

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

i) APPOINTMENT OF CABINET

Members are asked to note the appointment by the Leader of the Council of the Deputy Leader and Cabinet for 2021/2022 onwards 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

ii) RESULT OF BY-ELECTION

Members are asked to note the results of the Charville by-election held on 6 May 2021 where Darran Davies of the Conservative Party was elected a new borough councillor as follows:

Candidate	Votes
John Bowman (Green Party)	164
Alexander Cunliffe (Liberal Democrats)	107
Darran Davies (Conservative Party)	2098
Steve Garelick (Labour and Co-operative Party)	1799
Tiffany Ritter (Independent)	61

Councillor Davies has declared himself to be a member of the Hillingdon Conservative Group and, therefore there is no change to the overall political balance of the Council as a result of the by-election.

Background Papers: None

iii) REVIEW OF COUNCIL CONSTITUTION (#1)

SUMMARY

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. Many of these processes are required by law, while others are a matter for the Council to choose. The Constitution contains various sections, including Articles, Delegations, Rules of Procedure and Codes 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. This review seeks to strengthen the accountability of the executive in respect of overview and scrutiny arrangements. It builds upon Hillingdon's responsive approach to decision-making by taking a fresh look at the level of delegations to officers, whilst maintaining strong Member oversight. It also updates the new management structure, reporting to the Chief Executive.
4. The Leader of the Council has proposed the following changes (A-I) to the Constitution which are set out below in relation to the relevant section of the Constitution along with detailed changes shown in Appendix 1 to this report shown as:
 - **new text red bold underlined**
 - ~~**deleted text red bold struck through**~~
5. Consequential changes will be required to other parts of the Constitution to reflect new committee titles along with other minor changes to give effect to these proposals.

RECOMMENDATION: That the proposed amendments to the Constitution, as detailed below and set out in Appendix 1 be approved.

A. Part 1 – Introduction, Article 6 – Policy Overview, Scrutiny & Select Committees & Part 4 E – Policy Overview, Scrutiny & Select Committee Procedure Rules.

6. The last review of the Council's overview and scrutiny arrangements was undertaken in 2019 following the release of the updated national Statutory Scrutiny Guidance. It is proposed to further strengthen such arrangements by aligning executive responsibilities and service areas with relevant overview and scrutiny committees whilst also expanding the scope for any potential use of the statutory scrutiny 'call-in' power to all relevant committees. Combined, these steps will strengthen the accountability of the Cabinet and Cabinet Members to these committees, along with the decisions they take either collectively or individually.

There are main 3 changes, which are set out in more detail in Appendix 1:

i) Change of title.

The first is to re-name all overview and scrutiny committees as "select committees" to reflect their broader responsibilities outlined below, whilst also raising their profile and for greater public and organisational understanding of their role.

ii) Change to the call-in power.

It is proposed to abolish the Executive Scrutiny Committee and transfer the statutory "call-in" powers to the relevant select committee whose remit covers the executive decision made. This would not include the External Services Select Committee which has an external mandate.

For any call-in to be valid and proceed forward, it is proposed that a majority of the relevant select committee's membership be required to request this. As most committees would not necessarily meet directly after a Cabinet meeting where it could potentially consider a call-in at the meeting, this procedure would therefore be executed on the onus of individual members of the relevant committee outside meetings. This would be through the use of an on-line form which would need to be submitted with sufficient signatories to constitute a majority of the relevant select committee and be received before the end of the standard, 5 working day call-in period for that decision.

A 'call-in' can be exercised on Cabinet decisions, Cabinet Member decisions or key decisions taken by officers. Decision notices will be updated to reflect the relevant select committee that could potentially call-in a decision (as it currently shows on the related report). Should it be unclear which is the relevant select committee, the Head of Democratic Services will make that determination.

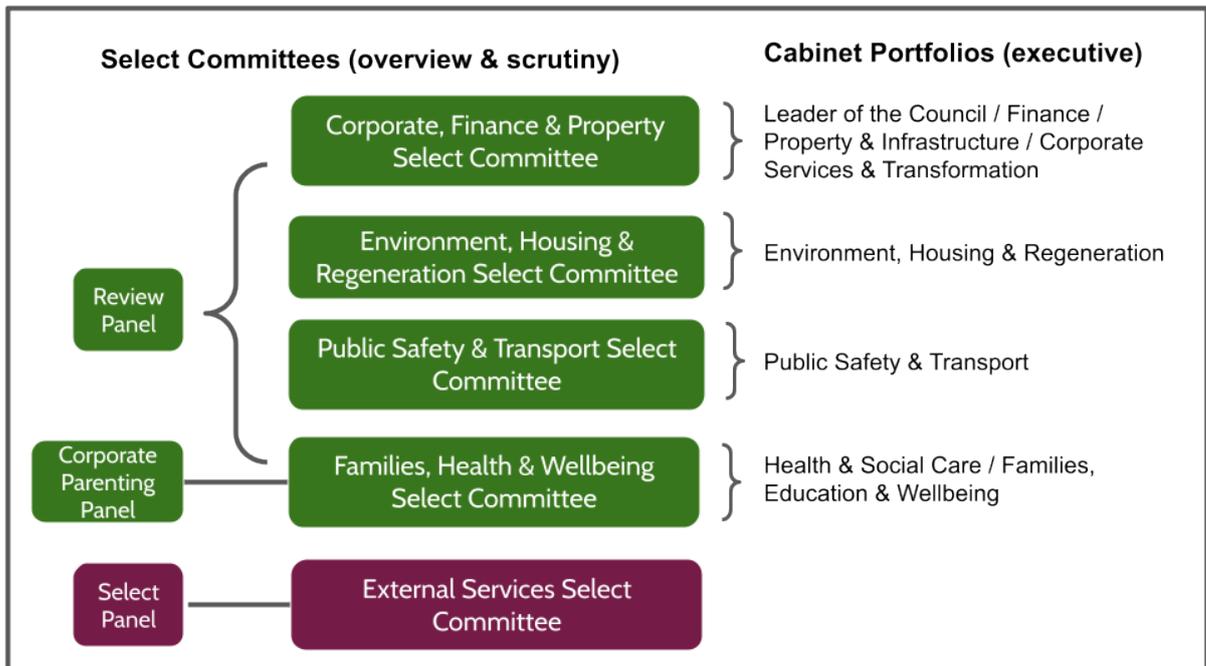
No other changes are proposed to the call-in procedure thereafter and for any urgency decisions which seek to waive this procedure, this would revert to the chairman of the relevant select committee for permission.

The benefit of the call-in power being placed across select committees, should it be exercised, is that the executive decision made will be scrutinised by Members with a dedicated interest and insight into the matter, thereby strengthening scrutiny's effectiveness.

iii) Structure and Terms of Reference.

To strengthen the accountability of the executive to select committees, it is proposed that the terms of reference of the committees align and mirror the recently updated Cabinet Member portfolios and also Directorate service areas, including any Cabinet Member cross-cutting responsibilities. The Directorate service area titles shown in the Terms of Reference of the committees cover the full range of council service responsibilities and Democratic Services can advise on specific responsibilities within these service areas for any planned overview and scrutiny activity.

Therefore, it is proposed to create four select committees covering services within the Council's remit, whilst retaining the External Services Select Committee with its existing external mandate. This structure continues the important role of the Corporate Parenting Panel and the ability for single task and finish review or select panels to be formed as at present, should they be required. The proposed new structure is set out below and in more detail in the Appendix.



Some additional minor and inconsequential changes have been made to better clarify wording around how the committee's work, as set out in Appendix 1.

Should the new structure be approved, implementation will take place following full Council where Democratic Services will work with the committee chairmen to realign work programmes accordingly. In terms of major reviews, there is one live review on Adult Education nearing completion and whilst it would finish under the new structure, the final report will need to fully reflect the work of the current Residents, Education & Environmental Services Policy Overview Committee and its members. All other major reviews have either been completed or are at the initial scoping / ideas stage so this change in structure should have minimal impact.

B. Article 4 – The Full Council

7. This Article sets out the role and decisions taken by full Council. It includes a list of policy and budget framework documents or key plans which require full Council adoption. There has been limited Government guidance over the years on the make-up of this list since new Constitutions were first formed in 2002. However, as time has transpired, certain plans are now obsolete, not statutorily required, need to be updated or have been superseded by different documentation or reporting arrangements. Following a review with relevant service officers an updated list is recommended for approval as shown in Appendix 1. The changes are:

- (i) Removal of the Community Strategy, Best Value Performance Plan where there is no longer a statutory requirement and the Children's & Families Trust Plan where children's trust arrangements are no longer in place.
- (ii) Removal of the Community Care Plan, where such activities are incorporated into the Joint Health & Wellbeing Strategy.
- (iii) Removal of the Education and Early Years Development Plans which officers advise statutorily are now obsolete.

- (iv) An update to planning documentation terminology, which are now called “Development Plan Documents” and removal of the Statement of Community Involvement which is no longer part of the Development Plan.
- (v) Removal of the Borough Transport Strategy given use of the Local Implementation Plan instead under Transport for London’s arrangements and that transportation is also included in key planning documents.
- (vi) Youth Justice Plan, indicating it as “if required”. More recent Home Office guidance requires, as a minimum, agreement of an annual Plan from the local Youth Justice Board and its Chairman (for Hillingdon, the Corporate Director of Social Care & Health) which is then reported to the Youth Justice Board for England and Wales.

C. Article 7 – Cabinet Scheme of Delegations

- 8. These arrangements can be agreed by the Leader of the Council at any time. However, Council is asked to note that since the last changes to Cabinet portfolios in January 2021, the Leader has agreed to transfer responsibility for Special Educational Needs and Disabilities (SEND) from the Cabinet Member for Families, Education & Wellbeing to the Cabinet Member for Health & Social Care. This change aligns the service better with portfolios and departmental responsibilities. This minor change is not shown in Appendix 1.

D. Article 8 - 8.05 – Appointments Committee and Part F – Officer Employment Procedure Rules

- 9. Minor changes are proposed to these two parts of the Constitution to reflect that the Chief Officers comprising the Corporate Management Team are now all termed ‘Corporate Directors’ reporting to the Chief Executive. Other Director / Head of Service level appointments (who report to a Corporate Director) will continue to be made via a smaller Appointments Sub-Committee in the usual way.

E. Article 8 - 8.06 – Pensions Committee / Part 3 Scheme of Delegation to Officers

- 10. The Pensions Committee have agreed to recommend changes to its own Terms of Reference to provide for an informal Pensions Sub-Group comprising Members to flexibly review and monitor business whilst also clarifying the roles and responsibilities of the Committee and officers with regard to making decisions. Changes also reflect the broader role of the Committee overseeing pensions matters in a new all-embracing Terms of Reference No.1 which negates the need for No.10 and No.12.
- 11. Following a discussion at the Committee, external advice received and a recommendation from the Chairman, it is also proposed to remove the Terms of Reference No.13 relating to the employer side responsibilities to avoid any conflict of role. Members should note that it is the Committee’s role is to exercise functions in relation to the Council’s role as administering authority for the pension fund, as opposed to the Council’s role as an employer. This will, therefore, require a change to the Chief Executive’s delegations in Part 3 Scheme of Delegation to officers, to enable the delegation to be transferred to her to approve proposals for discretionary enhanced early retirement packages

for officers but subject to written agreement from a majority of the Appointments Committee. All changes are shown in Appendix 1.

F. Article 8 - 8.09 - Health and Wellbeing Board

12. No changes are being proposed at this time to the Board, but Members may wish to note that a review of the work of the Board is being undertaken and may result in constitutional changes required to its Terms of Reference at a later date by full Council.

G. Article 11 – Officers, Part 3 – Scheme of Delegations to Officers and Part 7 – Management Structure

13. Article 11 outlines the key officers of the Council and their responsibilities in summary. This now reflects the new management structure and Corporate Directors' service area responsibilities. This is shown in Appendix 1.
14. Part 3 – Officer Scheme of Delegations sets out the delegations afforded to the Chief Executive and Corporate Directors. A slimmed down top-level officer scheme of delegations is shown in Appendix 1 which primarily incorporate a lift and shift of delegations following the retirement of the former Deputy Chief Executive and Corporate Director of Residents Services. Where delegations were previously shown in Part 3, these have been transferred to Internal Schemes of Delegations.
15. The only new delegation proposed to be added in Part 3 is to the Chief Executive and relates to the PREVENT counter-terrorism agenda, following guidance from the Home Office that this is included in Council Constitutions. The Chief Executive currently oversees such activity with relevant officers.
16. As referenced above, the Internal Schemes of Delegations set out the detailed powers delegated to each Corporate Director. These are primarily non-executive and regulatory in nature, which they may then sub-delegate to other officers to make decisions on. For ease of updating, it is proposed that these Schemes are combined to become an integral annex to the Council's Constitution, rather than continue as separate documents under each Directorate which has previously been the case.
17. It is also recommended that officers undertake a refresh of all these delegations alongside all relevant legislation, so they are as up to date as possible. This will be presented to Council in July for approval. In the meantime, Corporate Directors can continue to exercise the relevant delegations they need and sub-delegate to officers as required.
18. Part 7 of the Constitution sets out the updated officer management structure in diagram form and is attached in Appendix 1.

H. Part 4 (Schedule A) Council Procedure Rules, Part 4 (Schedule B) Committee Standing Orders and Part 4 (Schedule C) Executive Procedure Rules

19. These Standing Orders in the Constitution sets out how full Council meetings and committee meetings operate. As with all local authorities, such Standing

- Orders never included any provision for amending meeting procedures during a national pandemic, where remote/virtual meetings were also permitted in law.
20. To future-proof the Council's Constitution if required again in the future, and where permitted by the law, it is proposed to add an additional Standing Order to this effect.
 21. This would be a new SO.27 in the Council Procedure Rules, a new SO.19 in the Committee Standing Orders (moving the Health and Wellbeing Board to SO. 20) and an amendment to SO 1.5 in the Executive Procedure Rules.

I. Part 4 Schedule H – Procurement and Contract Standing Orders

22. Officers, in consultation with the Cabinet Member for Finance, have undertaken a review of the Procurement & Contract Standing Orders and some changes are proposed to make the procurement process more efficient, without losing the rigour of a robust process. These are set out in Appendix 1 in full and explained below in relation to the relevant Standing Order:

- i) Standing Order 4.1 (a) – changes to value thresholds and award criteria

The change of value thresholds proposed reflects the relatively low value of the requirements being tendered and efficiency benefits of the slightly more informal nature of quotation process versus tender process. Officers advise that the widening of thresholds will not reduce value-for-money that officers are able to achieve on behalf of the Council.

The change in Award Criteria provides an opportunity to evaluate quality at all levels of spend. Some suppliers will try to 'buy' work by submitting very low-cost quotations or tenders and this is frequently accompanied by a poor-quality outcome. It should be noted, however, that the use of the term 'most economically advantageous' does not preclude use of 'lowest price' where it is felt that is most appropriate.

- ii) Standing Order 4.1 (b) - weighting

The change and additional wording proposed to weighting is to better manage the risk the Council incurs when it is required to tender with a heavy pricing bias. Experience has demonstrated that suppliers often refuse to engage when there is a low-quality weighting. Suppliers often try to buy work with low ball bids to the longer-term detriment of quality outcomes in terms of professional advice, building works or products. The tiered approach offers more flexibility across the varied goods, works and services that the Council procures.

- iii) Standing Order 5.5 (d & e) – late tenders

This minor change to the receipt of late tenders clarifies that permission from the Borough Solicitor is required rather than a Cabinet Member, as it relates to the legal nature of the decision required.

iv) Standing Order 6.2 and 6.3 – tender approval thresholds

Taken as a whole, the changes to the tender acceptance thresholds are intended to drive further efficiency in the approval process, reducing the resource required to complete the report writing and other internal processes. With the exception of the £0 - £24,999 expenditure range, Cabinet Members will retain full oversight and authorisation of all such decisions. Changes to wording also provide the option for the Leader of the Council to delegate tender related decisions to the relevant Cabinet Member and/or Cabinet Member for Finance who leads on procurement matters. There is no change proposed for the high value tenders above £500,000 which are still required to come to Cabinet for approval.

v) Standing Order 6.4 – agency workers and consultants

These changes make permanent a temporary Cabinet decision in March 2021 to provide for streamlined delegated authority to Officers to approve consultancy and agency assignments within establishment and budget. Outside this, with sign-off by the Leader also. This also continues the regular reporting to Cabinet to note agency and consultancy assignments over £50k for transparency.

The inclusion of the additional reference to small versus larger consultancy practices is intended to draw a distinction between those that may fall within the realms of IR35 Intermediaries Legislation (relating to tax avoidance) and the potential risk to the Council.

vi) Standing Order 7.1 and 9.2

Standing Orders currently capture requirements below £1000 and above £10,000 but not in-between. This is a minor correction to ensure that Standing Orders take into account all orders between £1000 and £9,999. The change proposes that Purchase Orders (with accompanying terms and conditions) be deemed suitable for low value procurements.

Financial Implications

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

Legal Implications

This is a wide-ranging review of the Constitution, covering a number of important areas, and therefore it is of the utmost importance that the proposed changes comply with all primary and secondary legislation, government guidance and good practice. The Borough Solicitor, having carefully reviewed this part of the report, can confirm that there are no legal reasons preventing Members from approving the changes.

Background Papers: None

iv) **REVIEW OF COUNCIL CONSTITUTION (#2) PLANNING COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATIONS TO OFFICERS**

Background

1. Members are asked to consider a proposal to rationalise the current Planning Committee arrangements and to streamline the Scheme of Delegations.
2. It is proposed to establish two planning committees - a 'Minor Applications' committee and a 'Major Applications' committee and to remove the current area-based committees and HS2 Sub Committee. Each committee to consist of 7 Members, politically balanced.
3. It is also proposed that officers be enabled to authorise planning enforcement notices and deeds of variation to legal agreements and the Scheme of Delegations is to be updated so that the Committees focus on those applications with the most public interest.
4. Appendix 2 sets out the proposed changes to the terms of reference and officer delegations (with changes shown as):
 - **New text red bold underlined**
 - ~~Deleted text red bold struck through~~

RECOMMENDATIONS: That the updated Planning Committee arrangements and Terms of Reference detailed in the report be approved and the revised Scheme of Delegations to Officers for the Corporate Director of Planning, Environment, Education and Community Services relating to planning matters, as shown in Appendix 2, be approved.

Information

5. The Planning Advisory Service describe Planning Committees as follows: *'Planning committee is a significant investment of time and resources for most councils, and requires the close coordination of planning, democratic services and legal teams. It is an important shop window for the council and plays a crucial role in providing democratic and transparent decisions on sometimes controversial issues. Running a good planning committee is a challenge, and the best committees periodically review how they operate to ensure that it acts as an excellent 'shop window' for the council.'*
6. Officers have recently reviewed the effectiveness of the Councils Planning Committees in order that they can continue to deliver effective and high-quality decision making for residents. It should be noted that, although a planning application referred to Planning Committee will benefit from greater Member scrutiny; such applications may cost significantly more and take longer to process.
7. It is important, therefore, to have committee structures and a Scheme of Delegations which ensures that those applications which require the greater scrutiny afforded by a Planning Committee determination do so. Referring applications which do not have public interest, or which do not require additional scrutiny by a Planning Committee is not only inefficient but could hamper economic recovery/activity.

8. To this end it is important that the role and structure of the planning committee process is kept under review, in effect to ensure that the committees are determining those applications which warrant greater scrutiny (in particular those in the public interest).
9. It is also important that those structures and the Scheme of Delegations adapt to legislative changes and there have been a number of major changes to planning legislation over recent years where the Scheme of Delegations has not always fully kept up. There has been the introduction of prior approval (so called fast-track applications) and major changes to the Use Classes Order. In effect the Scheme of Delegations refers to an outdated use classes order and, overall, there are compelling arguments for a major overhaul of the Committee structures and Scheme of Delegations.

Use Classes

10. The current Scheme of Delegations prevents any changes of use from A1 to other uses based on the premise that all uses other than A1 uses should be opposed. The latest version of the use classes order now groups together under what is called the 'Sui generis' use class, all the uses which are often viewed as not making a positive addition to town centres. In particular late night uses and those which have the potential to cause noise and disturbance (this recently expanded use class includes; amusement arcades, sex shops, taxi businesses, nightclubs, casinos, betting offices / shops, pay day loan shops, drinking establishments / wine bars & hot food takeaways).
11. Coffee shops, gym's and beauty salons (none of which are in the A1 use class) all add vibrancy to town centres. Therefore, it is proposed that only applications that propose additions or changes to 'Sui generis' use classes need be referred to Planning Committee. Including other use classes will simply delay applications seeking to fill empty shops and commercial units.

Green Belt

12. A further proposed change relates to development in the green belt. The Scheme of Delegations is to be amended to allow officers delegated authority to determine applications other than just householder applications. This is not allowed at present with the result, for example, that every application for a minor development at Brunel University (over 20 in the past 3 years, including very minor uncontentious development such as a door canopy feature, solar panels and signs on buildings) has had to be referred to the Planning Committee. Harefield hospital and Mount Vernon hospital, although not subject to as many applications are similarly affected. The only contentious minor scale application in the past 3 years at these 3 sites was a waste storage area at Harefield hospital, but this was subject to a resident petition, so needed to be referred to Planning Committee anyway.

HS2

13. It is proposed to discontinue the HS2 Majors sub-committee. This has only been meeting every other month to consider a relatively small amount of applications relating to a mixture of larger, long-term impact proposals (e.g. Viaduct/tunnel portal & construction lorry routes) and much lesser impact proposals (e.g. ecology ponds and boundary fences).

14. It is proposed that the Scheme of Delegations be amended so that only those HS2 related proposals of greater impact to residents, such as the major engineering works and construction lorry routes, should be submitted to the Major Applications Committee to determine.
15. The HS2 Act only requires schedule 17 applications to be submitted to the Council for Lorry Route applications involving: 'large goods vehicles over 7.5 tonnes and more than 24 movements a day' (12 in, 12 out). It is proposed that all such applications also be referred to the Major Applications Planning Committee for determination.

S73 Applications

16. Over a 6-month period (July - Dec' 2020) 40 applications were referred to the Major Applications Committee. Only a small number of the total were petition items (7). It should be noted that over the earlier 6-month period (Jan-June 2020) there were 39 applications; hence, there is clearly consistency in application volumes. The Committee averaged 6-7 applications each meeting. One would expect this to be almost entirely large-scale applications with significant impacts on their surroundings. This is true of many of the applications the Committee deals with.
17. However, there is a not insignificant number of very minor variations to already approved developments or out of borough consultation responses. The variations (called S73 applications) are currently referred to Committee because they all involve deeds of variation to the original S106 agreement. These S73 applications are minor by definition or new full-applications would be required (most involve no changes to house unit numbers or increases in floorspace). It is, therefore, proposed that these be added to the Scheme of Delegations in order to increase the speed of determination and reduce the level of bureaucracy involved.

Out of Borough Applications

18. Out of Borough consultations also involve a lot of processing to enable authority to be given to issue an objection to a neighbouring development which has not been subject to consultation with LBH residents (often involving technical planning matters such as the protection of green belt). It is similarly proposed that the Scheme of Delegations be amended so that only those applications of this type which are of greater public interest be referred to the Major Applications Committee.

Petition Items

19. For the 6-month period July - Dec' 2020, there were 29 reports that were petition items that were referred to the Central & South and North Planning Committees. The petition items with a large amount of public interest tend to be either flatted developments or HMO's; these applications will typically involve multiple material planning considerations and have a healthy debate at Committee. Some cases can involve a large number of reasons for refusal. In parallel to the petitions are often numerous individual objections to such developments.
20. There is a very clear pattern regarding how the planning committees deal with householder applications with petitions. Those recommended for approval are

often debated and the Committee will often consider additional conditions to address the petitioner's concerns; or very occasionally there can be overturns.

21. Those recommended for refusal (in accordance with the petitioner's requests) are almost universally refused in accordance with the officer's recommendation. In part this is because there will be limited grounds to refuse a householder application (impact on the adjoining neighbour's amenity and the adverse visual impact on the street scene of unsympathetic extensions being the two core reasons that apply in most cases).
22. It is recommended that those householder category applications where a petition has been received for refusal and the reasons for that refusal accord with officers' recommendations, should be determined under the Scheme of Delegations. This change would enable the Committee to focus on the more contentious cases. Should a petition request additional reasons for refusal, not in accordance with officer recommendations, then this would be referred to committee for determination.

Enforcement Notices

23. A feature of the current Scheme of Delegations is a lack of delegation for enforcement notice process. Virtually every London Borough delegates to officers the ability to serve planning enforcement notices and breach of condition notices. This is so that enforcement action can be expedited, and maximum staff resource can be put into taking enforcement action against breaches of planning control, rather than Committee report writing. In cases of serious breaches of planning control, significant delays can occur due to the need to report to a committee which can run against the public interest i.e. the Council quickly enforcing against breaches of planning control.
24. Planning committees have not overturned an officer recommendation to take enforcement action at all in the last 10 years. It is, therefore, recommended that delegated authority be given to officers to serve such notices, subject to Ward Councillors being notified weekly of notices issued in their area and a 6 monthly monitoring report being submitted to the relevant planning committee.

Financial Implications

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

Legal Implications

Planning is an area which is heavily underpinned by a robust statutory and regulatory framework and determining applications submitted by HS2 Ltd under the High Speed Rail [London-West Midlands] Act 2017 has become an important part of the Council's overall planning process. Given the changes made to planning legislation over recent years and the need to ensure that the integrity and robustness of planning decisions made by the Council is maintained to the current high standard, the Borough Solicitor can confirm that he is, from a legal perspective, supportive of the proposals to streamline the planning decision making process within the Council.

Background Papers: None

v) MEMBERS' ALLOWANCES 2021/2022

Members will recall that Council adopted an Allowances Scheme for the current financial year at the meeting on 25 February.

In light of the changes proposed in item iii) above, the following changes to the scheme are recommended for approval:

- i) *'Chairman of Scrutiny and Policy Overview Committee'* be amended to read *'Chairman of Select Committee'*
- ii) *'2nd Party Lead on Scrutiny and Policy Overview Committee'* be amended to read *'2nd Party Lead on Select Committee'*

Dependent upon appointments made under item 9 on the agenda, there should be little or no change in the financial implications of the Scheme as the same amount of allowances will be paid in 2021/2022.

RECOMMENDATION: That the current Members' Allowances Scheme be amended as detailed above.

Background Papers: None

vi) PROGRAMME OF MEETINGS 2021/22

Members will recall that Council adopted a Programme of Meetings for 2021 / 2022 at the meeting on 25 February.

In light of the changes proposed in items iii) & iv) above, Members are asked to adopt the proposed amended Programme as set out in Appendix 3.

RECOMMENDATION: That the revised timetable of meetings for 2021/22 as set out in Appendix 3, be approved and the Head of Democratic Services in consultation with the Chief Whip of the Majority Party be authorised to make any amendments that may be required throughout the course of the year.

Members should note that during the year some meeting dates / times may change, or additional meetings may be called for the effective conduct of the council's business.

Background Papers: None

vii) REVIEW OF COUNCIL APPOINTMENTS TO OUTSIDE BODIES

Background

1. Members will be aware that the Council currently makes 113 appointments to a total of 48 local and London-wide organisations. The role Members are required to undertake can vary from Trustee, Director, Management Committee member or simply observer. Appointments are usually made under delegated authority, by the Head of Democratic Services under instruction from the Chief Whip of each group.

2. In carrying out their duties as a Trustee, Director or Management Committee member, Councillors must take decisions without being influenced by the fact that they are a Councillor. Their primary duty in acting as a representative making management decisions for the outside body is to make these decisions in the interests of the organisation.

RECOMMENDATIONS: That:

- a) **using the criteria outlined below, the Head of Democratic Services be authorised to undertake a review of outside bodies to which the Council makes appointments.**
- b) **following consultation, a report be submitted first to the Whips Committee and then to the Annual Council meeting in May 2022 regarding future appointments.**

Information

3. The review of the Council structure carried out by the Local Government Boundary Commission in 2019 will be implemented in May 2022, reducing the number of elected Members by 12.
4. With this in mind, it is incumbent on the Council to look critically at all the areas of work Members undertake to ensure that the time spent adds value to the work of the Council and the role of the elected Member.
5. The Council is increasingly working in partnership with outside organisations and it is important to focus primarily on those bodies where funding streams may benefit the outside body and Council alike or where, for example there is significant local or national interest
6. To that end it is recommended that a review of all the outside organisations be undertaken to determine to which the Council should continue to appoint, using a broad range of criteria as follows:
 - a) The organisation is in receipt of significant funding from the Council;
 - b) The organisation has a pan-London or national membership which it would benefit the Council to be a part of;
 - c) The organisation is of significant local interest;
 - d) The organisation has other benefits to the Council (e.g. information gathering);
 - e) It is a statutory requirement for the Council to be a member of the organisation.
7. Consultation will then be undertaken with all the organisations concerned and with elected Members to form a series of recommendations as to which organisations the Council should continue to appoint to. A revised list will then be presented to the Council at the AGM in May 2022 following consideration by the Whips Committee.
8. It will be important for organisations to note that they can continue to appoint Members to their governing bodies in their own right, should the Council choose to no longer formally appoint a representative.
9. There are no financial or legal implications arising from this report.
Background Papers: None

(extract of constitutional changes proposed)

PART 1 - SUMMARY AND EXPLANATION

INTRODUCTION

1. The Council's Constitution

The London Borough of Hillingdon has agreed a Constitution, which sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that they are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into seven parts within which are sixteen articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

2. What is in the Constitution?

Article 1 of the Constitution commits the Council to making decisions in an efficient and effective way, giving leadership within the community, working in partnership with others and taking into account local views. Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- (a) Members of the Council (Article 2).
- (b) Citizens and the Council (Article 3).
- (c) The Full Council (Article 4).
- (d) Role and Functions of the Mayor (Article 5).
- (e) Select Committees (Article 6).**
- (f) The Cabinet (Executive) (Article 7).
- (g) Council Committees and Bodies (Article 8).
- (h) The Standards Committee (Article 9).
- (i) Joint Arrangements (Article 10).
- (j) Officers (Article 11).
- (k) Decision Making (Article 12).
- (l) Finance, Contracts and Legal Matters (Article 13).
- (m) Review and Revision of the Constitution (Article 14).
- (n) Suspension, Interpretation and Publication of the Constitution (Article 15).

3. How the Council Operates

The Council is composed of 65 councillors, elected every four years. Councillors (who are also referred to as 'Members') are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Council has adopted a Code of Conduct to ensure high standards in the way Members undertake their duties. The Standards Committee trains and advises Members on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council debates issues of current interest, considers and approves proposals from the Cabinet, discusses matters arising from the work of policy overview and scrutiny committees, and appoints Members to sit on the various council and policy overview and scrutiny committees, and on outside bodies.

4. The Council's Structure

The Council has decided that the Leader and a group of Councillors whose appointments have been ratified by full Council, will carry out its executive functions. These Councillors have the power to make decisions either individually or collectively as a Cabinet. In addition, there are committees of the Council set up to make decisions that, by law, the Cabinet cannot make. Articles 7 and 8 explain and define what happens in practice.

5. How Decisions are made

The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet is made up of the Leader (appointed by the Council) and up to nine other Councillors. When major decisions (known as 'key decisions') are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. Where decisions are to be discussed at a meeting of the Cabinet, this is generally open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Decisions by committees dealing with non-Cabinet matters are made at meetings. They, too, are normally open to the public.

6. Select Committees

These committees support the work of the Cabinet and the Council as a whole. The committees are able to inquire into matters of local concern. This could lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Committees monitor the decisions of the Cabinet and the performance of the Council's services. The Committees will have the opportunity to comment on forthcoming decisions to be made by the

Cabinet and will have the opportunity to contribute to the development of policy. Councillors on these committees can 'call-in' a decision that has been made by the Cabinet but not yet implemented.

~~The Executive Scrutiny Committee will consider whether the decision is appropriate, and it may recommend that the Cabinet reconsider the decision.~~

The External Services Select Committee can examine the work of non-Council agencies in the Borough and advise the Cabinet of any issues of concern.

7. The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationship between officers and Members of the Council. Officers have authority delegated to them either by the Council or the Cabinet to make decisions on routine matters. These delegations are set out in Part 3 of the Constitution.

8. Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

ARTICLE 4 - THE FULL COUNCIL

4.01 Council Meetings

There are three types of Council Meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings:

and they will be conducted in accordance with the Council's Procedure Rules in Part 4 of this Constitution.

4.02 Membership

All 65 Members of the Council.

4.03 The Role of Full Council

To act as a forum where all Members can meet on a regular basis, act as a focus for the Authority, discuss and debate issues of importance to the Borough and decide the Authority's budgetary and policy framework.

4.04 Terms of Reference

- (a) To approve and adopt the following plans and strategies, or their successors, which together make up the Council's budgetary and policy framework:
1. Budget¹ and Council Tax including Council tax base
 - ~~2. Community Strategy (Sustainable Community Strategy)~~
 2. Council Plan
 - ~~3. Best Value Performance Plan.~~
 - ~~4. Children's Services Plan (Children's & Families Trust Plan)~~
 - ~~5. Community Care Plan~~
 3. Community Safety Strategy
 - ~~4. Development Plan Documents (Local Development Framework including Development Plan Documents and Statement of Community Involvement)~~
 - ~~5. Early Years Development Plan~~
 - ~~6. Education Development Plan~~
 - ~~7. Borough Transport Strategy~~
 5. Youth Justice Plan (if required)
 6. Housing Strategy
 7. Statement of Licensing Policy
 8. Statement of Gambling Policy

In addition, the Full Council will consider at its annual meeting whether any additional plans or strategies, both statutory or non-statutory, should be adopted or approved.

ARTICLE 6 – SELECT COMMITTEES

6.01 Introduction

- (a) **The Council has appointed the following Select Committees to discharge the functions conferred by section 21 of the Local Government Act 2000:**
- 1. Corporate, Finance & Property Services Select Committee**
 - 2. Environment, Housing & Regeneration Select Committee**
 - 3. Public Safety & Transport Select Committee**
 - 4. Families, Health & Wellbeing Select Committee**
 - 5. External Services Select Committee**
- b) **The terms of reference for each of these Committees are set out in Table 1 of the Select Committee Procedure Rules which must be read together with the provisions of this Article. These Committees are collectively referred to as 'Policy Overview, Scrutiny and Select Committees'.**

¹ The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital expenditure in line with CIPFA's "Prudential Code for Capital Finance in Local Authorities", and the setting of virement limits.

- (c) The Select Committees are predominantly service-based and the Chairmen of the Committees may jointly agree to establish a Task and Finish Review Panel to undertake detailed reviews. The External Services, which has an external mandate, may also establish a Select Panel to undertake detailed reviews.
- (d) The Families, Health & Wellbeing Select Committee may establish a Panel to oversee the corporate parenting responsibilities of the Council.

6.02 Role of the Select Committees

- (a) Policy development and review:

Other than the External Services Select Committee, these Committees may:

1. conduct reviews of policy, services or aspects of service which have either been referred by Cabinet, relate to the Cabinet Forward Plan, or have been chosen by the Committee according to the agreed criteria for selecting such reviews;
2. monitor the performance of the Council services within their remit (including the management of finances and risk);
3. comment on the proposed annual service and budget plans for the Council services within their remit before final approval by Cabinet and Council;
4. consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions which relate to services within their remit (before they are taken by the Cabinet);
5. Call-in executive decisions made but not yet implemented in line with the call-in procedure outlined in Part 4 of the Constitution;
6. Review or scrutinise the impact of decisions taken by the Executive after they have been implemented.
7. Committees will not investigate individual complaints but will consider 'Councillor Calls For Action' submissions in accordance with the Local Government and Public Involvement in Health Act 2007.

~~(b) — Executive Scrutiny Committee~~

~~The Executive Scrutiny Committee may~~

- ~~1. — Call in key executive decisions made but not yet implemented in line with the call-in procedure outlined in Part 4 of the Constitution;~~
- ~~2. — Review or scrutinise the impact of key decisions taken by the Executive after they have been implemented.~~

(c) External Services Select Committee

The External Services Select Committee may:

1. Undertake the powers of health scrutiny conferred by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
2. Work closely with the Health & Wellbeing Board & Local HealthWatch in respect of reviewing and scrutinising local health priorities and inequalities.
3. Respond to any relevant NHS consultations.
4. Scrutinise and review the work of local public bodies and utility companies whose actions affect residents of the Borough.
5. Identify areas of concern to the community within their remit and instigate an appropriate review process.
6. Act as a Crime and Disorder Committee as defined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and carry out the bi-annual scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

These roles will be undertaken in accordance with the terms of reference for each Committee outlined in Part 4 of the Constitution.

(d) Finance

The **Select Committees** may exercise overall responsibility for the finances made available to them. However, the Head of Democratic Services has responsibility for allocating finances to the individual committees.

(e) Reporting to Council

Select Committees must report at least annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(f) Officers

Select Committees may exercise overall responsibility for their work programmes and will have dedicated officer support to assist them in carrying out their official business.

(g) Holding Office

Committee members shall hold office until they resign, are removed from office or their successors are appointed.

6.03 Proceedings of Select Committees

As indicated in Article 6.01 above, the **Select Committees** will conduct their proceedings in accordance with the **Select Committee** Procedure Rules set out in Part 4 of the Constitution.

ARTICLE 8 - COUNCIL COMMITTEES AND BODIES

8.01 General Duties of Council Committees

- (a) Council Committees and bodies are required to determine those functions of the Council that are not within the remit of the Cabinet. This includes the determination of applications or the direct regulation of a person where sufficient discretion exists.
- (b) Committees which have powers delegated to them from Full Council will report to the Council from time to time upon the exercise of their functions and, where appropriate, make recommendations. Such Committees are listed in Articles 8.02 to 8.05.
- (c) Committee members hold office until they resign, are removed from office or their successors are appointed.

8.02 Planning Committees

(please see changes proposed under appendix 2)

8.05 Appointments Committee

(a) Membership

The membership of the Committee will include at least one member of the Cabinet. The Committee will be politically balanced to determine employment matters in respect of Chief Officers. It may establish sub-committees for the appointment of Deputy Chief Officers or other relevant officers for the discharge of functions set out below:

(b) Terms of Reference

1. To determine all matters (including shortlistings, interviewing, salaries and service conditions) in the recruitment, selection and appointment of the Chief Executive and Corporate Directors **and Directors**, subject to the financial implications being within approved budgets. **Full Council approval is required for the Chief Executive's appointment.**
2. Through a sub-committee, to interview and appoint **Directors**, other Chief Officer, Statutory or Deputy Chief Officer posts. Additionally, upon referral by the Leader of the Council, in conjunction with the Chief Executive and in accordance with the Officer Employment Procedure Rules, to interview and appoint any other Chief Officer on JNC National Conditions of Service and any other appointments as deemed necessary.
3. To establish and implement an annual appraisal and remuneration review process for the Chief Executive and Corporate **Directors and Directors**, based on clear performance targets and objectives.
4. To authorise a compensation package for the Council's Chief Executive on or before the termination of his/her employment with the Council.

8.06 Pensions Committee

(a) Membership

Councillor membership of the Committee will be 5, will be politically balanced and have voting rights. In addition, the Independent Adviser and Investment Consultant would normally attend meetings along with relevant officers in an advisory, non-voting capacity.

(b) Terms of Reference

1. To exercise all functions concerning the Pension Fund including, but not limited to: governance; funding; actuarial valuations; policies; accounting and audit; risk management, budgets and resourcing; investment, and administration.
2. To review and approve all aspects of investment policy relating to the Pensions Fund, including agreeing the strategic asset allocation and authorisation or prohibition of particular investment activities.
3. To review the Investment Strategy Statement and amend it when necessary.
4. To agree benchmarks and performance targets for the investment of the Fund's assets and review periodically.
5. To agree to transfer funds into mandates managed by the London Collective Investment Vehicle (CIV) as soon as appropriate opportunities become available.
6. To receive regular reports from investment managers including the London CIV and to agree **and** resultant actions from a review of the investments held **with the London CIV.**
7. To keep the performance of the investment managers under regular review and extend or terminate their contracts as required. To appoint new managers when necessary.
8. To agree policy guidelines for the exercise of voting rights attached to the Fund's shares.
9. To review the appointment of specialist advisors and service providers and make new appointments as necessary.
- ~~10. To consider the overall implications of the Council's policies for employment and benefits issues and their impact on the Pension Fund and agree any strategic changes.~~
10. To approve the appointment of persons to hear appeals under the Internal Dispute Resolution Procedure.
- ~~11. To consider issues concerning the administration of the Fund, including approving responses to consultation papers.~~
- ~~12. To consider and decide whether to approve proposals for discretionary enhanced early retirement packages for officers.~~
11. To set up a Pensions Sub-Group, should it be required, comprising 3 Elected Members politically balanced and relevant officers and advisors to:
 - i. Be consulted on urgent decisions that are required to be taken by the Corporate Director of Finance in the absence of a Committee meeting;
 - ii. Assist in strategic discussions with regard to the Pensions Fund and Investment Strategy, including the

monitoring of fund manager performance and associated actions or investigations and making any recommendations on such matters to the Pensions Committee for decision.

12. The Corporate Director of Finance be authorised to take urgent decisions in relation to the pensions fund and investment strategy on behalf of the Committee, and if established, in consultation with any Pension Sub-Group, reporting back to the Pensions Committee for ratification.

ARTICLE 11 – OFFICERS

12.01 Management Structure

(a) General

The Council engages such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Chief Officers

The Council engages persons for the following posts, who will be designated Chief Officers:

Post	Function and Areas of Responsibility
Chief Executive (Head of Paid Service)	<ul style="list-style-type: none"> • Working closely with the Leader of the Council and Cabinet to agree strategy and targets for the council • Providing leadership and direction in the achievement of the Council's strategic objectives • Managing highest level external relationships • Supporting other Directors to address specific priority issues
<u>Corporate Director of Finance</u>	<p><u>Responsible for:</u></p> <ul style="list-style-type: none"> • <u>Corporate Finance</u> • <u>Statutory Accounting & Pension Fund</u> • <u>Financial Planning, Treasury, Capital Systems</u> • <u>Exchequer and Business Assurance</u> • <u>Procurement</u> <p><u>Is the appointed Chief Finance Officer</u></p>

Post	Function and Areas of Responsibility
<u>Corporate Director of Social Care & Health</u>	<u>Responsible for:</u> <ul style="list-style-type: none"> • <u>Provider and Commissioned Care</u> • <u>Adult Social Work</u> • <u>Children's Services</u> • <u>Safeguarding, Partnership & Quality Assurance</u> • <u>Special Educational Needs & Disabilities</u> • <u>Health Integration & Voluntary Sector Liaison</u> • <u>Public Health</u>
<u>Corporate Director of Planning, Environment, Education & Community Services</u>	<u>Responsible for:</u> <ul style="list-style-type: none"> • <u>Planning & Regeneration</u> • <u>Green Spaces, Sport & Culture</u> • <u>Housing</u> • <u>Education (day to day management of the Education Service on behalf of the Corporate Director of Social Care and Health, reporting to him as necessary)</u> • <u>Trading Standards, Environmental Health & Licensing</u> • <u>Community Safety & cohesion</u>
<u>Corporate Director of Infrastructure, Transport & Building Services</u>	<u>Responsible for:</u> <ul style="list-style-type: none"> • <u>Property & Estates</u> • <u>Capital Programme – Major Projects</u> • <u>Repairs & Engineering</u> • <u>Highways</u> • <u>Waste Services</u> • <u>ICT</u> • <u>Transportation</u> • <u>Parking Services</u> • <u>Building Safety</u>
<u>Corporate Director of Corporate Services & Transformation</u>	<u>Responsible for:</u> <ul style="list-style-type: none"> • <u>Democratic Services</u> • <u>Legal Services</u> • <u>Human Resources</u> • <u>Corporate Communications</u> • <u>Business Performance</u> • <u>Programme Management (BID)</u> • <u>Business Administration</u> • <u>Customer Access</u>

Post	Function and Areas of Responsibility
Director of Public Health	Responsible for: <ul style="list-style-type: none"> • Statutory public health matters <p style="color: red; text-decoration: underline;">Reporting to the Corporate Director of Social Care & Health</p>

PART 3 - SCHEME OF DELEGATION TO OFFICERS

FUNCTIONS DELEGATED TO OFFICERS

Preamble

The full Council or the Cabinet have delegated the following functions to officers of the Council.

All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by the Cabinet or appropriate Committee.

Any action under these delegations shall strictly be in accordance with:

- (a) policies approved by the Council, the Leader, Cabinet, a Cabinet Member or a Council committee
- (b) the approved budget and approved management and business plans
- (c) the Council's Financial Regulations, Standing Orders and Contract Rules.

When exercising delegated powers on key matters, officers should maintain a close liaison with the relevant Cabinet Member and refer any proposed action to the Leader, Cabinet Member, or the Cabinet if so required by the Leader or the relevant Cabinet Member.

Delegations to the Chief Executive

The Chief Executive is the officer responsible and accountable for:

- Working closely with the Leader of the Council and Cabinet to agree strategy and targets for the Council.
- Providing leadership and direction in the achievement of the Council's strategic objectives.
- Managing highest level external relationships.
- Supporting other Corporate Directors to address specific priority issues.

Specific delegations to the Chief Executive are:

1. To be the Council's Head of Paid Service for the purposes of the Local Government and Housing Act 1989.

2. To authorise generally or on any particular occasion an officer to exercise the delegated powers of any other officer.
3. To give directions that a delegated power shall or shall not be exercised in a particular way and on the application of delegated powers in general, except for any statutory powers vested in the Corporate Director of Social Care and Health, the Corporate Director of Finance and the Borough Solicitor.
4. To agree the terms and conditions of employment of all staff (other than the Chief Executive) and the creation, deletion or amendment of all the Council's HR policies and procedures ~~except that any and to approve proposals for discretionary enhanced early retirement packages for officers following written agreement by a majority of the Members of the Appointments Committee enhanced retirement packages shall be referred to the Pensions Committee for decision.~~
5. To suspend the statutory s151 Officer and Monitoring Officer pending an immediate summoning of the Investigations and Disciplinary Committee.
6. In respect of a Council capital project or revenue service, where an emergency or exceptionally urgent situation arises in relation to a commercial contract where:
 - a) The Leader and Chief Executive agree the urgency;
 - b) There is no Cabinet meeting imminent;
 - c) Any delay would seriously jeopardise the Council's finances or its ability to deliver services and;
 - d) A previous executive decision has been made or proposed in respect of the capital project or service provision concerned,

authority is granted to the Chief Executive, subject to the written agreement of the Leader of the Council, to incur expenditure and make any new and necessary contractual decisions in order to secure the successful delivery of the project or service.

In such instances, the Council's Procurement and Contract Standing Orders can be waived. Any decisions taken must be reported to a subsequent Cabinet meeting for formal ratification.

7. In conjunction with the Leader of the Council, to oversee the Hillingdon Improvement Programme and authorise expenditure on it.
8. Subject to the endorsement of the Leader of the Council and relevant Cabinet Member(s), to authorise the transfer of non-executive powers under delegated authority granted by Council to another body in the best interests of the London Borough of Hillingdon.
9. To exercise all matters relating to Section 36 of the Counter Terrorism & Security Act 2015 in respect of the duty on local authorities and partners of local [CHANNEL] panels to provide support for people vulnerable to

being drawn into terrorism (PREVENT AGENDA) and to establish joint [CHANNEL] panel arrangements with other local authorities.

Delegations to the Corporate Director of Finance

The Corporate Director of Finance is the officer responsible and accountable for:

- Corporate Finance
- Statutory Accounting & Pension Fund
- Financial Planning, Treasury, Capital Systems
- Exchequer and Business Assurance
- Procurement

Statutory delegations to the Corporate Director

1. To act as and exercise the functions of the “chief finance officer” meaning the officer designated under section 151 of the Local Government Act 1972.

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

Delegations to the Corporate Director of Social Care and Health

The Corporate Director of Social Care and Health is the officer responsible and accountable for:

- All functions by being designated the statutory Director of Children’s Services.
- All adult social services functions by being designated the statutory Director of Adult Social Services.

Specific service areas responsible and accountable are:

- Provider and Commissioned Care
- Adult Social Work
- Children’s Services
- Safeguarding, Partnership & Quality Assurance
- Special Educational Needs & Disabilities
- Health Integration & Voluntary Sector Liaison
- Public Health (statutory delegations are to the Director of Public Health)

Statutory delegations to the Corporate Director

1. Specifically, the Corporate Director is to have overall responsibility for those functions which relate to children which are set out in:
 - a. The Children Act 2004 and in particular Section 18 which for the avoidance of doubt includes the functions conferred on or exercisable by the Council in its capacity as a local education authority.
 - b. Such other functions conferred on or exercisable by the Council as may be prescribed by the Secretary of State by regulation or which the Council may consider appropriate.

2. Specifically, the Corporate Director of Social Care and Health is to be responsible for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970, as amended by the Children Act 2004.

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

Delegations to the Director of Public Health

Reporting and accountable to the Corporate Director of Social Care and Health, to be the statutory and responsible officer for the Borough's health emergency planning and infection control and also the local authority's public health functions pursuant to:

1. The Health and Social Care Act 2012 and any subsequent related legislation.
2. A responsible authority under the Licensing Act 2003.
3. The Healthy Start and Welfare Food Regulations 2005 as amended.
4. Relevant sections of the NHS Act 2006, as amended by the 2012 Act.
5. Section 325 of the Criminal Justice Act 2003.
6. Any other relevant primary or secondary legislation.

Delegations to the Corporate Director of Infrastructure, Transport and Building Services

This Corporate Director is the officer responsible and accountable for:

- Property & Estates
- Capital Programme – Major Projects
- Repairs & Engineering
- Highways
- Waste Services
- ICT
- Transportation
- Parking Services
- Building Safety

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

Delegations to the Corporate Director of Planning, Environment, Education and Community Services

This Corporate Director is the officer responsible and accountable for:

- Planning & Regeneration
- Green Spaces, Sport & Culture
- Housing
- The day to day management of the Education Service on behalf of the Corporate Director of Social Care and Health, reporting to him as necessary.

- Trading Standards, Environmental Health & Licensing
- Community Safety & cohesion

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

Delegations to the Corporate Director of Corporate Services and Transformation

This Corporate Director is the officer responsible and accountable for:

- Democratic Services
- Legal Services
- Human Resources
- Corporate Communications
- Business Performance
- Programme Management (BID)
- Business Administration
- Customer Access

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

PART FOUR - RULES OF PROCEDURE

COUNCIL PROCEDURE RULES (SCHEDULE A)

27. REMOTE & VIRTUAL MEETINGS

In respect of remote meetings where provided for by law, the Council may pass a continuing motion to vary, revoke or update these Standing Orders to facilitate the remote transaction of any business and voting.

COMMITTEE STANDING ORDERS (SCHEDULE B)

19. REMOTE & VIRTUAL MEETINGS

In respect of remote meetings where provided for by law, the committee may pass a continuing resolution to vary, revoke or update these Standing Orders to facilitate the remote transaction of any business and voting.

EXECUTIVE PROCEDURE RULES (SCHEDULE C)

1.5 Executive Meetings – When and Where?

The Cabinet will meet as often as required at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader. Where provided for by law, the Leader of the Council may determine whether to hold such meetings and take executive decisions remotely or virtually.

SELECT COMMITTEE PROCEDURE RULES (SCHEDULE E)

1. What will be the Number and Arrangements for Select Committees?

The Council's overview and scrutiny arrangements are set out in summary in Article 6. The Council has four Select Committees with a council service mandate and the ability to call-in executive decisions:

- Corporate, Finance & Property Services Select Committee
- Housing, Planning & Environment Select Committee
- Transport, Community Safety & Standards Select Committee
- Families, Health & Wellbeing Select Committee

Chairmen of these Select Committees may agree to establish a single Task and Finish Review Panel, subject to their Terms of Reference and operation set out in Table 1.

The Families, Health & Wellbeing Select Committee may establish a Panel to oversee the corporate parenting responsibilities of the Council, as set out in their Terms of Reference in Table 1.

The Council has one Select Committee with an external mandate:

- External Services Select Committee

This Committee may agree to establish a Task and Finish Select Panel, subject to their Terms of Reference and operation set out in Table 1.

The detailed Terms of Reference of all Select Committees are set out in Table 1 to this Schedule.

The Council will appoint to these committees as it considers appropriate from time to time.

2. **Who may sit on Select Committees?**

All Councillors except Members of the Cabinet and Cabinet Assistants may be Members of a Committee. However, no Member may be involved in scrutinising a decision with which he/she has been directly involved or has a prejudicial interest.

All Councillors may attend a Select Committee meeting and address the Chairman of that Committee only at his/her discretion. Members may not

directly or indirectly question Members, Officers and individuals from outside the Council giving evidence unless they are members of the Committee concerned.

3. Co-optees

Each Select Committee shall be entitled to recommend to Council the appointment of permanent non-voting co-optees, or agreed as a committee a non-voting co-optee either as permanent members or for a limited duration as an advisor to assist with a specific review or work activity. project from a panel of advisers set up for this purpose.

~~The Leader of the Council may appoint co-opted members to Select Committees, determining the suitability and term of office of such appointments and reviewing the appointments on expiry of that term.~~

4. Education Representatives

The Families, Health & Wellbeing Select Committee shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) Such other representatives of faiths and denominations as may be appointed by the Council subject to a direction being issued by the Secretary of State.
- (d) 3 parent governor representatives elected by parents.

Education representatives may only attend (in part) as members of this Committee meeting, for education related items / decisions on the agenda, which they may speak and vote on.

5. Meetings of the Select Committees

Each Select Committees will determine its timetable of meetings in order to carry out its programme of work. The Chairman of a Committee may call a special meeting having consulted the Chief Whips of Party Groups and Opposition Leads. A special meeting may also be called on the requisition of at least two thirds of the whole number of the Committee delivered in writing to the Head of Democratic Services.

6. Quorum

The quorum for a Select Committees shall be 4 Members of the committee.

7. Who Chairs Select Committees Meetings?

The posts of Chairmen of the Committees will be decided by the Membership of that particular committee.

8. Work Programme

The **Select Committees** will be responsible for setting their own work programme, within their terms of reference. In doing so, they shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council. Work programmes will span across municipal years, to provide for in-depth reviews and ensure flexibility in reporting to Cabinet.

9. Requests from Council / Cabinet to review specific matters

Select Committees shall respond, as soon as their work programme permits, to requests from the Council and the Cabinet, including individual Cabinet members for matters for which they have delegated authority, to review particular areas of Council activity. Where they do so, **Select Committees** shall report their findings and any recommendations back to the Cabinet, or if it is outside the budget and policy framework, the Council. The Council and/or the Cabinet shall normally consider the report of the Select within one month of receiving it.

10. Undertaking their Policy Review and Development role

- (a) The role of the **Select Committees** in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Select Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) **Select Committees** (or a Panel) may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. Such advisers and assessors would only be invited to speak on matters connected with their appointment. The Committees may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask external witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget provision is not exceeded. The Senior Democratic Services Manager will manage the overall budget, allocating amounts to individual **Select Committees** to spend as necessary.

11. Reporting to Cabinet / Council

- (a) Once it has formed recommendations on proposals for development, the Committee will prepare a formal report and submit it to the Head of Democratic Services for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a

- departure from or a change to the agreed budget and policy framework).
- (b) If a Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to two minority reports may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
 - (c) The Council or Cabinet shall normally consider the report of the Committee within one month of it being submitted to the Head of Democratic Services.
 - (d) Reports from Panels must be presented to Cabinet from and on behalf of their parent Committee(s) or as set out in Table 1.
 - (e) Reports from Committees within the remit of the Health & Wellbeing Board or any other Council Committee shall be referred to Cabinet first with a recommendation that the report then goes to the Board/Committee concerned.
 - (f) **Select Committees** and Panels may undertake reviews and submit reports spanning across municipal years, except in the year leading up to local council elections.

12. Making sure that reports are considered by the Cabinet

- (a) The Forward Plan / agenda for Cabinet meetings shall include an item entitled 'Issues arising from **Select Committees**'. The reports of **Select Committees** referred to the Cabinet shall, subject to Rule 2.5 of the Executive Procedure Rules, be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda), normally within one month of the Committee completing its report/recommendations.
- (b) Committee Members will, in any event, have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Committee following a consideration of possible policy/service developments, the Committee will be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision, following formal consultation.

13. Rights of Committee Members to Documents

- (a) In addition to their rights as Councillors, Members of **Select Committees** have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and **Select Committees** as appropriate depending on the particular matter under consideration.

14. Cabinet Members and Senior Officers Formally Giving Account to a **Select Committees or Panel**

- (a) In accordance with their terms of reference, a relevant **Select Committees** or Panel may review or scrutinise any decisions made or actions taken in connection with the discharge of any Council functions,

subject to the matter being within their Terms of Reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer (third tier and above) to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the reasons for their action;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) When calling senior officers and/or Members to account, the Committee or Panel will remain bound by the Code of Conduct for Members and Co-opted Members. Any discussion concerning an employee's salary or conditions of service would normally be dealt with in the confidential part of the meeting.
- (c) Committees and Panels shall take care to ensure that the questioning of Members, officers and individuals from outside the Council is conducted in a fair and balanced manner.
- (d) Committees and Panels have the right to criticise the Council and its actions but this shall not extend to personal criticism of individuals.
- (e) Where any Member or officer is required to attend a Committee or Panel under this provision, the Chairman of that Committee will inform the Head of Democratic Services. The Head of Democratic Services shall inform the Member or officer in writing or by email giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee or Panel will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (f) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee or Panel shall in consultation with the Member or officer arrange an alternative date for attendance.

15. Informal attendance by Members, officers, officials and external witnesses

Any Cabinet Member, Member, senior officer and also more junior officers may be invited to attend to assist any **Select Committees** or a Panel on policy topics or any other matter within their work programme or remit.

The External Services Select Committee has the ability to request the attendance of local external officials from the Police and NHS under its statutory responsibilities and may also invite representatives from other public and private organisations providing services to the public in Hillingdon.

A Select Committees or Panel may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, other stakeholders and shall invite such people to attend.

16. Call-in process by a Select Committee (other than the External Services Select Committee)

- (a) When a decision is made by the Cabinet, a Cabinet Member, Cabinet Sub-Committee, or a Key Decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including by electronic means, and shall be available at the Civic Centre normally within 2 working days of being made.
- ~~(b)~~ The notice of the decision will bear the date on which it is published and notified to all Members of the Council and will specify that the decision will come into force, and will then be implemented, on the expiry of 5 working days from 5pm, after the publication of the decision, unless that decision is called-in ~~by the Executive Scrutiny Committee.~~
- (b) During that period, the Head of Democratic Services shall arrange for a call-in of a decision for scrutiny if so requested in writing by a majority of members of the relevant Select Committee who shall give their reasons for requesting that the decision be called in at the time of making the request.**
- (c) The request to call-in must be via the approved online form issued by the Head of Democratic Services and the ruling by the Head of Democratic Services on the relevant Select Committee (and therefore Members of) to initiate and hear a call-in based on their Terms of Reference shall be final.**
- (d) The Head of Democratic Services shall then notify the relevant decision-maker (Cabinet, Cabinet Member or Officer), Chief Executive and Corporate Director that a valid call-in has been received and that the decision must be put on hold and not implemented.**
- (e) The Head of Democratic Services, in consultation with the Chairman of the relevant Select Committee, will then call a meeting of that Committee as soon as possible and in any event, to be held within 10 working days of the valid call-in request.**
- (f) The Select Committee will receive the original report on the decision, any additional information required given the reasons for the call-in and may invite relevant officers / Cabinet Member(s) to the meeting to give account.**
- (g) If the Select Committee agrees to uphold the decision made, then via majority vote, the decision stands and can be implemented with immediate effect.**
- (h) If, having considered the decision further, the Select Committee object to or are still concerned about the decision, then via majority vote, it may:**
 - i. refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns. The decision-making body or person, considering**

- all factors, then will make a final decision on the matter and that decision stands and comes into immediate effect.
- ii. refer the matter to full Council, but only in the circumstances set out below.

If for any reason following a valid call-in request, the Select Committee does not formally meet within 10 working days of the date of the request, the original decision shall take effect at the end of the 10-day period.

Referral of call-in to full Council

A decision will not be referred to full Council unless either the Committee believes it to be contrary to the Policy Framework or Budget or considers that it was a Key Decision that was not dealt with as such by the Cabinet. If it is referred to the decision maker, they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.

If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with the provision below.

If the Council does object, it has no authority to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

1. Waiver of call-in period under urgent circumstances (urgency or special urgency decisions by the Cabinet or Cabinet Member)

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or Cabinet member is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests or could lead to an (increased) risk of damage to people or property. The record of the decisions, and notice by which it is made public shall state whether in the opinion of the decision

making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Chairman of the relevant Select Committee (or Vice-Chairman in their absence) must be informed that the decision will be implemented immediately upon him/her agreeing that the decision is reasonable and to it being treated as a matter of urgency. In the absence of the Chairman or Vice-Chairman then the Mayor (or Deputy Mayor if required) can take this decision. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

18. Procedure at **Select Committees** Meetings

Select Committees and any Panels shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest ;
- (iii) referrals from Cabinet/Council for reviews by the **Select Committees** if applicable; and
- (iv) the business otherwise set out on the agenda for the meeting as determined by the Committee's Work Programme or the Chairman.

1. Principles of undertaking reviews or investigations

Where a **Select Committees** or Panel conducts reviews or investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

2. Protocol on Overview & Scrutiny and Cabinet Relations (*adopted by Council 12.09.19*)

In addition to the procedures set out in Schedule E, a Protocol in Table 2 sets out the practical expectations of **Select Committees** Members and Cabinet Members to ensure an effective relationship that adds value to overview and scrutiny governance in Hillingdon.

TABLE 1 - TERMS OF REFERENCE

The Following Terms of Reference are common to the following Select Committees:

- **Corporate, Finance & Property Services Select Committee**
- **Environment, Housing & Regeneration Select Committee**
- **Public Safety & Transport Select Committee**
- **Families, Health & Wellbeing Select Committee**

1. To conduct reviews of policy, services or aspects of service which have either been referred by Cabinet, relate to the Cabinet Forward Plan, or have been chosen by the Committee according to the agreed criteria for selecting such reviews;
2. To monitor the performance of the Council services within their remit (including the management of finances and risk);
3. To comment on the proposed annual service and budget plans for the Council services within their remit before final approval by Cabinet and Council;
4. To consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions which relate to services within their remit (before they are taken by the Cabinet);
5. To review or scrutinise decisions made or actions taken by the Cabinet, a Cabinet Member, a Council Committee or an officer.
6. To make reports and recommendations to the Council, the Leader, the Cabinet, a **Select Committees** or any other Council Committee arising from the exercise of the preceding terms of reference.
7. **To exercise the right set out in the Select Committee Procedure Rules to call-in and recommend for reconsideration any key decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Cabinet Sub-Committee or an officer. This would include any key decision that needs further information from the decision-maker to explain why it was taken.**
8. In accordance with the Local Government and Public Involvement in Health Act 2007, to consider 'Councillor Calls For Action' (CCfA) submissions.

The CCfA is a process designed to help Councillors resolve issues and problems on behalf of their residents, acting as a last resort for people who have been unable to get issues resolved through other means. CCfA should not be regarded merely as a scrutiny process and **an issue can only become a CCfA once a Councillor has exhausted all other steps to resolve an issue in his or her ward such as a petition hearing, correspondence with elected Members and officers, questions to Council etc...** Whilst CCfA's may be submitted by all Councillors on any issue, there are certain exceptions which are:

- (a) An issue relating to a planning appeal, licensing appeal or where a person has an alternative avenue to resolve an issue (e.g. through an appropriate complaints process)
- (b) Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee

Procedure

- (a) A Member may submit a CCfA in writing to the Head of Democratic Services who will seek to confirm with the Member concerned if all other potential avenues to resolve the issue in question have been exhausted and that the request does not fall within the exemptions detailed above. If necessary the Head of Democratic Services will discuss the matter with the Leader of the Council, the appropriate Cabinet Member and the Chief Whip.
- (b) If satisfied that the CCfA is valid the Head of Democratic Services will submit the request to the appropriate Committee Chairman for inclusion on the agenda for the next meeting of the **Select Committees.**
- (c) Relevant officer(s) and / or representatives from partner organisations may be invited to attend and information can be requested from such organisations.

- (d) Discussion would take place at Committee to explore potential solutions and the item would end with the Committee recommending a course of action to the appropriate body – including detailed financial consequences and budgetary proposals.
- (e) The process may not necessarily resolve the issue immediately but the process will act as a spur for Members and officers to work together to jointly develop policies to overcome the problem.

Note: Select Committees will not investigate individual complaints.

Environment, Housing & Regeneration Select Committee

Membership

7 Councillors appointed on a proportional basis.

Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

<u>Cabinet Member Portfolio</u>	<ul style="list-style-type: none"> • <u>Cabinet Member for Environment, Housing & Regeneration</u>
<u>Relevant service areas</u>	<ol style="list-style-type: none"> 1. <u>Planning & Regeneration</u> 2. <u>Housing</u> 3. <u>Green Spaces, Sport & Culture (only Green Spaces)</u> 4. <u>Waste Services</u>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Climate Change
- Local impacts of Heathrow expansion
- Local impacts of High Speed 2

Public Safety & Transport Select Committee

Membership

7 Councillors appointed on a proportional basis.

Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

<u>Cabinet Member Portfolio</u>	<ul style="list-style-type: none">• <u>Cabinet Member for Public Safety & Transport</u>
<u>Relevant service areas</u>	<ol style="list-style-type: none">1. <u>Community Safety & Cohesion</u>2. <u>Anti-Social Behaviour and Enforcement Team (ASBET)</u>3. <u>Trading Standards, Environmental Health & Licensing</u>4. <u>Transportation</u>5. <u>Highways</u>6. <u>Parking Services</u>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Enforcement activities across the Council

Families, Health & Wellbeing Select Committee

Membership

7 Councillors appointed on a proportional basis, and if appointed up to 2 voting church and 3 voting parent governor education representatives. Such representatives are only able to vote on education issues as defined in the Education Act. Attendance by education representatives shall be as set out in paragraph 4 of these rules.

Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

<u>Cabinet Member Portfolios</u>	<ul style="list-style-type: none"> • <u>Cabinet Member for Families, Education & Wellbeing</u> • <u>Cabinet Member for Health & Social Care</u>
<u>Relevant service areas</u>	<ol style="list-style-type: none"> 1. <u>Children's Services (including corporate parenting)</u> 2. <u>Adult Social Work</u> 3. <u>Safeguarding</u> 4. <u>Provider & Commissioned Care</u> 5. <u>SEND</u> 6. <u>Public Health</u> 7. <u>Health integration / Voluntary Sector</u> 8. <u>Education</u> 9. <u>Children and Families Development (including Early Years and Children's Centres)</u> 10. <u>Green Spaces, Sport & Culture (only young people universal services, adult education, music hub, sport, libraries, culture and heritage)</u>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topic:

- **Domestic Abuse services and support**

This **Select Committee** may establish a Panel to support strong oversight of the Council’s corporate parenting responsibilities. The Committee may appoint 3 Members to this Panel based on political balance. Membership may include non-Cabinet Members not on the Committee. The Committee may also appoint relevant Council officers and other external stakeholders to the Panel and agree its chairmanship and operation. In agreeing its operation, the Committee will provide for the Panel not to be able to establish any other sub-group or body to carry out its responsibilities.

Corporate, Finance & Property Services Select Committee

Membership

7 Councillors appointed on a proportional basis.

Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

<u>Cabinet Member Portfolios</u>	<ul style="list-style-type: none">• <u>Leader of the Council</u>• <u>Cabinet Member for Property & Infrastructure</u>• <u>Corporate Services & Transformation</u>• <u>Cabinet Member for Finance</u>
<u>Relevant service areas</u>	<ol style="list-style-type: none">1. <u>Democratic Services</u>2. <u>Corporate Communications</u>3. <u>Capital Programme - Major Projects</u>4. <u>Repairs & Engineering (including housing repairs)</u>5. <u>Building Safety / Facilities Management</u>6. <u>Property & Estates</u>7. <u>Corporate Finance</u>8. <u>Procurement</u>9. <u>Exchequer & Business Assurance Services</u>10. <u>ICT</u>11. <u>Legal Services</u>12. <u>Human Resources</u>13. <u>Business Administration</u>14. <u>Business Performance</u>15. <u>Customer Access</u>16. <u>Business Improvement Delivery (BID)</u>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topic:

- Resident Experience
- Strategic Partnerships
- Community Engagement

Task and Finish Review Panels

Membership

Membership of a Review Panel may include non-Cabinet Members not on the 'parent' Committee(s) or co-opted Members as set out in paragraph 3 above. Panel membership will be subject to the usual political balance rules.

'Review' Panel Terms of reference

Chairmen of the:

- Corporate, Finance & Property Services Select Committee
- Environment, Housing & Regeneration Select Committee
- Public Safety & Transport Select Committee
- Families, Health & Wellbeing Select Committee

may jointly agree to establish Task and Finish Review Panels as set out in these Procedure Rules on the following matters:

1. Focussed reviews within a particular Committee's remit
2. Cross-cutting reviews that cover the remit of more than one Committee;
3. Any functions, but within the purview of the Council, not included within the remit of any Committee;

A single Task and Finish Review Panel may be in operation at any one time and co-ordination of this will be by the three four Select Committees Chairmen. The Chairmen will jointly agree the review topic, terms of reference, membership and chairmanship of any Panel. They will also agree the timescale for undertaking the review, including which Committee it will report back its findings to for consideration, prior to any report being presented to Cabinet. For reviews that span across the remit of more than one committee, any findings from a Panel will be reported to the Corporate Services, Finance & Property Select Committee, unless the Chairmen jointly agree otherwise.

Executive Scrutiny Committee

Membership

~~8 Members, appointed on a proportional basis. 2 voting church and 3 voting parent governor representatives when the decision made by Cabinet or any decision called-in that relates wholly or in part to any education functions which are the responsibility of the authority's Cabinet. Attendance by education representatives shall be as set out in paragraph 4 of these rules.~~

~~The Committee will normally meet in an informal capacity immediately after the conclusion of a meeting of Cabinet to consider which decisions the Members of the Committee might require further information about or to consider for potential call-in. Although meeting in an informal capacity, should there not be a consensus as to which decisions require such consideration then the matter will be determined by a majority vote of those Members of the Committee present and able to vote (with respect to the normal rules as set out in the Code of Conduct).~~

Terms of Reference

~~To exercise the right set out in the Policy Overview, Scrutiny and Select Procedure Rules to call in and recommend for reconsideration any key decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Cabinet Sub-Committee or an officer. This would include any key decision that needs further information from the decision-maker to explain why it was taken.~~

External Services Select Committee

This Committee has an external mandate and reviews the performance and accountability of local service providers other than the Council. It also has statutory responsibilities to scrutinise the local health sector and community safety partnership.

Membership

7 8 Councillors appointed on a proportional basis.

Terms of Reference

1. To undertake the powers of health scrutiny conferred by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
2. To work closely with the Health & Wellbeing Board & Local HealthWatch in respect of reviewing and scrutinising local health priorities and inequalities.
3. To respond to any relevant NHS consultations.
4. To scrutinise and review the work of local public bodies and utility companies whose actions affect residents of the Borough.
5. To identify areas of concern to the community within their remit and instigate an appropriate review process.
6. To act as a Crime and Disorder Committee as defined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and carry out the bi-annual scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

The External Services Select Committee may establish, appoint members and agree the Chairman of a Task and Finish Select Panel to carry out matters within its terms of reference, but only one Select Panel may be in operation at any one time. The Committee will also agree the timescale for undertaking the review. The Panel will report any findings to the External Services Select Committee, who will refer to Cabinet as appropriate.

TABLE 2 – PROTOCOL ON OVERVIEW & SCRUTINY AND CABINET RELATIONS (adopted by Council 12.09.19)

This protocol sets out the practical expectations of **Select Committee** Members and Cabinet Members to ensure an effective relationship that adds value to overview and scrutiny governance in Hillingdon.

Notwithstanding their independent role, **Committee Members** are expected to:

- Take into account suggestions from Cabinet Members as well as other stakeholders, on the development of their multi-year work programmes or policy reviews to ensure strong organisational and community support;
- Ensure appropriate early engagement with Cabinet Members on draft policy review recommendations in order to gauge support.
- Seek early engagement with the relevant Cabinet Member, Cabinet Member for Finance, ~~Property and Business Services~~ and Leader of the Council to consider the viability of draft policy review recommendations that may have a financial consequence;
- Seek the support of the relevant Cabinet Member, Leader of the Council and Corporate Director when it considers to compel a particular contractor providing Council services to provide information or attend a meeting;
- Through Democratic Services, ensure Corporate Directors and Cabinet Members are kept regularly informed about the committee's activity and multi-year work programmes.
- Liaise with the relevant Corporate Director, Cabinet Member and Leader of the Council should exceptional financial or officer resources be required in order to undertake a particular future work activity or policy review.

Respecting the independent role of the committees, **Cabinet Members** are expected to:

- Never personally seek to direct the activity of a committee, though they may make suggestions or request matters of interest to be considered by a Committee;
- Ensure their attendance to provide information when requested by the Committee (noting that further informal and formal provisions by a committee for this are set out in the Constitution).
- Actively support the provision of relevant council information and other requests from the Committee as part of their work programme;
- Fully and openly, consider any findings from a committee following a formal scrutiny call-in or from any final recommendations presented to Cabinet from a policy review.
- Where feasible, provide opportunities for committees to provide their input on forthcoming executive reports as set out in the Forward Plan to enable wider pre-decision scrutiny (in addition to those statutorily required to come before committees);
- Ensure all recommendations from committees approved by the Cabinet are implemented in a timely and effective manner by officers, and that this be monitored regularly by Corporate Directors, as it is with the Committees themselves.

In the unlikely event that that a difference in view occurs between the parties, the Committee Chairman, Committee Member or Cabinet Member should inform the

Statutory Scrutiny Officer, who will seek to resolve the matter in accordance with this protocol, the Council’s Constitution and other relevant guidance and will consider the best interests of both overview & scrutiny and the executive. Should the matter not be resolved, any final determination will be by the Monitoring Officer. The Statutory Scrutiny Officer will report on the effectiveness of this protocol as part of the Annual Report to Council each year.

OFFICER EMPLOYMENT PROCEDURE RULES (SCHEDULE F)

6. Appointment of Chief Officers, Deputy Chief Officers and other relevant officers (other than the Chief Executive)

The Appointments Committee will interview and appoint Chief Officers ~~Deputy Chief Executive, who are Corporate Directors and Directors~~. An Appointments Sub-Committee will interview and appoint all other Chief Officers and Deputy Chief Officers (including ~~Deputy~~ Directors / Heads of Service) and additionally, upon referral by the Leader of the Council in conjunction with the Chief Executive, a sub-committee may interview and appoint any other Chief Officer on JNC National Conditions of Service and any other appointments as deemed necessary.

PROCUREMENT & CONTRACT STANDING ORDERS (SCHEDULE H)

Standing Order 4

Invitations to Tender

4.1 a) Tenders or quotations shall be invited for all proposed contracts with an estimated total contract value, equal to or exceeding the minimum thresholds as set out in the Procurement Standard Operating Procedures. These thresholds are as follows: -

Total Value	Minimum number of quotations or tenders	Award criteria
£0 – £10,000 <u>£25,000</u>	3 Quotations	Lowest price to apply <u>Most economically advantageous</u>
£10,000 – £50,000 <u>£25,000 - £100,000</u>	5 Quotations	Most economically advantageous quotation
£50,000 <u>£100,000 & above</u>	5 Tenders	Most economically advantageous tender

Pursuant to paragraph 1.1, every invitation to tender shall comply with all regulations and directives in force at that time.

- b) Where the award criteria is based on most economically advantageous tender, unless agreed in writing by **Cabinet Member for Finance** or the Leader of the Council, in conjunction with the Head of Procurement, **there will be three tiers of weighting reflecting the varied nature of services the Council procures: tender evaluations shall be based on a minimum of 80% weighting in favour of price.**
- i. **Goods / works and services considered to be a commodity and / or ones that are not considered to impact the strategic outcomes of the Council shall be based on a minimum 80% weighting in favour in price.**
 - ii. **Goods / works and services where the quality of outcome is heavily influenced by the supplier selection (e.g. consultancy and professional services) shall be based on a maximum of 80% weighting in favour of quality.**
 - iii. **All other requirements, where price and quality are deemed to be of equal importance when considered in the context of the Council's operating and financial environment, should be undertaken on the basis of equal cost / quality split. It is expected that the majority of requirements will fall under this tier.**

4.2 EU directives and regulations shall apply to the procurement of contracts with an estimated aggregate value equal to or exceeding the EU thresholds listed below that are in force at the time of tender, as set out in the Procurement Standard Operating Procedures and pursuant to paragraph 4.3:-

Goods and services	£181,302 or greater	Minimum 5 Tenders to be sought	Most economically advantageous tender or lowest price
Works	£4,551,413 or greater	Minimum 5 Tenders to be sought	Most economically advantageous tender or lowest price

** The Head of Democratic Services may update the above OJEU figures in the Standing Orders, as and when prescribed from time to time.*

4.3 Unless it is in the best interests of the Council, or forms part of a provision of duty of care, no requirement for goods, works or services may be sub-divided into smaller contracts with the intention of circumventing the requirements of paragraph 4.1, or for the purpose of avoidance of EU statutory requirements, as stated in Regulation 8 of the Public Contracts Regulations 2015.

4.4 Pursuant to paragraph 4.1 and the requirement for obtaining best value and adequate competition, competitive tenders or quotations shall not be required if the Approved Officer is satisfied, and has obtained written agreement from the Head of Procurement and the Leader of the Council, that:

- (i) it is not reasonably practicable or prudent in meeting the Council's objectives to obtain competitive tenders or quotations; or
- (ii) there would be no effective or genuine competition; or
- (iii) it is necessary to safeguard life or property; or
- (iv) the works, services or goods will be obtained through an approved buying consortium, or from their nominated suppliers; or

- (v) the works, services or goods will be obtained through a corporately tendered and managed contract that has been established for all officers of the Council to use, and
- (vi) all such decisions are authorised by the Head of Procurement in writing.**

4.5 Before proceeding in accordance with paragraph 4.1 in relation to any expenditure, the Approved Officer shall consult the Procurement Standard Operating Procedures, to confirm and determine how the goods, works or services should be tendered. Appropriate guidance shall also be sought from the Procurement Team.

4.6 Tenders for all proposed contracts with an estimated total contract value greater than £50,000 shall be conducted by the Procurement Team, unless otherwise instructed by the Head of Procurement. All such tenders shall be published on the appropriate eTendering portal as advised by the Procurement Team.

Standing Order 5

Advisory Note

Supplementary to Standing Order 5, please note that currently all tenders are managed through capital e-sourcing which will contain a record of all tenders received and opened.

Custody, Receipt & Opening of Tenders by Democratic Services

5.1 The Approved Officer shall ensure that custody, opening and acceptance of tenders is in accordance with the Procurement Standard Operating Procedures.

5.2. Receipt and custody of tenders

- (a) Tenders shall be returned by the tenderer to the Civic Centre. Electronic tenders shall be returned to the email address specified in the tender instructions, or uploaded to the appropriate e-tendering portal as specified.
- (b) On receipt by the Council, tenders shall be date-and time-stamped on their envelope or outer wrapper. Each electronic tender received shall be electronically date stamped.
- (c) The Mail Room Supervisor, or equivalent officer responsible for receiving mail or online documents, shall:
 - (i) provide a receipt for tenders received, on request;
 - (ii) keep a record of the number of tenders received;
 - (iii) after the time and date specified for their return, hand all tenders received to the officer responsible for them, and obtain a receipt / signature.
- (d) Tenders shall be kept in secure custody until they are opened. Electronic tenders shall be stored in a secure folder.

5.3. Register of tenders

A register of tenders received shall be maintained by each Corporate Director and updated by each Approved Officer as necessary. The register should contain details of each tender, the signatures of the officer opening the tenders and the witness and the signature of the officer to whom the tenders were passed for custody after opening. Where tenders are received electronically this register shall be maintained within the appropriate eTendering portal as advised by the Procurement team.

5.4 Tender opening

- (a) Tenders shall be opened at one time and only in the presence of such officer or officers as the Head of Democratic Services and/or Approved Officer or the Corporate Procurement Unit may determine.
- (b) An officer from the Corporate Procurement Unit or Democratic Services should be present when tenders are opened.
- (c) The tenders shall be opened one at a time and the opening sequence recorded, together with any appropriate comments or notes.
- (d) As each tender is opened the name of each tenderer and the amount of the tender must be recorded in the tender register.

5.5 Late Tenders

- (a) A tender received after the last date and time when tenders should be received must be recorded as a late tender in the tender register.
- (b) Such a late tender shall only be opened and considered for acceptance on the authorisation of the Head of Procurement and the Head of Democratic Services.
- (c) The Head of Procurement and the Head of Democratic Services may consider that a tender received late should be considered for acceptance under the following circumstances:
 - (i) there is a bona fide reason, recorded in writing, for the tender being late; and
 - (ii) other tenders that have arrived on time have not been opened.
- (d) Where a tender received late is for a contract greater than £50,000, the Head of Procurement and Head of Democratic Services shall in addition seek approval from the **Borough Solicitor ~~Cabinet Member for Finance~~** prior to considering it for acceptance.
- (e) Where a tender received late is for a contract value of greater than £250,000, the Head of Procurement and Head of Democratic Services shall in addition seek approval from the **Borough Solicitor ~~Leader of the Council~~** prior to considering it for acceptance.
- (f) In circumstances where the Head of Procurement and the Head of Democratic Services are uncertain whether a late tender should be opened and considered for acceptance, the matter should be referred to the Borough Solicitor for legal advice.

Standing Order 6

Acceptance of tenders and financial thresholds for authority

6.1 General Rules

Where tenders or quotations have been received in accordance with the Procurement Standard Operating Procedures, they can only be accepted if the Approved Officer has satisfied themselves that: -

- a) All approvals required by Cabinet, Cabinet Member or Delegated Officers set out in these Standing Orders, the Council's Constitution and Financial Regulations have been obtained first;
- b) the tender is compliant;
- c) the tender offers best value in accordance with the Procurement Standard Operating Procedures.
- d) all appropriate risks have been assessed and mitigated, as required by Procurement Standard Operating Procedures.

6.2 Acceptance of tenders or quotations

A tender or quotation summary report recommending final contractor selection will be required prior to acceptance. This document will form the basis for decisions required as set out below.

- (a) In the case of a tender or quotation which does not exceed ~~£9,999~~ ~~£24,999~~ for which budgetary provision exists, the Approved Officer shall be authorised to accept the most satisfactory quote or tender using the designated financial system.
- (b) In the case of a tender or quotation which is between ~~£10,000~~ ~~£25,000~~ and ~~£50,000~~ ~~£99,999~~ for which budgetary provision exists, the Approved Officer, with informal written acceptance provided by the relevant Cabinet Member portfolio holder and / or Leader of the Council shall be authorised to accept the most satisfactory tender.
- (c) In the case of a tender which between ~~£50,000~~ ~~£100,000~~ and £499,999 for which budgetary provision exists, the relevant Cabinet Member portfolio holder in conjunction with the Leader of the Council or Cabinet Member for Finance shall be authorised to accept the most satisfactory tender through the formal democratic process.
- (d) In the case of a tender of £500,000 and above for which budgetary provision exists, the Cabinet shall be authorised to accept the most satisfactory tender through the formal democratic process.
- (e) Additional authority may be provided for (or required) as set out in section 6.3 in order to accept tenders outside the ordinary thresholds above or for those significant in nature.
- (e) A re-assessment of the Contractors financial stability shall be carried out where the tender value exceeds £100,000. This would normally be undertaken during the pre-qualification and/or at the tender submission stage of the process. This information should be presented in any report to the Cabinet or Cabinet Member.
- (f) Tenders or quotations can only be accepted in accordance with the agreed award criteria i.e. most economically advantageous or lowest price.

In the case of decisions required by the Cabinet or Cabinet Member then the procedures in Standing Order 3.3 shall be followed.

6.3 Authority levels for tender or quotation acceptance

(a) Council has agreed the following financial thresholds for authority to accept a tender or quotation:

£0 – £9,999 £24,999	Approved Officer <u>using designated Financial System</u> *
£10,000 – £49,999 £25,000 - £99,999	Approved Officer with <u>informal</u> written acceptance from relevant Cabinet Member and /or Leader of the Council *
£50,000 – £499,999 £100,000 - £499,999	Formal democratic decision by the relevant Cabinet Member and the Leader of the Council <u>or Cabinet Member for Finance</u> *
£500,000 or greater	Formal democratic decision by the Cabinet */**

(b) * *Any tender, at any value, if deemed a 'key decision', must be indicated on the Forward Plan in advance and determined formally*

If any such decision on any tender is to have a significant impact upon communities, people or services within 2 or more wards and/or significantly outside the approved budget (by meeting the criteria for key decisions) then it must be taken by Leader & relevant Cabinet Member or the Cabinet, dependent on value as a formal democratic decision and prior details included within the Council's Forward Plan, except if taken under urgency rules. The Council's definition of a key decision is set out in Article 7.

(c) ** *Tenders above £500,000 in the absence of a regular Cabinet meeting and if decision deemed urgent by the Leader of the Council*

Cabinet is the primary body where tenders over £500k in value are considered in the ordinary course of events. In the absence of a Cabinet meeting where a decision is required that if not taken may prejudice service or project delivery or if a decision is deemed urgent by the Leader of the Council, then the Leader of the Council and relevant Cabinet Member may take a formal democratic decision on the matter, with it being reported to a subsequent Cabinet for ratification via a formal report.

(d) These thresholds and authority requirements shall also apply to single tender actions, contract extensions and variations.

(e) In the case of a formal democratic decision required by the Leader of the Council / Cabinet Member or the Cabinet then the procedures in Standing Order 3.3 shall be followed.

6.4 Agency / Temporary Workers and Consultants

Council has agreed different financial thresholds for authority for appointing individual temporary workers and accepting assignments or tenders for appointment of consultants as follows:

Acceptance of tender for appointment of consultants	Less than £5000	Corporate Director	In writing
	£5000 – £50,000	Formal approval by the Cabinet Member	Report
	£50,000 or greater	Formal approval by the Cabinet	Report
Approval of individual temporary workers	Less than £5000	Corporate Director	In writing
	£5000 and £50,000	Cabinet Member (informal approval via HR and Director)	Report
	Over £50,000	Formal approval by the Cabinet	Report

<u>Acceptance of tender for appointment of consultants *</u>	<u>Any value if within establishment and budget</u>	<u>Corporate Director</u>	<u>In writing</u>
	<u>Any value outside establishment or budget</u>	<u>Chief Executive with sign-off by the Leader of the Council</u>	<u>In writing</u>
<u>Approval of individual temporary workers *</u>	<u>Any value if within establishment and budget</u>	<u>Corporate Director</u>	<u>In writing</u>
	<u>Any value outside establishment or budget</u>	<u>Chief Executive with sign-off by the Leader of the Council</u>	<u>In writing</u>

- NB: If the value is £50,000 or greater these shall be reported to Cabinet for noting only.

Reference to ‘consultants’ within Standing Order 6.4 means small practice consultants of fewer than 3 people who are engaged by the Council against a specific brief but are assessed to fall outside of IR35 intermediaries Legislation. For engagement of larger consultancy contracts, these should be tendered in accordance with Standing Order 4 and approved in accordance with Standing Order 6. In circumstance where there is uncertainty around which process to follow further guidance should be sought from the Head of Procurement.

In the case of decisions required by the Cabinet or Cabinet Member then the procedures in Standing Order 3.3 shall also be followed.

6.5 Where individual orders for goods, works or services are placed with a single contractor independently of each other and the cumulative value over the period of a financial year moves between the authorisation levels in Standing Orders 6.3, officers should seek the necessary approval in accordance with the total cumulative value.

Standing Order 7

Execution of Contracts

7.1 Every contract that is entered into by the Council shall be in writing and executed in accordance with the following:-

£10,000 – £49,999	Signed by, the Head of Procurement in writing. As set out in 9.2 for purchases below £1,000 £10,000 where no formal contract is in place, purchase orders shall be considered as a form of contract.
£50,000 - £99,999	Signed by the Chief Finance Officer in writing
£100,000 or greater	Sealed with the Common Seal of the Council and attested by a Member of the Council and the Borough Solicitor or any other officer authorised by the Borough Solicitor and the Leader of the Council in writing.

7.2 Pursuant to Standing Order 1, a record of each contract executed in accordance with paragraph 7.1, shall be entered on a Register of Contracts maintained for that purpose by the Head of Procurement.

7.3 No Council officer may call off a contract for goods, works or services unless that contract is in writing and executed in accordance with paragraph 7.1.

7.4 Legal Services shall be responsible for ensuring that all contract executions are managed correctly, in accordance with paragraph 7.1. Sufficient copies of each contract shall be signed, and an electronic version will be passed to the Procurement Team, whereupon this will be stored in the Contracts Library.

Standing Order 9

Purchase Orders & Government Procurement Cards

9.1 Where formal contractual arrangement are in place, purchase orders shall be considered as the method of commitment with a supplier and shall be required for all goods, works and services, irrespective of value, and raised in accordance with Procurement Standard Operating Procedures, pursuant to paragraph 1.1. No goods, works or services shall be procured without the prior establishment of a legitimate purchase order, duly approved in accordance with the Council’s Financial Regulations and the Scheme of Delegations.

Exemptions to this shall be approved in writing by the Chief Finance Officer and Head of Procurement as appropriate.

- 9.2 For purchases below ~~£1000~~ **£10,000** where no formal contract is in place, purchase orders shall be considered as a form of contract and shall be required for all goods, works and services, and raised in accordance with Procurement Standard Operating Procedures, pursuant to paragraph 1.1. No goods, works or services shall be procured without the prior establishment of a legitimate purchase order, duly approved in accordance with the Council's Financial regulations and the Scheme of Delegations.

Exemptions to this shall be approved in writing by the Chief Finance Officer and Head of Procurement as appropriate.

- 9.3 The Council recognises the need to ensure efficient processes are used to procure lower value goods, works and services. Therefore Government Procurement Cards may be used to procure goods, works and services as follows:-

- a) Purchases less than £500
- b) Single purchases where the supplier will not be used again
- c) Urgent or emergency purchases where it is not possible to raise a purchase order, pursuant to paragraph 9.2

Exemptions to this shall be approved in writing by the Chief Finance Officer and Head of Procurement as appropriate.

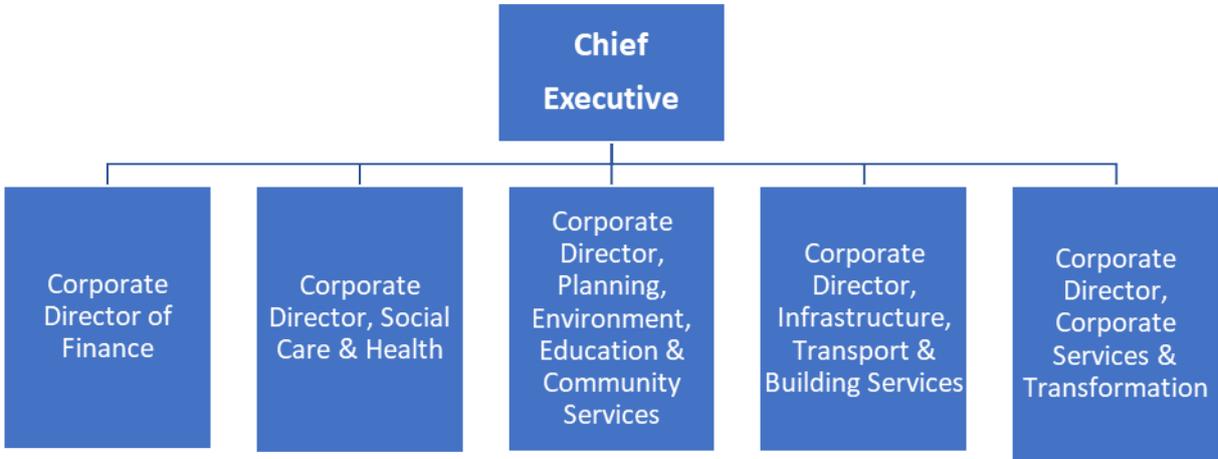
PART 7 - MANAGEMENT STRUCTURE

Preamble

- 1. **The Council consists of 5 Departments (Directorates) headed by a Corporate Director:**
 - (a) **Finance**
 - (b) **Corporate Services & Transformation**
 - (c) **Social Care & Health**
 - (d) **Infrastructure, Transport & Building Services**
 - (e) **Planning, Environment, Education & Community Services**

- 2. **These officers, together with the Chief Executive, come together to form the top officer tier in the Council, which is called the Corporate Management Team, working closely with the Leader and Cabinet.**

- 3. **The Council’s departmental structure is shown below:**



Article 8 – 8.02 PLANNING COMMITTEES TERMS OF REFERENCE

To alter the reference to membership of Committees to refer to ‘two’ rather than ‘three’ politically balanced Committees. This would mean removing the word ‘any’ from the terms of reference where highlighted in bold below:

8.02 Planning Committees

(a) Introduction

~~The Council has two area based Planning Committees. The Central and South Committee which covers the Hayes and Harlington, Heathrow and Uxbridge area and the North Committee which covers the Ruislip and Northwood area.~~
The Council has a Minor Applications Planning Committee which determines smaller scale planning applications and ~~In addition the Council has~~ a Major Applications Committee which determines major planning applications or matters in relation to High Speed 2 (HS2).

(b) Membership

Each of the ~~three~~ **three** Planning Committees has 7 Members and they will be politically balanced. ~~The Major Applications Committee may establish a Sub-Committee to consider HS2 matters which will consist of seven Members and all Members of the existing Planning Committees are eligible for membership (and substitutes) of the Sub-Committee.~~

(c) Terms of Reference

Each of the Planning Committees exercise the following functions:

1. To determine **any** applications made under the provisions of the Town and Country Planning Legislation and Orders.
2. To approve directions restricting permitted development rights.
3. To confirm and modify Tree Preservation Orders where objections have been received.
4. To approve highway schemes where required as part of a planning application.
5. To authorise **any** legal agreements required in respect of any planning applications.
6. To authorise the service of stop notices under Planning legislation.
7. To authorise the making, issue and service of **any** notices, orders and other documents under the town and country planning and listed buildings legislation.
8. To authorise the institution of any legal proceedings in respect of **any** notices orders and other documents made, issued and served under the town and country planning and listed buildings legislation.
9. To authorise the institution of legal proceedings to seek injunctive relief under the town and country planning and listed building legislation.

(c) Minor Applications Planning Committee

The Minor Applications Planning Committee will determine all applications which are not required to be referred to the Major Applications Planning Committee and which cannot be determined under delegated authority by officers.

(d) Major Applications Planning Committee

The Major Applications Committee will determine major planning applications that involve:

1. the creation of 10 or more residential units.
2. residential development on a site of 0.5 hectares or more
3. non-residential development on a site of at least 1 hectare
4. non-residential development that creates more than 1000 square metres of new gross floorspace
5. the creation of a change of use of 1000 square metres or more of gross floor space (not including housing)
6. Council owned development sites / applications where the Council is the applicant.
7. applications in respect of High Speed 2 (HS2) under the following schedules of the High Speed 2 Act:
 - (i) Schedule 17(2) – Condition relating to building works: Where footprint is above 500m²
 - (ii) Schedule 17(6) – Condition relating to road transport proposals for the movement of large goods vehicles (over 7.5 tonnes) of more than 24 movements a day (12 in, 12 out).
 - (iii) Schedule 17(9) – Conditions on bringing scheduled works and depots into use where the scheduled work is more than 500m²
 - (iv) Proposals under Schedule 17(3) Table: (2): Earthworks - where the works involve land of more than 1 hectare
 - (v) Schedule 17(12) – Condition relating to site restoration where the proposals affecting an area of more than 1 hectare

Note:

All other Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications from HS2 Ltd to the London Borough of Hillingdon requiring approval are delegated to the Deputy Director of Planning and Regeneration in consultation with the Cabinet Member for Environment, Housing & Regeneration as set out in Part 3 – Scheme of Delegations to Officers

~~The Committee also determines the following applications in respect of High Speed 2 (HS2) and may establish a Sub-Committee to consider these:~~

- ~~1. To approve the detail design of works.~~
- ~~2. To control and enforce construction arrangements and works.~~
- ~~3. To determine restoration schemes.~~

- ~~4. To determine and if necessary impose conditions in relation to the bringing into use of any scheduled work or depot.~~
- ~~5. To consider and if necessary determine any matters arising out of context reports submitted by HS2 Ltd.~~
- ~~6. To authorise enforcement action to be taken where it is considered to be expedient to do so.~~
- ~~7. To determine any other matter arising under Schedule 17 of the High Speed Rail [London – West Midlands] Act 2017 where HS2 Ltd require the Council's consent or approval.~~

Additionally The ~~Head of Planning, Transportation & Regeneration~~, **Deputy Director of Planning and Regeneration** in consultation with the appropriate Cabinet Member, may refer applications which by virtue of the level of public interest or by virtue of the economic / regeneration benefits of the proposals are felt to warrant consideration at the Major Applications Committee.

SCHEDULE OF MATTERS WHICH WILL BE REPORTED TO COMMITTEE FOR DETERMINATION (subject to the exceptions contained in the schedule of matters which will not be reported to Committee.

- a) Applications for which petitions of 20 or more signatures or 20 or more separate written responses have been received.
- ~~b) Authorisation and issue of Enforcement Notices and Breach of Condition Notices under the Town and Country Planning Act & Planning and Compensation Act.~~
- e) b) Any application where a Ward Councillor requests, in writing to the Head of Planning, Transportation & Regeneration within 21 days of the publication of the relevant weekly list of applications received by the Council, that it be determined by a Committee. The Ward Councillor must include in their request the valid planning reasons why they wish the application to be determined by Committee and their desired outcome for the application.

Determination of what constitutes a valid planning reason, and thus a valid referral, will be made by the ~~Head of Planning, Transportation & Regeneration~~ **Deputy Director of Planning & Regeneration** in consultation with the relevant Planning Committee Chairman. In exceptional circumstances, as determined by the ~~Head of Planning, Transportation & Regeneration~~ **Deputy Director of Planning & Regeneration** the 21 day rule may be waived.

NB: Should the desired outcome subsequently be in accord with the 'Officer's Recommendation' then the application will not be referred to Committee.

- ~~d) c) Full Planning telecommunication mast applications where the statutory time constraints allow for determination.~~
- e) d) Personal planning applications from Councillors, Chief Officers and officers directly involved in the processing of planning applications be referred to Committee (excludes certificates of existing and proposed lawful use).

- f) e) Sites where enforcement action has been ~~taken agreed by Committee~~ and where the development that is the subject of the planning application, relates directly to the subject of the enforcement action ~~agreed by Committee~~.
- g) f) Determination of minor applications in the green belt at Brunel University, Harefield hospital and Mount Vernon hospital of over 1000sq.m floorspace and determination of minor applications on other sites in the green belt where the floorspace is more than 200sq.m.

Additionally, applications in the following categories shall be reported to Committee for determination but only where the officer recommendation is for approval:

- a) Dwellings – 10 or more dwellings or site of 0.5 hectares or more.
- b) Offices/research and development/light industry – 1000 square metres of floor space or more.
- c) Heavy industry/storage/warehousing – 1000 square metres of floor space or more or site area of over 1 hectare.
- d) Retail distribution and servicing – 1000 square metres of floor space or more or site area of 1 hectare or more.
- e) All other major development – 1000 square metres of floor space or more or site area of 1 hectare or more.
- f) Major aviation development leading to a major quantifiable increase in capacity.
- g) All departures from the development plan.
- ~~h) Applications on Green Belt land, apart from Householder applications.~~
- i) h) Development affecting listed buildings and their settings, other than minor applications as defined by NI 157 (b) and (c) where there is a connected planning application that is capable of being determined by officers under delegated authority.
- j) i) Advertisement poster panels of 16-sheet size and above.
- k) j) Permission in Principle applications, but only where the statutory time constraints allow for determination by Committee.
- k) Changes of use to a proposed sui generis use.

SCHEDULE OF MATTERS WHICH WILL NOT BE REPORTED TO COMMITTEE FOR DETERMINATION

- a) Existing and proposed certificates of lawful use and reporting to Committee on such decisions for information on a regular basis.
- b) All applications to which 42 day or 56 day prior approval constraints apply cannot be referred to Planning Committee unless:
 - (i) where time constraints allow a Committee referral and they exceed 10 units or 1000 sq.m floorspace and are recommended for approval.
 - (ii) where time constraints allow a Committee referral and a valid petition has been received and the officer recommendation is contrary to that requested by the petitioners.
 - (iii) where time constraints allow a Committee referral and 20 or more individual representations in support or objection are received.

This is subject to the following proviso:

Where a petition is received and the officer recommendation aligns with that of the petitioners, or where the above criteria apply but time constraints do not allow a

Committee referral, the Head of Planning should refer the conditions imposed or recommended refusal reasons to the Chairman of the relevant **Area** Planning Committee and Labour lead, for their comment prior to a decision being issued.

- c) **Where a petition has been received requesting refusal of a householder application and where the officer recommendation is to refuse consent and the reasons for refusal align with those requested by the petition.**

PART 3 – OFFICER SCHEME OF DELEGATIONS – CORPORATE DIRECTOR OF PLANNING, ENVIRONMENT, EDUCATION & COMMUNITY SERVICES

Delegated to the ~~Head of Planning, Transportation & Regeneration~~ **Deputy Director of Planning and Regeneration** in accordance with S101 of the Local Government Act 1972. Also sub-delegated to Planning Services Manager (as of 28/2/2012 onwards).

1. Determination of applications as to whether planning permission is required.
2. Determination of applications for Certificates of Lawfulness for existing use or Development.
3. Determination of applications for single dwellings and housing developments of less than 10 dwellings or where the site area is less than 0.5 hectares and the number of dwellings is not specified.
4. ~~Determination of applications for changes of use of retail units, apart from those involving a loss of A1 uses.~~ **Determination of change of use applications except for those involving approval of a proposed sui generis use.**
5. Determination of applications for changes of use of industrial units apart from changes to retail uses.
6. Determination of Householder applications in the Green Belt.
7. **Determination of minor applications in the green belt at Brunel University, Harefield hospital and Mount Vernon hospital of upto 1000sq.m floorspace and determination of minor applications on other sites in the green belt where the floorspace is less than 200sq.m.**
8. ~~Approval of any application or consent not included in the attached schedule and which does not conflict with any planning policies, which is acceptable on planning grounds, where no valid planning objection has been received in the form of a petition of 20 or more signatures or 20 or more separate written responses, or where a Ward Councillor has not requested it to be reported to Committee for decision.~~
9. ~~Refusal of any application or consent which conflicts with any planning policies, which is not acceptable on planning grounds and where no valid planning objection has been received in the form of a petition of 20 or more signatures or 20 or more separate written responses, or where a Ward Councillor has not requested it to be reported to Committee for decision.~~
8. Approval of details required by conditions imposed on the granting of planning permission and where there are no objections.
9. Determination of applications under the Copewood Covenant.
10. Determination of applications for Certificates of Appropriate Alternative Development.
11. Determination of any application under the appropriate Town and Country Planning General Regulations for Council development which satisfy any of the above delegated powers.
12. Approval of responses to proposals which would have fallen within delegation arrangements if a planning application had been required, i.e. applications under

Circular 18/84, consultations on applications submitted to neighbouring planning authorities and applications for determination as to whether prior approval is required under the General Development Order.

13. Approval of ancillary planning agreements and determination of related planning applications, subject to the approval of the relevant Planning Committee of the main heads of terms (excluding Section 73 applications where no increase in residential units or floorspace are proposed and deeds of variations to S106 legal agreements where there is no reduction in the level of affordable housing or monetary sums to be paid to the Council).
14. Authorisation of planning and highways agreements where it is considered appropriate to secure a particular objective, and which would not conflict with any of the Council's planning policies.
15. The entering of land within the Borough for any purpose or purposes required in connection with the exercise of any statutory planning function.
16. The issue of Planning Contravention Notices.
17. The issue of Temporary Stop Notices **and Stop Notices**
18. The issue of S215, breach of condition and planning enforcement notices and to communicate these to Ward Councillors weekly in an appropriate manner.
19. Authorisation and issue of Enforcement Notices in connection with Tree Preservation Orders.
20. Serving of Tree Preservation Orders made in respect of the borough's privately owned trees in accordance with the Town and Country Planning Act and government guidance.
21. Determination of applications for work to trees subject to Tree Preservation Orders in the case of: subsidence, Article 5 Directions, alleged danger, and cases dealt with by the Principal Trees and Landscape Officer. All other TPO applications to be determined by the manager of the Planning Specialists Team (Management Level C).
22. Action requiring the removal or obliteration of un-authorized advertisements.
23. Serving of building preservation notices.
24. Responses to consultations on plans and policies of local authorities and other bodies ~~which do not conflict with existing council policies.~~
25. To authorise the making, issue and service of any notices, orders and other documents under the town and country planning and listed buildings legislation.
26. To authorise the institution of any legal proceedings in respect of any notices orders and other documents made, issued and served under the town and country planning and listed buildings legislation.
27. To authorise the institution of legal proceedings to seek injunctive relief under the town and country planning and listed buildings legislation.
28. To determine minor applications for development affecting listed buildings and their settings, as defined by **NI157 b and c**, and where there is a connected planning application that is capable of being determined by officers under delegated authority.
29. To determine telecommunication mast applications where the statutory time constraints do not allow for determination by the relevant Planning Committee, in consultation with the relevant Chairman of the Planning Committee and Party Lead.
30. To determine non-material amendments to planning applications.
31. That where a planning application has been refused and is appealed and upheld, 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.

32. **Section 73 applications where no increase in residential units or floorspace are proposed.**
33. **To approve deeds of variations to S106 legal agreements where there is no reduction in the level of affordable housing or monetary sums to be paid to the Council.**

HS2 OFFICER DELEGATIONS

In relation to High Speed 2 (HS2) to make the following decisions in consultation with the ~~Cabinet Member for Planning, Transportation and Recycling~~: **Cabinet Member for Environment, Housing and Regeneration.**

Highways

- (a) to determine whether approval should be given in relation to the following matters:
 - access to highways affecting traffic
 - stopping up, diversion and interference with a highway
 - details of works affecting highways
 - trial holes in a carriageway or footway
- (b) to take all necessary steps in relation to the making of a traffic regulation order under Schedule 25 of the High Speed Rail [London - West Midlands] Act 2017.

*The Transport and Aviation & Town Centres Manager is authorised to exercise the above delegations in consultation with the ~~Cabinet Member for Planning Transportation and Recycling~~ **Cabinet Member for Public Safety and Transport.***

Heritage

- (c) To approve Heritage Method Statements relating to works to listed buildings authorised to be demolished, altered or extended and also for any such works for heritage or monitoring purposes under Schedule 18 of the High Speed Rail [London - West Midlands] Act 2017.

*The Planning Specialists Manager is authorised to exercise the above delegation in consultation with the ~~Cabinet Member for Planning Transportation and Recycling~~ **Cabinet Member for Environment, Housing and Regeneration.***

Waterways, land drainage, flood defence, water discharge

- (d) To take all necessary steps in relation to any proposals or applications submitted by HS2 Ltd in relation to the construction of any works affecting drainage, flood storage and flood defence, the flow or purity of water and conservation of water resources arising under Schedule 33 of the High Speed Rail [London - West Midlands] Act 2017.

*The Flood and Water Management Specialist is authorised to exercise the above delegation in consultation with the ~~Cabinet Member for Planning Transportation and Recycling~~ **Cabinet Member for Environment, Housing and Regeneration.***

Control of Noise Generated by Construction Works

- (e) To determine whether consent should be given under Section 61 of the Control of Pollution Act 1974.

*~~The Anti-Social Behaviour and Enforcement Protection Manager~~ **Planning Specialists Manager** is authorised to exercise the above delegation in consultation with the ~~Cabinet Member for Planning Transportation and Recycling~~ **Cabinet Member for Environment, Housing and Regeneration.***

Planning

- (f) To agree minor changes to planning approvals already given to HS2 Ltd.

*~~The Head of Planning, Transportation & Regeneration~~ **The Deputy Director of Planning and Regeneration** is authorised to exercise the above delegation and to agree all minor changes to planning approvals already given to HS2 Ltd, in consultation with the ~~Cabinet Member for Planning Transportation and Recycling~~. **Cabinet Member for Environment, Housing and Regeneration.***

Other Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications

- (g) **To agree all other Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications from HS2 Ltd to the London Borough of Hillingdon not delegated to the Major Applications Planning Committee.**

The Deputy Director of Planning and Regeneration is authorised to exercise the above delegation and make decisions in consultation with the Cabinet Member for Environment, Housing and Regeneration.

Important Note: Delegated decisions **to the Corporate Director of Planning, Environment, Education and Community Services** ~~to the Deputy Chief Executive and Corporate Director of Residents Services~~ in relation to HS2 are executive in nature (i.e. Cabinet/Cabinet Member). As such, the Leader of the Council may determine which are reported to Cabinet for decision under his formal delegations in the Constitution.

Appendix 3

2021/22 Programme of Meetings	2021								2022				
MEETING (and start time)	May	June	July	Aug'	Sept'	Oct'	Nov'	Dec'	Jan'	Feb'	Mar'	April	May
Council (7.30pm) (*AGM)	20		15		9		18		13	24			12
Whips Meeting (5pm)			13		7		16		11	22			
Cabinet (7pm)	27	17	8		2	14	11	16	6	17	24	21	19
Petition Hearings - Cabinet Member for Public Safety and Transport (7pm)		2	14	11	1	20	3	8	5	9	9	13	11
Petition Hearings - Cabinet Member for Environment, Housing and Regeneration (7pm)		9			30		10		4		23		
Minor Applications Planning Committee (7pm)		22	13	4	1,30		2	7	11	15	10	6	10
Major Applications Planning Committee (7pm)		24	21	18	16	14	16	15	19	23	29	26	18
Pensions Committee (5pm)		10	-		28	-		1	-		23		
Audit Committee (5.10pm)			29		29	-	9			1		28	
Health & Wellbeing Board (2.30pm)		15			14		30				8		
Licensing Committee (10am)			7			5			26			5	
Licensing Sub-Committee (10am) (dates tbc)													
Public Safety and Transport Select Committee (7pm)		9	27		21	19	17		18	10	8	7	
Families, Health and Wellbeing Select Committee (7pm)		3	27		8	26	30		4	2	31	19	
Corporate Parenting Panel (5.30pm)	27		1		7		24		25		3		25
Environment, Housing and Regeneration Select Committee (7pm)		8	22		14	13	25		20	16	16	14	
Corporate, Finance and Property Select Committee (7.30pm)		3	6		7	12	24		12	2	2	20	
External Services Select Committee (6.30pm)		16	20		15	7	23		27	22	22	27	
Standards Committee (7pm)		30			1			7			1		
Hillingdon SACRE (5.30pm)		17					4				29		

NB: Meetings of Registration & Appeals Cttee and Petition Hearings with other Cabinet Members are dates & times tbc.