

REVIEW OF THE CONSTITUTION

Reporting Officers Head of Democratic Services and Borough Solicitor

SUMMARY

This report recommends a number of minor changes and enhancements to the Constitution.

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

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.

PROPOSED AMENDMENTS TO THE CONSTITUTION:

'Councillor Call For Action' (CCfA)

3. Members will recall that at the meeting of the Council in November 2008 details of the provisions of the Local Government and Public Involvement in Health Act 2007 were outlined, including S119 where provision is given for Members to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted. The CCfA is about helping Councillors to resolve issues and problems on behalf of their residents, acting as a last resort for people who cannot get issues resolved through other means. CCfA should not be regarded merely a scrutiny process.
4. Whilst CCfA's can be brought by all Councillors on any issue, there are certain exceptions which are:
 - a) **An issue can only become a CCfA when a Councillor has exhausted all other steps to resolve an issue in his or her ward e.g. the petition process, Council questions etc.**
 - b) An issue relating to a planning or licensing applications / appeals or where a person has an alternative avenue to resolve an issue (e.g. through the complaints process)
 - c) Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee

5. In line with the delegation to the Head of Democratic Services and Borough Solicitor, in consultation with the Leader, to make changes to the Constitution to reflect changes in legislation, it is recommended that the Head of Democratic Services be instructed to amend the terms of reference which are common to all Policy Overview Committees in the Constitution, to allow for consideration of Councillor Calls for Action on areas within their remit.

Crime and Disorder (Overview and Scrutiny) Regulations 2009

6. These regulations come into force on 30 April and reflect central government's objectives to increase visibility and accountability of Crime and Disorder Reduction Partnerships at local level. Currently this role is carried out by the External Services Scrutiny Committee and the Regulations allow for the co-opting of additional members to the Committee and require the scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than twice in every twelve month period (currently done annually in LBH).
7. In line with the delegation to the Head of Democratic Services and Borough Solicitor, in consultation with the Leader, to make changes to the Constitution to reflect changes in legislation, it is recommended that the Head of Democratic Services be instructed to amend the terms of reference of the External Services Scrutiny Committee, in consultation with the Chairman of that Committee, to reflect the requirements of the Crime and Disorder (Overview and Scrutiny) Regulations 2009

Speaking Rights at Planning Committees

8. Members will recall the decision of Council in January 2009 to re-establish and re-constitute the Hillingdon Conservation, Archaeology and Urban Design Forum with new terms of reference. In order to ensure that the continued expert advice of area conservation panel members is received at meetings of the Planning Committees, it is recommended that, when a proposed development falling within a Conservation Area is considered by a Planning Committee, a representative of the relevant Area Panel will be entitled to attend and address the committee for a maximum of five minutes.
9. Notification of the intention to speak and the name of the speaker must be supplied to the Head of Democratic Services in the usual manner and the Constitution will be amended accordingly.

Updating and publication of the Constitution

10. 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.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

12. The Borough Solicitor has checked the proposed amendments to the Constitution and confirms that they are compliant not only with the provisions of the Local Government Act 2000 and Regulations issued and Statutory Guidance made pursuant to it but also with the Local Government and Public Involvement in Health Act 2007.
13. Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS

The Local Government and Public Involvement in Health Act 2007