

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

5.1 REVIEW OF COUNCIL CONSTITUTION – MEMBER / OFFICER PROTOCOL

1. Background

- 1.1 The Constitution of the London Borough of Hillingdon sets out how the Council is governed and operates, the various roles of the elected Members, how decisions are made and the procedures which are followed to ensure that everything the Council does is efficient, transparent, accountable, done with integrity and engages residents in the way it does business.
- 1.2 Chapter 22 of the Constitution, as adopted at the annual Council meeting held on 12 May 2022, contains the **Protocol on good Member and officer relations**.
- 1.3 Part of the Protocol governs the use of the Member Enquiry (ME) system advising how Members can easily and swiftly get assistance with their, and their residents', queries.

RECOMMENDATION: That the proposed amendment to Chapter 22 of the Constitution regarding the Member / Officer Protocol, as detailed below, be approved.

2. Background and Proposed Amendment

- 2.1 Currently, Members submit enquiries which are processed by the Members Enquiry Team. There is no distinction made between the enquiries that are received or prioritised, but each enquiry is treated in the same way.
- 2.2 Following the introduction of a new and improved ME system, ME's have now been defined as

*'a clear question has been asked that requires **investigation** by Council Officers, or the supply of **information** from a Council department'. A Members Enquiry may include requests for general policy and performance information, and/or the investigation of ongoing or persistent issues including persistent fly tipping.*

- 2.3 Whereas a Service Request from a Member is defined as:

*'a request for a **one-off action** to be taken, that requires action by an officer and not investigative activities or supply of information'. Examples of a Service Request include collection of fly tipping, removal of graffiti, street lighting issues, tree problem etc. Service Requests are **location-specific**.*

- 2.4 A new ME portal has been developed which will:
 - use structured forms that will support efficient and effective response and closure,

- allow Members to receive an immediate acknowledgment upon submission of an enquiry or request.
 - allow Members to track enquiries and requests, view updates and responses;
 - allow the chasing of responses and enquiries to be automated and completed by or within the Portal, relieving Members of the need to devise their own monitoring system(s);
 - give Members the ability to submit a Members Enquiry or Service Request at any time of their choosing
- 2.5 The new process requires Members to use the portal to submit ME's and/or service requests (using structured forms). This will mean Members will no longer be able to submit a ME or service request by any other means such as telephone or email.
- 2.6 It is proposed that this change be reflected in the Protocol contained within Chapter 22 of the Constitution to ensure there is clear guidance for Members on how to access the new ME system.
- 2.7 Although the proposed change below will come into effect immediately, there will be a 'staggered' implementation programme for Members to start using the new portal. For a number of weeks, therefore, there will be a dual running of the current system and the new one as Members are gradually transferred to using the portal. This is expected to be completed by 31 December 2022.
- 2.8 Proposed changes to **Chapter 22 of the Constitution regarding the Member / Officer Protocol:**

Members' Enquiries and Service Requests

*A Member is free to **submit a Member's Enquiry or service request to approach any Council Department, via the Members' Enquiry portal only, to provide such information, explanation and advice about the Department's functions as may reasonably be required in order to assist with discharging his/her role.***

A Members' Enquiry is defined as:

'a clear question has been asked that requires investigation by Council Officers, or the supply of information from a Council department'. A Members Enquiry may include requests for general policy and performance information, and/or the investigation of ongoing or persistent issues including persistent fly tipping.

A Members' Service Request is defined as:

'a request for a one-off action to be taken, that requires action by an officer and not investigative activities or supply of information'. Examples of a Service Request include collection of fly tipping, removal of graffiti, street lighting issues, tree problem etc. Service Requests are location-specific.

~~Such~~ **All enquiries and** requests must be reasonable and will be met subject to any overriding legal considerations (determined by the Monitoring Officer). If the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable, they will raise the matter with the relevant Corporate / Executive Director who will discuss the issue with the relevant Group Leader or, in the absence of a Group Leader, with the Member concerned.

Should a Member wish for information that is not specific to their own Ward (e.g. is regarding matters affecting the whole Borough or is cross-cutting for a part of the Borough wider than a single Ward) then such a request must be made through the Group Leader with an explanation as to why such information is required.

Should a Member wish to raise, or be asked to raise by a member of the public, a matter in another Member's Ward there is an expectation that they will refer the matter to the appropriate Ward Member(s), unless a valid reason why this would not be appropriate is provided by the Group Leader.

Where a Member requests such factual information, that information will also be supplied to the relevant Cabinet Member, Chairman of the appropriate Committee or relevant officers.

To assist Members in this matter, the Council operates a Members' Enquiries **portal, and all such requests must be made via this route.** ~~procedure of which Members are encouraged to make use. Details can be found on Horizon.~~

FINANCIAL AND LEGAL IMPLICATIONS

There are no specific financial implications arising from this report. Changes to the Constitution require approval from Full Council.

Background Papers: None

5.2 REVIEW OF COUNCIL CONSTITUTION – APPOINTMENTS COMMITTEE

1. Background

- 1.1 The Constitution of the London Borough of Hillingdon sets out how the Council is governed and operates, the various roles of the elected Members, how decisions are made and the procedures which are followed to ensure that everything the Council does is efficient, transparent, accountable, done with integrity and engages residents in the way it does business.
- 1.2 Chapter 10 of the Constitution, as adopted at the annual Council meeting held on 12 May 2022, contains, inter-alia, the terms of reference for the Appointments Committee (5 Members) and the Appointments Sub-Committee (3 Members).
- 1.3 This report proposes deleting the Appointments-Sub Committee and rationalising the Terms of Reference of the two bodies into one Appointments Committee.

RECOMMENDATION: That the proposed amendment to Chapter 10 of the Constitution regarding the deletion of the Appointments-Sub Committee and the merging of its role into the Appointments Committee (with membership of 3 Members), as shown below, be approved and the Head of Democratic Services be authorised to make any other consequential text changes to the Constitution, as appropriate.

2. Proposed Amendment

- 2.1 Given that the roles of the Appointments Committee and the Appointments Sub-Committee are similar, and the membership likewise, it will streamline the administration of the bodies if the Sub-Committee were deleted and all appointments and interviews etc conducted by the Appointments Committee whose Membership would be reduced to three Members (2 Con & 1 Lab).
- 2.2 It is, therefore, proposed to amend the terms of reference of the Appointments Committee as follows:

Appointments Committee

Membership

The Appointments Committee will be politically balanced, and membership determined by the Full Council. Membership shall include at least one member of the Cabinet. The Committee will determine employment matters in respect of Chief Officers. ~~It may establish a sub-committee for the appointment of Deputy Chief Officers or other relevant officers for the discharge of functions set out below.~~

Quorum

~~No business shall be transacted at a meeting of an Appointments Committee unless there is present at least one third of the whole number of Members of the body concerned or 2 3 Members of the Committee. whichever is the greater.~~

Terms of Reference

- 1) To determine all matters (including interviewing, salaries and service conditions) in the recruitment, selection and appointment of the Chief Executive, Corporate & Executive Directors **and those Chief Officers on JNC National Conditions of Service, and any other appointments as deemed necessary**, subject to the financial implications being within approved budgets. Full Council approval is required for the Chief Executive's appointment.
- 2) To establish and implement an annual appraisal and remuneration review process for the Chief Executive, Corporate & Executive Directors, based on clear performance targets and objectives.
- 3) To authorise a compensation package for the Council's Chief Executive on or before the termination of his/her employment with the Council.

Appointments Sub-Committee

Membership

~~The Appointments Committee has established an Appointments Sub-Committee comprising Councillors and will be politically balanced.~~

Quorum

~~No business shall be transacted at a meeting of an Appointments Sub-Committee unless there is present at least one third of the whole number of Members of the body concerned or 3 Members of the Committee whichever is the greater.~~

Terms of Reference

~~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.~~

- 2.3 It is proposed that the membership of the Appointments Committee will be as follows:
- **(nominated by the Conservative Group)** Councillors Edwards and Bianco as Chairman and Vice-Chairman – substitutes to be the other

Members of the Cabinet who will be appointed dependent on the Cabinet portfolio into which the post(s) being interviewed falls.

- **(nominated by the Labour Group)** Councillor Curling – substitutes Councillors Farley, Mathers, Money and Sweeting.

FINANCIAL AND LEGAL IMPLICATIONS

There are no specific financial implications arising from this report. Changes to the Constitution require approval from Full Council.

BACKGROUND PAPERS: None

5.3 REVIEW OF COUNCIL CONSTITUTION – HEALTH AND WELLBEING BOARD MEMBERSHIP

Background

At the meeting of Council on 9 May 2013, the new Health and Wellbeing Board was formally approved as a Committee of the Council. The Board's Standing Orders specify that changes to its membership must be approved by full Council.

RECOMMENDATION: That the Health and Wellbeing Board membership be amended to include the LBH Executive Director, Children and Young People's Services and the NWL CCG be replaced with NWL ICS.

Proposed Amendment

The Health and Social Care Act 2012 specifies that Health and Wellbeing Boards must include the Director of Adult Social Services and the Director of Children's Services of the local authority. As the former Corporate Director, Social Care and Health covered both of these roles, the Health and Wellbeing Board membership cited them as one member in the Council's Constitution. Following his move to the post of LBH Interim Chief Executive, the two roles have been separated and this now needs to be reflected in the Constitution to ensure that representation on the Board meets the requirements of the Act.

The membership also needs to be updated to reflect the move from the North West London Clinical Commissioning Group (NWL CCG) to the North West London Integrated Care System (NWL ICS).

It is, therefore, proposed that the Health and Wellbeing Board Membership be amended as follows:

Membership

The membership of the Board shall comprise:

- 1) *Cabinet Member for Health and Social Care (Co-Chairman)*
- 2) *Hillingdon Health and Care Partners Managing Director (Co-Chairman)*
- 3) *Cabinet Member for Children, Families & Education (Vice-Chairman)*
- 4) *LBH Chief Executive*
- 5) *LBH Executive Director, Adult Services & Health*
- 6) *LBH Executive Director, Children and Young People's Services*
- 7) *LBH Director, Public Health*
- 8) *NWL ~~CCG~~ ICS - Hillingdon Board representative*
- 9) *NWL ~~CCG~~ ICS - nominated lead*
- 10) *Central and North West London NHS Foundation Trust - nominated lead*
- 11) *The Hillingdon Hospitals NHS Foundation Trust Chief Executive*
- 12) *Healthwatch Hillingdon - nominated lead*
- 13) *Royal Brompton and Harefield NHS Foundation Trust - nominated lead*
- 14) *Hillingdon GP Confederation - nominated lead*

FINANCIAL AND LEGAL IMPLICATIONS

There are no specific financial implications arising from this report. Changes to the Constitution require approval from Full Council.

BACKGROUND PAPERS: None