

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) TEMPORARY SUSPENSION OF COUNCIL PROCEDURE RULES FOR THE CURRENT VIRTUAL COUNCIL MEETING ONLY

RECOMMENDATION: That, under Council Procedure Rule 26.1, Council agrees to temporarily suspend the specific Council Procedure Rules set out in this report for the purposes of holding this virtual Council meeting only.

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 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 Council Procedure Rule 26.1, if at least half of the whole number of members of the Council are present, they can vote to suspend Council Procedure Rules with the exception of Rules 19.6 and 20.2 which are detailed later. Article 15 of the Constitution also requires that where parts of the Council Procedure Rules 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 the Council Procedure Rules. However, there is no ability to immediately amend them because under Council Procedure Rule 26.2, if a motion is proposed and seconded to amend the Rules it will stand adjourned without discussion to the next ordinary meeting of the Council (which would be in November). Hence, the route proposed to effect these changes is temporary suspension.

Proposals

6. In light of the above, the suspension of the following Council Procedure Rules is, therefore, proposed:

- i) **Recorded Votes (Council Procedure Rule 19.4)** – it is proposed to suspend this Rule 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) Council Procedure Rule 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 Council Procedure Rule 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.

- ii) **Rules of Debate on Motions (Council Procedure Rule 14.5 a-c and Council Procedure Rule 14.9 c)** - It is proposed to suspend these extracts of the two Council Procedure Rules 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) Two other speakers from either Group – pre notified by the Whips (the order of speaking to be determined by the Whips Committee)
- 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) Two other speakers from either Group - pre-notified by the Whips (the order of speaking to be determined by the Whips Committee)
- 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.

- iii) **General (Council Procedure Rules 22.1 and 24.1)** – Council Procedure Rule 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. Council Procedure Rule 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 14 January 2021 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, Council Procedure Rule 26.1 allows 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 14 January.

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 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 19 November 2020 Virtual Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
12/11/2020	Disabled Facilities Grant and HRA Adaptations Release No 9 - Wet Rooms & Associated Aids & Adaptation Works Pilot Scheme.	Leader of the Council and Cabinet Member for Finance, Property and Business Services
25/11/2020	Disabled Facilities Grant 2020/21 – works to various properties. Draw down release No. 8	Leader of the Council and Cabinet Member for Finance, Property and Business Services
02/12/2020	HRA Major Adaptations to Property 2020/21 – Draw down release No 10	Leader of the Council and Cabinet Member for Finance, Property and Business Services
02/12/2020	Disabled Facilities Grant (DFG) 2020/21 - works to various properties. Draw down release No 10	Leader of the Council and Cabinet Member for Finance, Property and Business Services

Background Papers: Decision Notices

iii) **STATEMENT FROM THE LEADER OF THE COUNCIL**

To receive a statement from the Leader of the Council, Councillor Sir Ray Puddifoot MBE.

iv) **APPOINTMENT OF LEADER OF THE COUNCIL**

- The Council Constitution stipulates that the Leader of the Council will be a Councillor elected at the annual meeting immediately following the ordinary election of Councillors. The Leader holds office for a four-year period or until:
 - he or she resigns from office or
 - he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (as amended) or
 - he or she is no longer a councillor or
 - upon expiry date of the fixed term save that the full Council may, by resolution, remove the Leader from office at an earlier date.
- Councillor Sir Ray Puddifoot was elected as the Leader of the Council following the May 2018 elections. He has indicated his intention to resign as the Leader of the Council w.e.f 14 January 2021.
- The Head of Democratic Services has been notified by the majority group, the Hillingdon Conservative Group, that Councillor Ian Edwards is to be nominated as the new Leader of the Council.

RECOMMENDATION: That Councillor Ian Edwards be appointed as Leader of the Council until the Annual Meeting immediately following the ordinary election of Councillors in May 2022.

v) **VOTE OF THANKS**

To give consideration to a vote of thanks to the outgoing Leader, Councillor Sir Ray Puddifoot MBE.

RECOMMENDATION: That a vote of thanks to the outgoing Leader, Councillor Sir Ray Puddifoot MBE, be approved.

vi) **STATEMENT FROM THE LEADER OF THE COUNCIL & APPOINTMENT OF CABINET**

Subject to the approval of iv) above, to receive a statement from the Leader of the Council and to note the appointment by the Leader of the Council of the Deputy Leader and Cabinet for the remainder of the Municipal Year 2020/21 as follows:

Position/Portfolio	Councillor
Deputy Leader and Property & Infrastructure	Councillor Jonathan Bianco
Finance	Councillor Martin Goddard
Environment, Housing & Regeneration	Councillor Eddie Lavery
Corporate Services & Transformation	Councillor Douglas Mills
Families, Education & Wellbeing	Councillor Susan O'Brien
Health & Social Care	Councillor Jane Palmer
Public Safety & Transport	Councillor John Riley

NB: In accordance with the Council Constitution the Cabinet Scheme of Delegations will be amended and an updated version published for all Members shortly.

vii) **CHANGES TO COMMITTEE MEMBERSHIPS**

RECOMMENDATION: That Council approves the following changes to committee memberships for 2020/2021 as proposed by the Conservative Group:

- **Executive Scrutiny Committee** – Councillors Burrows and Corthorne to replace Councillors Higgins and Riley.
- **External Services Select Committee** – Councillor Graham to replace Councillor Riley.
- **Corporate Services, Commerce and Communities Policy Overview Committee** – Councillor Goddard to be replaced by Councillor (*to follow*).
- **Social Care, Housing and Public Health Policy Overview Committee** – Councillor Corthorne to replace Councillor Edwards.
- **North Planning Committee** - Councillor Yarrow to replace Councillor Lavery.
- **Major Applications Planning Committee** – Councillor Chapman to replace Councillor Lavery.
- **Major Applications Planning Sub-Committee** – Councillor Higgins to replace Councillor Lavery.
- **Appointments Committee** – Councillors Edwards, O'Brien and Lavery to replace Councillors Burrows, Corthorne and Sir Ray Puddifoot as members of the Committee.

- **Appointments Sub-Committee** - Councillor Edwards to replace Councillor Sir Ray Puddifoot as a member of the Committee and substitute members to comprise the remaining members of the Cabinet.
- **Registration and Appeals Committee** – Councillor Arnold to replace Councillor Goddard as a member of the Committee.
- **Audit Committee** – Councillors Graham and R.Mills to replace Councillors Goddard and Lavery. *Substitutes to follow.*
- **Licensing Committee** - Councillors Graham and Hensley to replace Councillors Goddard and Lavery.
- **Investigating and Disciplinary Sub-Committee** – Councillor Edwards to replace Councillor Sir Ray Puddifoot as a member of the Committee and substitute members to comprise the remaining members of the Cabinet.
- **Health and Wellbeing Board** – In accordance with the Constitution all Cabinet members are members of the Board and, therefore, Councillors Edwards, Goddard, Lavery and Riley will become members of the Board and Councillors Burrows, Corthorne, Lewis and Sir Ray Puddifoot will be removed from the Board. The Chairman will remain the same, but the Vice-Chairman will become the Cabinet member for Families, Education & Wellbeing. This will be reflected in the amended Cabinet Scheme of Delegations

viii) **CHANGES TO COMMITTEE CHAIRMANSHIPS**

In addition, Members are asked to note the following proposed changes to the Chairmanship / Vice-Chairmanship of Committees etc.

NB: At this point The Head of Democratic Services will not ask each Committee in turn to vote but will, rather, ask each Committee in turn if there are any objections to, or any other nominations for the Chairmen and Vice-Chairmen as shown below.

If there are none, it will be taken that those Chairmen and Vice-Chairmen have been elected.

- **Executive Scrutiny Committee** - PROPOSED Chairman - Councillor Burrows & PROPOSED Vice-Chairman - Councillor Bridges.
- **External Services Select Committee** - PROPOSED Chairman - Councillor Denys and PROPOSED Vice-Chairman – Councillor Radia.
- **Social Care, Housing and Public Health Policy Overview Committee** – PROPOSED Chairman – Councillor Corthorne.
- **North Planning Committee** – PROPOSED Chairman - Councillor Higgins and PROPOSED Vice-Chairman – Councillor Morgan.
- **Major Applications Planning Committee** – PROPOSED Chairman – Councillor Higgins.
- **Major Applications Planning Sub-Committee** – PROPOSED Vice- Chairman - Councillor Higgins.
- **Appointments Committee** – PROPOSED Chairman – Councillor Edwards.
- **Audit Committee** – PROPOSED Vice-Chairman - Councillor Flynn.
- **Licensing Committee** – PROPOSED Chairman - Councillor Arnold and PROPOSED Vice-Chairman – Councillor Chapman.