

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) TEMPORARY SUSPENSION OF COUNCIL PROCEDURE RULES FOR VIRTUAL COUNCIL MEETINGS ONLY

RECOMMENDATION: That, under Standing Order 26.1, Council agrees to temporarily suspend the specific Standing Orders set out in this report for the purposes of holding virtual Council meetings with immediate effect. Furthermore, Council agrees the immediate resumption of these Standing Orders for any traditional [physical] Council meetings.

Introduction

1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020 were published on 2 April and came into force on 4 April. They remove the 'place' requirement so meetings can be held virtually. These are temporary national regulations and, unless the Council determines otherwise, will only last until May 2021.
2. To provide for the efficient and effective conduct of virtual Full Council meetings, it is proposed to temporarily suspend parts of the Standing Orders within the Council's Procedure Rules (Part 4, Schedule A of the Constitution). The proposed suspensions cater for the fact that there cannot be any physical attendance at virtual Council meetings, seek to ensure the meeting runs in a business-like way and, in respect of questions from the public, that technology is not a barrier to those who wish to put their views across and have a response from decision-makers.

Suspension of standing orders

3. Under Standing Order 26.1, if at least half of the whole number of members of the Council are present, they can vote to suspend Standing Orders with the exception of Standing Order 19.6 and 20.2 which are detailed later. Article 15 of the Constitution also requires that where parts of Standing Orders are to be suspended, to give the reasons for this and the duration of the suspension which is set out in this report.
4. For the avoidance of doubt, it is proposed that this is a temporary measure and will, upon both UK Government advice and if the Council determines, be resumed for traditional meetings.
5. It is also important to note that, as an alternative to suspension, Council can amend these Standing Orders. However, there is no ability to immediately amend them because under Standing Order 26.2, if a motion is proposed and seconded to amend Standing Orders it will stand adjourned without discussion to the next ordinary meeting of the Council (which would be in September). Hence, the route proposed to effect these changes is temporary suspension.

Proposals

6. In light of the above, the suspension of the following Standing Orders is, therefore, proposed:

- i) **Questions from the Public (Standing Order 10.7)** – this relates to the questioner attending physically to ask a question at the meeting to the Member concerned when asked by the Mayor. It is recommended that this Standing Order be suspended temporarily. The existing (remaining) Standing Order 10.1 is sufficient to enable the question to still be put to the Leader or Cabinet Member for response. It is proposed that in the Leader or Cabinet Member's response they request the Head of Democratic Services to provide a written response to the questioner.
- ii) **Questions by Members (Standing Orders 11.5 and 11.6)** – it is proposed, in a similar way to above, that written responses are given. Standing Order 11.5 relates to how the response is given and Standing Order 11.6 relates to asking one supplementary question. Again, the existing (remaining) Standing Order 11.2 is sufficient to enable a Member's question to still be put to the Leader or Cabinet Member for response. It is proposed that in the Leader or Cabinet Member's response they request the Head of Democratic Services to provide a written response to the Member concerned.
- iii) **Recorded Votes (Standing Order 19.4)** – it is proposed to suspend this Standing Order which provides for a roll call to be entered into the minutes upon 7 Members present demanding it, e.g. before a vote on a motion. Instead a Group Leader will be able to request a recorded vote on behalf of 7 Members of their Group.

For 'normal' voting the existing (and remaining) Standing Order 19.3, allows for the Mayor to take a vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

It is proposed that this affirmation be sought by the Mayor asking both Group Leaders to cast a normal or recorded vote on behalf of their whole Group. The Mayor will then ask if any Member wishes to vote differently to their Group. Time will be allowed for responses – either verbally or by using 'chat'. Such votes will then be recorded in the minutes in the usual way (by name in the case of recorded votes).

It is important to note that Standing Order 19.6 cannot be suspended. This does not relate to any collective recorded vote as above, but relates to an individual Member asking that their vote be recorded in the minutes.

- iv) **Rules of Debate on Motions (Standing Order 14.5 a-c and Standing Order 14.9 c)** - It is proposed to suspend these extracts of the two Standing Orders to provide for more structured debate in virtual meetings as follows on any motion:

The proposed Order of Members speaking on Motions would, therefore, be:

- i) Mover
- ii) Seconder

NB :If an amendment is to be moved it will be listed on the Order of Business – move to vi) below:

If no amendment is to be moved then:

- iii) One other speaker from either Group – pre notified by the Whips
- iv) Right of reply (mover of motion)
- v) Vote on motion – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

NB: If a pre-notified amendment is to be moved:

- vi) Mover of amendment
- vii) Seconder of amendment
- viii) One other speaker from either Group - pre-notified by the Whips
- ix) Right of reply (mover of amendment)
- x) Right of reply (mover of original motion)
- xi) Vote – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

To assist in this the Chief Whips will liaise with the Head of Democratic Services to provide a definitive list of notified speakers for each item. This will be the list that the Mayor will use to call those speaking, so all Members should be aware of this. However, Points or Order or Points of Personal explanation will still be permitted. If a Member wishes to utilise these then they should indicate to the Mayor verbally or by using the 'chat' facility.

- v) General (Standing Order 22.1 and 24.1)** – Standing Order 22.1 relates to Members physically signing attendance sheets when they walk into the meeting. It is proposed to suspend this for virtual meetings because of the attendance roll call that takes place. Standing Order 24.1 relates to physically standing to speak and addressing their statements through the Mayor. As Members will be taking part virtually this will not be required.

Legal Implications

The Local Authorities and Police and Crime Panels [Coronavirus] [Flexibility of Local Authority and Police and Crime Panel Meetings] [England and Wales] [Regulations] 2020, made pursuant to the Coronavirus Act 2020, permit local authority meetings to be held virtually.

The proposal set out in this report, if agreed by full Council, will allow the virtual meeting on 16 July 2020 to run effectively and democratically by permitting members of the public and Members of the Council to fully participate.

The Borough Solicitor can confirm that, subject to certain exceptions which are set out in the body of the report, Standing Order 26.1 of the Council Procedure Rules in the Constitution allow the Rules to be suspended by motion or without notice if at

least one half of the whole number of Members of the Council are present and vote accordingly. Suspension can only be for the duration of the meeting on 16 July.

BACKGROUND PAPERS: None

(ii) 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. Since those noted at the 20 February 2020 Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
12/02/2020	The Environmental And Recreational Initiatives Capital Budget 2019/20: Refurbishment Of Ruislip Lido Splash Pad/Water Feature	Leader of the Council and Cabinet Member for Finance Property & Business Services
24/02/2020	HRA Major Adaptations Programme 2019/20 DRAW-DOWN RELEASE NO 7 – works to assist disabled residents at home	Leader of the Council and Cabinet Member for Finance Property & Business Services
04/03/2020	CCTV Programme 2020/21: Urgent CCTV Installation at Long Lane, Hillingdon - RELEASE NO 1	Leader of the Council, Cabinet Member for Finance Property & Business Services and Cabinet Member for Community, Commerce and Regeneration
04/03/2020	Disabled Facilities Grant (DFG) 2019/20 - DRAW-DOWN RELEASE NO 7 – works to assist disabled residents at home	Leader of the Council and Cabinet Member for Finance Property & Business Services
10/03/2020	URGENCY DECISION: Award of Contract: Appropriate Service for Vulnerable Adults	Leader of the Council, Cabinet Member for Social Care, Health and Wellbeing and Cabinet Member for Education, Children & Youth Services
17/03/2020	URGENCY DECISION: ICT - Citrix Remote Access for First-Party and Third-Party Officers	Leader of the Council and Cabinet Member for Finance Property & Business Services
20/03/2020	ICT Equipment 2019/20: Award of the ePOS Tills Technology Contract to Capita and Associated Capital	Leader of the Council and Cabinet Member for Finance Property & Business Services

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
	Release - RELEASE NO 31 – providing new modern tills and contactless payments at libraries.	
17/04/2020	URGENCY DECISION: New Allocation of Section 106 Contributions 2019/2020: Upgrade of Communal Emergency Lighting in 3 Corporate Respite Care Homes	Leader of the Council and Cabinet Member for Finance Property & Business Services
17/04/2020	Disabled Facilities Grant (DFG) 2020/21 - RELEASE NO 1 – works to assist disabled residents at home	Leader of the Council and Cabinet Member for Finance Property & Business Services
04/05/2020	Award of Contracts: Care and Wellbeing Services for People with Learning Disabilities and / or Autism.	Leader of the Council and Cabinet Member for Social Care, Health and Wellbeing
21/05/2020	Ruislip Lido Toilets Refurbishment: Appointment of Contractor & Associated Capital Release	Leader of the Council and Cabinet Member for Finance Property & Business Services
22/05/2020	Award of Contract for Servicing, Repair & Maintenance of Communal Housing & Corporate Gas Heating and Hot Water Installations - Lot 2.	Leader of the Council and Cabinet Member for Finance Property & Business Services
28/05/2020	Appointment of Contractor with Capital Release: Installing a Modular Classroom Unit at Hedgewood School	Leader of the Council and Cabinet Member for Finance Property & Business Services
29/06/2020	Contract Award: Triscott House and Cottesmore House Extra Care Support Services For Adults.	Leader of the Council and Cabinet Member for Social Care, Health and Wellbeing
03/07/2020	Housing Revenue Account Major Adaptations to Property 2020/21 - RELEASE NO 1 – works to assist disabled residents at home	Leader of the Council and Cabinet Member for Finance Property & Business Services

Background Papers: Decision Notices

iii) **CHANGES TO COMMITTEE MEMBERSHIPS 2020/2021**

RECOMMENDATION: That the following change to committee memberships for 2020/2021 as proposed by the Conservative Group, be approved:

- **Licensing Committee** – Councillor Chapman to replace Councillor Stead

iv) UPDATE TO THE COUNCIL CONSTITUTION - DELEGATION OF POWERS UNDER PART 1 OF THE BUSINESS AND PLANNING BILL 2020

RECOMMENDATIONS: That:

- a) **The Constitution be updated to delegate the exercise of the Council's powers under Part 1 of the Business and Planning Bill 2020 (once enacted) to the Deputy Chief Executive, Corporate Director of Resident Services in accordance with the following principles:**
- **A decision to grant or refuse an application for a Pavement Licence is to be taken by officers. Where a Licence is granted, this is to be for an initial period of 4 months. Subsequent extensions will also be for a 4 month period, with the maximum period of any initial licence and extensions being 12 months.**
 - **Any decision to revoke a Pavement Licence is to be taken by officers acting in consultation with the Chairman / Vice Chairman of the Licensing Sub Committee.**
 - **The Council to charge an Application Fee of £ 50 for each Pavement Licence and an Extension Fee of £ 20.**

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 residents
2. The Constitution is reviewed on a regular basis to keep it up to date with legislative changes, best practice and that it continues to meet the needs of the political interface, which is integral to the efficient running of the Council.
3. The Business and Planning Bill was introduced in Parliament on 25 June 2020 on the basis of the Covid 19 pandemic and is shortly expected to become law. Part 1 of the Bill creates " pavement licences". A business selling food and drink for consumption on or off the premises may apply for a " pavement licence" to authorise the placement of removable furniture on part of a highway adjacent to the premises to assist in the sale, service and consumption of food or drink supplied from the premises. Any establishment selling food and drink may apply for pavement licence. Applications can therefore be expected from a variety of establishments including, for example, newsagents selling sandwiches, petrol stations and licensed premises.
4. It is expected that pavement licences will assist businesses in maximising their capacity to serve customers whilst adhering to social distancing rules. This is mainly due to strong scientific evidence of a lower risk of spreading Covid 19 outdoors.
5. The Bill creates a streamlined procedure to apply for pavement licences and imposes a very short timetable for considering applications.
6. Each application must be made electronically and the Council has discretion whether to charge a fee, but any fee cannot exceed £ 100. It is proposed that

Hillingdon's Application Fee is set at £ 50 and that the fee payable for a 4 month extension is £ 20 so that the total amount payable for a 12 month period is £ 90.

7. The fees charged by neighbouring boroughs are:
 - Hounslow - £ 100 (6 month licence)
 - Ealing - £ 100 (6 month licence)
 - Harrow - £ 100 (12 month licence)
 - Hammersmith & Fulham - £ 100 (3 month licence).
8. Each application must be publicised by the Council for public consultation for a period of 7 days commencing the day after receipt. If the Council does not determine the application within 7 days of the public consultation closing, the application is deemed to have been approved for a 12 month period.
9. None of the current provisions of the Council's Constitution apply to applications for pavement licences. Further, as licensing functions are non-executive functions of the Council, they do not fall within the remit of either Cabinet or a Cabinet Member. It is therefore for Full Council to determine how the Council's powers under Part 1 of the Bill are to be exercised.
10. Given the large number of potential applications and the very tight timescale for the Council to consider these applications, it is recommended that decisions on whether to grant or refuse an application be delegated to the Deputy Chief Executive, Corporate Director of Resident Services in accordance with her Scheme of Delegation.
11. The Bill also provides for licences to be revoked in the event of anti-social behaviour occurring or if licence conditions are breached. It is proposed that decisions on whether to revoke a licence are taken by officers in consultation with the Chairman / Vice Chairman of the Licensing Sub Committee.

Updating and Publication of the Constitution

12. The updated constitution will be available on the Council's website: www.hillingdon.gov.uk.

Financial Implications

13. The Council is empowered to seek income from Fees and Charges to service users across a wide range of activities. This report outlines new legislation that grants the Council power to set a Pavement Licence fee for eligible businesses.
14. As stated in the February MTF budget report, the Council benchmarks Fees and Charges against those of neighbouring authorities and other service providers, with charges being set at a maximum of 90% of the relevant benchmark for residents, and at benchmark for non-residents. The Council will apply this policy to the Pavement Licence fee and grant a licence for an initial four month period.
15. The setting of this fee should provide some income towards meeting existing budgeted income targets which have been adversely impacted by the Covid 19

pandemic. It will also help to ensure that businesses only apply for a licence if they intend to use it and recognises the resources required in processing and administering such licences.

Legal Implications

16. The Borough Solicitor has checked the proposed update of the Constitution and confirms that it is compliant with relevant legislation. Under the terms of the Constitution it is for Full Council to decide whether or not to approve the proposed amendment.

Background Papers: Nil