

## 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. Recently the following decisions have been made using the urgency procedures:

Date of Decision	Nature of Decision	Decision-Maker
8 July 2014	Eastcote House Buildings and Gardens Heritage Lottery Fund Project: Appointment of Contractor	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
9 July 2014	Schools Condition Programme - Delegated Award of Building Contract (7 Schools)	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
17 July 2014	Capital Release: 2014/15 Schools Condition Programme - Various Projects	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
24 July 2014	Capital Release: Highways Programme 2014/2015 (Release No 4)	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
26 July 2014	Purchase of Carbon Allowances	Cabinet (Urgency)
26 July 2014	Care and support services contract at Glenister Gardens	Cabinet (Urgency)
28 July 2014	Capital Release: Free School Meals Projects: Equipment for the Universal Infant School Meals Programme	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
1 August 2014	New Allocation of S106 Contributions 2014/15 - new MUGA and refurbishment of Tennis Courts at Warrender Park & provision of outdoor gym at Kings College Playing Fields	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)

Date of Decision	Nature of Decision	Decision-Maker
1 August 2014	Capital Release: HRA Works to Stock Programme 2014/15 Capital Release 2 Adaptations to Council Dwellings for Disabled Tenants	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
7 August 2014	Hillingdon Tuition Centre - Urgent Health & Safety Works	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
7 August 2014	Primary Schools Capital Programme Phase 3 - Laurel Lane Primary School delegated award of Building contracts, extension of consultancy and Capital Release	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
15 August 2014	Award of Contract - Children's Social Care Managed Services	Leader of the Council (Special Urgency & Cabinet level decision taken under delegated authority from Cabinet)
20 August 2014	Capital Release for ICT - Adult Education ICT Equipment	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency & includes a Cabinet level decision taken under delegated authority from Cabinet)
27 August 2014	Secondary School Capital Programme - Northwood Secondary School Replacement - delegated award of professional services contract and Capital Release	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency)
2 September 2014	Appropriation of highways land to educational use, Laurel Lane, West Drayton	Leader of the Council. Cabinet Member for Finance, Property & Business Services (Special Urgency & Cabinet level decision taken under delegated authority from Cabinet)

Background Papers: none

**(ii) AMENDMENT TO THE COUNCIL CONSTITUTION – PROCUREMENT & CONTRACT STANDING ORDERS**

**RECOMMENDATION:** To amend the Procurement and Contract Standing Orders as set out below:

**a) In relation to property licences and leases:**

<b>Property Licenses and Leases (ADD: including any surrenders, alterations or variations)†</b>	Under 7 years and under £10K	DCE & Corporate Director of Residents Services	In writing
	Under 7 years and £10k - £100k	Cabinet Member for Finance, Property & Business Services	Report
	Under 7 years and above £100k	Cabinet	Report
	7-25 years and any value up to £250k	Cabinet Member for Finance, Property & Business Services	Report
	Over 25 years and any value	Cabinet	Report

**Information**

The surrender, alteration or variation of an already approved lease (e.g. by Cabinet) is currently a decision delegated to Officers to make. To provide greater public accountability and which could assist the Council in implementing the new Openness of Local Government Bodies Regulations 2014 around the recording of license decisions, it is proposed that decision-making for these be undertaken within the same authority levels for all existing property license and lease decisions. This will provide uniformity of decision-making and ensure that, what can sometimes be important changes to long leases, can receive the necessary Member sign-off.

As such it is proposed to amend the Standing Orders to include the additional wording as shown in the first column of the table above. A requisite change will also be required within Residents Services Departmental Scheme of Delegations.

**(iii) AMENDMENT TO THE COUNCIL CONSTITUTION - THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014.**

**RECOMMENDATION:** That

**a) authority be delegated to the Head of Democratic Services, in consultation with the Leader of the Council, to implement the Openness of Local Government Bodies Regulations 2014 in respect of non-executive decision making;**

**b) in respect of the filming, recording and reporting of meetings, Paragraph 22 of Part 4D of the Constitution be amended to read as follows:**

## **22. FILMING, RECORDING & REPORTING OF MEETINGS**

- 22.01** Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law. Reporting means:-
- filming, photographing or making an audio recording of the proceedings of the meeting;
  - using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
  - reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.
- 22.02** Anyone present at a meeting as it takes place, is not permitted to carry out an oral commentary or report and must remain seated throughout the meeting. This is to prevent the business of the meeting being disrupted.
- 22.03** Anyone attending a meeting is asked to advise the Head of Democratic Services that they wish to report on the meeting and how they wish to do so. This is to enable Democratic Services staff to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.
- 22.04** Any person present to film the proceedings of a meeting must respect the wishes of members of the public who do not wish to have their image recorded.
- 22.05** For meetings held at the Civic Centre, members of the public are welcome to use the Council's public Wi-Fi facilities. Occasionally, meetings take place in venues not run by the Council and in such circumstances members of the public are advised to check with the venue whether Wi-Fi is available.

### **Background Information**

#### **a) Non-Executive Decisions**

1. The Openness of Local Government Bodies Regulations 2014 that came into force on 6 August 2014 make provision for the recording, publication and inspection of decisions that are non-executive in nature. (*Note: the Council already has a robust process of recording and publishing executive decisions, i.e. Cabinet, Cabinet Members and delegated Cabinet decisions taken by officers. This was supplemented when The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) came into force).*
2. In respect of non-executive decisions, in Hillingdon these new regulations would apply to those decisions be those taken by a committee, sub-committee or an officer (on their own authority or delegated to them by a committee or sub-committee) where the effect of their decision is under one of the following categories:
  1. To grant a permission or license;
  2. To affect the rights of an individual;

3. To award a contract or incur expenditure which in either case, materially affects relevant Local Government Bodies financial position (*note - this would be taken and recorded as an executive decision in Hillingdon*)
3. A large proportion of such decisions would already fall within the scope of committees and sub-committees, mainly those taking quasi-judicial decisions, e.g. a street trading license, planning application or enforcement action. Hence the vast majority would already be properly recorded, published and available for inspection in the manner required by the new regulations, i.e. the minutes.
4. However, there may be some decisions that fall under these categories that are taken by officers. The regulations state that this should not apply to the recording of normal operational and administrative matters, e.g. business rate relief or benefits claims. Council is therefore, requested to delegate authority to the Head of Democratic Services, in consultation with the Leader of the Council, to determine the extent to which such officer decisions should be recorded and the process of thereby.
5. Associated to this, any background papers in relation to non-executive decisions are also to be made available to the public as soon as reasonably practicable after the decision is made, at all reasonable hours at the offices, on the website and by such other means the Council considers appropriate. The Regulations also contain obligations to provide copies subject to the payment, postage, copying or other necessary charges for transmission. If a request is appropriately made, a copy of the written record and any background papers must be provided.
6. Written records must be retained and available for inspection for six years with background papers being retained for four years. The Council keeps all agendas, reports and minutes beyond this time-frame.
7. The provisions relating to the provision of information and decisions does not any confidential or exempt information that Members may consider.
8. It is important to note, that anyone officer who has custody of a document which is required to be produced under these regulations and without reasonable excuse, intentionally obstructs or refuses access, commits an offence.

#### **b) Filming, Recording and Reporting of Meetings**

9. The Regulations are also designed to recognise the modern, digital world in which local authorities now operate, where the use of modern communication methods such as filming, tweeting and blogging are embraced as a way of enhancing the openness and transparency of local government bodies.
10. Councils are now required to allow any member of the public to take photographs, film and audio-record the proceedings of and report on all meetings to which the public have access. While no prior permission is required to carry out this activity, it is suggested that that any person wishing to film or audio-record a public meeting let the Head of Democratic Services know so that all necessary arrangements can be made for the meeting. This is important because the rules require local government bodies to provide reasonable facilities for any member of the public to report on meetings.

11. The new rules allow for reporting of meetings via social media of any kind. Therefore bloggers, tweeters, Facebook, YouTube users and individuals with their own website, should be able to report meetings. Councils are required to provide “reasonable facilities” to facilitate reporting. This should include space to view and hear the meeting, seats, and ideally a desk. Councils are asked to use their common sense to determine the range of reasonable facilities they can actively provide to support the free press in all its forms.
12. Councils are also asked to consider adopting a policy on the filming of members of the public, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.
13. Any action or activity which disrupts the conduct of meetings can result in the withdrawal of permission to record or comment on proceedings. Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. The new rules do not permit oral commentary to be provided during a meeting as this would be disruptive to the good order of the meeting. Other examples of disruptive behaviour could include:
  - moving to areas outside the areas designated for the public without the consent of the Chairman,
  - excessive noise in recording or setting up or moving equipment during the debate/discussion,
  - intrusive lighting and use of flash photography; and
  - asking for people to repeat statements for the purposes of recording.
14. Meetings held in private or Part II are not subject to these rules.

#### **(iv) MEMBERSHIP OF COUNCIL COMMITTEES 2013/2014**

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

- a) **Executive Scrutiny Committee – Councillor Sweeting to replace Councillor Eginton**
- b) **Audit Committee - Councillor Davis to replace Councillor Crowe as a nominated substitute.**
- c) **Health and Wellbeing Board Membership - as set out in Appendix 1.**
  1. The Health and Wellbeing Board's Standing Orders specify that changes to its Statutory Membership must be recommended to, and approved by, full Council.
  2. Following its meeting on 22 July 2014, the Board is recommending a change to the named substitute for the Statutory Director of Adult Social Services as detailed in Appendix 1. For information, there have also been some changes to the Non-Voting Co-opted Membership which are detailed in the Appendix and have already been agreed by the Board.

Background Papers: none

**HEALTH AND WELLBEING BOARD MEMBERSHIP**

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

<b>Organisation</b>	<b>Name of Member</b>	<b>Substitute</b>
<b>STATUTORY MEMBERS (VOTING)</b>		
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 Kuldhir Johal
<b>STATUTORY MEMBERS (NON-VOTING)</b>		
Statutory Director of Adult Social Services	Mr Tony Zaman	<b><u>Mr John Higgins</u></b>
Statutory Director of Children's Services		Mr Tom Murphy
Statutory Director of Public Health	Ms Sharon Daye	Ms Shikha Sharma
<b>CO-OPTED MEMBERS (VOTING)</b>		
LBH	Ms Jean Palmer	N/A
<b>CO-OPTED MEMBERS (NON-VOTING)</b>		
The Hillingdon Hospitals NHS Foundation Trust	Mr Shane DeGaris	<b><u>Mr James Reid</u></b>
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	Mr Nigel Dicker	N/A
Clinical Commissioning Group (Officer)	Mr Rob Larkman	Ms Ceri Jacob
Clinical Commissioning Group (Clinician)	<b><u>Dr Reva Gudi</u></b>	Dr Kuldhir Johal