



HILLINGDON
LONDON



Council

To all Members of the
Council

Date: THURSDAY, 7 NOVEMBER
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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Agenda

Prayers

To be said by the Reverend Susan Male

- 1 Apologies for Absence
- 2 Minutes 1 - 16
To receive the minutes of the meeting held on 12 September 2013 (*attached*)
- 3 Declarations of Interest
To note any declarations of interest in any matter before the Council
- 4 Mayor's Announcements
- 5 Public Question Time 17 - 18
To take questions submitted by members of the public in accordance with Council Procedure Rule 10.
- 6 Report of the Head of Democratic Services 19 - 26
- 7 Members' Questions 27 - 28
To take questions submitted by Members in accordance with Council Procedure Rule 11
- 8 Motions 29 - 30
To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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Agenda Item 2

Minutes

COUNCIL

12 September 2013

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



HILLINGDON
LONDON

Councillor Allan Kauffman (Mayor)
Councillor Catherine Dann (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: David Allam Peter Curling John Major Lynne Allen Janet Duncan Michael Markham Bruce Baker Beulah East Carol Melvin Tim Barker Sid Garg Douglas Mills Richard Barnes Roshan Ghei Richard Mills Josephine Barrett Dominic Gilham John Morgan David Benson Raymond Graham June Nelson Jonathan Bianco Paul Harmsworth Susan O'Brien Lindsay Bliss Shirley Harper-O'Neill Mary O'Connor Wayne Bridges John Hensley Ray Puddifoot Mike Bull Henry Higgins Andrew Retter Keith Burrows Patricia Jackson John Riley Paul Buttivant Sandra Jenkins Avtar Sandhu George Cooper Judy Kelly Robin Sansarpuri Judith Cooper Mo Khursheed David Simmonds Philip Corthorne Kuldeep Lakhmana Brian Stead Brian Crowe Richard Lewis David Yarrow</p>
	<p>OFFICERS PRESENT: Fran Beasley, Jean Palmer, Paul Whaymand, Raj Alagh, Tony Zaman, Mark Braddock, Morgan Einon, Trevor Langworth, Lloyd White and Steven Maiden</p>
20.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillors Brar, Dhillon, Fyfe, Gardner, Jarjussey, Kemp, Lavery, MacDonald, Payne, Routledge, Seaman-Digby and White.</p>
21.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That, subject to the amendment of the Mayor's Announcements to read: "The Mayor announced that the Deputy Mayoress would be Ms Rita Kilroy", the minutes of the meeting held on 04 July 2013 be agreed as a correct record.</p>
22.	<p>DECLARATIONS OF INTEREST (<i>Agenda Item 3</i>)</p> <p>Councillor D. Mills declared a non-pecuniary interest in item 8, Motions. He remained in the room and took part in discussions on the item.</p>

23.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor welcomed Tony Zaman, the recently appointed Director of Adult Services, to his first meeting of the Council.</p> <p>The Mayor congratulated Councillor Mary O'Connor who had recently been given the accolade of Honorary Fellow of Brunel University. The University had recognised her work as a Senior Nursing Manager at Ealing Hospital and her work campaigning for Hillingdon MIND.</p> <p>The Mayor announced that a quiz night would be held on 18 September and a Macmillan Coffee Morning on 27 September. All proceeds would go to local cancer support.</p>
24.	<p>REPORT OF THE HEAD OF DEMOCRATIC SERVICES (<i>Agenda Item 5</i>)</p> <p>Councillor Puddifoot moved the recommendations as set out on the Order of Business. This was seconded by Councillor Simmonds. The motion was then put to the vote and, following debate (Councillor Curling), it was:</p> <p>RESOLVED: That:</p> <ul style="list-style-type: none"> a) the Urgency decisions detailed in the report be noted. b) the Basic Allowance paid to Members as a part of the current Members' Allowances Scheme be increased by 1% as of 1 April 2013 and the Head of Democratic Services be authorised to amend the Scheme accordingly. c) subject to confirmation that the date of the local elections will be moved to 22 May 2014: <ul style="list-style-type: none"> ▪ The Annual Council meeting (and associated Whips' Committee) be re-scheduled to 5 (and 3) June 2014 ▪ The Whips Committee be asked to consider the re-scheduling of the remaining meetings in May 2014 as a part of the Programme of Meetings 2014/15 to be considered by Council in January 2014. d) subject to the necessary staff consultations being concluded in favour of the changes to the Constitution as outlined in Annex A of these minutes, the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to amend the appropriate sections of the Constitution including: <ul style="list-style-type: none"> ▪ the Officer Employment Procedure Rules (Schedule F); ▪ the Terms of Reference of the Appointments Committee and Sub-Committee (Article 8); ▪ the Terms of Reference of the Registration & Appeals Committee (Article 8); e) the Members of the Registration & Appeals Committee authorise the Head of Democratic Services, in consultation with the Leader of the Council and the Chairman of the Committee, to make the necessary changes to the Terms of References of the Investigating and Disciplinary, Grievance and Appeals Sub-Committees. f) following consultation with the Health & Wellbeing Board: <ul style="list-style-type: none"> ▪ the revised membership arrangements, as set out in Annex B to the report be approved; ▪ the amended Terms of Reference, as set out in Annex C to the report be approved; and

	<ul style="list-style-type: none"> ▪ the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to agree the names of any substitutes on the Board upon nomination from the relevant organisation.
25.	<p>AUDIT COMMITTEE ANNUAL REPORT 2012/2013 (<i>Agenda Item 6</i>)</p> <p>Councillor G. Cooper moved that the annual report be noted. This was seconded by Councillor Graham and, following debate (Councillor Harmsworth), it was:</p> <p>RESOLVED: That the annual report be noted.</p>
26.	<p>MEMBERS' QUESTIONS (<i>Agenda Item 7</i>)</p> <p>7.1 QUESTION SUBMITTED BY COUNCILLOR ALLEN TO THE CABINET MEMBER FOR EDUCATION AND CHILDREN'S SERVICES – COUNCILLOR SIMMONDS</p> <p>“Due to the shortage of available social housing, there are many families (our residents) with children being placed in B&B accommodation in Hillingdon and other parts of the Country.</p> <p>It is often the case that these children have to travel greater distances to attend their school and this is having a detrimental effect on their education and well-being.</p> <p>Could the Cabinet Member responsible for Education and Children’s Services please inform the Council what support is being offered to these children in this stressful situation?”</p> <p>The Cabinet Member for Education & Children’s Services noted that the shortage of social housing was the legacy of the previous Labour Government and the slump in building that had taken place during their term in office. Labour had left the country without adequate social housing and in debt and the current Coalition Administration was trying to resolve the problems caused by this past under investment.</p> <p>He advised that vulnerable children were supported by the Council through regular visits by officers from Outreach Services. At these visits officers assessed the often complex needs of children and families and provided whatever support that was required.</p> <p>By way of supplementary question, Councillor Allen asked what specific support was being offered to families who were forced to live within one or two rooms and had children undertaking their GCSEs?</p> <p>The Cabinet Member for Education and Children’s Services noted that this problem was one faced by many families across the Borough and that it was not specific to those in social housing.</p> <p>7.2 QUESTION SUBMITTED BY COUNCILLOR BLISS TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH & HOUSING – COUNCILLOR CORTHORNE</p> <p>“With all of us being aware of the acute shortage of social housing in Hillingdon, can the Cabinet Member for Social Services, Health and Housing please inform the</p>

Council how many empty properties it has under its ownership and the reason for the delay of offering these to those in greatest need?"

The Cabinet Member for Social Services, Health and Housing advised that this was a residual problem that dated back to Hillingdon Homes. He advised that the Housing Repairs Team was working with the Housing Management Team to support the needs of families in temporary accommodation and that they were focussing particularly on those houses that had been vacant for a significant period. The issue was made more difficult by the large number of houses being returned to the Council which currently averaged at twelve properties per week. However, on the basis of the current void progress, the backlog of properties would be reduced to 20-25 by the end of October 2013.

Councillor Corthorne acknowledged that officers were faced with a very difficult task in reducing the number of void properties and he complemented them for their hard work.

By way of supplementary question, Councillor Bliss asked what the average turnarounds for houses and flats were?

Councillor Corthorne advised that he was not aware of the average turnarounds for different properties but would research the issue and provide an answer for Councillor Bliss in due course.

7.3 QUESTION SUBMITTED BY COUNCILLOR HARMSWORTH TO THE LEADER OF THE COUNCIL – COUNCILLOR PUDDIFOOT

"Has the Leader of the Council had the opportunity to gauge the level of support from leaders of other London Councils for the lobbying of Government to revert back to the original Council Tax Reduction Scheme for 2014/15?"

Prior to answering the question, the Leader stated his intention, God and the electorate willing, of continuing to lead the Council for the foreseeable future.

The Leader of the Council advised that, at a previous meeting of Full Council, the Labour Group had proposed an amendment to the Council Tax Reduction Scheme motion asking the Council to lobby the Government on concerns raised about changes to the benefits system. The Leader had agreed to gauge the support of other Leaders of London Councils on this matter before proceeding. He advised that, since this issue had been raised, he had attended numerous Leaders' Committees and that neither Labour nor Conservative members had raised this as an issue. Based on this, he had determined that there was not sufficient support to proceed with any lobbying on the matter.

There was no supplementary question.

27. MOTIONS (Agenda Item 8)

8.1 MOTION FROM COUNCILLOR RILEY

Councillor Riley moved the following motion:

'Council notes and supports the July Cabinet decision with regard to the latest HS2 consultation and that, as well as the environmental devastation it will cause, the

stated rising cost of the proposed HS2 route lacks, as it always has, economic credibility. The Institute of Economic Affairs has stated it “...*defies economic logic...*”, and the Institute of Directors describe the scheme as a “...*grand folly...*”.

Council further notes that Lord Mandelson, the former business Secretary, now refers to HS2 as an “...*expensive mistake...*”, a “...*politically driven...*” decision intended to “...*paint an upbeat view of the future following the financial crash...*”. The former Transport Secretary and Chancellor of the Exchequer, Alistair Darling, now declares himself an “...*HS2 sceptic...*” as “...*there’s an awful lot of things in there that are wrong...*”. Also, former Chancellor of the exchequer, Lord Lawson, correctly describes the HS2 scheme as “...*madness...*” and “...*simply a prestige project which makes no economic sense at all and is extraordinarily expensive and totally cost ineffective...*”.

Council welcomes the fact that leading organisations and former prominent politicians have come to the same conclusions as Hillingdon and many other Local Authorities concerning this project. HS2 has no credible business case and will be an environmental disaster. Accordingly we reaffirm our commitment to continue to put our Residents first by providing on-going financial and practical support to the Hillingdon Against HS2 Group and the 51M Group of Councils.’

The motion was seconded by Councillor Crowe.

Councillor Harmsworth proposed, and Councillor Curling seconded, an amendment to the motion adding the following sentence at the end of the existing motion:

"Council is also of the opinion that such a vast sum of capital money would be better spent on improving the existing transport infrastructure and other necessary infrastructure projects."

The amendment was put to the vote and agreed and, following debate (Councillors Higgins, Gilham, Barnes, D. Mills, Corthorne and Puddifoot), it was:

RESOLVED: That Council notes and supports the July Cabinet decision with regard to the latest HS2 consultation and that, as well as the environmental devastation it will cause, the stated rising cost of the proposed HS2 route lacks, as it always has, economic credibility. The Institute of Economic Affairs has stated it “...*defies economic logic...*”, and the Institute of Directors describe the scheme as a “...*grand folly...*”.

Council further notes that Lord Mandelson, the former business Secretary, now refers to HS2 as an “...*expensive mistake...*”, a “...*politically driven...*” decision intended to “...*paint an upbeat view of the future following the financial crash...*”. The former Transport Secretary and Chancellor of the Exchequer, Alistair Darling, now declares himself an “...*HS2 sceptic...*” as “...*there’s an awful lot of things in there that are wrong...*”. Also, former Chancellor of the exchequer, Lord Lawson, correctly describes the HS2 scheme as “...*madness...*” and “...*simply a prestige project which makes no economic sense at all and is extraordinarily expensive and totally cost ineffective...*”.

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	<p>financial and practical support to the Hillingdon Against HS2 Group and the 51M Group of Councils.</p> <p>Council is also of the opinion that such a vast sum of capital money would be better spent on improving the existing transport infrastructure and other necessary infrastructure projects.</p>
	<p>ANNEX A: EMPLOYMENT MATTERS IN RELATION TO CHIEF OFFICERS ON NATIONAL CONDITIONS OF SERVICE</p>
	<p>ANNEX B: HEALTH AND WELLBEING BOARD MEMBERSHIP</p>
	<p>ANNEX C: HEALTH AND WELLBEING BOARD TERMS OF REFERENCE</p>
	<p>ANNEX D: SUPPLEMENTARY QUESTION FROM COUNCILLOR BLISS - WRITTEN RESPONSE</p>
	<p>The meeting, which commenced at 7.30 pm, closed at 8.45 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White, Head of Democratic Services on 01895 556743. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

Minute Annex A

- a) The Appointments Committee continues to undertake the appointment of Chief Officers (Deputy Chief Executive, Corporate Director and Director level)
- b) The Appointments Sub-Committee continues to undertake the appointment of Deputy Chief Officers (Deputy Director / Head of Service level) and any other appointments as deemed necessary by the Leader in conjunction with the Chief Executive as Head of Paid Service,
- c) The Registration & Appeals Committee no longer hears disciplinary and capability issues and appeals in relation to the dismissal of any officer;
- d) The Investigating & Disciplinary, Grievance and Appeals Sub-Committees' Terms of Reference are clarified so that these sub-committees only apply to matters relating to Chief Officers and Deputy Chief Officers, but not all of those Chief Officers below this level on JNC National Conditions of Service.
- e) The Officer Employment Procedure Rules set out in the Constitution be amended to make it clear that the function of appointment and dismissal of, and taking disciplinary action against, all Council staff below Deputy Chief Officer level (including those staff below Deputy Chief Officer level on JNC National Conditions of Service) be delegated to the Council's Chief Executive or an officer nominated by him or her.

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HEALTH AND WELLBEING BOARD MEMBERSHIP

subject to the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Organisation	Name of Member	Substitute
STATUTORY MEMBERS (VOTING)		
Chairman	Councillor Puddifoot	Any Elected Member
Vice-Chairman	Councillor Corthorne	Any Elected Member
Cabinet Members	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	Mr Jeff Maslen	Mr Stephen Otter
Clinical Commissioning Group	Dr Ian Goodman	Dr Tom Davies
STATUTORY MEMBERS (NON-VOTING)		
Statutory Director of Adult Social Services	Tony Zaman	Nick Ellender
Statutory Director of Children's Services	Merlin Joseph	Tom Murphy
Statutory Director of Public Health	Sharon Daye	Shikha Sharma
CO-OPTED MEMBERS (VOTING)		
LBH	Jean Palmer	N/A
CO-OPTED MEMBERS (NON-VOTING)		
The Hillingdon Hospitals NHS Foundation Trust	Mr Shane DeGaris	Mr Mike Robinson
Central and North West London NHS Foundation Trust	Ms Robyn Doran	Ms Maria O'Brien
Royal Brompton and Harefield NHS Foundation Trust	Mr Robert J Bell	Mr Nick Hunt
LBH	Nigel Dicker	N/A
Clinical Commissioning Group (Officer)	Ceri Jacob	TBC
Clinical Commissioning Group (Clinician)	TBC	TBC

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HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

(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) Statutory 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~~ *nominate a single, named individual who may substitute for them in the event that they are unable to attend a meeting*, 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; and
- The representative from Healthwatch Hillingdon.

Voting rights will apply to the following Co-opted Member:

- *The Deputy Chief Executive and Corporate Director of Residents Services.*

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 *and Working Groups*

The Board may establish and appoint to sub-committees *and working groups*. The Board may delegate any of its functions to sub-committees *or working groups* 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 *or working group* may be a Statutory or Co-opted Member of the Board or any Elected Member of the London Borough of Hillingdon. *Additional members of a sub-committee or working group will be agreed by the Board.*

Sub-committees *and working groups* 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.

HEALTH AND WELLBEING BOARD STANDING ORDERS

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 *or working groups*.
2. A Quorum of the Board shall be 50% of its statutory membership. ~~This will also apply to any sub-committees of the Board.~~ *A Quorum of any sub-committees or working groups of the Board shall be 50% of their membership or 3 members (whichever is the greater).*
3. Any meeting of the Board may establish and appoint to its sub-committees *or working groups*.
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 *or working groups* 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.

SUPPLEMENTARY QUESTION FROM COUNCILLOR BLISS – WRITTEN RESPONSE

7.2 SUPPLEMENTARY QUESTION SUBMITTED BY COUNCILLOR BLISS TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH & HOUSING – COUNCILLOR CORTHORNE

By way of supplementary question, Councillor Bliss asked what the average turnarounds for houses and flats were?

Response:

Councillor Corthorne noted that he had liaised with officers and prepared a response to Councillor Bliss' supplementary question in the form of a document setting out the information requested (attached below).

However, Councillor Corthorne advised that this document needed to be taken with a "health warning", since it reflected periods of time during which void properties were awaiting work due to the need to prioritise those with the greatest need. Furthermore, given that some dwellings were returned to the Council in far better order than others – and thus required a much shorter turnaround time – it was difficult to work out a typical void turnaround time by category.

Councillor Corthorne noted that the information provided in the attached document included all void addresses at which works had been completed from December 2012 to August 2013. A number of these voids had remained outstanding for some time as Repairs Service officers had carried out the work by prioritising 3 bedroom and short-life properties.

Councillor Corthorne reported that the average number of days each month was decreasing due to a more structured way of programming the projects and streamlining processes each month. It was noted that the challenge was now to continue to reduce the average turnaround time and to clear the backlog by 31st October 2013. He and officers were sure the Council could achieve this target.

Void management - average completion of works from Dec 12 - Aug 13

Type Codes

STB	studio bungalow
1B	1-bed house
2B	2-bed house
3B	3-bed house
4B	4-bed house
1BU	1-bed bungalow
1BM	1-bed maisonette
2BM	2-bed maisonette
3BM	3-bed maisonette
S1BF	studio / 1-bed flat
2BF	2-bed flat
3BF	3-bed flat

Data set

271 Properties

Mon 3 Dec 2012 when data began to be collected
to 17th Sept 2013

Works Completed

Average per month	STB	1B	2B	3B	4B	1BU	1BM	2BM	3BM	S1BF	2BF	3BF
Dec	78.34	224.0	-	122.0	133.5	-	101.0	206.0	68.0	-	41.1	69.4
Jan	82.06	-	-	89.0	97.8	-	62.0	-	-	-	60.5	129.8
Feb	66.16	-	-	122.0	47.1	-	94.5	129.0	174.0	-	44.1	122.0
Mar	79.13	-	-	77.0	50.5	-	157.0	102.0	-	-	71.8	105.3
Apr	76.29	-	-	98.8	61.5	-	84.0	-	-	-	92.4	84.8
May	67.22	-	-	75.9	102.0	-	70.3	-	-	-	56.4	48.0
Jun	44.18	-	-	69.0	55.5	-	17.0	31.0	21.0	38.2	62.5	12.7
Jul	36.27	-	-	-	21.0	59.0	19.5	57.5	-	36.9	30.3	-
Aug	27.73	-	-	35.0	-	-	-	-	-	27.5	20.5	-
Sept	0.00	insufficient sample										
	61.93	average over period										

QUESTIONS FROM MEMBERS OF THE PUBLIC

5.1 QUESTION FROM MR TONY ELLIS OF KEWFERRY ROAD, NORTHWOOD, ON BEHALF OF THE NORTHWOOD RESIDENTS' ASSOCIATION, TO THE CABINET MEMBER FOR PLANNING, TRANSPORTATION & RECYCLING – COUNCILLOR BURROWS

In view of the Government's exhortations to local councils to support High Streets, is it Council policy to permit the construction of large supermarkets in small town centres such as Northwood?

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

6.1 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. Any Emergency Contract Decisions, which are ratified by Cabinet, are also reported for information only.
2. Since last reported, the following decisions have been made using urgency rules:

Date of Decision	Nature of Decision	Decision-Maker
06/09/2013	Ruislip Lido Enhancement Programme - Tender Acceptance - Perimeter Fencing and Variations: Toilet Block Contract	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
19/09/2013	Capital Release - HRA "Works to Stock" Programme 2013/14 - Replacement of Failed Domestic Boilers	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
19/09/2013	Capital Release - Uxbridge Library Refurbishment	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
19/09/2013	Clearance of Void Property Backlog	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
25/09/2013	Primary Schools Capital Programme Phase 3- Lake Farm & St Andrews Park (Formerly RAF Uxbridge) Primary Schools Delegated award of Professional Services Contracts and Capital Release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
11/10/2013	Compensation: Property in High Road, Cowley, Uxbridge.	Leader of the Council, on behalf of the Cabinet Member for Social Services, Health & Housing (Special Urgency)

BACKGROUND PAPERS: None

6.2 AMENDMENTS TO COUNCIL CONSTITUTION

Scrap Metal Dealers Act 2013

1. On 1 October 2013 the Scrap Metal Dealers Act 2013 ('the Act') came into force creating a new regime under which both the scrap metal recycling and vehicle dismantling industries are to be regulated. The new regime is to be run and administered by local authorities, giving them the power regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and the power to revoke licences if the dealer becomes 'unsuitable'. From 1 December 2013 it will be a criminal offence to carry on a business as a scrap metal dealer without a licence.
2. A summary of the Act and its implications for the Council is set out in Appendix 1.
3. For the Council to be able to manage the new regime it is recommended that the terms of reference of the Licensing Committee be amended to include the discharge of the Council's functions under the Act and, similarly, delegated authority be given to the Deputy Chief Executive and Corporate Director of Residents Services to administer and determine applications under the Act that are uncontested.

RECOMMENDATIONS: That:

- a) **The Terms of Reference for the Licensing Committee be amended to include responsibility of discharging the Council's functions under the Scrap Metal Dealers Act 2013, as set out in Appendix 2;**
- b) **Members of the Licensing Committee authorise the Head of Democratic Services to make the necessary changes to the Terms of References of the Licensing Sub-Committees, as set out in appendix 2, so they can take immediate effect.**
- c) **Officer Delegations to the Deputy Chief Executive and Corporate Director of Residents Services be amended, as set out in Appendix 3, so they can take immediate effect;**
- d) **Cabinet be requested to approve the necessary related guidance and fees for the Scrap Metal Dealers Act 2013.**
- e) **Authority be given to the Head of Democratic Services, in consultation with the Leader of the Council and the Licensing Committee where applicable, to make any further necessary changes to the Constitution, including officer delegations and Terms of Reference that may be required in respect of the full and proper implementation of the Scrap Metal Dealers Act 2013 and associated regulations.**

INTRODUCTION TO THE SCRAP METAL DEALERS ACT 2013

1. BACKGROUND

- 1.1 The Scrap Metal Dealers Act 2013 ('the Act') received Royal Assent earlier this year and its transitional arrangements took effect from 1 October 2013 with the full Act to be implemented on 1 December 2013.
- 1.2 The Act was introduced in response to the growth in metal theft offences, driven by increased commodity costs, which in addition to the direct impact on the victims of theft have also had a damaging and disruptive effect on the country's infrastructure. Within Hillingdon, entire churches and public amenities have been stripped of metal (especially lead), leading to calls for greater regulation.
- 1.3 Under the new legislation, local authorities remain the principal regulators but a new licensing regime provides stronger regulation, including the power to refuse to grant licenses to unsuitable applicants and a power to revoke licenses if the dealer becomes unsuitable. Dealers will also no longer be able to trade in cash. Other changes include a national register and a requirement for scrap metal dealers to verify the full names and addresses of sellers.
- 1.4 The Act provides that an application for a licence must be accompanied by a fee. A detailed fee structure is being agreed and this intended to be presented to Cabinet in November for approval.
- 1.5 The licensing regime introduced by the Act is similar to the issuing of personal licences under the Licensing Act 2003. The suitability of applicants is based on a number of factors outlined in the Act including any unspent relevant criminal convictions. It is therefore proposed that the administration of the new licences be centralised and integrated into the Licensing Service. The Act requires that a person is appointed by the Council determine any disputed decisions to issue a licence. It is recommended that the terms of the Licensing Committee and Residents Services, Licensing Services be expanded to encompass the Act.
- 1.6 The introduction of this new licensing regime, will require guidance to be set by the Council to deal with applications. Officers are currently working on a draft application guidance and fee setting exercise ahead of a report being prepared for Cabinet.

2. IMPLICATIONS FOR HILLINGDON

- 2.1 Impact on customers – the new Act is expected to reduce incidents of the anti-social and disruptive crime of metal theft and will benefit local residents and businesses. The new fee based licences will increase the cost of dealing in scrap metal which may impact on the viability of some small local businesses although this is expected to be offset by the creation of a fairer market place.
- 2.2 Impact on Equalities – an Equalities Impact Assessment has been undertaken to look at the implications of the Act. This has identified potential negative impacts on

groups with protected characteristics and the Licensing Service has put into place procedures to ensure that no groups are adversely affected by Council's implementation of the Act.

3. LICENCES

- 3.1 Every scrap metal dealer will be required to have a licence under the new Act, and operating without one will be a criminal offence. These licenses will last for three years. There are two different types of licences:
 - a. A Site licence and
 - b. A Collector's licence
- 3.2 A site licence will deal specifically with scrap metal disposal sites within the borough whilst a collector's licence will require that any scrap metal collector collecting within the Borough is licensed by the Council. This will result in collectors holding multiple licences in multiple boroughs; thus significantly increasing the number of licences issued.
- 3.3 The Council has already received 30 applications for collector's licences and 9 applications for site licences and estimate this may rise to around 70 applications once the Act is fully operational.

4. LICENCE APPLICATIONS

- 4.1 The Act sets out what information must accompany an application for a scrap metal dealer's licence and any application made must be accompanied by a fee.
- 4.2 Local authorities are entitled to request any further information they regard as relevant to considering the application. In the event the applicant does not supply the information that has been requested, the local authority can refuse to proceed with the application. This may be of relevance when considering the suitability of the applicant.
- 4.3 A local authority's ability to impose conditions on a licence are very limited. Conditions can only be imposed where the applicant or any site manager has been convicted of a relevant offence. Local authorities can only impose one or both of two conditions as specified in the Act.
- 4.4 The Act provides the licensing authority with the discretion to revoke a licence on particular grounds, including where the local authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal dealer.
- 4.5 The Act also allows the local authority to vary a licence, imposing the conditions stipulated in the Act, if the licensee or site manager is convicted of a relevant offence.

5. ASSESSING THE SUITABILITY OF THE APPLICANT

- 5.1 A local authority must not issue a licence unless it is satisfied the applicant is a suitable person to carry on business as a scrap metal dealer – (the suitability test). In the case of a partnership this means assessing the suitability of each of the

partners of the partnership, while in the case of a company it means assessing the suitability of any directors, company secretaries or shadow directors.

- 5.2 In assessing an applicant's suitability the local authority can consider any information it considers relevant. Evidence of unsuitability can in particular be drawn from the information listed in the legislation that a local authority is specifically allowed to consider. The list includes whether the applicant or site manager has been convicted of a relevant offence or has previously been refused a scrap metal dealer's licence or an application to renew a licence has been refused.
- 5.3 As part of the application, the applicant would be required to provide a Basic Disclosure Certificate, which will reveal any unspent convictions on the Police National Computer, with the application form. Consultation may also be carried out with the police, other local authorities or the Environment Agency.

6. REPRESENTATIONS

- 6.1 Where the local authority proposes to reject an application (or revoke it or vary it) the applicant has to be notified what the local authority proposes to do and the reasons for it.
- 6.2. The notice from the local authority has to give the applicant (or licensee) the opportunity to make representations or let the local authority know they wish to do so. The notice must also specify a period of time in which the applicant does this, which cannot be less than 14 days from the date on which the notice is given to the applicant. If the applicant does not make any representations then the local authority can refuse the application or revoke or vary the licence.

7. APPLICATION HEARINGS

- 7.1 Where the applicant makes representations, the local authority has to consider them and if the applicant states they want to make oral representations, the local authority must provide them with the opportunity to appear before a person appointed by the local authority for this purpose. It is proposed that a sub-committee of the Licensing Committee determine these contested matters and that the Licensing Committee agree a protocol for these hearings.
- 7.2 Those applications where there are no questions about the suitability of the applicant, or uncontested applications, can, if agreed, be delegated to officers to make the decision. This is currently the process adopted for all licensing regimes within the Council.
- 7.3 Where a local authority has refused an application, revoked a licence or varied a licence it must give the applicant or licensee notice of the decision, which also sets out the reasons for the decision.

8. APPEALS

Appeals against a decision by the local authority to refuse an application, to impose a condition on the licence or to revoke or vary the licence are to the Magistrates' Court within 21 days from the day on which they were given notice of the decision

in which to appeal that decision. The Magistrates' Court then has the power to confirm, vary or reverse the local authority decision and issue any directions it considers appropriate, having regard to the Act.

9. NOTIFICATIONS TO THE NATIONAL REGISTER

The Act creates a national register of scrap metal dealer licences which will be open to the public. Establishing and maintaining this national register will be the responsibility of the Environment Agency and when local authorities issue a licence they will pass on information to enter on the register.

10. ENFORCEMENT

- 10.1 It is expected that the Council will liaise with partnership agencies including Metropolitan Police and the Environment Agency to ensure that the provisions of the Act are complied with. Non-compliance may result in enforcement action being taken.
- 10.2 The conviction of a licensed scrap metal dealer or site manager for one or more relevant offences, will usually result in the licence being reviewed, and may result in conditions being imposed or where appropriate, revocation.
- 10.3 The Act provides powers to the Council to issue closure notices for unlicensed sites being used for scrap metal dealing businesses and these powers are enforceable through the Courts.

8.04 LICENSING COMMITTEE (AND SUB-COMMITTEES APPOINTED BY THE COMMITTEE)

(a) Introduction

The Committee discharges the Council's functions under the Licensing Act 2003, Gambling Act 2005, Sex Establishment Venue Licences under the Local Government (Miscellaneous Provisions) Act 1982, Street Trading determination functions under the London Local Authorities Act 1990 **and the Scrap Metal Dealers Act 2013**, which are statutory in nature.

(b) Membership

(no change proposed)

(c) Terms of Reference

1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990 **and the Scrap Metal Dealers Act 2013**, except, in respect of each, the determination of the Council's Statement of Licensing Policy and the publication of that Statement.
2. To establish and appoint sub-committees to determine any applications requiring a hearing under the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990 **and the Scrap Metal Dealers Act 2013** or otherwise the determination of any application not delegated to officers.
3. To arrange for the discharge of the functions governed by the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990 **and the Scrap Metal Dealers Act 2013** by its sub-committees or by officers except where prohibited by the Licensing Act 2003 and Gambling Act 2005
4. To receive and consider reports, where appropriate, on the needs of the local tourist economy, employment and investment in the area and any other matter directly related to the licensing functions in the Borough.

Proposed additional Terms of References for the Licensing Sub-Committees

In relation to the Scrap Metal Dealers Act 2013, the Licensing Sub-Committee should hold a hearing to listen to representations of an applicant or licensee, and make a determination, in the following situations:

- Where an application for the issue of a site or collector's licence is proposed for refusal and the applicant has made relevant representations contesting the proposal.

- Where an application for a variation to a site or collector's licence is proposed for refusal and the applicant has made relevant representations contesting the proposal.
- Where the Licensing Service proposes to revoke a site or collector's licence and the licensee has made relevant representations contesting the proposal.
- Where the Licensing Service proposes to serve a closure notice, on a site that is being used for a scrap metal dealing business without a licence.

APPENDIX 3

It is proposed that the following amendments be made to the delegations given to the Deputy Chief Executive and Corporate Director of Residents Services, who may sub-delegate the day to day responsibility for discharging functions set out below to those officers who report to her. The sub-delegations are to be set out in the Deputy Chief Executive's Internal Scheme of Delegations.

- 1) Delete the existing delegation to the Food Health & Safety Team and Trading Standards Team to enforce and execute the duties and functions of the Council under the Scrap Metal Dealers Act 1964.
- 2) Add new delegations, to be discharged by the Licensing Services Manager, to:

To undertake functions under the Scrap Metal Dealers Act 2013 as follows:

 - i. To determine uncontested applications for site and collector's licences.
 - ii. To determine uncontested applications for site and collector's licences subject to conditions.
 - iii. To determine uncontested applications for variations to a site or collector's licence.
 - iv. To revoke a site or collectors licence where no relevant representations from the licensee have been received.

QUESTIONS FROM MEMBERS

7.1 QUESTION SUBMITTED BY COUNCILLOR GARDNER TO THE LEADER OF THE COUNCIL – COUNCILLOR PUDDIFOOT

Considering this Council has paid on average £20,000 per month to Hazelmere Consultancy over the last year or so, can you please let us know when this contract was put out to tender?

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

Now that the benefit cap has been implemented across the country, could the Cabinet Member for Social Services, Health & Housing advise Council how many Hillingdon residents have been affected against the original DWP estimates?

7.3 QUESTION SUBMITTED BY COUNCILLOR FYFE TO THE CABINET MEMBER FOR COMMUNITY, COMMERCE AND REGENERATION – COUNCILLOR D.MILLS

What is the significance to the proposed development plans for the Old Vinyl Factory in Hayes, as a result of the announcement that the Mayor of London, Boris Johnson wishes to support the creation of a new Central Research Laboratory with a £7.7M loan?

7.4 QUESTION SUBMITTED BY COUNCILLOR DHILLON TO THE CABINET MEMBER FOR EDUCATION & CHILDREN'S SERVICES – COUNCILLOR SIMMONDS

In June 2013 applications were made by Hillside Infants School and West Drayton School for the Council to pay redundancy costs as both schools had suffered a real reduction in funding. The reports from officers described applications as reasonable in both cases. Can you explain why you decided to refuse these applications which is likely to result in further redundancies and adversely affect childrens' education?

7.5 QUESTION SUBMITTED BY COUNCILLOR O'CONNOR TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH & HOUSING – COUNCILLOR CORTHORNE

Would the Cabinet Member for Social Services, Health and Housing please inform me of the progress that has been made in reducing the number of void properties and what action is being taken to ensure we sustain this and minimise the number of void properties as we move forward?

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MOTIONS

8.1 MOTION FROM COUNCILLOR SIMMONDS

Council notes that once again, every Hillingdon child of primary school age was able to have a proper school place at the start of term in September, and congratulates the staff of the Council involved in this achievement, in what is the largest school building programme in London.

Council further notes that the current and continuing challenge to deliver a good educational start in life for children across Hillingdon from North to South remains a fundamental commitment of this Council not just as a statutory duty but as a basic right for local children. As the Labour Group were unable to identify any alternative sites for the new school under construction at Lake Farm, Council reaffirms that it will deliver the agreed schools building programme, putting our younger residents first.

8.2 MOTION FROM COUNCILLOR D.MILLS

Council welcomes the fact that despite the reduction in leisure and resident facilities provided by other local authorities, in Hillingdon, due to the delivery of sound financial management we have made exceptional achievements in the provision of high class leisure centres, youth clubs, libraries and parks and open spaces throughout the whole Borough.

Council acknowledges the resultant satisfaction and appreciation shown by its residents as evidenced by increased usage and survey data and reconfirms its ongoing commitment to invest in improving and delivering further facilities for the enjoyment, health and wellbeing of our residents.

8.3 MOTION FROM COUNCILLOR CORTHORNE

Council notes that its agreed target for housing in the Local Development Plan for the year to 31st March 2013 amounted to 425 housing units of which 149 were to be affordable housing.

Council further notes that both the total housing and affordable housing targets were exceeded with 615 new units built in total of which 188 were affordable housing units.

Council reaffirms that its approach to housing land usage as set out in the Local Development Plan and the specific sites consultation just published, remains appropriate for this Borough and confirms that it will not contemplate a return to the policy of the last Labour administration of proposing to build houses, and other inappropriate developments on green space across the borough.

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