



HILLINGDON
LONDON



Extraordinary Council

To all Members of the Council

Date: THURSDAY, 10 DECEMBER
2009

Time: 7.30 PM

Venue: COUNCIL CHAMBER,
CIVIC CENTRE, HIGH
STREET, UXBRIDGE

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

This agenda and associated reports can be made available in other languages, in braille, large print or on audio tape on request. Please contact us for further information.

Published: Wednesday, 2 December
2009

Contact: Lloyd White, Head of
Democratic Services

Tel: 01895 556743

Fax: 01895 277373

Email: lwhite3@hillington.gov.uk

This Agenda is available online at:

<http://lbh-modgov/ieListMeetings.aspx?CId=117&Year=2009>

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



INVESTOR IN PEOPLE

Useful information

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services

Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries™ before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



Agenda

Prayers

	Page
1 Apologies for Absence	
2 Declarations of Interest To note any declarations of interest in any matter before the Council	
3 Local Government and Public Involvement in Health Act 2007	1 - 22

This page is intentionally left blank

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Reporting Officers: Head of Democratic Services and Borough Solicitor

SUMMARY

At its 5 November 2009 meeting, full Council resolved that the Head of Democratic Services be authorised to arrange a special meeting of the Council on Thursday 10 December 2009 for the purpose of confirming a change in the Council's governance arrangements. This report has been prepared in accordance with this resolution for the consideration of all Members of the Council.

RECOMMENDATIONS: That:

1. **Council resolves to adopt the "new-style" Leader and Cabinet Executive [England] form of governance, as provided for by the Local Government and Public Involvement in Health Act 2007, with effect on the third day after the date on which the 2010 local elections are held;**
2. **the Head of Democratic Services be authorised to take the following steps in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007:**
 - [a] to secure that copies of a document setting out the provisions of the new governance arrangements are available at the Civic Centre for inspection by members of the public at all reasonable hours, and**
 - [b] to arrange to publish a Notice in a local newspaper circulating in the borough which complies with the requirements of section 29[2] [b] of the Local Government Act 2000;**
3. **Council makes the amendments to the Constitution, as previously approved by Council on 6 November 2008, and attached as Appendix B, be confirmed.**

INFORMATION

Background

1. At its meeting on 5 November 2009, full Council considered a report on the new governance arrangements as prescribed by the Local Government and Public Involvement in Health Act 2007 [LGPIHA]. A copy of this report is attached at Appendix A.
2. Members will recall that they were asked to note the outcome of a public consultation exercise which the Council undertook and they also approved the Council's formal proposals that the executive model which it wishes to adopt is the "new-style" Leader and Cabinet Executive [England].

3. Members, at this meeting, are now being asked to resolve that this executive model is adopted with effect on the third day after the date on which the 2010 local elections are held.
4. This model represents only a minor change from the current model which has been in operation at the Council since May 2002. It involves a Councillor elected as Leader and two or more Councillors appointed by the Leader [not elected by the Council AGM as at present] to serve as the Executive of an authority [up to a maximum of ten Members as at present]. The Leader of the Council will be elected at the AGM immediately following the 2010 local elections and will serve for a period of four years, subject to the fact that he/she could be removed by a resolution of full Council prior to that date.
5. The LGPIHA requires that a resolution of a local authority is required in order for the authority to make a change in governance arrangements. Such a resolution has to be passed at a meeting of the authority "which is specifically convened for the purpose of deciding the resolution" by no later than 31 December 2009. In order for the resolution to become effective, it requires a majority of at least two thirds of Members present at the meeting voting on it. The "new-style" Leader and Cabinet model will come into effect at exactly the same time that the old model expires i.e. three days after the 2010 local elections.

The Local Government Act 2000

6. Once full Council has passed a resolution for new governance arrangements, it must ensure that it complies with the requirements of section 29[2] of the Local Government Act 2000 which provides that " A local authority must -

[a] secure that copies of a document setting out the provisions of the arrangements are available at their principal office for inspection by members of the public at all reasonable hours, and

[b] publish in one or more newspapers circulating in their area a notice which-

[i] states that they have resolved to operate the arrangements,

[ii] states the date on which they are to begin to operate the arrangements,

[iii] describes the main features of the arrangements,

[iv] states that copies of a document setting out the provisions of the arrangements are available at their principal office for inspection by members of the public at such times as may be specified in the notice, and

[v] specifies the address of their principal office.

The Council's Constitution

7. A number of minor amendments are required to be made to the Council's Constitution once the "new-style" Leader and Cabinet Executive model comes into effect in May 2010. These amendments, which are attached at Appendix 2, were previously approved by full Council at its 6 November 2008 meeting and Members of the Council are being asked at this meeting to confirm them.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

All relevant legal implications are contained in the body of the report.

BACKGROUND PAPERS

- DCLG Consultation Paper: ' Changing Council Governance Arrangements - Mayors and Indirectly Elected Leaders'.
- The Council's Constitution
- Responses to Consultation 'Have your Say - new governance arrangements for the Council'.

This page is intentionally left blank

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Reporting Officers: Head of Democratic Services and Borough Solicitor

SUMMARY

Members will recall that at the meeting held on 6 November 2008, Council was asked to consider a new form of Executive for Hillingdon which had, by law, to be adopted by 31 December 2009, for implementation three days after the local elections are held in 2010.

Council resolved to adopt the new style Leader and Cabinet Executive form of governance and also approved a number of consequential amendments to the Constitution. Before Hillingdon is able to finally make such a resolution, it has to undertake a public consultation exercise and full Council also has to approve a formal set of proposals for a change in governance arrangements.

This report sets out the outcome of the consultation and it also asks full Council to approve the proposals referred to above.

RECOMMENDATIONS: That:

1. **the outcome of the public consultation exercise, as set out in Appendix 1 and referred to in the body of the report, be noted.**
2. **the formal proposals for a change in governance arrangements, as set out in Appendix 2, be approved.**
3. **the Head of Democratic Services be authorised to take the following steps in accordance with the specific requirements of the Local Government and Public Involvement in Health Act 2007:**
 - a) **to arrange to make copies of a document setting out the proposals and make them available at the Civic Centre for inspection by members of the public at all reasonable times, and**
 - b) **to arrange to publish a Notice setting out the main features of the proposals in a local newspaper circulating in the borough.**
 - c) **to arrange a special meeting of the Council to be held on Thursday 10 December 2009, commencing at 7.30pm, to confirm the change in governance arrangements.**

INFORMATION

Background

1. The Local Government Act 2000 radically changed the decision making structures of local government in England by discarding large parts of the traditional Committee

structure and requiring local authorities instead to adopt one of three new structures. Briefly, these were [1] Leader and Cabinet; [2] directly elected Mayor and Cabinet; [3] directly elected Mayor and Council Manager.

2. The Local Government and Public Involvement in Health Act 2007 [LGPIHA] received the Royal Assent in October 2007. It built on the 2005 White Paper "Strong and Prosperous Communities" setting out the Government's case for further reforms to local government leadership arrangements.
3. The LGPIHA amends the 2000 Act so that only two models of executive are now permissible namely, [1] Leader and Cabinet or [2] directly elected Mayor and Cabinet.

The two new forms of executive models

4. **Leader and Cabinet Executive** - a Councillor elected as Leader and two or more Councillors appointed by the Leader (not elected by the Council AGM as at present) to serve as the Executive of an authority (up to a maximum of ten Members as at present). The Leader of the Council will be elected at the AGM immediately following the 2010 local elections and serve for a period of four years, subject to the fact that he/she could be removed by a resolution of full Council prior to that date.
5. **Directly elected Mayor and Cabinet** - the Mayor would not be a serving Councillor but would be elected in a separate ballot run at the same time as the local elections. The Mayor would then appoint two or more Councillors to the Executive (up to a maximum of ten Members as at present). The Mayor would also serve for a period of four years which would commence from the date of the 2010 Council AGM.
6. The relevant provisions in the LGPIHA came into effect on 31 December 2007 but it contains transitional provisions and therefore the Council is not prevented from continuing to operate its current 'old style' Leader and Cabinet model which expires three days after the 2010 local elections are held. However, all London Boroughs are required to pass a resolution to adopt one or other of the above models at a meeting of the full Council "which is specifically convened for the purpose of deciding the resolution with notice of the object" by no later than 31 December 2009. The new model will come into effect at exactly the same time that the old model expires i.e. three days after the 2010 elections.

The November 2008 decision

7. It is acknowledged that full Council resolved in November 2008 to adopt the new-style Leader and Cabinet Executive model but the LGPIHA requires local authorities to undertake public consultation exercises and to draw up formal proposals for a change in governance arrangements before such a resolution can be made. Therefore, the November 2008 resolution can only properly be regarded in practice as a decision by the Council to decide on its preferred model, which it is required by law to do, and then to use it as a basis for consultation.

The consultation exercise

8. The LGPIHA requires local authorities to take reasonable steps to consult local government electors for, and other interested persons, in the authorities' area before drawing up its formal proposals for a change in governance arrangements.
9. It is important to note that it is for a particular authority to decide what reasonable steps need to be taken and in deciding this, it can legitimately take into account how radical the proposals are, and the extent to which an authority has received any representations, lobbying for change. It is also for an authority to determine what constitutes a reasonable period for the consultation process to take place.
10. At the beginning of September 2009, a summary of the two leadership models was publicised for consultation and residents were asked to submit their views by an initial date of 1 October 2009, which was subsequently extended by two weeks to 15 October 2009. The details were set out on the Council's website, advertised in local newspapers and included in the 'Hillingdon People' magazine which is delivered free of charge to every household in the borough. Information about the consultation also featured as an article in the Gazette newspaper. A comparison with several other London Boroughs who have expressed a preference for the Leader and Cabinet Executive model indicates that the form and extent of the consultation process which they have undertaken is very similar to the one which Hillingdon followed.
11. A summary of the responses to the Council's consultation process are attached at Appendix 1. A total of 123 responses were received which represents approximately 0.06% of the Borough's total electorate. Of those returned, 50 have expressed an actual preference (12 for the Leader and Cabinet Executive and 38 for the Elected Mayor and Cabinet). A number of respondents have not expressed a preference for either Model but instead have commented on the Council's consultation methods and timescale. It should also be noted that a number of the responses received have called for a referendum to be held.
12. Members will be aware that officers also received the results of a survey commissioned by an individual resident. This is referred to in Appendix 1. If Members were minded to include the results of the survey into the overall responses received then the total figures would be 59 for the Leader and Cabinet model and 196 for the Elected Mayor and Cabinet. The total responses would be 623 which represents approximately 0.32% of the Borough's total electorate.
13. The leading case on consultation by public authorities states that the product of consultation must be conscientiously taken into account when a decision is made by such authorities. However, it does not say that authorities are bound to follow the outcome of a consultation exercise.
14. The Borough Solicitor has two specific comments to make in relation to the consultation process which the Council has undertaken. Firstly, that it complies with the requirements of the LGPHIA although it is ultimately for Members to satisfy themselves as to whether the consultation has been reasonable and proportionate. Secondly, that Members can legitimately take into account other relevant

considerations when proposing a change in governance arrangements in Hillingdon. A summary of such considerations are set out in the following paragraph.

15. The Leader and Cabinet Model has been in operation at Hillingdon since May 2002. It has been the preferred model for the majority of the over 450 local authorities across the UK and there are only 12 authorities who currently have an elected Mayor. The Leader and Cabinet arrangement is firmly embedded at Hillingdon and if Members decide to opt for an elected Mayor, this would represent an untried and untested form of governance in the borough. Therefore, if Members prefer minimal change, the new-style Leader and Cabinet Executive Model would allow the Council to continue to operate in a very similar way to that which it currently does and only a number of minor changes will have to be made to its Constitution. Essentially, the Leader and Cabinet will fulfil the same role and functions that they currently have.

The Council's proposals for a change in governance arrangements

16. The LGPHIA provides that a local authority must draw up formal proposals for a change in governance arrangements. It specifically prescribes those matters which must be included within a proposals document. These can be summarised as follows:
 - a timetable with respect to the implementation of the proposals;
 - details of any transitional arrangements which are necessary for the implementation of the proposals;
 - consideration of the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
 - set out the extent to which the functions specified in regulations under section 13[3] [b] of the Local Government Act 2000 [Local Choice functions] are to be the responsibility of the executive which will be operated if the proposals are implemented.
17. A copy of the Council's proposals are attached at Appendix 2 and full Council is asked to approve them.
18. Once they have been approved, copies of the document in which the proposals are set out must be made available at the Civic Centre for inspection by members of the public at all reasonable times and a Notice will also need to be published in a local newspaper circulating in the borough, outlining the main features of the proposals.
19. The proposals may provide for the change in governance arrangements to be subject to approval in a referendum.

Referendum

20. As referred to in paragraph 11 above, a number of the responses to the consultation process have called for a referendum to be held. There is no statutory obligation on the part of the Council to do this.

21. The ability for local communities to require the Council to hold a referendum for a directly elected Mayor was given statutory force by the Local Government Act 2000. Regulations made in 2001 set out the detailed rules governing a referendum and it is a legal requirement that a petition containing verified signatures of at least 5% of the total electorate in the borough is needed before the Council can consider holding a referendum. For the year 1 December 2008 to 30 November 2009 the number of local government electors shown in the Register of Electors that is equal to 5% is 9,648. No such petition has to date been submitted to the Council.
22. The estimated cost of holding a referendum would be in the region of £250,000. The low level of responses asking for a referendum to be held suggests that the Council would not be justified in spending a considerable amount of time and public money in holding it. A further consideration is that if the Council is proposing to adopt a new-style Leader and Cabinet Executive model, which represents only a minor change from the current arrangements, this would amount to a further justification for not holding a referendum.

FINANCIAL IMPLICATIONS

No financial implications will arise in the event that full Council decides that it does not wish to hold a referendum.

LEGAL IMPLICATIONS

All relevant legal implications are contained in the body of the report.

BACKGROUND PAPERS

- DCLG Consultation Paper: "Changing Council Governance Arrangements - Mayors and Indirectly Elected Leaders".
- The Council's Constitution
- Responses to Consultation 'Have your Say - new governance arrangements for the Council'.

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
<p>OPTION 1 – LEADER AND CABINET</p>	<p>I would like to confirm that my preference for the way the Council is managed is as follows: Leader and Cabinet, i.e. where the Leader is elected by full Council for a term of four years. The Leader would also decide on the size of the Cabinet and would appoint cabinet members.</p>
<p>12 RESPONSES</p>	<p>If there has to be a change at all, I support option 1. I do not agree with the system of elected mayors and view as worse still the possibility of an elected mayor, with no knowledge of the council, trying to choose a cabinet.</p>
	<p>I vote for option 1. Leader being chosen by elected Councillors. I cannot get excited by the thought of voting for a Mayor in a borough that is as large and disparate as Hillingdon.</p>
	<p>prefer the current arrangements (option 1). However well intentioned the Mayor may be, they would not necessarily have the level of experience that the Leader does. Think that the Council does a good job at the moment and that the Government should stop trying to keep making changes.</p>
	<p>I support option 1, which is an evolutionary change from the current arrangement. This, in my perception, has been working well. Option 2 is a major structural change, which is not warranted in Hillingdon's current circumstances. The only reservation I have is that, in the event of a Hung Council, option 2 would work, but option 1 wouldn't.</p>
	<p>The Labour Group wish to opt for the Leader and Cabinet system rather than the directly elected Mayor option.</p>
	<p>I would prefer to maintain the Leader/cabinet structure rather than an elected mayor.</p>
	<p>I am on the electoral roll for LB Hillingdon. I am writing with my views to assist the Council to draw up its proposals as requested in the article on page 8 of the September People Magazine. I would prefer the Leader & Cabinet model. I see a mayoral election as expensive and pointless; with the Mayor replacing the Council Leader, a new position would be needed to replace the Mayor with regard to all the civic duties that he/she carries out throughout the year. Currently, at the time of local elections, it is usually clear who will become leader, according to each party should they win, and therefore democracy is maintained. I would like the proposals the Council draws-up to specify that they will be subject to a referendum if that is the will of the majority who respond to this opportunity to have their say.</p>
	<p>We do NOT wish to see an elected Mayor in Hillingdon, and would prefer to keep the present system of leader and cabinet.</p>

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
	<p>I am on the electoral roll for LB Hillingdon. I am writing with my views to assist the Council to draw up its proposals as requested in the article on page 8 of the September People Magazine. I would prefer the Leader & Cabinet model. I would like the proposals the Council draws up, to specify that they will be subject to a referendum.</p> <p><i>(2 identical responses)</i></p>
<p>OPTION 2 – DIRECTLY ELECTED MAYOR AND CABINET</p> <p>38 RESPONSES</p>	<p>The most democratic choice would seem to be option 2. The first option suggests that the cabinet could be the Leader's best mate and no one else. A Mayor with no particular party allegiance would hopefully reignite the local democratic process and give an election race that might drag the reluctant voter into the polling station. It would certainly allow local people to engage with the decision making process as anyone in the mayoral race would have to sell themselves and their personal agenda rather than hide behind the party line.</p> <p>I just wanted to record my preference for the second option proposed, i.e. A directly elected Mayor and Cabinet. Whilst this proposal in itself has its short-comings - one being that the elected Mayor chooses the Cabinet, not the electorate - it is far preferable in my view to the first option. This option would give far too much power to the Leader - e.g. giving them the power not only to decide which Councillors sit on the Cabinet but also the number. Plus the additional difference that the elected Leader has the position for a four year term & elects their own Deputy for this period. Option 1 would not, in my opinion, be in the interests of a healthy, responsive and representative local democracy.</p> <p>I strongly support Option 2. Directly Elected Mayor and Cabinet because I believe that Option 1 allows a Party with a continuing large overall Majority to ride roughshod over all aspects of opposition views which defeats the objective for which the New Constitution sought to achieve.</p> <p>Definitely need a Mayoral system-current system puts too much power into one person chosen by the most powerful party and is anti-democratic and unrepresentative.</p> <p>I'm in favour of changing our governance structure and introducing a directly elected mayor. I like the idea of being able to vote for the person to lead the borough and would expect such a system to have a positive impact on legislative accountability and community engagement.</p>

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
	<p>Quite simply we would prefer option B which more closely follows the way that Greater London is governed by a directly elected Mayor, and this we assume would run alongside the election of members to the whole borough council?</p>
	<p>Our preference option 2: Directly elected Mayor and Cabinet – where a Mayor would be directly elected by the residents of the borough to serve a term of four years. An elected Mayor would not be a councillor, but would choose a Cabinet of no more than ten councillors.</p>
	<p>I would prefer option 2. The current structure effectively disenfranchises any resident who does not have a ward Councillor in the Cabinet - at least option 2 would give residents a say in who chooses the Cabinet members.</p>
	<p>Our current views are that we feel that an elected mayor would be the best option, which we believe is contrary to the current position of the council. However, there has been little time to consider this matter fully and hear arguments for and against, as put forward by others.</p>
	<p>I would prefer the Mayor to be directly answerable to the electorate and therefore be elected by ballot as in option 2.</p>
	<p>I would like to opt for option 2 of having a directly elected mayor who would then choose the cabinet members. I am assuming that any member of the public could stand for the post of mayor. I am also assuming that the mayor could choose any councillors to join the cabinet and that these would not necessarily have to be chosen from the majority party.</p>
	<p>I am on the electoral roll for LB Hillingdon. I am writing with my views to assist the Council to draw up its proposals as requested in the article on page 8 of the September People Magazine. I would prefer the Elected Mayor model. I would like the proposals the Council draws up, to specify that they will be subject to a referendum.</p> <p><i>(12 identical responses)</i></p>
	<p>The remaining responses state only that the preferred option would be for a directly elected Mayor.</p>

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
<p>REQUEST FOR A REFERENDUM</p> <p>53 SUBMISSIONS identical or closely similar to:</p>	<p>I am on the electoral roll for LB Hillingdon. I am writing with my views to assist the Council to draw up its proposals as requested in the article on page 8 of the September People Magazine. Under Section 64 (33E 5) of the Act it says: "Proposals by Local Authority: The proposals may provide for the change in governance arrangements to be subject to approval in a referendum" I have yet to decide which option I prefer. However, I would like the proposals the Council draws up to specify that they will be subject to a referendum. If this is constrained by the 31st Dec' 2009 deadline to finalise the arrangements I understand that you can apply to the Secretary of State for an extension.</p>
<p>OTHER COMMENTS ON PROCESS OR REQUESTS FOR A REFERENDUM (not included above)</p> <p>20 SUBMISSIONS</p>	<p>I have only recently become aware of the request for comments on proposals for changes to the democratic governance of the borough. I am anxious that such a fundamental issue should be thoroughly considered before final decisions are taken. The note in the issue of Hillingdon People for September is inevitably fairly sketchy. I understand that the Act under which these changes are to be made provides both for the possibility of a referendum and for the possibility of an extension of the application date for new procedures beyond December 2009. I am disturbed that a Council decision was taken in principle in November 2008 and that I have only just become aware of it through this recent request for comment. I have yet to make up my mind on the options and would urge that every avenue (including that of a referendum) which could assist serious wider consultation be adopted.</p> <p>Given that the Council agreed in principle in November 2008 to change the arrangements to option 1, we are very surprised and disappointed that it has taken the council a further 9 months to consult the residents to request our views and that we have been given so little time and information to help us come to an informed decision. Under Section 64 (33E 5) of the Act it says: "Proposals by Local Authority: The proposals may provide for the change in governance arrangements to be subject to approval in a referendum" Given the lack of time and information, we have yet to decide which option we prefer. However, we would like the proposals the Council draws up to specify THAT THEY WILL BE SUBJECT TO A REFERENDUM. This will give residents an opportunity for a proper consultation and a full say in the final option adopted. This will be the most democratic approach to determining the new executive arrangements for the council. If this is constrained by the 31st Dec 2009 deadline to finalise the arrangements we understand that you can apply to the Secretary of State for an extension.</p> <p>Dates quoted seem very tight and do not give sufficient time for full consultation and decision making.</p> <p>We are very concerned at the lack of proper consultation time for this major change in how our Borough is run. We</p>

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
	<p>want more time and ask that to assist the Council to draw up its proposals as requested in the article on page 8 of the September People magazine it should have the opportunity to receive our considered views.</p> <p>As invited in the recent People magazine I am writing with my views on the Council's proposals on governance rules. I would like an assurance included that Hillingdon residents will be properly consulted in a referendum over the matter of deciding whether the Council should be a Leader and Cabinet model or Elected Mayor. I am disturbed that the Council has delayed bringing this matter to public attention, thus leaving minimal time for adequate constituent awareness so a request to the Secretary of State for an extension to the December 31st deadline seems in order.</p> <p>We are London Borough of Hillingdon residents and voters, and are writing in response to the article in the September People magazine requesting residents' views regarding the above. We are not yet sure which option would be preferable, as we feel that we would need longer, and more information about the two possibilities to make a decision. We understand that Section 64 (33E 5) of the Act says: "Proposals by Local Authority: The proposals may provide for the change in governance arrangements to be subject to approval in a referendum". We feel that this process would allow Hillingdon residents to be more involved and better informed, and we would like the proposals the Council draws up to specify that they will be subject to a referendum. We appreciate that there is some pressure on the Council because a final decision is due by the 31st Dec 2009. However, we believe that there is provision for you to apply to the Secretary of State for an extension, and request that if the time constraints do present an impediment to a referendum, you do so.</p> <p>I have yet to decide which option I prefer. However, I would like the proposals the Council draws up to specify that they will be subject to a referendum. If this is constrained by the 31st Dec 2009 deadline to finalise the arrangements I understand that you can apply to the Secretary of State for an extension. It also seems that such changes are being rushed through without, seemingly, any real public notification despite the radical nature of these changes. Are the electorate not worthy of consultation? Should such fundamental alterations to Hillingdon's council structure not be communicated more openly?</p> <p>We would like the proposals the Council draws up to specify that they will be subject to a referendum. If this is constrained by the 31st Dec 2009 deadline we understand that you can apply to the Secretary of State for an extension.</p>

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
	<p>I also would like to register my objection that the Council took its own decision on this choice nearly a year ago in November 2008, without consulting the electors. The Council has then waited until the time allowed for decision-making (by the end of 2009) is nearly over before asking for constituents' comments. It has put this request for consultation in a magazine that is distributed in September and has then set the closing date at 30 September 2009. I get a month or less - but the Council has know for ten months. I understand that the relevant Act of Parliament provides for a referendum. I believe that Hillingdon Council should run a referendum, so it can really understand constituents' views on this important matter. There has been much debate about the Government's "commitment" (not) to hold a UK referendum on adopting the Lisbon Treaty for the European Union. I appreciate this is a somewhat lesser issue, but it's the same point - those in power make sure they get the answer they want.</p> <p>I have only just heard today that the council has already decided, Thursday 6 November 2008, that the current form of council structure will remain. That there will be no choice offered to Hillingdon residents as to whether we want a directly elected Mayor + Cabinet. I register my most strongly felt objections to this abuse of power by the current administration. The scenario I would foresee is that should the present structure of political parties remain the same, then David Simmons will become Leader, Raymond Puddifoot will become Deputy and the same rule continues. 4 years later, Douglas Mills will be Leader, Raymond will stay as deputy, and then 4 years later be eligible for taking the Leader post again. To make a decision like this with no public consultation is an abuse of power, democracy and an insult to all who live in Hillingdon. This is an extract that should interest you, as Head of Democratic Services:-</p> <p>Referendums for an elected mayor:</p> <p>Provisions in the Local Government Act 2000 required councils in England and Wales to hold binding referendums if, following consultation, local people indicated that they wanted to directly elect a mayor under the new executive arrangements. Councils may choose to hold a referendum, but local residents can also force a referendum with a petition signed by at least five per cent of registered voters in the area. Although the Government has powers to direct a local authority to hold a referendum in certain circumstances, in June 2002 it announced that it would not intervene in cases where it did not agree with the judgement made by a council following consultation.</p> <p>Please be aware that I am going to start organising to obtain a petition.</p> <p><i>Subsequently this respondent sent a second submission expressing a preference for an elected mayor as follows. This preference is included in the overall totals above:</i></p> <p>I am on the electoral roll for LB Hillingdon. I am writing with my views to assist the Council to draw up its proposals as</p>

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
	<p>requested in the article on page 8 of the September People Magazine. I would like the proposals the Council draws up, to specify that they will be subject to a referendum. I would prefer the Elected Mayor model, particularly if the Elected Mayor, unlike the one for London, was subject to veto by the council, should any policy prove to not be in the interests of the people of Hillingdon. I am aware that I have contacted you before, that this is not an attempt to falsely register a declaration, but merely represents a view closer to what I believe now, after more research.</p>
	<p>To whom it may concern, There hardly seems time for the voters in LBH to make a decision on this subject. Surely every household should have details sent to them and time to peruse the pros and cons Are we still living in a democratic society or not?</p>
	<p>It is the NRA Executive Committees' view that the consultation process is too short and totally unsatisfactory. Hillingdon electors should be given the opportunity to take part in the debate with their elected representatives so that they are fully informed about the pros and cons of both types of local governance. The change is extremely important as it affects all residents and it should be subject to the full democratic process and the decision taken following a referendum, as was the case with the introduction of the Mayor for London. From the information on the LBH website, it is obvious that the Council, i.e. the Conservative majority party, has already decided which course of action it wishes to take and that it is only consulting to pay lip service to the legal niceties. No details have been published about how the results of the consultation process will be considered and how these results might change the views of the Council. Coming so soon after the poor consultation process involved with the introduction of the Hillingdon First Card, it would appear that the Council has little respect for democracy and the views of its electors. Rather like our present Government.</p>
	<p>I understand that Hillingdon Council are reviewing the way that the Mayor is selected. I am a resident of Hillingdon and am on the electoral register. I consider that the lack of publicity and the short time span for the opinion of the electorate to be elicited is unsatisfactory. I have been informed that legislation requires changes of this significance to be approved by a referendum. I would want the opportunity to make such a choice and expect you to ensure that all proposals do give the electorate the right to choose.</p>
	<p>Further to my email earlier today I have now seen a copy of Hillingdon People (Sept/Oct) and I am not impressed by the minimal publicity given to this important issue. No mention is made in either the Leader's column or the Index on page 3. Instead it appears in a subuded text on page 8. It really should have been given at least equal prominence to that of several other items in the magazine e.g. see pages 20 & 21. It is as if the Council doesn't really want too many</p>

NEW GOVERNANCE ARRANGEMENTS – CONSULTATION RESPONSES

Category	Comments:
	<p>people to respond.</p> <p>My wife and I have just heard of the proposition to have a Mayor of the Borough. No doubt you are considering a Mayor with teeth rather than the ceremonial role that a Mayor normally has. This may or may not be a good thing, but if it is decided to have one then the Mayor should be elected and not the creature of a small group of people. We require that this matter be properly debated and proper time given to the consultation. This proposal should be the subject of a white paper.</p> <p>I'm assuming you're one of the appointed recipients of my views about a mayor of the borough. It's difficult to see what difference it would make. There's no guarantee that a mayor would be any more receptive to the views of the borough's inhabitants than a council leader. Even if he or she were, people in general are so dumb and sheep-like that the wrong choices would probably be made a lot of the time. Sorry to be such a pessimist.</p> <p>We, the undersigned, being residents of the London Borough of Hillingdon, do demand a referendum on whether we should have the choice between the 'as is' situation regarding councillors choosing their own leader, or whether we have a directly elected Mayor, as provided for under the Local Government Act 2000, and as specified in the Local Government and Public Involvement in Health Act 2007.</p> <p><i>(Petition containing two signatures)</i></p>

In addition, Council received the results of a survey commissioned by an individual resident. The survey sample is stated as being 500 adult residents on the electoral roll in Hillingdon, although this has not been verified by the Council. The survey asked four questions about the consultation process itself and three questions about the Options. 41% (205) of respondents said they had a view as to which Option they would prefer. Of that 41%, 23% (47) people opted for Option 1 and 77% (158) for Option 2. Of all respondents 63% (315) stated they thought the proposals should be subject to a referendum. No details were given to respondents concerning the costs or implications of a referendum.

LONDON BOROUGH OF HILLINGDON

PROPOSALS FOR CHANGES TO GOVERNANCE ARRANGEMENTS

1. In accordance with section 33E of the Local Government Act 2000, the London Borough of Hillingdon ["the Council"] has drawn up formal proposals for changes to its governance arrangements, following consultation with residents in the borough. Full Council is therefore asked to approve the following proposals which will take effect three days after the date when the 2010 local elections are held.
2. The executive model which the Council wishes to adopt is the "new-style" Leader and Cabinet Executive [England].
3. The size of the Cabinet is likely to be between eight and ten Members, including the Leader, but the final decision will be taken by the Leader following the date of the local elections to be held in 2010.
4. The extent of individual Cabinet Member delegations will also be determined following the date of the local elections to be held in 2010.
5. Section 33E of the Local Government Act 2000 states that the proposals may provide for a change in governance arrangements to be subject to approval in a referendum. The Council will not hold a referendum for the following reasons. Firstly, the low level of responses arising from the public consultation exercise, asking for a referendum to be held, suggests that the Council would not be justified in spending a considerable amount of time and public money in holding it. Secondly, as the Council is proposing to adopt a "new-style" Leader and Cabinet Executive model, which represents only a minor change from the current arrangements, this would amount to a further justification for not holding a referendum.
6. The Council is required to set up a timetable for the implementation of the proposals and to provide details of any transitional arrangements which are necessary for the implementation. This timetable is outlined as follows:
 - 6 November 2008 - The Council decided its preferred model i.e. the "new-style" Leader and Cabinet Executive [England].
 - Beginning of September 2009 - 15 October 2009 - public consultation exercise.
 - 5 November 2009 - Council approval of these proposals.
 - 17 December 2009 - Council resolution to adopt the "new-style" Leader and Cabinet Executive [England]
 - May 2010 - Implementation of new governance arrangements to take effect three days after the date when the local elections are held.
7. With regard to the transitional arrangements, the Council is not in any way prohibited from continuing to operate its current "old-style" Leader and Cabinet Model which will expire three days after the date when the 2010 local elections are held. It will therefore continue to operate this model until this time when the "new-style" model will replace it.

8. The Local Authorities [Functions and Responsibilities] [England] Regulations 2000 set out those functions which may, but do not have to be, the responsibility of an authority's executive. They are more commonly known as the "local choice" functions. These functions, which are currently set out on page 46 of the Council's Constitution, will continue to be discharged by the current Cabinet but this arrangement will be reviewed by the Council's new administration following the local elections in 2010.
9. Finally, the Council is obliged to consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The "new style" model will build on the already successful way in which the Council manages its improvement programme and will ensure continued effective decision making. This is demonstrated by the Council currently being recognised as the most efficient in London and the eighth best in the UK. This model will ensure the continued drive on improvement is maintained. It will also positively support and enhance the Council's efficiency programme at a critical time of ever increasing demands on services and the continued need to reduce the level of the overall Council budget.

This page is intentionally left blank

AMENDMENTS TO BE MADE TO THE COUNCIL CONSTITUTION FOLLOWING THE MAY 2010 ELECTIONS:

Part 2, Article 4.04 d) to be amended as follows (amendments shown in *italics*):

- (d) *at the annual meeting immediately following the ordinary election of Councillors to appoint annually the Leader of the Council, and consider the Leader's recommendations for the appointment of Members of the Cabinet and to consider any resolution to remove the Leader or a Member of the Cabinet from Office;*

An additional section be added into the Council Terms of Reference, Part 2, Article 4.04 e) as follows (the subsequent paragraphs to be re numbered):

- (e) *to consider a resolution to remove the Leader from office and appoint a replacement Leader.*

Article 7 – The Cabinet (Executive) 7.01 (b) to read:

- (b) The Cabinet comprises up to 10 Councillors including the Leader, but the Leader may ~~make a recommendation to full Council to reduce this number at some future date.~~

Article 7 – The Cabinet (Executive) 7.02 (b) to read:

The Leader will be a councillor elected *at the annual meeting immediately following the ordinary election of Councillors* ~~annually~~ by the Council to the position of Leader of the Council. The Leader holds office until:

1. he or she resigns from office; or
2. he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension); or
3. he or she is no longer a councillor; or
4. he or she is removed from office by a resolution of the Full Council: or
5. on expiry date of fixed term save that the Council may remove the Leader from office at an earlier date ~~but only in the event of a change in political control of the Council.~~

Any Leader appointed other than at the Annual Meeting *immediately following the ordinary election of Councillors* shall hold office until the next Annual Meeting *immediately following the ordinary election of Councillors.*

Article 7 – The Cabinet (Executive) 7.03 (b) to read:

- (a) ~~The Council Leader shall at its Annual Meeting appoint other Cabinet Members on the recommendations of the Leader of the Council. Cabinet Members hold office until:~~

1. they resign from office; or

2. they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
3. they are no longer councillors; or
4. they are removed from office by the ~~full Council following a recommendation from the~~ Leader;

~~Any Cabinet Member appointed other than at the Annual Meeting shall hold office until the next Annual Meeting.~~

- (b) As circumstances require and to cover planned and unplanned absences, the Leader may assign Cabinet portfolio responsibilities from one Cabinet Member to another and will notify the Head of Democratic Services where this arrangement is intended to last for more than four weeks.
- (c) The ~~Leader Council~~ will designate one of the Cabinet Members to be the Deputy Leader.

Article 7 – The Cabinet (Executive) 7.05 (b) to read:

The Leader of the Council is *name to be inserted*. The following Councillors have been appointed by the ~~Leader Council on the recommendations of the Leader~~ to be Cabinet Members with their respective portfolio responsibilities:

Article 7 – The Cabinet (Executive) 7.08 (e) introduction to read:

Based upon the portfolios approved by *the Leader* ~~full Council~~, individual Cabinet Members have responsibility for the following delegations: