

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

8.1 APPOINTMENT OF CABINET

Members are asked to note the appointment by the Leader of the Council of the Deputy Leader and Cabinet for 2024/25 as follows:

Position/Portfolio	Councillor
Deputy Leader, Property, Highways & Transport	Bianco
Finance	Goddard
Children, Families and Education	O'Brien
Health & Social Care	Palmer
Residents' Services	Lavery
Corporate Services	D.Mills

8.2 RESULT OF BY-ELECTION AND POLITICAL BALANCE OF THE COUNCIL

Members are asked to note the results of the Hillingdon East by-election held on 2 May 2024 where Kelly Martin, the Conservative Party Candidate was elected a new borough councillor as follows:

Candidate	Votes
Tom Cottew (Liberal Democrats)	270
Geoff Courtenay (Independent)	103
Steve Garelick (Labour Party)	1,364
Sarah Charmian Green (Green Party)	363
Kelly Martin (Conservative Party)	2,911

Councillor Martin 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.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

These are contained within the report.

Background Papers: None

8.3 REVIEW OF THE COUNCIL CONSTITUTION

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 Many of the Council's constitutional procedures are required by law, whilst others are a matter of local choice. Council regularly reviews the Constitution to ensure it meets local priorities and legislative changes.

RECOMMENDATION: That the Head of Democratic Services be authorised to make the amendments detailed in:

- i) **Paragraph 5 (relating to Questions and Motions to Council)**
- ii) **Paragraph 8 (relating to the Protocol on Good Member and Officer Relations) and**
- iii) **Paragraph 13 (relating to seconding a motion or amendment and reserving the right to speak later in a debate).**
- iv) **Part D) of this report relating to the establishment of a Corporate Resources and Infrastructure Select Committee and the deletion of the former Finance and Corporate Services and the Property, Highways and Transport Select Committees.**

A) QUESTIONS AND MOTIONS

Public Questions

2. Within the Council Procedure Rules and Standing Orders, Standing Order 10 – 'Questions from the Public', contains a section which specifies which proposed questions may be rejected by the Head of Democratic Services. These are described as being a question that:
 - is not from a resident of the Borough;
 - is not about a matter for which the local authority has a responsibility, or which affects the Borough;
 - is defamatory, frivolous or offensive;
 - does not contain sufficient detail or information to allow for an informed and detailed answer to be given or, if local authority resources are referred to, does not provide sufficient detail to allow them to be accurately quantified;
 - appears to be overtly 'political' in nature / part of or related to a party political / election campaign;
 - is substantially the same, similar in nature or concerning the same subject matter as a question which has been put at a meeting of the Council in the past six months; or
 - requires the disclosure of confidential or exempt information as defined in the Access to Information Rules.

Motions and Questions from Members

3. Within the section relating to questions submitted by Members the only stipulation for a question to be considered valid is that it must be about “*any matter in relation to which the Council has powers or duties or which affects the Borough.*”
4. Similarly, within the section relating to Motions submitted by Members the only stipulation for a motion to be considered valid is that it must be about “*matters for which the Council has a responsibility, or which affect the Borough.*”

Proposal

5. To ensure that the ability of Members to submit questions or motions is not abused, it is proposed to add the following wording to the sections referred to above:

For Questions submitted by Members:

Questions that may not be accepted

The Head of Democratic Services may amend or reject a question submitted on notice if it:

- *is defamatory, frivolous or offensive;*
- *does not contain sufficient detail or information to allow for an informed and detailed answer to be given or, if local authority resources are referred to, does not provide sufficient detail to allow them to be accurately quantified;*
- *is substantially the same, similar in nature or concerning the same subject matter as a question which has been put at a meeting of the Council in the past six months; or*
- *requires the disclosure of confidential or exempt information as defined in the Access to Information Rules.*

For Motions submitted by Members:

Motions that may not be accepted

The Head of Democratic Services may amend or reject a Motion submitted on notice if it:

- *is defamatory, frivolous or offensive;*
- *if approved would require unlawful action to be taken or action which would be impossible to implement;*
- *requires the disclosure of confidential or exempt information as defined in the Access to Information Rules.*

B) PROTOCOL ON GOOD MEMBER & OFFICER RELATIONS

6. The above protocol is contained within Chapter 22 of the Constitution and sets out the process for Members' submitting Members' Enquiries and Service Requests.
7. Recently the opportunity has been taken to review this section of the Protocol to ensure that it is still fit for purpose and reflects the way in which Members raise matters on behalf of residents – and in particular requests that are located outside of a Member's own Ward.
8. It is recommended that the Protocol be amended slightly as shown below (new text in **red** and deleted text ~~crossed through~~):

Members' Enquiries & 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.

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.

A Member may raise a valid Service Request for any area within the Borough.

*Should a Member wish to raise **a Member's Enquiry**, or be asked to raise **one** by a member of the public, **concerning** a matter in another Member's Ward, there is an expectation that they will refer the matter to the appropriate Ward Member(s) **or / and, where appropriate, seek the agreement of the member of public to refer the matter to the appropriate Ward Member(s)**, unless a valid*

reason why this would not be appropriate is provided by the **relevant** Group Leader.

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.

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

*To assist Members in **submitting Service Requests, Members' Enquiries or requests for factual information**, ~~this matter~~, the Council operates a **Members' Enquiries** portal, and all such requests must be made via this route.*

C) SPEAKING RIGHTS AT COUNCIL

9. SO14 of the Council Procedure Rules govern the Rules of Debate at Council meetings.
10. SO14.3 'Secunder's Speech' states that, when seconding a motion or amendment, a Member may reserve their speech until later in the debate.
11. Often, on more procedural matters, that Member may decline to speak. However, on more significant matters the Member may wish to choose to speak at the end of the debate (prior to the mover of the Motion exercising their Right of Reply).
12. In order to facilitate this the following change is proposed to SO14.3 as shown below (new text in **red** and deleted text ~~crossed through~~):
13. **14.3 Secunder's Speech**

*"When seconding a motion or amendment, a Member may reserve their speech until later in the debate. **The Member may also, at the moment of seconding a motion or amendment and reserving their right to speak later, request of the Mayor that they be called to speak at the conclusion of the debate, albeit prior to those Members exercising a Right of Reply as set out in SO14.9. Such a request shall be granted by the Mayor.**"*

D) APPOINTMENT OF SELECT COMMITTEES

- 14. Members are asked to approve the appointment of a new Select Committee – the ‘Corporate Resources and Infrastructure Select Committee’.
- 15. The Select Committee will have a membership of 7 (4 Con’ & 3 Lab’) who will be appointed on the basis of political balance at item 9 on the agenda.
- 16. Members are asked to note the deletion of the former Finance and Corporate Services and the Property, Highways and Transport Select Committees.
- 17. The new Select Committee will meet on the dates previously agreed for the former Finance and Corporate Services Select Committee namely:

12 June,
 23 July,
 17 September,
 19 November,
 9 January 2025,
 11 February,
 4 March and
 10 April.

- 18. The remit of the new Select Committee will be to undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolios	<ul style="list-style-type: none"> • Leader of the Council • Cabinet Member for Corporate Services • Cabinet Member for Finance • Property, Highways & Transport
Relevant service areas	<ol style="list-style-type: none"> 1) Democratic Services 2) Finance 3) Procurement & Commissioning 4) Counter Fraud & Business Assurance 5) Digital & Information (Customer Access, Business Intelligence, Digital, Technology, Information Governance) 6) Strategic Partnerships 7) Consultation & engagement 8) Corporate Communications 9) Legal Services 10) Human Resources 11) Business Administration (incl. Mortuary) 12) Transformation (BID) 13) Operational Assets (Repairs & Engineering, Planned Works, Disabled Facilities, Building safety & FM) 14) Property Services 15) Capital Programme (inc. Major Projects) 16) Transportation 17) Highways 18) Health & Safety / Emergency Response

Cross cutting topics

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

- Resident Experience
- Civic Centre, Property and built assets

This Committee will scrutinise and review the work of utility companies whose actions affect residents of the Borough.

Legal & Financial Implications

19. Many of the Council's constitutional procedures are required by law, whilst others are a matter of local choice. Council regularly reviews the Constitution to ensure it meets local priorities and legislative changes. Changes to the Constitution require approval of full Council.
20. There are no financial implications arising from this report.

Background papers: None