

# REVIEW OF THE COUNCIL CONSTITUTION

*Reporting Officers: Head of Democratic Services and Borough Solicitor*

## INFORMATION

1. The Constitution of the London Borough of Hillingdon sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Many of these processes are required by law, while others are a matter for the Council to choose. The Constitution contains 16 Articles, which set out the basic rules governing the Council's business.
2. The Constitution is reviewed on a regular basis to keep it up to date with legislative changes, best practice and to continue to meet the needs of the political interface, which is integral to the effective running of the Council.
3. Recent changes within the Council have necessitated a review of certain sections of the Constitution to reflect transfer of functions between Directorates, the departure of certain Heads of Service and the introduction of the new Corporate Landlord role as agreed by Cabinet on 17 December 2009.

**RECOMMENDATION: That the proposed amendments to the Constitution, as detailed below be approved with immediate effect.**

## PROPOSED AMENDMENTS TO THE CONSTITUTION:

### Part Three – Scheme Of Delegations to Officers

4. Deputy Chief Executive's Office – it is recommended that the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to make the necessary amendments to job titles and responsibilities etc. within the scheme of delegations to reflect:
  1. the removal of 'Major Construction Projects' from this Directorate
  2. the departure of the Head of Performance Improvement and Organisational Development and the redistribution of this post's responsibilities.
5. Planning and Community Services Directorate – it is recommended that the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to make the necessary amendments to job titles and responsibilities etc. within the scheme of delegations to reflect:
  1. The inclusion of the Corporate Landlord role as approved by Cabinet on 17 December including:
    - delegations for all planning matters to be to the Head of Planning and Enforcement Service – delegated to that post by the Director of Planning and Community Services as permissible under S101 of the Local Government Act 1972,
    - delegations for Local Land Charges matters to be to the Director of Planning and Community Services, the Deputy Director of Planning and Community Services and the Building Control Manager,
    - delegations for traffic matters to be to the Director of Planning and Community Services,

- The delegation for the new function of 'Corporate Landlord' to be to the Director of Planning and Community Services including a new set of delegations to read as follows ( as recommended by Cabinet on 17 December):
  - i. To manage a projects team that will include asset review, options appraisal and feasibility, refurbishment and supporting the client management of all major property projects within the Council.
  - ii. To be responsible for managing and overseeing a Technical and Compliance Team which will be responsible for the maintenance of all Council property assets and also for all technical areas where the Council has a legal duty to comply with designated standards.
  - iii. To be responsible for Corporate Construction which not only includes all major construction projects but also all corporate building projects.
  - iv. To be responsible for Facilities Management Services and Contract Management.
  - v. to provide back office services in relation to:
    - Commercial and voluntary sector lease negotiation and management
    - Valuation of properties
    - Sales and acquisition of properties
    - Property information management, reporting and benchmarking
    - Strategy and asset management planning.

#### Part Two – Article 8 - Council Committees and Bodies

6. Licensing Committee – The Committee has powers to consider and approve Street Trading licence applications. To improve the level of public accountability to this process it is recommended that an additional Term of Reference be added to allow the Committee to establish and appoint sub-committees to determine applications for permanent Street Trading Licences and to consider applications for temporary licences where objections have been received or Ward Members have asked for consideration by the Sub Committee.
7. Appointments Committee – The roles and responsibilities of the Appointments Committee include Performance Appraisal arrangements for the Chief Executive and Directors. This function is carried out through an informal Panel comprising the Leader and relevant Cabinet portfolio holders who then make a report to the Appointments Committee itself. It is recommended that the Terms of Reference of the Committee be amended to reflect this process.

#### **Updating and publication of the Constitution**

8. The updated Constitution will also be available electronically on the Council's intranet site HORIZON and the Council's public website [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk).

## **FINANCIAL IMPLICATIONS**

9. There are no direct financial implications arising directly out of this report.

## **LEGAL IMPLICATIONS**

10. The Borough Solicitor has checked the proposed amendments to the Constitution and confirms that they are compliant with relevant legislation.
11. Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS :none