

## 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	Decision Type / Nature of Decision	Decision-Maker
19/08/2016	Secondary School Expansion Programme - (SSEP) - Delegated Award of Professional Services Contract and Capital Release	Leader of the Council / Cabinet Member for Finance, Property & Business Services
25/08/2016	Housing Revenue Account Works to Stock Programme 2016/17: Reactive Replacement of Domestic Boilers (Release No 12)	Leader of the Council / Cabinet Member for Finance, Property & Business Services
02/09/2016	Warnford Industrial Estate, Strip Out, Decoration & Repair Works	Leader of the Council / Cabinet Member for Finance, Property & Business Services
06/09/2016	Appointment of Contractor to progress the development of Harefield Youth Centre & Associated Capital Release	Leader of the Council / Cabinet Member for Finance, Property & Business Services
07/09/2016	Housing Revenue Account New General Needs Housing Stock 2016/17 (Housing Buy-Back Scheme) Release No.5 - PART II	Leader of the Council / Cabinet Member for Finance, Property & Business Services
21/09/2016	Housing Revenue Account New General Needs Housing Stock 2016/17 (Housing Buy-Back Scheme) Release No 7	Leader of the Council / Cabinet Member for Finance, Property & Business Services
21/09/2016	Housing Revenue Account New General Needs Housing Stock 2016/17 (Housing Buy-Back Scheme) Release No 8	Leader of the Council / Cabinet Member for Finance, Property & Business Services
22/09/2016	Recommendation 6 of the Cabinet Monthly Budget Monitoring Report to approve the re-phasing of £2,000k from 2017/18 to 2016/17 for the purchase of additional Housing Buy-Back properties.	Cabinet

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
29/09/2016	Housing Revenue Account New General Needs Housing Stock 2016/17 (Housing Buy-Back Scheme) Release No9	Leader of the Council / Cabinet Member for Finance, Property & Business Services
30/09/2016	Software Licensing and Support Contract for the Council's Virtual Infrastructure	Leader of the Council / Cabinet Member for Finance, Property & Business Services
19/10/2016	Property Works Programme 2016/17: Hayes End Community Centre, New Roof and Gutters	Leader of the Council / Cabinet Member for Finance, Property & Business Services
20/10/2016	Award of Tender for the Construction of the Battle of Britain Education and Visitors Centre Capital Release	Leader of the Council / Cabinet Member for Finance, Property & Business Services

BACKGROUND PAPERS: Decision Notices

**(ii) WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE RULE (SEC.85 LOCAL GOVERNMENT ACT 1972)**

**RECOMMENDATIONS: That:**

- a) **the request to extend Councillor Kauffman's period of office beyond the six month period of non-attendance provided for within Section 85(1) of the Local Government Act 1972 on the grounds of ill-health, be approved.**
- b) **subject to the approval of recommendation a) above, the extension of time be for a further 6 month period, to expire on 7 July 2017.**

**Information**

- 1 Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six month consecutive period, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 2 Unfortunately Councillor Kauffman has been unable to attend any Council or committee meetings since full Council on 7 July 2016 and will shortly be undergoing a major medical procedure from which he is unlikely to recover before the expiration of the six month period. A formal request has therefore been made for an extension to the six month rule to be approved in his respect.
3. Council can only consider approval of any reasons for non-attendance *before* the end of the relevant six month period, which will be 7 January 2017 - prior to the Council meeting on 19 January 2017. Councillor Kauffman has submitted his apologies for the current Council meeting.
4. Councillor Kauffman was elected to the Council in May 2006 and represents South Ruislip ward. In addition to full Council he also serves as a member of the Children,

Young People and Learning Policy Overview Committee and the Residents' and Environmental Services Policy Overview Committee.

### **Legal Implications**

5. Section 85 (1) of the Local Government Act 1972 enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority *before* the expiry of the six month period.
6. It is unlikely that Councillor Kauffman will be able to attend any qualifying meetings prior to his six month period expiring. This is the final Council meeting at which approval could be sought for an extension of the time limit. If approval to any extension is not, therefore, agreed at this meeting, Councillor Kauffman would, under Section 85 (1) of the Local Government Act 1972 be disqualified after 7 January 2017 from office as a Councillor.
7. Once a Member loses office through failure to attend for the six month period, the disqualification cannot be overcome by the Member subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.

### **Financial Implications**

8. There are no direct financial implications arising from this request.

BACKGROUND PAPERS: None

### **(iii) AMENDMENT TO COUNCIL CONSTITUTION - PART 5(F) COUNCIL PETITION SCHEME**

**RECOMMENDATION:** That Part 5(f) of the Constitution, the Hillingdon Council Petition Scheme, be amended to remove the definition of a valid signatory as including those people who 'work' and / or 'study' in the Borough.

### **Information**

- 1 Part 5(f) of the Constitution, the Hillingdon Council Petition Scheme, details the petition process which allows members of the public to have direct influence on the decision making process and to raise concerns that are important to them.
- 2 The Council treats something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition. More than one petition can be received on a particular issue, whether for or against that issue. Petitions are dealt with in a number of different ways dependent on the nature of the petition i.e. planning, licensing, Cabinet Member etc.
- 3 Currently, for practical purposes, the Council will only accept petitions that contain at least 20 valid signatories from persons who live, work or study in the Borough. It is proposed that, to make petitions more representative of the local resident

population, this requirement be amended to only accept petitions that contain at least 20 valid signatories solely from persons who live in the Borough.

### **Financial & Legal Implications**

4 There are no direct financial or legal implications arising from this proposal.

BACKGROUND PAPERS: None