

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5 day call-in provided there is agreement from the Chief Executive and the Chairman of the Executive Scrutiny Committee to waive this. All such decisions are to be reported for information only to the next full Council meeting.
2. Since last reported, the following decisions have been made using the urgency procedures:

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

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

BACKGROUND PAPERS: None

(ii) MEMBERSHIP OF COUNCIL COMMITTEES 2013/2014

RECOMMENDATION: That the changes to the membership of Committees as shown below be approved:

Upon the nomination of the Conservative Group:

- **External Services Scrutiny Committee – Councillor Kelly to replace Councillor Morgan**
- **Social Services, Housing and Public Health Policy Overview Committee – Councillor Morgan to replace Cllr O'Connor**
- **Licensing Committee - Councillor Bull to replace Councillor Payne**
- **Licensing Sub Committee (North) - Councillor Stead to replace Councillor Payne**
- **Licensing Sub Committee (South) - Councillor Bull to replace Councillor Stead**

(iii) AMENDMENTS TO COUNCIL CONSTITUTION

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

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

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

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

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

Access to Information Rules – Schedule D

New paragraph 22

22. FILMING, RECORDING & REPORTING OF MEETINGS

22.01 Reporting & facilities for the media and residents

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

22.02 Filming and recording

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

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

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

b) Changes to Officer Delegations to reflect new Council structures

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

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

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

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

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

Part 3 – Scheme of Delegations to Officers

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

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

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

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

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

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

The Deputy Chief Executive and Corporate Director of Residents Services, in conjunction with the Leader of the Council and Cabinet Member for Finance, Property and Business Services will oversee the development, construction and use of land and property assets across all Council Directorates, including the Housing Development Programme, and be responsible for all such reporting to Members.

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

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

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

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

Delegations to the Director of Public Health

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

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

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

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

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

- a) The Children Act 2004 and in particular Section 18;
- b) Such other functions conferred on or exercisable by the Council as may be prescribed by the Secretary of State by regulation or which the Council may consider appropriate.

The Director has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those

officers who report directly to her. The sub-delegations are set out in full in the Director's Internal Scheme of Delegations.

Delegations to the Director of Adult Social Care Services

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

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

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

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

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

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

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

1. To take any steps necessary for the day to day management and administration of any matters within the designated area of responsibility and to take overall responsibility for the performance of their service area.
2. To take all such action as ordinarily falls within the scope of professional responsibility and deal with all other matters delegated or to be delegated by Council, Cabinet, Cabinet Member or the Chief Executive and Corporate Director of Administration.
3. To manage any budget for which the Deputy Chief Executive/Corporate Directors/Directors have lead responsibility within the approved cash limit, provided that no action is taken which would result in growth in future years or which would affect a budget which is not under the chief officer's direct control. This includes authorising virements in accordance with the Budget and Policy Framework Procedure Rules which can be found in Part 4 of the Constitution.
4. To exercise the council's functions in obtaining registrations, licences, certificates or other similar documents required by the council, its officers or in respect of its premises from any authority or body not being the council.

5. To exercise the council's right of objection against any application made by third parties for registration, certificates, licences, orders and other similar matters.
6. To register, issue or grant licences (not being occupational licences), notices, certificates, orders or similar documents which the council are authorised or required to register, issue, grant, give or make by or under any enactment.
7. To exercise discretion in writing off or remitting in whole or in part debts of up to £5,000 due to the council, but only after all reasonable steps to recover them have been taken.
8. Within their designated area of responsibility and subject to 1) any corporate property standards, 2) Procurement and Contract Standing Orders and 3) the agreement of the Deputy Chief Executive and Corporate Director of Residents Services to acquire or grant easements and leases for a term not exceeding seven years less 2 days and to acquire or dispose of any other interests in land the value of which does not exceed £10,000.
9. Subject to compliance with any corporate property standards and the Procurement and Contract Standing Orders, to take any steps for the proper and effective management of such property falling within their designated area of responsibility, subject to the agreement of the Deputy Chief Executive and Corporate Director of Residents Services.
10. In accordance with the Council's HR Procedures, but subject to the Officer Employment Procedure Rules, to appoint to, dismiss from and amend posts within the chief officer's area of responsibility.
11. In accordance with the Council's HR Procedures to suspend, other than the three Statutory Officers, Chief Officers and Deputy Chief Officers within their area of responsibility.
12. To agree compensation payments not exceeding £1000 under the Council's Complaints Procedure.
13. To make decisions in respect of quotations, tenders, consultants, agency & temporary workers and contracts in accordance with the Procurement and Contract Standing Orders – Schedule H.
14. To exercise all of the powers of Approved Officers for the purposes of the Procurement and Contract Standing Orders.
15. To enter into agreements, on behalf of the Council incurring match funding or a revenue commitment from the Council, subject to the Cabinet having previously agreed the proposal including the final level of Council commitment.
16. In conjunction with the Leader and relevant Cabinet Member, to sign-off expenditure for approved Initiatives.