

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

8.1 AMENDMENTS TO COUNCIL CONSTITUTION

i) New changes to Cabinet Member Portfolios and Responsibilities

RECOMMENDATION: That the revised Article 7 (Appendix 2) of the Council's Constitution with updated Cabinet Member portfolios and responsibilities and the related updates to Part 3 - Officer Scheme of Delegations and other parts of the Constitution, be approved.

Information

The Leader of the Council has reviewed Cabinet Members' portfolios and responsibilities, which form part of Article 7 of the Council's Constitution. The changes proposed by the Leader reflect an updated allocation of existing responsibilities, with some new responsibilities added to ensure strong leadership on the key priorities for the Council and local residents going forward. Appendix 1 shows the detailed portfolio changes; with Appendix 2 the definitive version for Council to agree.

There are two new responsibilities to the Leader of the Council's portfolio which require a paired delegation in Part 3 of the Council's Constitution, Officer Scheme of Delegations. These are shown in Appendix 1.

ii) Past changes to Cabinet Member Portfolios and Responsibilities

Information

The Leader of the Council can make amendments to Cabinet Members' responsibilities mid-year either a temporary or permanent basis, in accordance with Article 7 in the Constitution. This is required to ensure that the powers of Cabinet Members adapt with the operation or objectives of the Council. As required by the Constitution, a report should be made to Council on any changes in the previous twelve months and this is given below. All Members received formal notification of the changes on the date they became effective. These are also included in Appendix 2, under no. (i) on this agenda item.

New Delegations within Portfolio	Cabinet Member(s)	Date Effective
'To consider requests for School Redundancy Payments and decide whether to approve them on behalf of the Local Authority'.	Cabinet Member for Education & Children's Services	15 October 2015
'In conjunction with the Corporate Director of Finance, to review individual council services budget accounts and make any necessary decisions on adjustments to budgets that may be required before the presentation of the yearly Outturn Budget report to Cabinet'.	Leader of the Council	18 April 2016

iii) Article 10 - Area Committees

RECOMMENDATION: That Article 10 on Area Committees be removed from the Council's Constitution and the remaining Articles be renumbered accordingly.

Information

Article 10 has never been invoked by the Council since the Constitution was first approved in 2002. Instead, the Council has chosen to use a variety of other, more targeted and effective ways to engage with residents about local services and issues in an accountable and efficient way, including:

- Ward Budget Initiative, where local Ward Councillors can provide direct support to local communities, with budgets they are accountable for;
- The Council's well-regarded petitions process, which allows for more streamlined, accountable local decision-making on matters of real importance to residents;
- Street Champions, Older Person's Assembly, Cabinet Question Time, and various Forums to engage directly;
- Links with the diverse range of Outside Bodies that Councillors represent the Council on;
- The Council's primary partnerships with the Police, business, health and other stakeholders have developed significantly during this time, providing a more integrated approach to local service delivery;
- Involvement in local grassroots campaigns, e.g. 3rd Runway and HS2 has enabled the Council to build strong, lasting links with communities;
- Technology has advanced and the Council now engages with residents about services online and via social media in a more personalised way.
- Strong consultation arrangements are in place with service users on changes and improvements to services that they use or may need;
- The Cabinet decision-making process enables the Council to respond more efficiently to local issues, than through a committee-type process.

Area Committees can therefore be argued to be an outmoded approach to community engagement and decision-making in a modern local authority and it is, therefore, recommended to Council that reference to their establishment be removed from the Constitution. A copy of Article 10 is attached as Appendix 3 for reference.

8.2 APPOINTMENT OF CABINET

Members are asked to note the appointment by the Leader of the Council of the Deputy Leader and Cabinet for 2016/2017 onwards as follows:

Position/Portfolio	Councillor
Deputy Leader and Education & Children's Services	Councillor Simmonds
Central Services, Culture and Heritage	Councillor Lewis
Finance, Property and Business Services	Councillor Bianco
Community, Commerce and Regeneration	Councillor D. Mills
Planning, Transportation and Recycling	Councillor Burrows
Social Services, Housing, Health and Wellbeing	Councillor Corthorne

8.3 STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT PERSON

RECOMMENDATION: That Mr David Smith be re-appointed as Independent Person for a further three year period, to June 2019.

Information

1. In accordance with the provisions of the Localism Act 2011 (the Act), Council in July 2012 agreed the adoption of a new Code of Conduct for Hillingdon Members and co-opted members.
2. The Act requires the Council to have in place arrangements under which, firstly, complaints against Members and co-opted members can be investigated and, secondly decisions on complaints can be made. As a part of that process, the Act envisaged a new role for an 'Independent Person'.
3. The Council is required to appoint at least one Independent Person. Although not a member of the Standards Committee, the Independent Person's views are to be sought and taken into account by the Committee when considering complaints about the conduct of a Member or co-opted member of the authority.
4. In July 2013 Council formally appointed Mr David Smith to the position of Standards Committee Independent Person for a 3 year period to July 2016.
5. On 7 March 2016 the Standards Committee considered options for the appointment of an Independent Person for the ensuing three year period. The Committee noted that since the new Code was adopted there had only been one complaint about a Member which reached the stage of formal consideration by the Standards Committee thereby requiring Mr Smith's involvement.
6. The Committee considered that Mr Smith remained a suitable person to continue in his role of Independent Person and therefore resolved to recommend to Council that he should be re-appointed.
7. Mr Smith is a practicing consultant with Turbervilles Solicitors having retired from the partnership in April 2013 and is also involved with a leading animal welfare charity. Mr Smith has indicated his willingness to continue in his role

and this option would obviously negate the time and expense of re-advertising and interviewing for the position.

8. The position carries a Special Responsibility Allowance of £1,533 p.a.

Financial Implications

9. If the recommendation is approved the Council will not incur any additional expenditure associated with the appointment of this role.

Legal Implications

10. Section 28[8] of The Localism Act 2011 prescribes the procedure that a local authority must follow if it wishes to appoint one or more Independent Persons in relation to its Standards regime. The position has to be advertised to the general public and an interview process has to be conducted once expressions of interest have been received - any appointments have to be ratified by full Council.
11. There is nothing in the Act which prohibits the extension of Mr Smith's appointment as an Independent Person

Background Papers: None