

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

AMENDMENTS TO COUNCIL CONSTITUTION

i) Audit Committee Terms of Reference

1. In 2011/12 the Corporate Services & Partnerships Policy Overview Committee produced a report into the effectiveness of the Audit Committee. Subsequently there have been significant changes in Cabinet and officer structures and the Audit Committee's Terms of Reference have become somewhat outdated. Further clarity is also required to clearly delineate the different roles and responsibilities that surround the Council's wide ranging audit and governance activities, namely:
 - strategy and policy (Leader/Cabinet Members),
 - operational / service delivery (officers),
 - review and monitoring (Audit Committee);
2. After due consideration by the Leader of the Council, a revised Terms of Reference for the Audit Committee, as set out in Appendix 1, is recommended to Council for approval in order to achieve these objectives.

RECOMMENDATION: That the Audit Committee Terms of Reference as set out in Appendix 1, be approved.

ii) Policy Overview and Scrutiny Committees - Terms of Reference

1. The current Policy Overview and Scrutiny Committee structure was established in May 2006 and since then major changes have taken place both within the Council and also externally.
2. The opportunity has been taken to completely review the Terms of Reference, in particular to replace outdated terminology, provide for a better spread of service activity across each Committee whilst linking similar services together to provide for added value and more strategic reviews.
3. Significantly, the proposed Terms of Reference now reflect the Council's new health responsibilities under The Health and Social Care Act 2012 along with complementary changes to health scrutiny under The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
4. No change in the generic terms of reference, number of members etc of these Committees is being proposed, although it is proposed that the name of two Policy Overview Committees is amended slightly to reflect their revised remit.

RECOMMENDATION: That the Terms of Reference for the Policy Overview and Scrutiny Committees as set out in Appendix 2, be approved.

iii) Establishment of New Planning Committee

1. The Council currently has two Planning Committees – The North Committee and the Central and South Committee.
2. The workload of the two committees can sometimes be overwhelmed by consideration of those applications defined as ‘major’ planning applications; applications which are a minority of the overall number of applications considered, but which can demand a disproportionate amount of Member and officer time to determine.
3. To this end it is recommended that Council establish a third Planning Committee – a Major Applications Planning Committee – to give consideration to major planning applications, with no geographical restrictions, in order to free up the existing two planning committees to deal with ‘normal’ applications much more efficiently.
4. Major Applications would be defined as those that involve:
 - the creation of 10 or more residential units.
 - residential development on a site of 0.5 hectares or more
 - non-residential development on a site of at least 1 hectare
 - non-residential development that creates more than 1000 square metres of new gross floorspace
 - the creation of a change of use of 1000 square metres or more of gross floor space (not including housing)
 - Council owned development sites / applications where the Council is the applicant.

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

5. It is recommended that the new Committee be comprised of eight Members and be Chaired and Vice-Chaired by the existing Planning Committee Chairmen. As the potential number of applications will be less than those being considered by the existing Committees, it is suggested that the Committee meet as and when required, on the same evening as one of the scheduled meetings of the other two Planning Committees.
6. A proposed Terms of Reference is attached at Appendix 3.

RECOMMENDATIONS: That

- a) **the establishment of a ‘Major Applications Planning Committee’ and the Terms of Reference as set out in Appendix 3, be approved;**
- b) **the Head of Democratic Services, in consultation with the Leader of the Council be authorised to make any amendments to the Scheme of Delegations required as a result of a) above.**

iv) Establishment of Health and Wellbeing Board

1. The Health and Social Care Act 2012 requires the Council to establish a Health & Wellbeing Board from 1 April 2013 as a Committee of the Council to oversee the production of the Joint Health & Wellbeing Strategy, Joint Strategic Need Assessment and to encourage integrated health working to improve the quality of life for local residents.
2. Whilst the Board will operate similarly to a Committee, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 brought in some unique differences. For example, the Board will be allowed, along with Councillors, to have a membership which can include senior officers of the Council, representatives of local Clinical Commissioning Group and a representative of the newly established Healthwatch Hillingdon.
3. Additionally, political balance rules do not apply and voting rights for any non-Elected Members on the Board may be provided for, depending upon the Council's wishes. However, any voting Member would be required to be bound by the Code of Conduct for Members.

RECOMMENDATION: That:

- a) **the establishment of a Health and Wellbeing Board and its Terms of Reference as set out in Appendix 4, be approved;**
- b) **authority be given to the Head of Democratic Services, in consultation with the Leader of the Council, to agree the names of the representatives and substitutes for the Statutory Members on the Board from Healthwatch Hillingdon and the Clinical Commissioning Group.**
- c) **authority be given to the Head of Democratic Services, in consultation with the Leader of the Council, to make any further necessary changes to the Constitution and in particular, officer delegations, that may be required in respect of the implementation of the Health and Social Care Act 2012 and associated regulations.**
- d) **That the following dates for meetings of the Board for 2013/14 be approved and added to the Programme of Meetings:**
 - **30 May**
 - **1 August**
 - **31 October**
 - **5 December**
 - **6 February 2014**

v) Council Petition Scheme.

1. The Council has operated a local Petition Scheme since it was adopted at a Council meeting in November 2010. The petition process allows members of the public to have direct influence on the decision making process and to raise concerns that are important to them. Hillingdon Council's petition process enjoys high resident participation and satisfaction.
2. Having operated successfully for over two years it was deemed appropriate to review the scheme in an attempt to streamline and clarify some of the processes to make it easier to operate and more transparent for Members, officers and members of the public.
3. A proposed revised scheme is attached for consideration at Appendix 5.

RECOMMENDATION: That the revised Petition Scheme as set out in Appendix 5, be approved.

vi) Procurement and Contract Standing Orders

1. Tender evaluations are currently based on a minimum of 80% weighting in favour of price. Where a good business case exists, permission to vary this is required by the Cabinet Member for Central Services.
2. To provide more flexibility for such decisions at Member-level, it is proposed that the Leader of the Council also be given the authority to do this within the Standing Orders.

RECOMMENDATION: That paragraph 4.1(b) of the Procurement and Contract Standing Orders be amended to include the Leader of the Council.