

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) CONSTITUTION – DELEGATIONS RELATING TO HILLINGDON HOMES

Members will recall that, after taking into account the outcome of the tenant and leaseholder 'test of opinion' and other considerations, Cabinet at its meeting on 18 February 2010 agreed to bring housing services back under Council control at the earliest possible opportunity. Following negotiations with Hillingdon Homes, control will be handed over to the Council on 1 October 2010.

Once the handover is complete there will need to be certain amendments to the Constitution and the scheme of delegations and these are shown in Appendix A

RECOMMENDATION: That the constitutional amendments as set out in Appendix A be approved and the Head of Democratic Services, in conjunction with the Leader of the Council, be authorised to make any further minor amendments that may be required in relation to the transfer of Hillingdon Homes

(ii) MEMBERSHIP OF COMMITTEES AND OUTSIDE BODIES

Council is asked to approve the following:

RECOMMENDATIONS: That

a) on the recommendation of the Leader of the Conservative Group:

- **RELATE – Councillor Routledge to replace Councillor Seaman-Digby**
- **Hillingdon Asian Women's Group Committee – appoint Councillor Harper-O'Neill.**

b) on the recommendation of the Leader of the Labour Group:

- **Local Authorities' Aircraft Noise Council – Councillor Nelson to replace Councillor Duncan;**
- **North Planning Committee – Councillor Dhillon to replace Councillor MacDonald**
- **Corporate Services and Partnerships Policy Overview Committee - Councillor MacDonald to replace Councillor Dhillon**

(iii) SCHEME OF MEMBERS' ALLOWANCES 2010/11

Members will recall that the Scheme of Allowances includes the payment of a co-optees allowance to the non-councillor, independent members of the Standards and Audit Committees as follows:

- **Chairmen of Audit Committee and Standards Committee - £2854.07pa**
- **Vice Chairman of Standards Committee - £1037.78pa**

- 3rd Independent member of Standards Committee - £1037.78pa

The London Councils Independent Remuneration Panel recommends that the independent members' payment should be based not only on the role being carried out (ordinary member, vice-chairman, chairman etc), but also on the amount of meetings / additional duties that they are required to attend or carry out.

Accordingly the Leader of the Council is recommending that, to reflect the additional work that the Vice Chairman of the Standards Committee is required to carry out in also chairing the first stage sub-committee for considering complaints against Members, the payment for this co-optee be increased to £1560 pa. The other payments to remain the same.

RECOMMENDATION: That the allowance paid to the vice-chairman of the Standards Committee be increased to £1560 pa.

(iii) REQUEST FOR LEAVE OF ABSENCE

INFORMATION

Councillor Garg has submitted a request via the Head of Democratic Services for special dispensation to be granted by full Council to be excused from meetings until end of February 2011 (over and above the six month period) on medical grounds.

Councillor Garg's last attendance was the full Council meeting on 1 July 2010.

Section 85(1) of the Local Government Act 1972 provides that if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

RECOMMENDATION: To consider whether to grant a request for leave of absence for Councillor Garg under Section 85(1) of the Local Government Act 1972.

CONSTITUTIONAL AMENDMENTS
ARTICLE 7 – THE CABINET (EXECUTIVE)

(Changes shown are either underlined (indicating same or similar wording contained in the Constitution pre-Hillingdon Homes) or ~~crossed-through~~)

Cabinet Member for Social Services, Health and Housing

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - care services for adults and older people,
 - transport and travel for social services clients,
 - services for clients with disabilities,
 - mental health services,
 - local authority health services, other than public health,
 - alcohol, drugs and substance abuse services – in consultation with the Cabinet Member for Education and Children's Services,
 - HIV/AIDs services,
 - Health Promotion,
 - working with the NHS,
 - housing need for the Borough,
 - housing maintenance,
 - stock refurbishment,
 - housing development programme,
 - council shops,
 - homelessness duties,
 - management of the housing stock,
 - conditions of tenancies,
 - rent setting,
 - housing revenue account budget,
 - housing benefit scheme,
 - home ownership,
 - social housing grant,
 - private sector housing grants,
 - new homes initiatives,
 - maximising the use of empty homes.
2. To consider monthly reports on sensitive services and those with significant budget implications, e.g. placements in residential homes.
3. To provide link contact between the Council and the Joint Health and Social Care Executive.
4. To provide link contact between the Council and the Primary Care Trust.
5. To approve proposals for naming and re-naming of housing schemes and developments.
6. Jointly with the Cabinet Member for Finance and Business Services authorise the grant of extension of leasehold interests in properties where the Council is freeholder and to consider requests from leaseholders of Council properties for loft conversions.
7. To approve systems for consultation with tenants and lessees.
8. ~~To act as the Council's representative for purposes of the Management Agreement with Hillingdon Homes~~ and to approve housing management arrangements and methods of procurement.
9. ~~To recommend to the Cabinet the approval of the annual delivery plan of the Hillingdon Homes.~~
10. To approve programmes for stock investment and confirmation of adjustments to the programme.

PART THREE – SCHEME OF DELEGATIONS TO OFFICERS

Delegations to the Head of Housing Services Deputy Director of Adult Social Care Health and Housing

1. To exercise the Council's regulatory and enforcement functions in relation to housing in the area under any enactment including:-
 - (i) taking all steps in connection with the issue or withdrawal of notices, orders or other documents which the Council is authorised or required to serve.
 - (ii) selecting the most effective means of enforcement whether by agreement, works in default, prosecution or otherwise.
 - (iii) authorising officers to act in matters arising under any such enactments.
2. To authorise payments of improvement grants, home insulation grants and creditors' accounts in accordance with regulations.
3. To assess housing rents in accordance with Council policy.
4. To operate the building society support lending scheme on behalf of the Council.
5. To exercise the Council's statutory discretion in connection with improvement grants.
6. To exercise the Council's functions in deciding whether or not applicants for housing assistance are intentionally homeless and therefore ineligible for such assistance.
7. To act on behalf of the Council in agreeing the terms for the sale of any interest in land where the Council is obliged by the Right to Buy legislation to sell or has discretion to sell to secure tenants under the Housing Legislation subject to obtaining the appropriate statutory consents.
8. To assess, agree and authorise the payments of compensation including home loss and disturbance payments and claims regarding the acquisition of or depreciation in interests or rights in land relating to non-Council tenants.
9. To approve the making of Housing Act advances in accordance with the Council's scheme and to secure recovery of all sums owing to the Council thereunder including where appropriate the exercise of rights of sale, to vary the rate of interest charged on Housing Act advances and to effect the discharge of mortgages.
10. To enter into agreements with tenant management organisations.
11. To operate the housing, community charge and Council tax benefit scheme.
12. To approve re-housing in accordance with current policies and appropriate legislation.
13. To authorise refunds of rent in appropriate cases.
14. To exercise the Council's functions regarding the restoration of gas, electricity and water services for tenants.
15. In relation to residential property to grant secure tenancies (including joint tenancies), licences, wayleaves and other occupational rights and to do all that is necessary to ensure compliance with the terms of such rights once agreed
16. To approve and take steps to institute eviction proceedings in appropriate cases.
17. To take all steps to comply with the Council's obligations arising under Tenancy Agreements and Leases which it has granted.
18. To be responsible for the general management, repairs and maintenance of and investment in Council Housing Stock.