. Local Strategic Partnership and Sustainable Community Strategy;
12. Community engagement, partnerships and the voluntary sector
13. Equalities and Community Cohesion
14. Community Safety
15. Public Safety & Civil Protection
16. Energy use and carbon reduction
17. Health & Safety
18. Any functions not included within the remit of the other Policy Overview Committees
19. Cross-cutting reviews that cover the remit of other Committees

#### **CHILDREN, YOUNG PEOPLE & LEARNING**

To perform the policy overview role outlined above in relation to the following matters:

1. Education Services and statutory education authority functions
2. School performance and attainment
3. School Transport
4. Relationships with Local Academies / Free Schools
5. Pre-School & Early Years Services
6. Youth Services & Careers Services
7. Juvenile justice & probation services
8. Adult Learning
9. Education and learning partnerships

10. Music & The Arts
11. Social care services for children, young persons and children with special needs
12. Adoption and Fostering
13. Family Services

## **RESIDENTS' & ENVIRONMENTAL SERVICES**

To perform the policy overview role outlined above in relation to the following matters:

1. Highways, traffic, parking & street environment
2. Local transport, including rail, cycling & London Underground
3. Footpaths and Bridleways
4. Road safety and education
5. Planning & Building Control
6. Libraries
7. The Borough's heritage and history
8. Sport & Leisure services
9. Waste management & recycling
10. Green spaces, allotments, woodlands, conservation and sustainable development
11. Consumer Protection, Trading Standards & Licensing
12. Registrars & Bereavement Services
13. Local watercourses, drainage and flooding
14. Environmental Health, Air & Noise Quality
15. Local impacts of Heathrow expansion
16. Local impacts of High Speed Rail

## **SOCIAL SERVICES, HOUSING & PUBLIC HEALTH**

To perform the policy overview role outlined above in relation to the following matters:

1. Adult Social Care
2. Older People's Services
3. Care and support for people with physical disabilities, mental health problems and learning difficulties
4. Asylum Seekers
5. Local Authority Public Health services
6. Encouraging a fit and healthy lifestyle
7. Health Control Unit, Heathrow
8. Encouraging home ownership
9. Social and supported housing provision for local residents
10. Homelessness and housing needs
11. Home energy conservation
12. National Welfare and Benefits changes



## **EXECUTIVE SCRUTINY COMMITTEE**

(additional text added shown in **bold**)

### Terms of Reference

To exercise the right set out in the Policy Overview and Scrutiny Procedure Rules to call-in and recommend for reconsideration any **key** decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Cabinet Sub-Committee or an officer. **This would include any key decision that needs further information from the decision-maker to explain why it was taken.**

## **EXTERNAL SERVICES SCRUTINY COMMITTEE**

### Terms of Reference

1. To undertake the powers of health scrutiny conferred by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
2. To work closely with the Health & Wellbeing Board & Local HealthWatch in respect of reviewing and scrutinising local health priorities and inequalities.
3. To respond to any relevant NHS consultations.
4. To scrutinise and review the work of local public bodies and utility companies whose actions affect residents of the Borough.
5. To identify areas of concern to the community within their remit and instigate an appropriate review process.
6. To act as a Crime and Disorder Committee as defined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and carry out the bi-annual scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

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### **ARTICLE 8 - COUNCIL COMMITTEES AND BODIES**

#### **8.02 Planning Committees**

##### **(a) Introduction**

The Council has two area based Planning Committees. The Central and South Committee which covers the Hayes and Harlington, Heathrow and Uxbridge area and the North Committee which covers the Ruislip and Northwood area.

In addition the Council has a Major Applications Committee which determines major planning applications – those that involve:

- the creation of 10 or more residential units.
- residential development on a site of 0.5 hectares or more
- non-residential development on a site of at least 1 hectare
- non-residential development that creates more than 1000 square metres of new gross floorspace
- the creation of a change of use of 1000 square metres or more of gross floor space (not including housing)
- Council owned development sites / applications where the Council is the applicant.

Additionally The Head of Planning, in consultation with the appropriate Cabinet Member, may refer applications which by virtue of the level of public interest or by virtue of the economic / regeneration benefits of the proposals are felt to warrant consideration at the Major Applications Committee.

##### **(b) Membership**

Each of the Planning Committees has 8 Members and they will be politically balanced.

##### **(c) Terms of Reference**

Each of the Planning Committees exercise the following functions:

1. To determine any applications made under the provisions of the Town and Country Planning Legislation and Orders.
2. To approve the Council's response to development proposals not requiring planning applications for example, from Government departments or adjoining local authorities.
3. To adopt supplementary planning guidance specific to the area.

4. To approve directions restricting permitted development rights.
5. To confirm and modify Tree Preservation Orders where objections have been received.
6. To approve highway schemes where required as part of a planning application.
7. To authorise any legal agreements required in respect of any planning applications.
8. To authorise the service of stop notices under Planning legislation.
9. To authorise the making, issue and service of any notices, orders and other documents under the town and country planning and listed buildings legislation.
10. To authorise the institution of any legal proceedings in respect of any notices orders and other documents made, issued and served under the town and country planning and listed buildings legislation.
11. To authorise the institution of legal proceedings to seek injunctive relief under the town and country planning and listed building legislation.

## HEALTH & WELLBEING BOARD

### Proposed New Committee & Terms of Reference

#### 8.09 Health and Wellbeing Board

##### (a) Introduction

In accordance with the Health and Social Care Act 2012 and any subsequent related legislation, the Health and Wellbeing Board will seek to improve the quality of life of the local population and provide high-level collaboration between the Council, NHS and other agencies to develop and oversee the strategy and commissioning of local health services.

The Board will operate as a Committee of the Council in accordance with the Committee Standing Orders and Access to Information Procedure Rules set out in this Constitution.

The core functions of the Board are not executive functions and are not therefore subject to any scrutiny call-in procedure.

The Board will seek to comply with its duties under the Equality Act 2013, Freedom of Information Act 2000 and the Data Protection Act 1998.

##### (b) Membership

###### Statutory Members

The Chairman of the Board shall be the Leader of the Council. The Vice-Chairman of the Board shall be the Cabinet Member for Social Services, Health & Housing.

Other Statutory Members that may attend meetings are:

- 1) Cabinet Members from the London Borough of Hillingdon
- 2) A representative from the Clinical Commissioning Group covering Hillingdon
- 3) A representative from Healthwatch Hillingdon
- 4) Statutory Director of Adult Social Services
- 5) Statutory Director of Children's Services
- 6) Director of Public Health

###### Political Balance

There is no requirement to have all political groups within the Council represented on the Board.

###### Substitutes for Statutory Members

Cabinet Members may nominate any other Elected Member of the Council as a substitute. Other Statutory Members of the Board must nominate a single

individual who will substitute for them and have the authority to make decisions in the event that they are unable to attend a meeting.

### Co-opted Members

From time to time and upon the agreement of the Board other individuals or representatives may attend Board meetings as Co-opted Members. Co-opted Members may not send substitutes, e.g. representatives of local NHS Hospitals or Trusts.

### Voting rights

Voting rights will apply to the following Statutory Members:

- All Elected Members of the Council on the Board;
- The representative from the Clinical Commissioning Group covering Hillingdon;
- The representative from Healthwatch Hillingdon.

Subject to consultation with the Board, the Council may then direct whether or not voting rights apply to any other Statutory Member or Co-opted Member.

### Code of Conduct

All voting Members of the Health and Wellbeing Board will be bound by the Council's Code of Conduct for Members, as adopted.

### **(c) Sub-Committees**

The Board may establish and appoint to sub-committees. The Board may delegate any of its functions to sub-committees or request them to undertake task and finish reviews or project work in the pursuit of the Board's goals.

Members of a sub-committee may be a Statutory or Co-opted Member of the Board or any Elected Member of the London Borough of Hillingdon.

Sub-committees will cease to exist upon a decision by the Board.

### **(d) Terms of Reference**

1. To fulfil statutory requirements to improve the health and wellbeing of the local population, specifically to:
  - (a) Lead on the duty to assess and publish information about the needs of the local population (joint strategic needs assessment (JSNA));
  - (b) Deliver the duty to prepare and publish a Joint Health and Wellbeing strategy based on the JSNA, to consider Health and Social Care Act flexibilities in developing the strategy and involve local residents and others as appropriate;

- (c) Promote integrated and partnership working across areas, including through the promotion of joined up commissioning plans across the NHS, social care and public health; and
- (d) Support, be involved in and provide opinion on joint commissioning plans and the review of how well the Health and Wellbeing strategy is meeting needs. This includes providing an opinion on how well the Clinical Commissioning Group (CCG) contributes to the delivery of the joint Health and Wellbeing strategy.

2. To be responsible for:

- (a) Providing leadership in developing a strategic approach for health and wellbeing in Hillingdon;
- (b) Developing the statutory Health and Wellbeing Strategy;
- (c) Ensuring that the Health and Wellbeing Strategy is informed and underpinned by the JSNA and is focused upon:
  - Improving the health and wellbeing of the residents of Hillingdon;
  - The continuous improvement of health and social care services;
  - The reduction of health inequalities;
  - The involvement of service users and patients in service design and monitoring and;
  - Integrated working across health and social care where this would improve quality.
- (d) Reviewing performance on delivering the Health and Wellbeing Strategy and other key strategic targets;
- (e) Holding partner agencies to account for performance on agreed priorities in conjunction with the External Services Scrutiny Committee;
- (f) Influencing and approving the Clinical Commissioning Group (CCG) commissioning plan and annual update;
- (g) Collaborative working to develop social care and health related commissioning plans to improve the health and wellbeing of residents of the Borough and monitor implementation and performance;
- (h) Monitoring the performance of Public Health and reviewing services in conjunction with the External Services Scrutiny Committee and;
- (i) Reviewing the Terms of Reference and operation of the Board regularly, making recommendations to Council as required.

## **PART 4 - COMMITTEE STANDING ORDERS – SCHEDULE B**

### **Amendments to Standing Orders – new section**

#### **19. HEALTH AND WELLBEING BOARD**

These Committee Standing Orders apply to the Health and Wellbeing Board set out in Article 8 of the Constitution, with the following exceptions to these rules taking precedence at any time:

1. Any speaking rights for Elected Members who are not Members of the Board do not apply to meetings of the Board or any of its sub-committees.
2. A Quorum of the Board shall be 50% of its statutory membership. This will also apply to any sub-committees of the Board.
3. Any meeting of the Board may establish and appoint to its sub-committees.
4. Upon any recommendations from the Board, Statutory Membership will be approved by full Council.
5. Upon request from an organisation, approval of any appointments to the Board as a non-statutory Co-opted Member will be agreed by the Board, in consultation with the Chairman and the Head of Democratic Services.
6. Decisions shall be made on the basis of a vote and show of hands of a majority of members present. Subject to the vote being tied, the Chairman will have a second or casting vote.
7. The Board and any sub-committees shall meet as required, with the agreement of the Chairman and/or in the circumstances where the Chairman receives a request in writing by more than 50% of the Statutory Members of the Board.



### HILLINDGON COUNCIL PETITION SCHEME

#### Our Promise

Hillingdon Council's petition process enjoys high resident participation and satisfaction and, as a part of that process we promise to:

- **Value all petitions** – residents' views are important to us
  - **Give friendly advice** – how to best pursue the issue that residents have
  - **Make it easy** – lots of ways to submit a petition to us
  - **Keep you informed** – update the petition organiser about a petition's progress
  - **Let you have your say** – enable residents to speak to and directly influence Council decision-makers
- 

#### Petitions Overview

~~In accordance with the *Local Democracy, Economic Development and Construction Act 2009*, the~~ **The** petition process allows members of the public to have direct influence on the decision making process and to raise concerns that are important to them. All petitions sent or presented to the Council will receive a written acknowledgement within 5 working days of receipt. This acknowledgement will set out what the Council plans to do with the petition and when the petition organiser can expect to hear from us again. We will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition. More than one petition can be received on a particular issue, whether for or against that issue.

There shall be a presumption that petitions are publicly viewable documents. With regard to paper petitions, the signature of each signatory will be deleted from the public copy but the name **and address** of each person who signed a petition will be viewable on request at the Civic Centre (except in exceptional circumstances, as decided by the Head of Democratic Services). If a petitioner wishes for their name and address to be withheld, then they must include such a request in writing with the petition for consideration by the Head of Democratic Services.

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#### What is a petition?

Petitions can be either paper or electronic. For the purposes of this scheme, the Council will treat as a petition anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by the appropriate qualifying persons. For practical purposes, the Council has set a requirement for at least 20 valid signatories before it is treated as a valid petition. In the case of paper petitions, a valid signature will be classed as the

name, address and signature of an individual that lives, works or studies in the Borough (duplicate signatories will not be counted). For electronic petitions, a valid signature will be classed as the name, address and email address of an individual that lives, works or studies in the Borough.

Where a communication contains less than 20 signatures, it will be treated as a corporate complaint or service request, whichever is appropriate, and will be passed to the appropriate department for a response. The appropriate Ward Councillors will also be notified of these petitions. If deemed appropriate by the Head of Democratic Services, a paper petition and an electronic petition that are on the same subject from the same petition organiser may be combined and the lead petitioner will be advised accordingly.

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### **Who can submit a petition?**

Anyone who lives, works or studies in the Borough, including under 18s, can sign or organise an electronic or paper petition, except for petitions requiring a full Council debate where only signatures of those over 18 years of age will be accepted.

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### **Who should you send a paper petition to?**

The Democratic Services section is responsible for receiving, managing and reporting all petitions sent to the authority. Paper petitions can be sent to:

Head of Democratic Services  
London Borough of Hillingdon  
Civic Centre  
High Street  
Uxbridge  
Middlesex UB8 1UW

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### **How will the Council respond to petitions?**

The Council's response to a petition will depend on what the petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at **an appropriate** Council / **Committee** meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Considering the petition at a Petition Hearing with the relevant Cabinet Member
- Carrying out a consultation
- Holding an informal meeting with the petition organiser
- Referring the petition for consideration by one of the Council's overview and scrutiny committees

- Writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take with regard to the issues highlighted in a petition.

If a petition is about something over which the Council has no direct control (for example the local railway or hospital), we may make representations on behalf of the community to the relevant body where appropriate. The Council works with a large number of local partners and, where possible, we will work with these partners to respond to a petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will write to the petition organiser setting out the reasons. More information is available on the services for which the Council is responsible on our website at <http://www.hillingdon.gov.uk/>.

If a petition is about something that a different Council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, the Council will always notify the petition organiser of the action we have taken.

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### **What are the guidelines for submitting a petition?**

Before submitting a petition, petitioners are advised to first check with their Ward Councillors or with the Council to see if the Council is already acting on the concerns and whether the Council is the most appropriate body to receive the petition (sometimes it may be more appropriate to send the petition to another public body).

Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition and should also state what action the petitioners wish the Council to take. At least 20 of the signatories to a petition will be validated by comparing the signatures, addresses or email addresses with records held by the Council.

**Please note that the 20 validated signatories must be able to demonstrate a clear interest in the subject matter of the petition. The Head of Democratic Services will retain the right to discount any signatories whom it is determined cannot demonstrate such an interest.**

Petitions should be accompanied by contact details for the petition organiser (including an address and, where possible, a contact telephone number and/or email address). This is the person that we will contact to explain how the petition will be responded to. The contact details of the petition organiser will not be placed on the website. If a paper petition does not identify a petition organiser, we will normally only contact the first person on the petition.

If the petition is electronic, it ~~must~~ **may** be made using the Council's electronic petitioning facility available on the Council's website ([www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)) and must include each petitioner's name, address and email address.

**Where a printed version of an electronic petition is submitted to the Council this will be counted and combined as a single petition.**

### Electronic Petitions

Electronic petitions must follow the same guidelines as paper petitions and **may** be submitted through the Council's website ([www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)), **although it is recognised that other electronic petition facilities are available. Where an electronic petition is submitted using an alternate on line facility it will be accepted as long as it contains 20 or more valid signatories.**

When an electronic petition is created **using the Council facility**, it may take up to 10 working days before it is published on the Council's website. This is because we will need to check the content of the petition before it is made **public and available for people to sign.** ~~signature.~~ If we feel that we cannot publish a petition, we will contact the petition organiser within this period to explain why. The petition organiser will then be given the opportunity to change and resubmit the petition. If this is not done within 15 working days of our contact, details of the petition and the reasons why it was not accepted will be published on the Council's website with other rejected petitions. The petition organiser will need to decide how long they want their petition to be open for signatories. Most petitions will run for a few weeks but the petition organiser can choose a shorter or longer timeframe, up to a maximum of 3 months.

When a petitioner signs an electronic petition **using the Council facility**, they will be asked to provide their name, address and a valid email address. Once this information has been validated, the petitioner's signature will be added to the petition. People visiting the electronic petition on the Council's website may be able to see the petitioners' names on the list of signatories but not their contact details.

### Election Period

Due to restrictions imposed in the period immediately before any election or referendum, the Council may need to deal with petitions differently. If this is the case, we will contact the petition organiser to explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will contact to the petition organiser to explain the reasons.

## Petitions which will not be reported

In the following circumstances, petitions will not be accepted:

- Petitions will not normally be considered if they are received within six months of another petition having already been considered by the authority on the same matter.
- Petitions will not be accepted if, in the opinion of the Head of Democratic Services, they are vexatious, frivolous, abusive or otherwise inappropriate or do not relate to a matter which is the responsibility of the authority, or over which the authority has some influence.
- Statutory petitions or petitions where there is already an existing right of appeal or a separate complaints procedure, e.g., staffing, disciplinary or grievance matters.
- Petitions will not be accepted if they require the disclosure of exempt or confidential information.

If a petition is deemed unacceptable, the petition organiser will be contacted with an explanation.

## Multiple Petitions

For issues of practicality, where the Council receives more than one petition in relation to the same issue (e.g., a planning or licensing application), the Cabinet Member / Chairman of the relevant Committee will have discretion to amend the speaking rights, the number of speakers and speaking timings. Please note that it is not an automatic right that each petition organiser will get 5 minutes to speak if there is more than one petition.

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## **What will the Council do when it receives my petition?**

Whether paper or electronic, a written acknowledgement will be sent to the petition organiser within 5 working days of receiving the petition. This acknowledgement will let the petition organiser know what we plan to do with the petition and when they can expect to hear from us again. Details of those petitions received will be available on the Council's website, except in cases where this would be inappropriate.

In addition, when an electronic petition, **using the Council facility**, has closed for signature, a petition acknowledgement and response will be emailed to everyone who has signed the petition and has elected to receive this information. This information will also be available on the Council's website.

If we can do what a petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition organiser will be asked if they are satisfied with the outcome and whether they would like to withdraw their petition. ~~If the petition has enough signatures to trigger a Council debate (see below), or a senior officer giving evidence, then the acknowledgment will confirm this and tell the petition organiser when and where the meeting will~~

take place. If the petition needs more investigation, we will tell the petition organiser what steps we plan to take.

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## What types of petition are there?

There are three types of petition:

~~Ordinary Petitions~~ — these must contain **Valid petitions – those containing** the names, addresses and signatures of 20 or more petitioners - ~~Valid ordinary petitions~~ fall into three **four** categories:

- a. Cabinet Member Petitions
  - b. Planning Petitions
  - c. Licensing Petitions
  - d. Petitions to be considered at another Council committee.**
- ~~2. Petitions requiring Council debate~~ — petitions containing the names, addresses and signatures of 2,500 people will be debated by the full Council.
- ~~2. Petitions to hold Council employees to account~~ — petitions which call for evidence from a senior Council employee must have 1,250 valid signatures to trigger that action.

### 1. Ordinary Petitions

Valid petitions must contain at least 20 signatories and will trigger a course of action to be taken. Please note that petitions which raise issues of alleged Member misconduct will be taken as complaints arising under the Local Government Act 2000 **and the Localism Act 2011** and, where appropriate, will be reported to the Council's Standards Committee.

#### 1a. Cabinet Member Petitions

In the vast majority of cases, valid petitions will be considered by the relevant Cabinet Member at a Petition Hearing where s/he will decide what action (if any) will be taken.

A valid petition will entitle the petitioners to have their petition considered by the relevant Cabinet Member at a Petition Hearing to argue their case or promote a particular issue. Such petitions will be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities for the issue raised and the options for action.

The petitioner organiser of each petition, or their representative, may address the Petition Hearing for up to 5 minutes\* and may answer questions from Cabinet Member for a further 3 minutes. Ward Councillors will also be permitted to speak for up to 3 minutes on each petition relating to their Ward. Extending these time limits is at the discretion of the Cabinet Member.

Where a petition has already been heard by the Cabinet Member and a decision has been made, repeat petitions advocating the same, or similar, action will not be allowed for a period of 6 months, except in exceptional

circumstances as determined by the relevant Cabinet Member. Petitions may only be heard by the Cabinet Member on matters under the control of the Council as determined by the Head of Democratic Services on receipt. Where the Head of Democratic Services does not accept a petition, advice will be given to the petitioner on the best way to deal with their petition.

Where a petition has fewer than 20 signatures, a relevant Ward Councillor can request that the relevant Cabinet Member consider the petition at a Petition Hearing. The decision as to whether or not a petition with less than 20 signatures is considered at a Petition Hearing will rest with the relevant Cabinet Member.

Where a petition organiser meets a Cabinet Member at a Petition Hearing, either by right or where the Cabinet Member has agreed to meet them, the following procedures shall apply:

- A written report from officers must be published at least 5 clear working days before the meeting;
- The meeting shall normally take place at the Civic Centre, unless the Cabinet Member decides otherwise;
- The meeting shall be open to the public and press (subject to the Access to Information Act rules);
- The meeting shall be attended by officers from the appropriate Service Group and by a representative of Democratic Services;
- The appropriate Ward Councillors shall be informed of the date and time of the meeting and may attend and have the right to speak at the meeting for up to 3 minutes;
- The petition organiser or their nominee, where they have been either invited to attend by the Cabinet Member or where they have the right to attend, shall have the right to speak about the matter raised in the petition for a maximum of 5 minutes\* and the Cabinet Member may ask them questions about the petition. Where it is a single petition, the time limit may be extended with the consent of the Cabinet Member;
- The Cabinet Member shall either announce their decision once they have heard the petitioner (and this decision shall be recorded and published), or they may decide that they wish to consider the matter and make a decision at a later date. Where the Cabinet Member decides to make a decision at a later date, the Member shall inform the Head of Democratic Services as soon as they have made a decision and this shall be recorded and published. There shall be no further right for a petition organiser to meet with the Cabinet Member; and
- The petition organiser will be informed of the decision in writing and where the decision is to refer this to the Cabinet or to a Cabinet Committee or to an Overview and Scrutiny Committee, the petition organiser will be kept informed of progress in considering the matter.

The relevant Cabinet Member has the power to decide whether they wish the petition to be heard at a Cabinet meeting for decision instead of being considered at a Petition Hearing. Petitions with 20 or more signatures may be presented to the Cabinet for decision where so decided by the Cabinet Member holding the appropriate portfolio relating to the matter raised in the

petition. Such petitions shall be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities in relation to the issue raised and the options for action. One representative of any petition may address the Cabinet for up to 5 minutes \* and may answer questions from Cabinet Members for a further 3 minutes.

**\* Please note that time limits may vary if there is more than one petition in relation to one issue.**

### 1b. Planning Petitions

If a petition contains 20 or more signatories and is in relation to a planning application, the application will be considered at a Planning Committee meeting and the petitioner organiser (or their representative) will be invited to attend and speak for up to 5 minutes<sup>#</sup> in relation to that matter at the meeting at which the application will be considered. The applicant (or their agent) will also get the opportunity to speak for 5 minutes<sup>#</sup> where a valid petition has been accepted by the Council in relation to their application. Ward Councillors will be permitted to speak for up to three minutes in relation to an application if they have notified their intention to do so in advance to the Committee Chairman. Members of the Committee will also be able to ask questions of the petitioners for up to three minutes. Notification of the intention to speak and the name of the speaker must be supplied to the Head of Democratic Services at least 24 hours before the meeting.

All petitions in relation to Planning Committees should be received by the Head of Democratic Services no later than 48 hours prior to the meeting. Discretion to allow petitions after this deadline can only be approved by the Chairman of the relevant Planning Committee.

If the organiser of a petition would like to address a second or subsequent meeting which is to consider the issue which gives rise to their petition, they will need to organise another valid petition.

**# Please note that time limits may vary if there is more than one petition in relation to one issue.**

### 1c. Licensing Petitions

In the case of a Licensing Committee or Licensing Sub-Committee meeting, petitions may only be submitted to the Licensing Authority in advance of the meeting as relevant representations. At a meeting where a hearing is taking place, time limits will apply which allow all parties<sup>1</sup> an equal maximum period of time in which to exercise speaking rights \*

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<sup>1</sup>An interested party, as defined under the Licensing 2003 Act, is anyone who is directly affected by activity at the licensed premises in question, such as:

- A person living in the vicinity of the premises in question
- A body representing persons living in the vicinity of the premises in question, e.g. a Residents Association.
- A person involved in a business in the vicinity
- A body representing persons involved in such business e.g. Trade Association.

Other parties include the applicant and responsible authorities, e.g. Police.



If the organiser of a petition would like to address a second or subsequent meeting which is to consider the issue which gives rise to their petition, they will need to organise another valid petition.

**\* Please note that time limits may vary if there is more than one petition in relation to one issue.**

#### 1d. Petitions to be considered at another appropriate Council Committee

In the case of petitions concerning subjects which would normally fall to be considered by a Council body other than those above, the Head of Democratic Services, in consultation with the Leader of the Council, will determine which Council decision making body should hear and determine the petition.

The petitioner organiser (or their representative) will be invited to attend and speak for up to 5 minutes<sup>#</sup> in relation to that matter at the meeting at which the application will be considered.

**\* Please note that time limits may vary if there is more than one petition in relation to one issue.**

#### 2. Petitions requiring Council debate

If a petition contains more than 2,500 signatures of people aged over 18 years of age, it will be debated by the Council (unless it is a petition asking for a senior Council officer to give evidence at a public meeting). This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. In any event, petitions requiring Council debate must be received at least 10 working days before the date of the meeting.

The petition organiser (or their representative) will be given 5 minutes to present the petition at the meeting and the petition will then be debated by Members. The petition organiser will not be able to take part in the debate with Members. A maximum of two petitions will be allocated for discussions at any one Council meeting. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Executive<sup>2</sup> is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition

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<sup>2</sup> The Executive is also known as the Cabinet

organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

## 2. Petitions to hold Council employees to account

A petition may ask for a relevant accountable employee to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a relevant accountable employee to explain progress on an issue, or to explain the advice given to Elected Members to enable them to make a particular decision. These petitions must relate to an employee's role and not their personal circumstances or character. If a petition contains at least 1,250 signatures, the relevant accountable employee will give evidence at the next appropriate public meeting of the relevant Overview and Scrutiny Committee<sup>3</sup> (<http://modgov.hillingdon.gov.uk/mgListCommittees.aspx?bcr=1>) providing the petition has been received at least 10 working days before this meeting. Senior officers that can be called to give evidence are as follows:

- Chief Executive & Corporate Director of Administration (Head of Paid Service)
- Monitoring Officer (or any officer fulfilling the statutory role)
- Section 151 Officer (or any officer fulfilling the statutory role)
- Deputy Chief Executive & Corporate Director of Residents Services
- Corporate Director of Finance
- Corporate Director of Social Care and Health

It should be noted that the Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance, if the named officer has changed jobs or does not hold a senior position.

The Committee may also decide to call the Member with special responsibilities to attend the meeting. Although Committee Members will ask the questions at this meeting, the petition organiser (or their representative) will be able to ask up to three questions within an allocated 15 minutes. These questions must relate directly to the content of the petition. Questions from the petition organiser or nominated person must be submitted in writing to the Democratic Services section at least ten working days before the meeting. A written acknowledgement from the Council will be sent within 5 working days of receipt. Questions which are considered by the Head of Democratic Services to be vexatious, abusive, inappropriate, or that require the disclosure of exempt or confidential information, will not be considered.

After the meeting, the Committee will submit a report to the Cabinet (for consideration at the next Cabinet meeting) or to the relevant portfolio holder

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<sup>3</sup> At Hillingdon, there are 4 Policy Overview Committees (POCs) and 2 Scrutiny Committees: Corporate Services & Partnerships POC, Education & Children's Services POC; Executive Scrutiny Committee; External Services Scrutiny Committee; Residents' & Environmental Services POC; and Social Services, Health & Housing POC. These Committees comprise Councillors who are responsible for scrutinising the work of the Council – in other words, they have the power to hold the Council's decision makers to account.

(as a Cabinet Member Decision). The petition organiser will be sent a copy of this report.

### Petitions requesting a referendum

For further information on the submission of petitions to the Council requesting a referendum, please contact the Democratic Services Team at [democratic@hillingdon.gov.uk](mailto:democratic@hillingdon.gov.uk) or by calling 01895 250470.

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### **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant Council Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short written explanation addressed to the Petitions Officer of the reasons why the Council's response is not considered to be adequate. This request must be made within 20 working days of being notified of the authority's decision on the petition.

The relevant Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. If the Committee determines that the petition has not been dealt with properly, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the Council. As well as being forwarded to the petition organiser, the results of the review will be published on the Council's website (unless it is considered inappropriate to do so).

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### **Is there anything else I can do to have my say?**

As a Council, we try to identify and solve problems at an early stage. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. Other ways that people can have their say include:

- Making a complaint using the Council's Complaints System (<http://www.hillingdon.gov.uk/index.jsp?articleid=5881>)
- Contacting your local Councillor (<http://modgov.hillingdon.gov.uk/mgMemberIndex.aspx>)
- Contacting your local MP (<http://www.hillingdon.gov.uk/index.jsp?articleid=18212>)

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## 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. Since last reported, the following decisions have been made using the urgency procedures:

Date of Decision	Nature of Decision	Decision-Maker
5 March 2013	Chrysalis New Proposals (Community Engagement & Town Centres)	Leader, Cabinet Members for Finance, Property & Business Services and Community, Commerce & Regeneration
8 March 2013	Assignment of Sale Contract: Former Day Centre Site, Honeycroft Hill, Uxbridge	Leader & Cabinet Member for Property, Finance & Business Services
14 March 2013	Framework agreement for the provision of modular buildings and temporary classrooms	Leader & Cabinet Member for Property, Finance & Business Services
19 March 2013	Hermitage Primary School Building Contract	Leader & Cabinet Member for Property, Finance & Business Services
21 March 2013	School Capital Programme	Cabinet
21 March 2013	Academy Conversions	Cabinet
9 April 2013	Uxbridge Library Refurbishment – Pre Construction Services and Enabling Works	Leader & Cabinet Member for Property, Finance & Business Services
9 April 2013	Primary Schools Permanent Expansion Programme Phase 1 & 2 – capital release	Leader & Cabinet Member for Property, Finance & Business Services
11 April 2013	Bourne Primary School Building contract & capital release	Leader & Cabinet Member for Property, Finance & Business Services
11 April 2013	Cherry Lane Primary School Building contract & capital release	Leader & Cabinet Member for Property, Finance & Business Services
25 April 2013	Rabbsfarm, Heathrow and Ryefield Primary Schools building contracts and capital release	Leader & Cabinet Member for Property, Finance & Business Services

<b>Date of Decision</b>	<b>Nature of Decision</b>	<b>Decision-Maker</b>
25 April 2013	Ruislip Lido enhancement works	Cabinet
2 May 2013	Ruislip Gardens Primary School Buildings Contract and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
2 May 2013	Harlyn Primary School Buildings Contract and Capital release	Leader & Cabinet Member for Property, Finance & Business Services
2 May 2013	Primary Capital Schools Programme Phase 3a - Development Costs	Leader & Cabinet Member for Property, Finance & Business Services
3 May 2013	Multi Use Games Area at Glebe Primary School Buildings Contract and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
3 May 2013	Glebe Primary School – Buildings Contract and Capital release	Leader & Cabinet Member for Property, Finance & Business Services
15 May 2013	Proposed Amalgamation of Breakspear Infant & Nursery and Breakspear Junior Schools: publication of statutory proposals	Cabinet Member for Education and Children's Services
16 May 2013	Hillingdon Primary School – building contracts and capital release	Leader & Cabinet Member for Property, Finance & Business Services
16 May 2013	Rosedale Primary School Building Contracts and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
17 May 2013	Cherry Lane Primary School Modular Building Single Tender Contract and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
23 May 2013	West Drayton Primary School – Building Contract and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
23 May 2013	Pinkwell Primary School – Building Contract and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
23 May 2013	Proposals to change the Social Care & Health Structure of the Council	Cabinet
3 June 2013	Glebe & Wood End Primary Schools award of Building Contracts and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
19 June 2013	Phase 3a William Byrd Primary School Building- Delegated Award of Building Contract and Capital Release	Leader & Cabinet Member for Property, Finance & Business Services
20 June 2013	School Capital Programme	Cabinet
20 June 2013	School Condition Surveys	Cabinet

BACKGROUND PAPERS: None

**(ii) MEMBERSHIP OF COUNCIL COMMITTEES 2013/2014**

**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**
- **Social Services, Housing and Public Health Policy Overview Committee – Councillor Morgan to replace Cllr 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**

**(iii) AMENDMENTS TO COUNCIL CONSTITUTION**

**a) Filming, recording and reporting of meetings of the Cabinet**

Guidance has been issued from the Department for Communities and Local Government providing practical information about the public and media attending and reporting on meetings of a Council’s executive.

Whilst the Council has always openly welcomed residents and media organisations to its meetings, it does not have any guidance at present over the filming and recording of meetings.

It is proposed to update the Access to Information Rules within the Council’s Constitution to provide clarity on this matter.

**RECOMMENDATION:** That the amendment to the Access to Information Rules, as set out below, be approved with immediate effect.

**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.

### **b) Changes to Officer Delegations to reflect new Council structures**

Following the restructure of the Council's social care & health functions, as approved by Cabinet at its meeting on 23 May 2013, combined with recent changes in public health responsibilities, Council is requested to make permanent the necessary changes to officer delegations within the Constitution.

Following the deletion of the post of Corporate Director of Social Care & Health from the establishment, an interim transfer of the statutory adult social care and children's responsibilities to the Director of Children and Young People's Services has been in place, using previously delegated authority to the Head of Democratic Services, in consultation with the Leader of the Council. The new Director of Adult Social Care Services will be in post from 11 July 2013.

New Public Health responsibilities were also transferred to the Residents Services Directorate with effect from 1 May 2013.

**RECOMMENDATION: That the changes to Officer Delegations, as set out below, be approved, with the Adult Social Services statutory responsibilities taking effect from 11 July 2013.**

**In approving these, Council also agrees to make the consequential changes to other parts of the Constitution, in particular Article 12 (Officers) and Part 7 (Management Structure).**



## **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.

## **CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS**

*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 new ethical framework adopted by Council on 5 July 2012 in accordance with the Localism Act 2011 [the Act]. The Act made a number of significant changes to the previous ethical framework for Members and Co-opted members of local authorities, which came into force on 1 July 2012.
2. Council in July 2012 agreed inter-alia:
  - a) the adoption of a new Code of Conduct for Hillingdon Members and co-opted members
  - b) the abolition of the previous Standards Committee and sub-committees and the appointment of a new Standards Committee with a reduced membership.
  - c) amendments to the following associated documents:
    - The Code of Conduct complaint procedure and form - including the introduction of a new Whips' Protocol.
    - The Planning Code of Conduct and ICT Usage Policy for Members
  - d) to make an appointment to the role of 'Independent Person' until 30 June 2013
  - e) to review the effectiveness of the new ethical framework in 12 months time.

In accordance with the last resolution above Members are asked to consider the following recommendations:

### **RECOMMENDATIONS: 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.**

### **BACKGROUND INFORMATION**

#### **The New Code of Conduct**

3. Council in July 2012 considered various options for the adoption of a new Code which was to be 'minimalist' in nature and based on the Nolan principles. The Code adopted was based on a model issued by the DCLG and is attached as Appendix 1.
4. Part 2 of the new Code sets out the requirements for notification and disclosure of Members and Co-opted members' Disclosable Pecuniary and non-Pecuniary interests. 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.

5. All Members were required to indicate in writing within 28 days, that they would abide by the contents of the Code and to complete a Register of Disclosable Pecuniary and non-pecuniary interests form for the publicly available Register. The Head of Democratic Services confirms that all Members have met this requirement.
6. In addition, all Members and Co-opted members have been offered training on the new Code and their obligations under it and the majority have undertaken such training.

### **A New Complaints Procedure**

7. 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. Although the Act no longer makes it a requirement to have a Standards Committee in place, Council agreed to retain the Committee to deal with complaints against Members and co-opted members.
8. The Code of Conduct complaint form was revised to bring it up to date. To avoid as far as possible having to deal formally with a proliferation of complaints which are time-consuming, potentially expensive and distressing for the Members concerned, Council also adopted a Whips Protocol designed to deal with the majority of complaints made by both Hillingdon Members and members of the public. The Protocol is intended to be the precursor to the formal complaints process and is the first port of call when complaints are made against Members and co-opted members.
9. Council agreed the abolition of the previous three Sub-Committees set up by the Standards Committee to deal with complaints and determined that, under the new system, the Standards Committee itself will both assess and hear complaints against Members and co-opted members, although Council also 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 Code.
10. It is interesting to note that, in the period since the adoption of the new Code only one complaint about a Member has been received (there were 30 such complaints since the previous Code was adopted in May 2008). The complaint was dealt with by using the Whips' Protocol and was satisfactorily resolved.
11. In the circumstances, the Standards Committee are not recommending that any changes be made to the Code of Conduct and associated complaints procedures as adopted by Council in July 2012.

### **Independent Person**

12. The Act envisaged a new role for an Independent Person and 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. 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/her in the event that a formal complaint is made against a Hillingdon Member or co-opted member.

13. The Act originally barred existing Standards Committee members who within the last five years had been a Member, co-opted member or officer of the authority in question from being appointed as the Independent Person. However, the Government 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] had held such a post within the last five years.
14. The Act requires that the appointment of an Independent Person be made after the position has been advertised to the general public. The Standards Committee in February 2013 agreed to re-advertise the position and accordingly, the Monitoring Officer has invited, through advert, expressions of Interest for the role of Independent Person. Eleven such expressions were received and the Committee conducted a short listing and interview process of the candidates.
15. Following the interviews the Committee are recommending the appointment of Mr David Smith who has lived and worked in the Borough his whole life - first as a legal advisor at the Uxbridge Magistrates' Court where he trained and qualified as a solicitor and then with Turbervilles Solicitors whom he joined in 1984 and became a partner in 1986. Mr Smith is now a practicing consultant with Turbervilles having retired from the partnership in April 2013 and also regularly acts as prosecutor for a leading animal welfare charity.

Mr Smith is a member of the BII (MBII.tp), is married with two sons and his interests include most sports, fine wines and music.

As a result of representing or advising Councillors in other areas Mr Smith has a broad knowledge of the Standards regime and a familiarity with the processes. At interview Mr Smith demonstrated a good understanding of and a keen willingness to undertake the role of the Independent Person.

16. The position carries a Special Responsibility Allowance of £1,500 p.a.

### **The Planning Code of Conduct and ICT Usage Policy for Members**

17. Both these documents are linked to the Code of Conduct and minor changes were made to both to reflect the adoption of the new Code. Both are deemed to be currently fit for purpose and the Standards Committee are not recommending that any further changes are required at this time.

### **Financial Implications**

18. There are no specific financial implications arising from this report. The adoption of the Whips Protocol has assisted in resolving a complaint without having to resort to expensive, independent investigations.

## Legal Implications

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

Background Papers: None

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## Appendix 1

# **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:

<b>Subject:</b>	<b>Prescribed Description:</b>
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	Any tenancy where (to the Member's or co-opted

tenancies	<p>member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(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</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

- (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.

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## QUESTIONS FROM MEMBERS

**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?

**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?

**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?

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## MOTIONS

### 8.1 MOTION FROM COUNCILLOR HARMSWORTH

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.

### 8.2 MOTION FROM COUNCILLOR CURLING

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.

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.

### 8.3 MOTION FROM COUNCILLOR ALLEN

This Council deplores 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.

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