

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
15/02/2018	Highways Programme 2017/18 Release no 3 – improvements to various roads across the Borough.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
23/02/2018	Bourne Farm, Breakspear Road North, Harefield – agricultural lease.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
27/02/2018	Property Works Programme 2017/18: Pembroke Health Centre Boiler Replacement.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
27/02/2018	Acquisition of Block E Union Park, Uxbridge and Associated Capital Release.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
28/02/2018	Housing Revenue Account: Better Neighbourhood Fund 2017/18 – various housing estate improvement projects suggested by tenants and Councillors.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
06/03/2018	Housing Revenue Account Works To Stock Programme 2017/18: Replacement Of Main Electrical Risers At Wellings House And Glenister House, Hayes - Release No 68.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
07/03/2018	Housing Revenue Account New General Needs Housing Stock 2017/18 (Housing Buy-Back Scheme) - Release No 8 – purchase of ex Right to Buy properties to supplement affordable housing provision in the Borough.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
13/03/2018	CCTV Programme 2017/18 and 2018/19 (Release No 2) – to enable CCTV upgrades at various locations.	Leader or the Council and Cabinet Member for Finance, Property & Business Services

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
14/03/2018	Award of Contract for Tenants Home Contents Insurance.	Leader or the Council, Cabinet Member for Finance, Property & Business Services & Cabinet Member for Social Services, Housing Health and Wellbeing
19/03/2018	Housing Revenue Account New General Needs Housing Stock 2017/18 (Housing Buy-Back Scheme) Release No 9 - purchase of ex Right to Buy properties to supplement affordable housing provision in the Borough.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
20/03/2018	Appointment of Consultancy for the Design and Build of the Hillingdon Outdoor Activities Centre (HOAC) and Associated Capital Release.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
11/04/2018	Contract for the full Maintenance and Repair of the Council's vehicle fleet at Harlington Road Depot.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
25/04/2018	Secondary School Expansion Programme - Vyners School - Contract Award for the construction of a new extension and associated remodelling works including Capital Release.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
25/04/2018	HRA Major Adaptations to Property 2018/19 Release No 2 – works to properties to assist disabled residents.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
15/05/2018	Housing Revenue Account Works To Stock Programme 2017/18: Urgent works to the roof At Rabbs Mill House, Uxbridge and associated Capital Release (Release No 74).	Leader or the Council and Cabinet Member for Finance, Property & Business Services
23/05/2018	Housing Revenue Account: Major Adaptations to Property 2018/19 Release No. 3 - works to properties to assist disabled residents.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
24/05/2018	The General Data Protection Regulation – approval of policies for the new data protection regime.	CABINET
31/05/2018	Housing Revenue Account New General Needs Housing Stock 2018/19 (Housing Buy-Back Scheme) – Release No.1 - purchase of ex Right to Buy properties to supplement affordable housing provision in the Borough.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
04/06/2018	Transport for London (TfL) Local Implementation Plan (LIP) 2018/19 - Capital Release No 1 – approval of transport projects across the Borough.	Leader or the Council and Cabinet Member for Finance, Property & Business Services

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
12/06/2018	Award of Contract for Delivery of Social Care Efficiency and Improvement Programme – external support assist in transformation work.	Leader or the Council & Cabinet Member for Social Services, Housing Health and Wellbeing
13/06/2018	Housing Revenue Account New General Needs Housing Stock 2018/19 (Housing Buy-Back Scheme - Release No 2) - purchase of ex Right to Buy properties to supplement affordable housing provision in the Borough.	Leader or the Council and Cabinet Member for Finance, Property & Business Services
21/06/2018	Housing Revenue Account Works to Stock Programme 2018/19: Commercial Heating Gantry for Boiler Room at Barden Court, Harefield (Release No. 10).	Leader or the Council and Cabinet Member for Finance, Property & Business Services
22/06/2018	Housing Revenue Account Major Adaptations to Property 2018/19 - Release No 5 - works to properties to assist disabled residents.	Leader or the Council and Cabinet Member for Finance, Property & Business Services

BACKGROUND PAPERS: Decision Notices

(ii) **AUDIT COMMITTEE ANNUAL REPORT**

1. Introduction

- 1.1 In line with good governance, it is essential that the Audit Committee not only meets and considers the reports and information within its remit, but also ensures that the wider Council is aware of the breadth and extent of the work it does on its behalf. The Annual Report of the Audit Committee 2017/18 contains information to be presented to Council, so that it can be assured that the Committee is acting appropriately on its behalf.
- 1.2 The Annual Report also provides an opportunity for Members to review the work of the Committee and comment on its contribution and performance. The terms of reference of the Committee are detailed in the Annual Report

RECOMMENDATION: That the Annual Report of the Audit Committee 2017/18, attached at Appendix A, be noted.

2. Information

- 2.1 The Annual Report summarises, for the Council, the work of the Audit Committee during 2017/18 and how it has undertaken its responsibilities for reviewing the key areas within its remit.
- 2.2 Specifically these include:
- Internal Control;
 - Risk Management;
 - Corporate Governance;

- Internal Audit;
- External Audit;
- Counter Fraud; and
- Financial reporting process of the Statement of Accounts.

2.3 The Audit Committee has a wide ranging brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of risk management, internal control including audit, anti-fraud and the financial reporting frameworks. The Audit Committee also approves the Annual Accounts and receives regular reports on the work of the external auditor.

Membership

2.4 The Committee membership is shown below. They have a wide range of skills and bring both technical and professional experience to the role.

- Mr. John Chesshire - Independent Chairman - Appointed 2 November 2017;
- Cllr Scott Seaman-Digby - Vice Chairman;
- Cllr Martin Goddard;
- Cllr Tony Eginton
- Cllr Susan O'Brien

2.5 The current Independent Chairman has approximately 20 years' experience in the public and private sector working in the internal audit, risk management, business improvement and governance fields.

Activities

2.6 During the course of meetings Members are briefed on relevant issues in relation to local government accounts, External Audit, Internal Audit, Use of Resources, Anti-Fraud arrangements, and Risk Management.

2.7 The role delegated by the Council to the Audit Committee is to provide independent assurance over the governance, risk management and the system of internal control in operation at the Council. The Audit Committee has fulfilled this role by undertaking the key activities including:

- Oversight of Internal Audit
- Oversight of External Audit
- Prevention and Detection of Fraud and Corruption
- Risk Management
- Approval of Financial Accounts
- Corporate Governance

Further information about these key activities are detailed in the report.

2.8 In line with best practice, an independent review of the Committee's effectiveness has been conducted by Internal Audit. This review provided 'reasonable' assurance that the Committee is operating effectively.

- 2.9 The Audit Committee considers that it has continued to make a significant contribution to ensuring that the key elements of the governance framework are given proper consideration and are appropriately challenged. It will continue to develop this role and contribute to strengthen internal control, risk management and governance throughout the authority.
- 2.10 Accordingly, in compliance with the Accounts and Audit (Amended) (England) Regulations 2015, the Audit Committee has reviewed the effectiveness of the systems of internal control by receiving regular reports from these areas above that contribute to the control framework.

FINANCIAL & LEGAL IMPLICATIONS

There are no financial or legal implications arising directly from this report.

BACKGROUND PAPERS: None

iii) AMENDMENT TO THE COUNCIL CONSTITUTION

Health and Wellbeing Board Membership

1. At the meeting of Council on 9 May 2013, the new Health and Wellbeing Board was formally approved as a Committee of the Council. The Board's Standing Orders specify that changes to its Statutory Membership must be determined by full Council.
2. A replacement is required for the Healthwatch Hillingdon statutory voting member. It is recommended that Ms Lynn Hill, Chair of Healthwatch Hillingdon, be named as the statutory voting member for Healthwatch Hillingdon.

RECOMMENDATION: That Ms Lynn Hill, Chair of Healthwatch Hillingdon, be named as the statutory voting member for Healthwatch Hillingdon on the Health and Wellbeing Board.

BACKGROUND PAPERS: None

(iv) REVIEW OF COUNCIL CONSTITUTION – PETITION SCHEME

1. Part 5F of the Council's Constitution contains the Council's Petition Scheme 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 well-established scheme enjoys high resident participation with circa. 200 petitions each year accompanied by thousands of signatories. The petitions process enjoys high satisfaction rates for those residents engaging directly in it; consistently at over 80% every year. This demonstrates a responsiveness by decision-makers to continually put residents first. As part of the petitions process the Council promises to:
 - **Value all petitions** – residents' views are important
 - **Give friendly advice** – how to best pursue the issue that residents have
 - **Make it easy** – lots of ways to submit a petition

- **Keep petitioners informed** – update the petition organiser about a petition’s progress
 - **Let residents have their say** – enable residents to speak to and directly influence Council decision-makers
3. This report considers some proposed changes to the Scheme to:
- Provide greater clarity on which petitions can and cannot be accepted and are feasible within the Council’s control. This will allow the Council to be more responsive to those petitions that are taken forward for action;
 - Adjust the Scheme to reflect the changing use of technology to provide more accessible ways in which residents can petition the Council.
 - Make it more fit for purpose and reduce duplication of wording.

RECOMMENDATIONS: That the amended Hillingdon Council Petition Scheme, set out in Appendix B be approved, including:

- **Increasing the threshold for valid e-petitions to Cabinet Members submitted using either the Council’s own e-petition facility or an alternative e-petition platform, to 100 valid ‘signatures’.**
[NB all petitions in relation to planning applications – and paper petitions to the Cabinet Member – will still require 20 valid signatories]
- **Amending the sections relating to petitions that will not be considered as valid or that may not be taken forward.**
- **Other minor changes relating to GDPR requirements, information tabled at planning meetings and speaking rights at Licensing Sub-Committees.**

Note – the changes above will only apply to new petitions received after 5 July 2018.

INFORMATION

4. Anyone who lives in the Borough, including under 18s, can sign or organise an electronic (‘e’) or paper petition and the Council will treat as a petition anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by the appropriate qualifying persons.
5. To date the Council has set a requirement for at least 20 valid signatories before a petition is deemed to be valid. Where a communication contains less than 20 signatures, it is treated as a corporate complaint or service request. In certain circumstances, if agreed by the Cabinet Member, petitions with less than 20 signatories are accepted if it can be shown that the petition represents a significant amount of the people affected by the contents of a petition e.g. an issue in a small close with less than 20 residents.
6. In the case of paper petitions, a valid signature is classed as the name, address and signature of an individual that lives in the Borough and for e-petitions, a valid signature will be classed as the name, address and email address of an individual that lives in the Borough. Where an external petition system does not provide the full address, it is proposed that some indication of residency in the Borough be required.
7. In the current digital age it is recognised that compiling ‘signatures’ on an e-petition is very much easier than the more traditional method of asking people to

sign a piece of paper. This has the potential for the Borough to receive a number of such petitions, and indeed the number of electronic petitions submitted has been on the rise with 13 in 2016/17 to 37 in 2017/2018, nearly a 200% increase. It is, therefore, proposed to increase the limit for valid e-petitions submitted for Cabinet Member consideration to 100 signatories to ensure that petitions submitted in this manner have an adequate level of support. This would not relate to petitions for planning or licensing applications where it is proposed that the threshold remain the same.

8. Currently petitions are not be accepted in the following circumstances:
 - if they are received within six months of another petition having already been considered by the authority on the same matter;
 - if, in the opinion of the Head of Democratic Services, they are vexatious, frivolous, abusive or otherwise inappropriate or do not relate to a matter which is the responsibility of the authority, or over which the authority has some influence;
 - if they are statutory petitions or petitions where there is already an existing right of appeal or a separate complaints procedure, e.g., staffing, disciplinary or grievance matters;
 - if they require the disclosure of exempt or confidential information.

9. Whilst the Council accept petitions on a variety of matters under its remit, over recent years there have been some petitions received which are not within the Council's remit to make a difference or seek to overturn an existing democratically made decision, e.g. by a Planning Committee. For the benefit of clarity to petitioners, it is proposed that the section in the Appendix entitled 'Petitions that will not be accepted by the Council' also includes those:
 - That are not within the direct responsibility of the Council's services or Cabinet / Cabinet Members portfolios.
 - Upon receipt, directly seek to overturn a democratically approved decision by the Council upon which at statutory local public consultation has already taken place as determined by the Head of Democratic Services.
 - Where the petition relates to the powers of another body, that the Council will provide the necessary advice to the petitioner so they can refer it to that body at the most appropriate level.

10. It is important the Council considers each petition on a case-by-case basis, so the Council can respond to best effect. So, when some petitions are received, the Council may need to seek further clarification from the lead petitioner before taking forward. Additionally, the Council may wish to respond more proactively to the petition where the action requested is already planned to be implemented as part of the Council's approved service plans and capital projects, or if there is a more established route for progressing the action requested in the petition. Furthermore, where petitions are received that are fundamentally not possible within the Council's resources or legal powers, the Council may wish to respond to explain why this is the case. Occasionally, the Council may receive model or template petitions from residents that are sent out to them from organisations seeking to promote a particular cause on a large scale. As these will generally not be specific to Hillingdon, the Council may wish to best address its response in other ways.

11. It is therefore proposed that the section in the Appendix entitled 'Other Petitions that may not be taken forward' includes those:
- that do not contain specific proposals for action;
 - that relate to new or amended service policies, proposals or projects that are not legal, operationally feasible or financially affordable within the Council's approved service programmes or budget;
 - where the specific matter requested has already formally been agreed to be implemented within the Council's approved budget to the benefit of the petitioners, e.g. new bowls club refurbishment;
 - that could be considered through established alternative resident engagement programmes of the Council, e.g. Chrysalis or Ward Budget Scheme [unless these programmes have already been exhausted].
 - That are non-specific to Hillingdon and are about causes on a larger, possibly national, scale.
12. Other minor changes have been proposed to give petitioners more advice on how the Council handles and process petitions, including in relation to recent data protection changes. Additionally, amendments have been proposed to set in stone any existing conventions or requirements of other legislation as follows:
- Clarifying that additional information 'tabled' by petitioners, applicants or agents at Planning Committee meetings should be sent 48 hours before the meeting, unless the Chairman agrees otherwise. This ensures there is sufficient time for all parties to read the information.
 - Updating speaking arrangements for any licensing related petitions in-line with the relevant legislation, as these would also be classed as 'representations' under the relevant Act, which provides for different, established procedures for all parties involved to present their views at Sub-Committee hearings.

FINANCIAL IMPLICATIONS

13. There are no financial implications arising directly from this report.

LEGAL IMPLICATIONS

14. The Petitions Scheme forms a part of the Constitution and any changes must, therefore, be approved by Full Council.

BACKGROUND PAPERS: None

(v) LOCAL GOVERNMENT BOUNDARY COMMISSION REVIEW OF ELECTORAL ARRANGEMENTS

1. Introduction

- 1.1 The Local Government Boundary Commission for England (LGBCE) is undertaking a review of the London Borough of Hillingdon's local government electoral arrangements. The outcome of the review will be implemented for the May 2022 Council elections.
- 1.2 The purpose of an electoral review is to consider:
- the number of Councillors elected to the Council,
 - the number & names of wards,
 - the ward boundaries and
 - the number of Cllrs per ward.
- 1.3 The review will focus on local government arrangements. The outcome of the review of Parliamentary constituencies which concluded last year, is still awaited.
- 1.4 The Council has been invited to make a submission to the Commission regarding the proposed size of the Council (number of Councillors) from 2022 onwards. The purpose of this report is to ask Members to consider the contents of the proposed submission to the LGBCE regarding the potential future Council size.

RECOMMENDATION: That the draft submission, attached as Appendix C, be approved for submission to the LGBCE and the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to make any minor amendments prior to submission by the end of July 2018.

2. Background

- 2.1 Periodically the LGBCE will conduct a review of all local authority electoral arrangements using the following statutory criteria:-
- The need to secure electoral equality (a consistent number of electors per Councillor)
 - Community identity (strong ward boundaries that reflect communities); and
 - Securing effective and convenient local government (coherent wards)
- 2.2 The current LBH electoral arrangements were established after the previous review in 1999 and resulted in 22 wards and 65 Councillors.
- 2.3 The preliminary stage of the current review will determine future Council size; i.e. the number of elected Councillors. The decision on Council size by the LGBCE will inform the next stage of the review, which will consider size and number of wards, ward names, ward boundaries and the number of councillors to represent each ward.

- 2.4 The LGBCE will announce their decision regarding the number of councillors required to represent residents of the London Borough of Hillingdon at the end of August 2018 having considered evidence about:
- The governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities;
 - The Council's scrutiny functions relating to its own decision making and the Council's responsibilities to outside bodies; and
 - The representational role of Members in the local community and how they engage with electors, conduct casework and represent the Council on local partner organisations.
- 2.5 Whilst the decision regarding the number of Councillors is not open to debate, there will follow a 2 month period of consultation during which the Commission will invite suggestions from all interested parties for the structure of electoral wards within the Borough i.e. number, names and boundaries of wards.
- 2.6 In January 2019 the Commission will then produce a first set of draft proposals based on the submissions received and a second period of consultation will commence until March 2019.
- 2.7 A final decision will then be expected in May 2019 for implementation at the Council elections in May 2022.

FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report. The decision of the LGBCE regarding the size of the Council may result in financial implications in 2022. The scale of these implications will not be quantified fully until the completion of the Stage Two part of the review process.

LEGAL IMPLICATIONS

The Local Democracy, Economic Development and Construction Act 2009 sets out the duty placed on the LGBCE to undertake an electoral review of every principal local authority in England 'from time to time'. Decisions regarding electoral arrangements in the Borough are reserved to Full Council.

BACKGROUND PAPERS: None