

REVIEW OF THE COUNCIL CONSTITUTION

Reporting Officers: Head of Democratic Services, Senior Democratic Services Manager

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.
3. The Leader of the Council has proposed the following changes to the Constitution;
 - a) to note the Council's new leadership arrangements;
 - b) updating the Cabinet scheme of delegations and Officer delegations;
 - c) additional financial controls in the current economic climate;
 - d) practical changes to planning delegations to improve decision-making and;
 - e) implementation of the Council's Business Improvement Delivery programme.

In addition, Council is asked to approve the policy framework documents.

RECOMMENDATION TO COUNCIL:

That the proposed amendments to the Constitution, as detailed below and in Appendices 1-3 be approved with immediate effect.

INFORMATION - PROPOSED AMENDMENTS TO THE CONSTITUTION:

The Council's new leadership arrangements (*Articles 4 & 7*)

4. Members will recall that at its meeting on 10 December 2010, Council resolve to adopt a new leadership / executive model with effect on the third day after the date on which the 2010 local elections are held, as provided for by the Local Government and Public Involvement in Health Act 2007. These changes, whilst already approved, are set out in **Appendix 1** and Council is asked to note for information only that these changes will shortly be made to the Constitution.

Updating the Cabinet Scheme of Delegations and corresponding Officer delegations (*Article 7 and Part 3*)

5. The Leader has proposed a number of changes to the Cabinet scheme of delegations, i.e. the part of the Constitution which sets out the powers of the Cabinet and Cabinet Members. These changes are required in order to update the Constitution with the new leadership arrangements (as set out above), to delete delegations no longer in use, tighten up wording in certain areas or to add in new delegations to reflect new ways of working and new responsibilities. Corresponding changes to officer delegations set out in Part 3 of the Constitution are also

included. All these changes are set out in **Appendix 2** and Council is asked to approve them.

Additional financial controls in the economic current climate (*Article 7 and various sections, including Schedule H, Procurement Standing Orders*)

6. More accountability and tighter control over public resources in the current economic climate is vital. Two areas where the Leader feels additional Member oversight is required are on the acceptance of tenders and the appointment of consultants. It is proposed:
 - a) *Acceptance of tenders for goods, works and services* – it is proposed to amend the threshold for the acceptance of tenders at officer level so that tender decisions over £50k are made at Member level as set out below:
 - Corporate Director - to accept tenders up to £50k (*note: currently £100k*)
 - Cabinet Member – to accept tenders from £50k up to £250k
 - Cabinet – to accept all tenders over £250k
 - b) *Temporary and agency staff* – currently the Council uses agency staff for specialist skills that are unavailable in house. However, currently agency and temporary staff do not fall into the definition of a consultant. It is proposed to amend the definition set out in Schedule H of Procurement Standing Orders Code of Practice so that a consultant appointed to work for the Council includes agency and temporary staff.

To strengthen this, it is proposed that Council provides Cabinet Members with the authority to approve individual temporary and agency workers of a value between £5k and £50k and that Cabinet approve such workers at values of over £50k. In order to establish an appropriate mechanism for approving such appointments, Council is asked to delegate the final constitutional arrangements and amendments in regards to this to Chief Executive, in consultation with the Leader of the Council.

Practical changes to planning delegations to improve decision-making (*Part 3*)

7. Officers have suggested some changes to the Constitution that give clarity to the scheme of delegations and also safeguard the Council in many ways from making unlawful planning decisions. These have been endorsed by the current Planning Committee Chairmen and are set out in **Appendix 3**. Council is asked to approve them.

Implementation of the Council's Business Improvement Delivery Programme (*Article 12, Parts 3 and 7*)

8. Following along the lines of a similar decision at the Council meeting on 14 January 2010, full Council is asked to approve that existing Officer Delegations, Job Titles and delegations throughout the Constitution can be amended because of the Business Improvement Delivery Programme and that this be delegated to the Head of Democratic Services, in consultation with the Leader of the Council.

Policy Framework Documents

9. The Council's Constitution requires that the full Council will approve a number of policy and strategy documents, which together form the Council's Policy Framework. The Council's Annual Meeting is required to consider whether any additional plans or strategies (statutory and non statutory) should be adopted as part of the policy framework. No further plans are currently recommended to Council for addition to those listed in the table below:

1.	Budget and Council Tax, including Council Tax Base
2.	Community Strategy (Sustainable Community Strategy)
3.	Council Plan
4.	Best Value Performance Plan (Performance Plan)
5.	Children's Services Plan (Children's and Families Trust Plan)
6.	Community Care Plan
7.	Community Safety Strategy
8.	Development Plan. (Local Development Framework including Development Plan Documents and Statement of Community Involvement)
9.	Early Years Development Plan
10.	Education Development Plan
11.	Borough Transport Strategy
12.	Youth Justice Plan
13.	Housing Strategy Statement
14.	Statements of Licensing Policy and Gambling Policy

Updating and publication of the Constitution

10. The updated Constitution will be available electronically on the Council's intranet site HORIZON and the Council's public website www.hillingdon.gov.uk.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

10. The Borough Solicitor has checked the proposed amendments to the Constitution and confirms that they are compliant with relevant legislation.
11. Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS :none

The Council's new leadership arrangements (Articles 4 & 7)

(for noting only)

Part 2, Article 4.04 d) to be amended as follows (amendments shown in *italics*):

- (d) *at the annual meeting immediately following the ordinary election of Councillors to appoint annually the Leader of the Council, and consider the Leader's recommendations for the appointment of Members of the Cabinet and to consider any resolution to remove the Leader or a Member of the Cabinet from Office;*

An additional section be added into the Council Terms of Reference, Part 2, Article 4.04 e) as follows (the subsequent paragraphs to be re numbered):

- (e) *to consider a resolution to remove the Leader from office and appoint a replacement Leader.*

Article 7 – The Cabinet (Executive) 7.01 (b) to read:

- (b) The Cabinet comprises up to 10 Councillors including the Leader, but the Leader may ~~make a recommendation to full Council to reduce~~ this number at some future date.

Article 7 – The Cabinet (Executive) 7.02 (b) to read:

The Leader will be a councillor elected *at the annual meeting immediately following the ordinary election of Councillors* ~~annually~~ by the Council to the position of Leader of the Council. The Leader holds office until:

1. he or she resigns from office; or
2. he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension); or
3. he or she is no longer a councillor; or
4. he or she is removed from office by a resolution of the Full Council:
or
5. on expiry date of fixed term save that the Council may remove the Leader from office at an earlier date ~~but only in the event of a change in political control of the Council.~~

Any Leader appointed other than at the Annual Meeting *immediately following the ordinary election of Councillors* shall hold office until the next Annual Meeting *immediately following the ordinary election of Councillors.*

Article 7 – The Cabinet (Executive) 7.03 (b) to read:

- (a) The ~~Council~~ *Leader* shall ~~at its Annual Meeting~~ appoint other Cabinet Members ~~on the recommendations of the Leader of the Council~~. Cabinet Members hold office until:
1. they resign from office; or
 2. they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 3. they are no longer councillors; or
 4. they are removed from office by the ~~full Council following a recommendation from the Leader~~;

~~Any Cabinet Member appointed other than at the Annual Meeting shall hold office until the next Annual Meeting.~~

- (b) As circumstances require and to cover planned and unplanned absences, the Leader may assign Cabinet portfolio responsibilities from one Cabinet Member to another and will notify the Head of Democratic Services where this arrangement is intended to last for more than four weeks.
- (c) The ~~Leader Council~~ will designate one of the Cabinet Members to be the Deputy Leader.

Article 7 – The Cabinet (Executive) 7.05 (b) to read:

The Leader of the Council is *name to be inserted*. The following Councillors have been appointed by the *Leader Council* ~~on the recommendations of the Leader~~ to be Cabinet Members with their respective portfolio responsibilities:

Article 7 – The Cabinet (Executive) 7.08 (e) introduction to read:

Based upon the portfolios approved by *the Leader* ~~full Council~~, individual Cabinet Members have responsibility for the following delegations:

Update of the Cabinet Scheme of Delegations and corresponding officer delegations (Article 7 and Part 3)

(additions shown in **'bold red'**)
(deletions shown ~~struck through~~)

Article 7 – The Executive (Cabinet)

7.01 The Executive

- (a) The Executive is responsible for undertaking all of the Council's functions, except for those functions (specified in Articles 4, 8 and 9) that are reserved to the Council and that are undertaken by the Full Council or delegated to committees, sub-committees, other bodies or officers. When the Executive meet collectively, it is known as "the Cabinet". Individual councillors that are members of the Executive are known as "Cabinet Members".
- (b) The Cabinet comprises up to 10 Councillors including the Leader, but the Leader may ~~make a recommendation to full Council to~~ reduce this number at some future date.

7.02 Leader

The Leader will be a councillor elected **at the annual meeting immediately following the ordinary election of Councillors** ~~annually~~ by the Council to the position of Leader of the Council. The Leader holds office until:

1. he or she resigns from office; or
2. he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension); or
3. he or she is no longer a councillor; or
4. he or she is removed from office by a resolution of the Full Council: or
5. on expiry date of fixed term save that the Council may remove the Leader from office at an earlier date ~~but only in the event of a change in political control of the Council.~~

Any Leader appointed other than at the Annual Meeting shall hold office until the next Annual Meeting.

7.03 Other Cabinet Members

- (a) The Council Leader shall ~~at its Annual Meeting~~ appoint other Cabinet Members ~~on the recommendations of the Leader of the Council~~. Cabinet Members hold office until:
1. they resign from office; or
 2. they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 3. they are no longer councillors; or
 4. they are removed from office by a resolution of the Full Council; or
 5. they are removed from office by the ~~full Council following a recommendation from the Leader~~; or
 6. on expiry date of fixed term save that the Council can remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council.

~~Any Cabinet Member appointed other than at the Annual Meeting shall hold office until the next Annual Meeting.~~

- (b) As circumstances require and to cover planned and unplanned absences, the Leader may assign Cabinet portfolio responsibilities from one Cabinet Member to another and will notify the Head of Democratic Services where this arrangement is intended to last for more than four weeks.
- (c) The **Leader** ~~Council~~ will designate one of the Cabinet Members to be the Deputy Leader.

7.04 Cabinet Assistants

Other members of the Council may, from time to time, be designated by the Leader and notified as such to the Head of Democratic Services as a Cabinet Assistant for a particular activity or range of activities. Such a member will not be a Cabinet member and cannot make executive decisions, but will work with the relevant Cabinet Member. The Leader of the Council will make arrangements for, determine and review from time to time a protocol relating to the roles and responsibilities of Cabinet Assistants

7.05 The Cabinet Members

The Leader of the Council is **Councillor *******. The following Councillors have been appointed by the **Leader** ~~Council on the recommendations of the Leader~~ to be Cabinet Members with their respective portfolio responsibilities:

NAME	PORTFOLIO
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- | | | |
|-----|-----|--|
| 1. | tbc | Leader of the Council |
| 2. | | Deputy Leader |
| 3. | tbc | Cabinet Member for Education and Children's Services |
| 4. | tbc | Cabinet Member for Improvement, Partnerships and Community Safety |
| 5. | tbc | Cabinet Member for Finance and Business Services |
| 6. | tbc | Cabinet Member for Planning and Transportation |
| 7. | tbc | Cabinet Member for Social Services, Health and Housing |
| 8. | tbc | Cabinet Member for Environment. |
| 9. | tbc | Cabinet Member for Culture, Sport and Leisure |
| 10. | tbc | Cabinet Member for Co-ordination and Central Services |

7.06 Proceedings of the Cabinet

This Article is to be read in conjunction with the Executive Procedure Rules set out in Part 4 of the Constitution.

- (a) The Cabinet will meet as often as required but will usually meet on a monthly basis. The Leader keeps this arrangement under review.
- (b) Councillors who are not members of the Cabinet cannot make any executive decisions, nor can they act as substitute or deputy Cabinet members. In the absence of Cabinet Members, the Leader and/or Deputy Leader will act on their behalf or determine which Cabinet Member will cover an absent colleague's responsibilities.
- (c) A Cabinet Assistant, **Champion or Borough Advocate** ~~or Advisory Member~~ may attend and speak (but not vote) at any Cabinet meeting on issues within the portfolio that are discussed. ~~A Champion may be invited to address the Cabinet with the approval of the Chairman (Leader)~~
- (d) The Chief Whip of the Majority Party ~~(or in their absence, the Deputy Chief Whip)~~ may attend Cabinet meetings and speak, but not vote on any item under discussion.
- (e) With the permission of the Chairman (Leader), Chairmen or in their absence Vice-Chairmen of Policy Overview and Scrutiny Committees may attend meetings of the Cabinet and speak (but not vote) on any item previously

considered by their Committee – to present the views of the Committee rather than a personal view

- ~~(f) Any other Member of the Council may attend meetings of the Cabinet to observe the proceedings and one Member from each Party Group with seats in a Ward may, with the permission of the Chairman (Leader), speak but not vote on a matter having a specific and direct effect on that Ward. The Chairman shall decide what constitutes a Ward issue.~~

7.07 Delegation of Functions

- (a) This part of the Constitution records the arrangements made by the Council for the allocation of responsibilities and the discharge of executive functions by the Leader, the Cabinet and Cabinet Members.
- (b) The Leader may review and make new arrangements for the discharge of the Cabinet scheme of delegations as set out in 7.08.
- (c) However, the Leader cannot approve alterations to the definition of key decisions, key financial decisions and any financial thresholds in this article, of which any decision to alter is reserved by full Council. The Leader cannot approve any other decision, including those that are statutory and legislative, which fall within the remit of full Council.
- (d) The Leader can make such new arrangements for the Cabinet scheme of delegations at any time on either a temporary or permanent basis, in accordance with the Executive Procedure Rules in Part 4 of the Constitution. Where this is the case, the Leader will notify the Borough Solicitor and Head of Democratic Services in advance of any proposed changes made. This will ensure that:
1. All Councillors are informed of those alterations;
 2. The Constitution is amended accordingly;
 3. The alterations are published; and
 4. A report is made annually to the Full Council on the changes that have been made during the previous twelve months.
- (e) Wherever arrangements are not specifically made in this article for the discharge of executive functions by Cabinet Members, those functions remain with the Leader.

7.08 Cabinet Scheme of Delegations

- (a) To underpin the principles of greater accountability and transparency in decision-making, all delegations to the Cabinet and Cabinet Members are set out in this section. All anticipated key decisions and other decisions, following from these delegations, will be set out in the Council's Forward Plan.
- (b) **KEY DECISIONS**

The Cabinet collectively will be responsible for taking the key decisions and key financial decisions as defined below:

1. Developing proposals that require the Council to amend its policy framework.
2. Decisions resulting in cost/savings outside of existing budget that exceed the following thresholds:-
 - 10% of the annual revenue budget for a service or any proposals in excess of £500,000.
 - variations to capital schemes on programmes in excess of £250,000 in any one year.
3. Decisions which have a significant impact on two or more wards as defined below:-
 - where the outcome will have a significant impact on the well-being of the community or the quality of service provided to a significant number of people living or working in an area.
 - Where 'Communities of Interest' as well as geographic areas are affected significantly, e.g. young people by the closure of a youth centre.

(c) CABINET DELEGATIONS

The Cabinet makes decisions in the following circumstances:

1. matters reserved to the Cabinet as set out in Article 7.08;
2. matters delegated to individual Cabinet members where, in any particular case, the Leader directs that the decision should be reserved to the Cabinet;
3. matters delegated to the individual Cabinet members where the relevant Cabinet member decides to refer any particular matter to the Cabinet for decision; and
4. matters referred to the Cabinet by individual Cabinet members following call-in by the relevant overview and scrutiny committee.

The General Responsibilities of the Cabinet

5. The Cabinet has overall responsibility for the preparation of the budget, and the policy and financial frameworks, which are to be adopted by the full Council. In discharging these overall functions and responsibilities, the Cabinet is responsible for the following:

Leadership in these areas:

- i. proposing policy development, changes and new policy;
- ii. articulating existing Council policy to other organisations;

- iii. commenting on proposals from others on behalf of the Council, including through the media;
- iv. influencing others, including the media, in order to promote existing Council policy or matters reasonably collateral to it;
- v. ensuring the Council has a programme for continuous improvement of its services, ~~including reviews of Best Value as required by law.~~

Partnership working with:

- vi. any or all other organisations who can assist the Council to achieve its stated objectives or where collaboration benefits those who live in, work or visit Hillingdon;
- vii. others involved in community planning and the formation of partnerships with other local public, private, voluntary and community organisations to address local needs.

Decision Making:

- viii. As indicated in Article 7.01 above the Cabinet will be responsible for undertaking all of the Council's functions, and making decisions accordingly, except for those listed in ix. below.
- ix. It will not have responsibility for those functions, which have been reserved to full Council as set out in Article 4. Neither will it have responsibility for the functions to be exercised by those Committees or other bodies outlined in Articles 8 and 9.
- x. The Cabinet will also exercise those 'local choice' functions which are set out in Appendix A to this Article.

Monitoring:

- xi. To regularly monitor the performance and development of Council services.

Other decisions to be taken collectively by the Cabinet:

- 6. Any decision having an impact on two or more wards, whether the impact is direct (e.g. where the decision relates to a road which crosses a ward boundary) or indirect (e.g. where the decision relates to the provision or withdrawal of a service which is or would be used by people from two or more wards).
- 7. Consideration of any report prepared by an external organisation (e.g. Audit Commission or CSCI) into the performance of the Council whether in general or in relation to a particular case, including the Council's response to it. Cabinet Member sign-off may be given to such inspections in urgent cases as set out under the delegations to Cabinet Members

8. Closure of, or significant reduction in provision of, any Council service.
9. Where the decision is one, which will involve a significant change in the manner of Council service provision.
10. The fixing of fees and charges for Council services.
11. Granting or withdrawing financial support to any external organisation in excess of ~~£10,000~~ **except where under agreed initiatives delegated to the Leader or Cabinet Member.**
12. Writing off any bad debt in excess of £50,000, unless the Council has within the last 3 years already written off debts for the person/organisation concerned totalling that amount in which case any further write off would be a key decision.
13. The disposal of any Council property for less than best consideration.
14. The disposal of any interest in Council property with a value of £500,000 or more.
15. The taking by the Council of an interest in land worth £500,000 in total.
16. The granting of any interest in land where the interest is valued at £500,000 or more.
17. The exercise of the Council's compulsory purchase powers.
18. Authority to apply for funding from any external body which if successful would require Council matched funding either revenue or capital, and agreement to the final scheme.
19. Consideration of any policy and budget framework documents which are to be the subject of a recommendation to full Council.
20. Where the Mayor on advice from the Head of Paid Service and/or Monitoring Officer and/or Chief Finance Officer is of the view that the matter is one which ought properly to be treated as a key decision, and informs the proper officer to that effect at least 6 weeks before the decision is in the opinion of the Monitoring Officer likely to be taken.
21. To accept tender for and appointment of consultants over the value of £50,000.

To approve individual temporary and agency workers of a value over £50k (Note: final constitutional arrangements and amendments in regards to this is delegated to the Chief Executive, in consultation with the Leader of the Council)
22. To accept tenders for contracts (other than contracts for the services of consultants and contracts relating to land) with a value of over £250,000.
23. To approve Planning Briefs for sites.
24. To determine school organisation proposals where objections have been received.
25. To adopt the Council's Local Area Agreement.

(d) **GENERAL CABINET MEMBER DELEGATIONS**

Preamble

There are occasions when matters affect more than one portfolio; on such occasions the Cabinet members concerned act in conjunction with one another.

In discharging any functions that have been delegated, a Cabinet member must act lawfully. This means that the Cabinet member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this constitution, Council policies, procedure rules and the Members Code of Conduct.

All Cabinet members have responsibility for the following functions:

Budget

1. To approve write-offs of income for their portfolio area of a value of £5,000 or over.
2. To receive monthly/regular reports on income written off by officers under delegated powers (i.e. sums under £5,000) for their portfolio area.
3. To recommend to Cabinet an appropriate level of fees and charges for services appropriate for their portfolio area.
4. To agree virements as set out in the Budget and Policy Framework Procedure Rules which can be found in Part 4 of the Constitution.
5. To receive regular reports on the budgets for their portfolio area
6. To recommend to Cabinet the submission of bids from their portfolio area for additional resources from Government and other agencies.
7. To recommend to Cabinet capital and revenue bids for their portfolio area.
8. To agree for their portfolio area and on the recommendation of the appropriate corporate director compensation payments above £1,000 under the Council's complaints procedure or the request of the Ombudsman. (below that level will be delegated to officers).
9. To make bids for external funding where there is no requirement for a financial commitment from the council, in consultation with officers.

Service Planning and Delivery

10. To determine which proposals for alterations to service provision within their portfolio area should be reported to Cabinet for a decision.
11. To agree service specific strategies and action plans and to agree proposals for enhancements and alterations to service provision within their portfolio area subject to being in-line with the council's policy framework and costs being contained within agreed budgets (where such strategies, plans and service changes cover more than one-portfolio, to also be agreed with the relevant cabinet member and the Leader of the Council)
12. ~~Jointly with the Cabinet Member for Improvement, Partnerships and Community Safety, to monitor on a regular basis the service plans approved by Cabinet for their portfolio area and to report to Cabinet annually on performance.~~
13. To determine priorities and where appropriate agree the reallocation of **approved** resources for the delivery of services in their portfolio area, in conjunction with the appropriate Corporate Director or Head of Service.
14. To make suggestions for future policy initiatives and for amendments for the policy framework in their portfolio area, for consideration by the Cabinet and Council.
15. To receive internal audit reports for their portfolio area and to make recommendations to Cabinet for changes to the service as appropriate.
16. ~~In consultation with the Cabinet Member for Improvement, Partnerships and Community Safety to agree Best Value reviews, determine and manage the Best Value programme with their portfolio and make recommendations to Cabinet where necessary.~~
17. To consider any inspection report by an external agency and make recommendations to the Cabinet where appropriate. In cases where an external agency requires the Council's urgent consideration of an inspection report and there is no Cabinet meeting scheduled, the relevant Cabinet Member and the Leader of the Council may receive and consider the inspection report, give signed approval to the Council's response and ensure Members are notified as appropriate. The Cabinet Member may also give permission for an alternative Member-level meeting or Policy Overview Committee to formally receive the inspection report on behalf of the Council, though such a meeting will not be able to sign-off the Council's response to the inspection.'
18. To call for monitoring reports on service development and performance within their portfolio responsibilities.

Land and Property

19. To determine whether land and properties in their portfolio area are to be declared surplus to requirements of the service and to report to the Cabinet.
20. To make recommendations to Cabinet for use within their portfolio area of properties declared surplus to requirements by other services.
21. Authority to submit planning applications for projects and proposals within their Portfolio area subject to the projects and proposals being in line with the policies of the Council.

Tenders and Contracts

22. To accept tenders for contracts (other than contracts for the services of consultants and contracts relating to land) in their portfolio area with a value of between ~~£100,000~~ **£50,000** and £250,000 except in those circumstances set out in the Procurement and Contract Standing Orders (which can be found in Part 4 of the Constitution) where tenders are not required. If such circumstances apply, officers shall obtain agreement from the appropriate Cabinet member that tenders should not be sought.
23. To accept tenders for contracts for the services of consultants in their portfolio area with a value of between £5,000 and £50,000.

To approve individual temporary and agency workers of a value between £5k and £50k (*Note: final constitutional arrangements and amendments in regards to this is delegated to the Chief Executive, in consultation with the Leader of the Council.*)

24. To accept tenders for works or services in their portfolio area in the following circumstances:
 - when the works or services are to be provided in accordance with ~~any of the Best Value~~ procurement options **rules**;
 - where there are workforce matters involved concerning the transfer of employees, and their terms and conditions under the TUPE Regulations 1981 as amended, and pensions;
 - where there is sensitivity surrounding the award of the contract;
 - where an extension to a term contract is proposed.
25. To approve, in conjunction with the **Leader, Cabinet Member for Finance and Business Services and** Director of Planning

and Community Services, major disposals of land and acquisitions of land, **reporting to Cabinet where required for decision.**

26. To receive monthly reports in the following circumstances:
- where tenders are accepted by officers within their portfolio areas;
 - where the minimum number of tenders required under the Procurement and Contract Standing Orders cannot be achieved by officers;
 - where the aggregated value of variations exceeds 15% of the contract price or £100,000, whichever is the lower;
 - where officers do not consider it practical or prudent to obtain competitive tenders in respect of the services of consultants.
 - where property transactions (apart from acquisitions), as defined in the Property Contract Standing Orders, take place.

Partnerships and Consultation

27. To review **resident** customer satisfaction, consultation with partners ~~stakeholders and the efficiency of service provision generally and agree arrangements for continuous improvements to be made~~ in their portfolio area.
28. In consultation/liaison with the Cabinet Member for Improvement Partnerships & Community Safety, to promote effective partnerships between the Council and all other bodies and agencies affecting the community for their portfolio area.

General

29. To deal with petitions in their portfolio area in accordance with Council procedure.
30. ~~To approve the holding of seminars for councillors on matters within their portfolio area and within the budget.~~
31. To recommend to the Cabinet, where there are implications for the policies of the Council, responses to be made to consultation documents from Government, GLA, LGA, ALG and other bodies affecting their portfolio area.

To approve and sign consultation responses on behalf of the Council in urgent cases where there is no Cabinet meeting timetabled to consider the responses, and in such cases to inform Party Leaders and the Chairman of the relevant Policy Overview Committee of the responses when signed off.

32. To make recommendations to Cabinet and Council for revisions to officer delegations within their portfolio area.
33. To make recommendations to Cabinet on **Policy** Overview and Scrutiny reports that are being presented in their portfolio area.
34. ~~To represent Cabinet at meetings of **Policy** Overview and Scrutiny Committees.~~
35. To attend **Policy** Overview and Scrutiny committee meetings when so required by these committees.
36. ~~To notify **Policy** Overview and Scrutiny committees of their proposed decisions to enable overview and scrutiny committee members to comment if they so wish. (Note: this is already done by way of the Forward Plan)~~
37. To meet all reasonable requests for information made by those Overview and Scrutiny committee members.
38. To determine and hear appeals against any decision made by or on behalf of Hillingdon Council as set out in Appendix A to the Cabinet Scheme of Delegations.
- 39. In conjunction with the relevant Officer, to sign off expenditure for approved Initiatives.**

(e) INDIVIDUAL CABINET MEMBER DELEGATIONS

Based upon the portfolios approved **by the Leader** full Council, individual Cabinet members have responsibility for the following delegations:

Leader of the Council

1. To be responsible for the principal policy direction of the Council within its statutory functions.
2. To be responsible for overseeing the development of the short, medium and long term financial strategies to be recommended for adoption by the Council.
3. To represent the Council in the community and in negotiations with the **Government** and regional, national and international **institutions** and organisations, reporting to Cabinet as necessary.
4. To be responsible for the overall management structure of the Council, in consultation with the Chief Executive.
5. To identify the need for new strategies and policies for the better discharge of the Council's functions insofar as specific policies and strategies fall within the remit of other Cabinet Members or the Cabinet.

6. To be responsible for the resolution of differences of opinion between portfolio holders acting within their delegated powers and reporting to Cabinet as necessary.
7. To take responsibility for or to assign responsibility to one or more Cabinet portfolio holders for issues not specifically allocated in these delegations or involving one or more portfolio holder.
8. **To exercise any executive function not otherwise allocated to either the Cabinet or any other individual Cabinet member, or to delegate such functions to another Cabinet member, a committee of the Cabinet, or to an officer.**
9. To monitor the operation of the modernised decision-making structure and make recommendations to the Cabinet and Council as appropriate.
10. To authorise another Cabinet member to deputise for any other Cabinet member in that person's absence.
11. Jointly with the Cabinet Member for Finance and Business Services, to make decisions on the release of monies for all capital projects.
12. To determine the flying of flags on the forecourt of the Civic Centre and agree the list of flags and dates
13. To champion the interests of Older People in the Borough. To ensure that their views are heard and taken into account by the Council. To work towards effective partnerships between Older People and our partner organisations.
14. Jointly with the Cabinet Member for Finance and Business Services to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
15. The Leader may appoint any Councillor or Member of the Public living in the Borough as a Borough Advocate to protect and promote single-issue interests on behalf of the council and where appropriate with partner organisations and beyond. Such a person should hold significant experience within their agreed area of appointment.

A protocol will be agreed between the Leader of the Council and a Borough Advocate to determine their exact role and length of appointment, however such a post cannot make formal decisions (which are reserved by the Cabinet or appropriate committee) and would undertake a more defined or temporary role than either a Cabinet Assistant or Champion.
16. To resolve any dispute over the spending of Ward Budgets after consultation with other Party Group Leaders, where appropriate. To also approve spending of the Ward Budget for the Ward represented by the Cabinet Member for Improvement, Partnerships and Community Safety.

17. In conjunction with the Chief Executive responsible for the operation of the London Borough of Hillingdon Civic Medal Award Scheme.
18. In consultation with the Mayor responsible for the operation of the London Borough of Hillingdon Volunteer Pin Scheme.
19. **To agree or amend service specific policies or official codes of practices and guidance.**
20. **Approve arrangements for significant civic ceremonies and Borough events and also key matters concerning the Mayoralty, in consultation with relevant Officers**
21. **To oversee the Hillingdon Improvement Programme and authorise expenditure on it, in conjunction with the appropriate officer.**
22. **To approve Initiatives, oversee their operation and approve grants issued by appropriate officers.**

Deputy Leader

1. To assist the Leader in the exercise of his or her functions, and to deputise in his or her absence.

Cabinet Member for Education & Children's Services

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - special needs,
 - school attendance,
 - grants and awards scheme,
 - careers service,
 - home and hospital tuition,
 - transport and travel concessions for school pupils,
 - school places,
 - raising standards of education.
 - all other education services to children.
 - drugs and substance abuse services (in consultation with the Cabinet Member for Social Services, Health and Housing),
 - the youth and community service,
 - young people's services,
 - youth centres,
 - Care services for children and families,
 - Provision of care for children,
 - child abuse,
 - juvenile justice,
 - corporate parenting,
 - Services to asylum seekers,
 - Services for children in need including children with a disability.
2. To represent or recommend to Cabinet, another Councillor to represent the Council on the Authority's Adoption and Permanency Panel and Fostering Panel.

3. To approve statements of purpose for Children's homes and establishments.
4. Jointly with the Cabinet Member for Culture, Sport and Leisure, to monitor the operation of Management Advisory Committees for projects / facilities managed by the education and youth service and to approve the establishment of any new Management Advisory Groups.
5. To approve variations to schemes for the Local Management of Schools.
6. To approve variations to constitutions of School Governing Bodies.
7. To exercise the LEA's powers of intervention including the suspension of delegated powers from a governing body in accordance with the School Standards and Framework Act 1998.
8. To receive monthly reports on the performance of schools.
9. To approve appointments of Council nominees to School Governing Bodies, within a local procedure allowing nominations from all political groups.
10. To monitor the performance of any schools where special measures have been applied.
11. To consider Ofsted reports on schools in the Borough as necessary
12. To determine school organisation proposals where no objections have been received.

Cabinet Member for Social Services, Health and Housing

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - care services for adults and older people
 - transport and travel for social services clients,
 - services for clients with disabilities,
 - mental health services,
 - local authority health services, ~~other than and public health~~
 - **public health, in conjunction with the NHS)**
 - alcohol, drugs and substance abuse services - in consultation with the Cabinet Member for Education and Children's Services
 - HIV/AIDS services,
 - Health promotion,
 - Working with the NHS,
 - housing need for the Borough,
 - housing development programme,
 - homelessness duties,
 - conditions of tenancies,
 - rent setting,
 - Housing Revenue Account budget,

- housing benefit scheme,
 - home ownership,
 - social housing grant,
 - private sector housing grants,
 - new homes initiatives,
 - maximising the use of empty homes.
2. To consider monthly reports on sensitive services and those with significant budget implications, e.g. placements in residential homes.
 3. ~~To provide link contact between the Council and the Joint Health and Social Care Executive.~~
 4. To provide link contact between the Council and the Primary Care Trust.
 5. To approve proposals for naming and re-naming of housing schemes and developments
 6. Jointly with the Cabinet Member for Finance and Business Services authorise the grant of extension of leasehold interests in properties where the Council is freeholder and to consider requests from leaseholders of Council properties for loft conversions.
 7. To approve systems for consultation with tenants and lessees.
 8. To act as the Council's representative for the purposes of the Management Agreement with Hillingdon Homes and to approve housing management arrangements and methods of procurement
 9. To recommend to the Cabinet the approval of the annual delivery plan of the Hillingdon Homes.

Cabinet Member for Culture, Sport and Leisure

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - libraries
 - leisure services
 - cultural activities
 - sports strategy
 - development of the arts
 - adult education
 - employment and training advice
 - management of meeting halls
2. Jointly with the Cabinet Member for Education and Children's services, to monitor the operation of Management Advisory Committees for projects / facilities managed by the education and youth service and to approve the establishment of any new Management Advisory Groups.

Cabinet Member for Improvement, Partnerships and Community Safety

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - partnerships,
 - seeking external funding,
 - promoting harmony between different cultures and races,
 - working with local organisations, including faith groups,
 - the Chrysalis programme of environmental improvements,
 - emergency planning,
 - performance improvement,
 - CCTV, including the CCTV control room,
 - ~~best value~~ **performance improvement**,
 - community safety,
 - internal and external communications
2. To agree proposals for methods of partnership working, in consultation with the appropriate Cabinet Member if this relates to specific service areas, e.g. transport.
3. In consultation with the Cabinet Member for the appropriate service area, to promote effective partnerships between the Council and all other bodies and agencies affecting the community.
4. To represent the Council on the Uxbridge Initiative and similar town centre partnerships.
5. To oversee proposed arrangements with public and other bodies for the delivery of partnership initiatives and to develop successful partnerships with the other private, public and voluntary agencies which affect the Borough.
6. To take the lead for the Council on civil emergencies and on the response to disasters.
7. To provide a link between the Council and the Community Trust.
8. **To oversee the Council's performance management arrangements** and to receive regular reports on the extent of achievement of targets and performance indicators for all service areas.
9. To make recommendations to the Cabinet on areas for **service** ~~best value~~ reviews, **in conjunction with the Leader**.
- ~~10. To approve variations to the Best Value review programme to agree Best Value Reviews with the relevant Cabinet Member(s).~~
11. In consultation with the Cabinet member for the service portfolio area, to make recommendations to Cabinet in respect of services where the in-house provision is to be subject to competition.
- ~~13. In consultation with the Cabinet Member for the service portfolio area, to monitor on a regular basis the service plans approved by Cabinet and to report annually to Cabinet on performance.~~

- ~~14. In consultation with the Cabinet Member for the service portfolio area, to consider the implications of Best Value reviews and inspection reports and to determine and manage the Best Value programme.~~
15. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme, where appropriate taking into consideration any recommendations of the Environmental Improvements Panel, and to also approve specific alleygating schemes and alleygating policies and procedures.
16. To be responsible for developing awareness throughout the Council **and Borough** of community safety.
17. To develop partnership working with the community, the Police, probation service, health service and other stakeholders to develop solutions to community safety concerns.
18. To monitor the implementation of the community safety strategy, including the achievement of targets in the strategy.
- ~~19. To approve amendments to the community safety strategy, in the light of changes in circumstances. (Note: this power is reserved to full Council)~~
- ~~20. To recommend to the Cabinet a strategy for communications.~~
21. **Responsible for corporate communications and consultation arrangements**
21. To approve the spending of Ward Budgets.
22. To sign off all approved expenditure on external support, agency and consultancy advice for the Business Improvement Delivery programme.
- 23. To oversee the Member Development Programme and agree associated seminars and training.**

Cabinet Member for Finance and Business Services

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
- financial controls,
 - monitoring of the overall revenue and capital budgets
 - the management of industrial and business units,
 - economic development,
 - ~~single regeneration budget,~~
 - progressing regeneration through external funding,
 - examining ways of boosting local employment,
 - IT policy,
 - e-Government agenda,
 - land and property holdings,

- risk management
 - facilities management
 - major construction projects
2. To recommend, in consultation with other appropriate portfolio holders, to the Cabinet the priorities for the inclusion of projects in the Council's capital maintenance programme.
 3. In pursuance of the Council's objectives and on the recommendation of the Director of Planning and Community Services, the levels of authority for decisions on land and property will be as follows:-

Property Licenses and Leases

Length	Total Amount	Authority
Under 7 years	Under 10K	Director of Planning and Community Services
Under 7 years	10k - £100k	Cabinet Member
Under 7 years	Above £100k	Cabinet
7-25 years	0k to £250k	Cabinet Member
Over 25 years	All values	Cabinet

Other property matters

Acquisition and disposal of land and property	Under £10K	Director of Planning and Community Services
	£10k - £250k	Cabinet Member
Grant of easements and wayleaves	Under £10K	Director of Planning and Community Services
	£10k - £250k	Cabinet Member

4. To approve annually a report on the performance of the property portfolio
5. To receive monthly updates of the sales programme.
- ~~6. To recommend to the Cabinet the adoption of the statement on Implementing Electronic Government.)~~
7. To recommend to the Cabinet an Asset Management Policy and Plan and Capital Investment Strategy for the best use of the Council's land and property, in consultation with service portfolio holders.
8. Jointly with the Cabinet Member for Social Services, Health and Housing to authorise the grant of extension of leasehold interests in properties where the Council is freeholder and to consider requests from leaseholders of Council properties for loft conversions.

9. To report to the Cabinet on the development of information technology within the Council's organisation and the arrangements to promote e-Government in accordance with national strategies.
10. In consultation with the appropriate portfolio holder, to monitor the implementation of changes made as a result of recommendations from Internal Audit.
11. In consultation with the appropriate portfolio holder, to consider recommendations made by the External Auditor and to make recommendations to the Cabinet for service changes.
12. To approve virements between services if provided for in the budget framework.
13. To make recommendations to the Cabinet for the use of land and property, where there are competing service needs.
14. To approve terms for the appropriation between services, on the recommendation of the Director of Planning and Community Services.
15. To take the lead for the Council in health and safety at work legislation.
- ~~16. To receive progress reports on the single regeneration budget and to report to the Cabinet as necessary.~~
17. Jointly with the Leader of the Council to make decisions on the release of monies for all capital projects.
18. To be responsible for overseeing and reporting to Cabinet on **major construction projects and corporate landlord matters in conjunction with the Leader** ~~Leisure, community and educational initiatives and projects within the remit of the Asset Management Review.~~
19. Jointly with the Leader of the Council to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
20. **In conjunction with the Leader, to agree rent reviews, including rent free periods for tenants undertaking capital works or determine whether the Council carries out such capital works and agree to modify any future rent accordingly.**

Cabinet Member for Co-ordination and Central Services

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - Legal services
 - Human Resources
 - Procurement policy
 - Learning & Development

2. To approve, on the recommendation of the Borough Solicitor, the appointment of Counsel.
3. Under the direction of the Leader of the Council, to assist in the delivery of the Council Plan and related initiatives and projects, where appropriate in consultation with other portfolio holders.
4. To be responsible for other portfolio responsibilities or specific delegations, which are agreed in advance by the Leader of the Council under existing delegations.
5. On the request of an Appropriate Delegated Officer within the meaning of the Procurement and Contract Standing Orders, to enter into negotiations, in conjunction with this officer or any other officers nominated by him/her, with those parties who have entered into contracts with the Council.

Cabinet Member for Environment

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:
 - animals,
 - trading standards,
 - mortuaries,
 - reservoirs,
 - land drainage,
 - crematoria,
 - cemeteries,
 - burial grounds,
 - environmental health,
 - weights and measures,
 - consumer protection,
 - parks,
 - open spaces,
 - woodlands,
 - allotments,
 - other amenity land,
 - provision and management of trees,
 - waste strategy,
 - ~~GCTV control room,~~
 - fleet and passenger services,
 - Colne Valley Park
 - Imported Food office, Heathrow,
 - Heath Control Unit, Heathrow,
 - ~~Entertainments licensing,~~
 - ~~other entertainments licensing,~~
 - **Licensing (other than that delegated to committees)**
 - ~~Local Agenda 21,~~ **sustainable development**
 - recycling,
 - civic amenity sites,
 - refuse collection,
 - street cleansing,

- trade waste.
2. To approve lettings of public open space for funfairs, circuses and other similar events.
 3. To monitor the operation of Management Advisory Groups for projects/facilities managed by the environment service and to approve the establishment of any new Management Advisory Groups.
 4. To take the lead for the Council on issues concerning sustainability issues, including ~~Local Agenda 21~~.
 5. Jointly with the Cabinet Member for Improvement, Partnerships and Community Safety, and within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme which are for security works in parks and open spaces, where appropriate taking into consideration any recommendations of the Environmental Improvements Panel.

Cabinet Member for Planning and Transportation

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - designation of conservation areas,
 - Borough wide planning policies,
 - Planning enforcement policies,
 - highways,
 - purchase notices,
 - revocation of planning consents,
 - stop notices,
 - bus routes,
 - traffic,
 - transportation,
 - parking,
 - road safety
 - building control,
 - school crossing patrols,
 - conservation,
 - road naming,
 - promoting a high quality built environment,
 - local safety schemes.
2. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the programmes for street lighting, highway maintenance, traffic management, London Cycling Network, London Bus Priority Network, Parking Revenue Account funded schemes, (in consultation with other Cabinet Members as appropriate) within the financial limits set out in the budget framework.
3. To receive monthly reports on numbers of parking penalty charge notices written off or cancelled by officers.

4. To approve variations to the cost of projects funded from the parking revenue account and other schemes, within the limits set out in the overall budget framework.
5. To approve or refuse requests for footway parking exemptions.
6. To consider comments received as a result of public consultation on traffic management proposals, including waiting and loading restrictions, clearways, controlled parking zones, local safety schemes and to approve the final form of schemes, including approval to the conditions of use for parking permits to e.g. traders, business users, residents.
7. To receive monthly progress reports on the completion of planning obligations (section 106) Agreements.
8. To consider representations made on proposals for modifications to the ~~UDP~~ **Local Development Framework** and to make recommendations to Cabinet as appropriate.
9. To consider representations made to proposals for supplementary planning guidance and to make recommendations to Cabinet as appropriate.

Part 3 – Officer Scheme of Delegation (corresponding changes)

New delegation to the Deputy Chief Executive

'In conjunction with the Leader, to oversee the Hillingdon Improvement Programme and authorise expenditure on it.'

New general delegation to the Chief Executive, Deputy Chief Executive and all Corporate Directors

'In conjunction with the Leader and relevant Cabinet Member, to sign-off expenditure for approved Initiatives.'

Amended general delegation to the Chief Executive, Deputy Chief Executive and all Corporate Directors

13. To accept tenders with a value of up to **£50,000** ~~£100,000~~. This excludes tenders for the appointment of consultants where tenders with a value of up to £5,000 can be accepted.

Amended specific delegation to the Director of Planning and Community Services (Corporate Landlord matters)

48. To **implement** ~~agree~~ Rent Reviews **following a decision by the Leader and Cabinet Member for Finance and Business Services**

Planning Committee & Officer Scheme of Delegations (Part 3)

(i) Certificates of Proposed or Existing use

The Planning Department receives various types of application. All bar one type of application (certificates of lawfulness) enable the Committee to exercise discretion in their decision making. There have been various recent cases of certificates of lawfulness being referred to Committee via the petition or other referral process where the Committee has been placed in a difficult situation. Councillors want to have some discretion in the decisions they make (re: Planning applications inevitably involve a matter of opinion in some form or other). However, Certificates of lawfulness do not involve discretion or matters of opinion, they involve legal fact. Either the proposal that is the subject of the certificate requires planning permission or it does not. As such members of the public believing they are going to see a certificate they object to debated by Councillors inevitably leave disappointed by the Committee process. There is a very strong case for Hillingdon to adopt the stance taken by many other Councils and to delegate determination of all certificate of lawfulness applications to officers. However, officers would report all their decisions on such matters to Planning Committee Members on a regular basis for information.

Proposed constitutional change: A new heading of 'Schedule of matters which will not be reported to Committee for Determination'. Under that new heading would be the text 'Existing and proposed certificates of lawful use and reporting to Committee on such decisions for information on a regular basis.'

(ii) Applications by Councillors or Staff

There is no reference in the current scheme of delegation to how the Council deals with applications from its own officers or Councillors. It is common practice (for obvious probity reasons and to ensure the planning process is seen as transparent) at other Councils for this matter to be included in the scheme of delegation. It is suggested that this be for all Councillors, all Chief Officers and those officers involved in planning applications.

Proposed constitutional change: This would be under the title which states 'Schedule of matters which will be reported to Committee for Determination' and would include the following text 'that personal planning applications from Councillors and Chief Officers and officers directly involved in the processing of planning applications be referred to Committee (excludes certificates of existing and proposed lawful use)'

(iii) That non material amendments to planning applications can be determined under delegated powers.

The reference to this is to add clarity to the scheme of delegation. It is common practice after building projects have commenced for minor, non-material changes to be identified. There are many possible examples of

these (a common example is when a brick is no longer manufactured and an alternative similar brick is used). The applicants want to receive written confirmation that the change is acceptable to the Council and does not require a fresh planning application. Officers have always dealt with such matters under delegated powers and this is not an area of planning which has been historically subject to complaints. The change to the constitution is merely to regularise this position.

Proposed constitutional change: New delegation to officers: 'That non-material amendments to planning applications can be determined under delegated authority'.

- (iv) That where a planning application has been refused and is appealed and upheld, officers have delegated authority to agree the heads of terms of any associated S106 agreement/Unilateral undertaking. This is provided the S106 agreement/unilateral undertaking covers all the planning obligations identified in the decision notice for the refused application.

The reference to this is to also to add clarity to the scheme of delegation. If an application requires a S106 agreement it is always referred to Committee. If an application is refused where we would have required S106 matters there is always a refusal reason listing those matters. When such an application goes to appeal the appellant will sometimes submit a legal agreement to overcome the refusal reason relating to S106 matters. It is not practical or in the Councils interest for each such case to be referred back to Committee to get the Committee to give delegated authority to the Head of Planning to agree the S106, especially given strict appeal timetables set by Government Inspectors. Clearly Councillors would not wish the Head of Planning and Enforcement to enter into an agreement that did not include all the planning obligations covered in the refusal of planning; the revision to the scheme of delegation would take account of this.

Proposed constitutional change: New delegation to officers: 'That where a planning application has been refused and is appealed and upheld, officers have delegated authority to agree the heads of terms of any associated S106 agreement/ Unilateral undertaking. This is provided the S106 agreement/unilateral undertaking covers all the planning obligations identified in the decision notice for the refused application.'