

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

9.1 APPOINTMENT OF LEADER OF THE COUNCIL

The Council Constitution stipulates that the Leader of the Council will be a Councillor elected at the annual meeting immediately following the ordinary election of Councillors. The Leader holds office for a four year period or until:

- he or she resigns from office or
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (as amended) or
- he or she is no longer a councillor or
- upon expiry date of the fixed term save that the full Council may, by resolution, remove the Leader from office at an earlier date.

The Head of Democratic Services has been notified by the majority Group, the Hillingdon Conservative Group, that Councillor Ray Puddifoot will be nominated as Leader of the Council.

RECOMMENDATION: That Councillor Puddifoot be appointed as Leader of the Council for the next four year period (until the Annual Meeting immediately following the ordinary election of Councillors).

9.2 APPOINTMENT OF CABINET

Subject to the approval of 9.1 above, Members are asked to note the appointment by the Leader of the Council of the Deputy Leader and Cabinet for 2018/19 as follows:

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

9.3 APPOINTMENT OF COUNCIL CHAMPIONS

In accordance with Article 4 of the Constitution, Council is asked to consider the appointment of Members as Council Champions under the generic Terms of Reference approved by full Council on 29 June 2006, (revised February 2009) with additional guidance approved by the Leader of the Council to reflect specific responsibilities associated with the portfolios as shown.

RECOMMENDATION: That, subject to the approval of 9.1 above, the following Champions, as recommended by the Leader of the Council, be appointed:

- **Older Persons - the Leader of the Council**
- **Carers - Councillor Haggar**

The Scheme of Members' Allowances includes provision for an allowance of £5,821.36 to be paid to each Champion and, in addition each position carries a £5,000 budget.

In addition the Leader has appointed Councillor Janet Gardner to continue in her role as DV Advocate.

9.4 REVIEW OF COUNCIL CONSTITUTION

1. Background

- 1.1 The Constitution of the London Borough of Hillingdon sets out how the Council is governed and operates, the various roles of the 65 Elected Councillors, how decisions are made and the procedures which are followed to ensure that everything the Council does is efficient, transparent, accountable, done with integrity and engages residents in the way it does business.
- 1.2 The Constitution helps set the tone in which the Administration seeks to run the Council, embodying an effective governance framework to deliver its manifesto policies, services, projects and to put Hillingdon residents first. As such, at the heart of the Constitution is how the Cabinet and Policy Overview & Scrutiny Committees operate, where Councillors both make decisions and review responsibilities in order to deliver first class services to residents each and every day.
- 1.3 Many of the Council's constitutional procedures are required by law, whilst others are a matter of local choice. Council regularly reviews the Constitution to ensure it meets local priorities and legislative changes.
- 1.4 For the 2018/19 Municipal Year and beyond, the Leader of the Council is proposing the following constitutional changes:
 - i) minor changes to Cabinet portfolios and;
 - ii) refreshed arrangements for overview and scrutiny (Article 6 & Policy Overview and Scrutiny Procedure Rules – Part 4, E).
- 1.5 If agreed by Council, a revised hard copy of the Council's Constitution will be made available to all Councillors, published online for residents and communicated internally to officers to implement within the timescales set out.

RECOMMENDATIONS: That

- a) **the constitutional changes detailed in this report and Appendix A to:**
 - i) Article 7 - Cabinet Scheme of Delegations;**
 - ii) Article 6 - Policy Overview, Scrutiny and Select Committees and**
 - iii) Part 4 (E) - Policy Overview, Scrutiny and Select Committee Procedure Rules,**

be approved.

- b) the Corporate Parenting Board be discontinued and its responsibilities be transferred to the Social Care, Housing and Public Health Policy Overview Committee, who may establish a Corporate Parenting Panel to provide effective oversight and improved integration of corporate parenting within the Council's governance arrangements.
- c) authority be delegated to the Head of Democratic Services, in consultation with the Leader of the Council, to update the Constitution, amend the Council's timetable of meetings and make any other necessary decisions required to transition to and give effect to the new overview and scrutiny arrangements as set out in Appendix A.

Information

2. Article 7 – Cabinet Scheme of Delegations - Cabinet portfolio changes

2.1 Both the full Council and the Leader of the Council may arrange for the discharge of Cabinet and Cabinet Member portfolio responsibilities across various service areas. This is set out in the Cabinet Scheme of Delegations. Council is being requested to agree the following minor changes to existing portfolios:

i) New delegation to the Leader of the Council:

“Where there are extenuating medical or other circumstances, the Leader of the Council may review and consider amending, on an individual basis, the Housing Allocation Policy, in conjunction with the Deputy Chief Executive and Corporate Director of Residents Services.”

2.2 The Housing Allocation Policy is an executive function and this new delegation provides a mechanism for dealing with extenuating individual housing cases upon proper recommendations from officers. If agreed by Council, a similar corresponding delegation will be given to the Deputy Chief Executive and Corporate Director of Residents Services in the Officer Scheme of Delegations, as it is officers that then implement such decisions.

ii) Transfer of delegations:

The transfer of the “sports” brief from the Cabinet Member for Social Services, Housing and Health & Wellbeing to the Cabinet Member for Central Services, Culture and Heritage.

The transfer of the “lead for health and safety at work legislation” brief from the Cabinet Member for Finance, Property and Business Services to the Cabinet Member for Central Services, Culture and Heritage.

2.3 Placing sport within the portfolio of Central Services, Culture and Heritage, strengthens the link with other leisure services under this brief. Additionally, moving health and safety at work so it is under this portfolio connects with other human resource responsibilities.

iii) New delegation to the Cabinet Member for Education and Children's Services:

"In consultation with the Leader of the Council, to agree the process and determine the award of student bursaries."

- 2.4 The Administration's Manifesto and 2017/18 Council budget included funding for bursaries to support local children with the cost of university tuition, as part of plans to mark the centenary of the end of the First World War and as a tribute to the young people who gave their lives in that conflict. This delegation provides suitable Member authority and oversight to implement this initiative.

iv) Amended delegation to the Cabinet Member for Community, Commerce and Regeneration:

To replace responsibility for "Streets Ahead" with "Feel Proud".

- 2.5 This is the updated name for the Council's flagship community campaign celebrating pride in residents' neighbourhoods and streets.

3. Article 6 / Part 4(E) Policy Overview and Scrutiny Procedure Rules - Refreshed arrangements for overview and scrutiny

Background to overview and scrutiny in Hillingdon

- 3.1 Larger local councils are required to have more than one overview and scrutiny committee as part of their core governance arrangements. The structure is local choice and most unitary councils have a number of such committees usually structured around cross-cutting service areas, engaging Councillors not in the Executive in a variety of activities. Their role is similar to that of Select Committees in Parliament, broadly to:
- i) assist in the development of Council policy;
 - ii) question and evaluate the actions of the Executive, both before and after decisions are taken; and
 - iii) have the power to make reports and recommendations on such matters.
- 3.2 Since 2010, overview and scrutiny in Hillingdon has been separated into "scrutiny" and "policy overview" to provide clarity in exercising these functions.
- 3.3 Policy Overview and Scrutiny has shown the ability to make a difference. Over the years, Committees have undertaken successful in-depth reviews of Council services, policies and also on our external partners. This has resulted in a number of positive changes locally, with some also affecting policy at a national level. Such committees engage Councillors in a wide range of Council activity and build a greater understanding about service provision to residents.

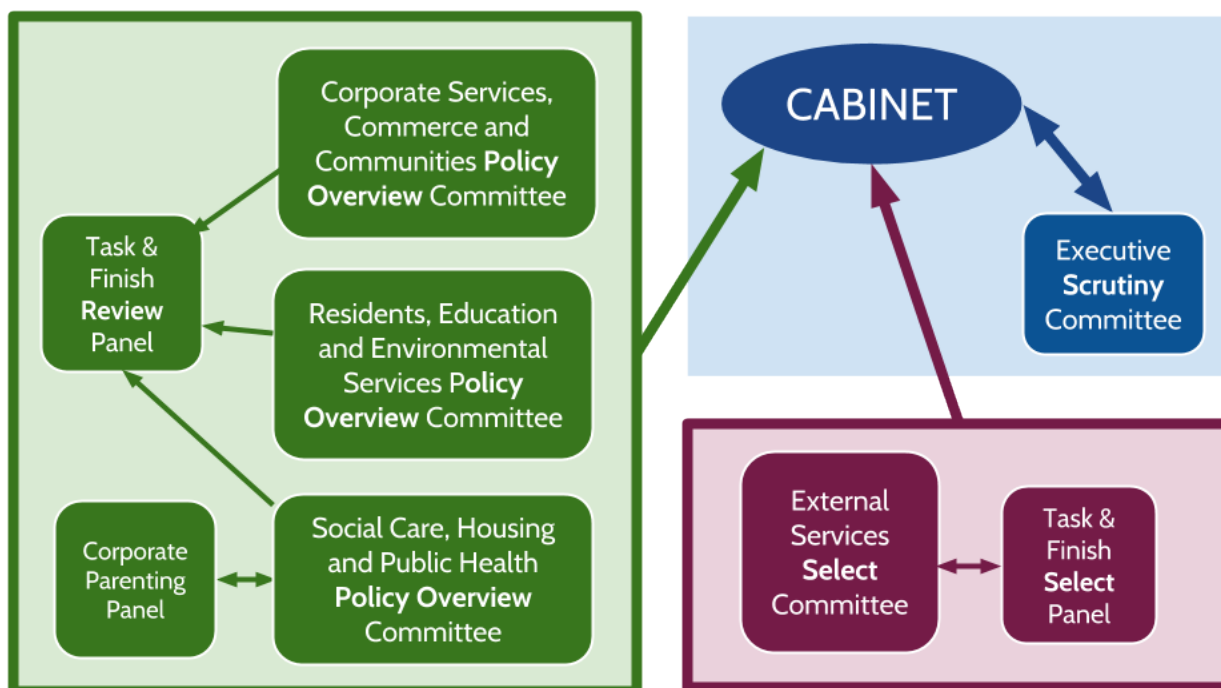
- 3.4 External scrutiny has been particularly strong in ensuring the local accountability of public bodies such as the NHS and Police. The ability for this Committee to also establish focussed working groups has added to the strength of both its dual scrutiny and policy development roles.
- 3.5 Ultimately, the Committees' efforts have been at their best when external witnesses and residents participate, adding value to their intelligence gathering and findings. In support of this, Committees have undertaken their own consultations, surveys, called expert witnesses, held site visits, informal networking events and, most importantly, have heard from residents, parents, children and other groups across the Borough.

National changes to overview and scrutiny

- 3.6 On 15 December 2017, the then Communities and Local Government Select Committee finalised their inquiry into local authority overview and scrutiny arrangements and made a number of recommendations to improve their effectiveness, following feedback from a wide range of witnesses and local councils.
- 3.7 The Government has since published its response to the Select Committee's review and supports the main finding that overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament. The Government has proposed issuing formal guidance on this, which may require the Council to revisit its overview and scrutiny arrangements again during 2018/19.
- 3.8 Additionally, the recent review on Community Sentencing by the External Services Scrutiny Committee has shown difficulties in seeking information and attendance at meetings from certain external service providers and the Government's response to this offers some useful movement in this direction, promising updated guidance for overview and scrutiny to fully follow how the public purse is spent locally.
- 3.9 Members will be informed once further guidance is received from the Government.

Proposed changes to overview and scrutiny in Hillingdon

- 3.10 The Leader of the Council is recommending for 2018/19 and beyond streamlining the number of Policy Overview Committees and refreshing and consolidating their terms of reference as set out in the diagram below, and in more detail in **Appendix A**.



- 3.11 No change is proposed to the role of the Executive Scrutiny Committee. However, it is proposed that the External Services Scrutiny Committee be re-classed as a “Select” Committee, to reflect that it undertakes both a policy review role and has unique statutory scrutiny responsibilities, unlike the other Policy Overview Committees.
- 3.12 It is proposed that the Chairmen of the three new Policy Overview Committees may jointly agree to establish a single Task and Finish Review Panel at any one time to undertake either a focussed review within a particular committee’s remit, or a cross-cutting review that covers the remit of more than one committee.
- 3.13 Similarly, the External Services Select Committee may establish a single Task and Finish Select Panel at any one time.
- 3.14 It is also proposed that a committee’s work programmes may span across multiple municipal years to provide more flexibility in undertaking in-depth reviews, timetabling and reporting of findings to Cabinet. As the conventional ‘deadline’ of completing reviews within a traditional municipal year will no longer exist, this opens up greater opportunities to engage with witnesses and residents, increasing the value of the Committee’s findings.
- 3.15 It is also proposed that oversight of the Council’s corporate parenting responsibilities transfer to the new Social Care, Housing and Public Health Policy Overview Committee from the current Corporate Parenting Board, which will be discontinued. Whilst to different degrees, over a number of years both Policy Overview Committees and the Board have undertaken similar overview activity in relation to children in the Council’s care and care leavers. It is considered that integration with the Policy Overview Committee will strengthen this important responsibility going forward within the Council’s core governance arrangements. To discharge this effectively, the Committee

will also have the ability to establish a Corporate Parenting Panel of 3 Members (any non-Cabinet Member). It is important to note that the Panel will not replace the duty of all Councillors as 'corporate parents'. Members of all committees have a responsibility to consider how reports before them impact upon children in care and care leavers.

- 3.16 The procedure rules currently provide for both formal and informal attendance of Cabinet Members and officers to attend committees as they undertake their investigations. The 'formal' process, as shown in paragraph 14 of the rules, is essentially a summons. This power has rarely been used and currently includes the ability for a committee to also summon junior officers, which it is felt is inappropriate. The revised procedures presented to Council restrict this power to Cabinet Members and Senior Officers. However, an updated paragraph has been added to ensure that on an informal basis there are no limitations whatsoever and that committees and panels can continue to invite Cabinet Members, senior and junior officers along to meetings, not to mention the wide variety of external witnesses they already involve.
- 3.17 Other minor changes have been made to the Procedure Rules in Appendix A to update headings, terminology and clarify attendance of education representatives at meetings.
- 3.18 Attached in **Appendix A** are the detailed changes to Article 6 and Part 4(E) of the Constitution giving effect to the proposals from the Leader of the Council. They provide more detail on how these arrangements will work, including the detailed Terms of Reference of the revised Committees and Panels.

4. Implementation

- 4.1 The changes proposed relate to the Articles and Parts in the Constitution detailed above. However, there may be other minor wording changes required across the wider Constitution to reflect these primary changes.
- 4.2 These changes will come into immediate effect for the 2018/19 Municipal Year. Following which, Democratic Services will work with Committee Chairmen and Members to review meeting timetables, work programmes and ensure a smooth transition to the new arrangements.
- 4.3 Delegated authority is, therefore, requested to ensure the Constitution and these new governance arrangements are updated and implemented effectively.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising directly out of this report. Council has previously approved budgetary provision for Special Responsibility Allowances related to the bodies and roles mentioned in the report.

6. LEGAL IMPLICATIONS

- 6.1 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.
- 6.2 Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS: i) Communities and Local Government Select Committee review findings into the effectiveness of local authority overview and scrutiny arrangements
ii) The Government's response to the Select Committee's findings