

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

i) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5-day scrutiny call-in period, provided the decision is deemed urgent and agreement is given from the Chairman of the relevant Select Committee that the matter is urgent and to waive the scrutiny call-in period. All such decisions are to be reported for information only to the next full Council meeting.
2. Since last reported to Council, the following decisions have been made using urgency procedures:

Date of Decision	Nature of Decision	Reason for Urgency	Decision-Maker
16 October 2024	Platinum Jubilee Leisure Centre – decisions on remaining works to completion	To keep the project on track and not delay, as this could result in damage to the structure and additional costs.	Leader of the Council, and on behalf of the then Cabinet Member for Property, Highways and Transport and the then Cabinet Member for Finance
25 October 2024	Provision of Repairs Team Back-Up Contractor	To avoid the absence of a back-up repairs contractor, which would be to the detriment of Council tenants.	Leader of the Council, in conjunction with the Cabinet Member for Corporate Services & Property

Background Papers: Decision Notices

ii) SELECT COMMITTEES' TERMS OF REFERENCE

Background

1. The power to establish and amend Cabinet portfolios and to appoint Councillors to be Cabinet members rests with the Leader of the Council as set out in the Council's Constitution.
2. The Leader of the Council has notified the Head of Democratic Services that, w.e.f 24 October 2024, the Cabinet would comprise of the following:

NAME	CABINET PORTFOLIO
Councillor Ian Edwards	Leader of the Council, Chair of the Cabinet
Councillor Jonathan Bianco	Deputy Leader of the Council, Vice-Chair of the Cabinet & Cabinet Member for Corporate Services & Property
Councillor Martin Goddard	Cabinet Member for Finance & Transformation
Councillor Susan O'Brien	Cabinet Member for Children, Families & Education
Councillor Jane Palmer	Cabinet Member for Health & Social Care
Councillor Eddie Lavery	Cabinet Member for Community & Environment
Councillor Steve Tuckwell	Cabinet Member for Planning, Housing & Growth

RECOMMENDATIONS: That Council note the appointment of Cabinet members and the new portfolios, and the Head of Democratic Services be authorised to make relevant changes to the Council Constitution to reflect the new Cabinet structure – including to the Terms of Reference of the Council's Select Committees.

Information

3. The amendments to the Cabinet membership and portfolios have required some consequential changes to the Council Constitution, the majority of which are relatively minor, textual changes which have been completed by the Head of Democratic Services.
4. The Select Committees' Terms of Reference are designed to reflect the Cabinet portfolios in order that each Cabinet member can be appropriately scrutinised by the relevant Select Committee.
5. Changing the Terms of Reference of those Committees is a more significant alteration to the Constitution and Council is recommended to instruct the Head of Democratic Services to make the necessary alterations to ensure a consistency of approach in line with the revised Cabinet portfolios.

Financial and Legal Implications

6. There are no financial or legal implications arising specifically from this report.

Background papers: none

iii) CHANGES TO COMMITTEE MEMBERSHIPS 2024/25

RECOMMENDATION: That the following changes to committee memberships for 2024/25 be approved:

(proposed by the Conservative Group):

- **Registration and Appeals Committee – Councillor D.Mills to replace Councillor Tuckwell.**
- **Pensions Committee – Councillor D.Mills to replace Councillor Riley and Councillor Riley to replace Councillor Corthorne as a named substitute.**

iv) APPOINTMENT OF STATUTORY OFFICERS

Background

1. The Monitoring Officer, Section 151 Officer (Corporate Director of Finance), and the Head of Paid Service (Chief Executive) are the Council's three Statutory Officers. These roles are key to ensuring lawfulness, fairness, probity and general good governance that supports the Council in achieving its aims. It is important that they work effectively together yet maintain appropriate independence and that the roles are undertaken by adequately skilled and experienced staff supported by appropriate resources.

RECOMMENDATIONS: That:

- a) **Mr Dan Dickinson be appointed to the statutory role of Monitoring Officer of the Council.**
- b) **subject to the agreement of the Council to a) above, the Constitution and the Officer Scheme of Delegations be amended, and Mr Dickinson be empowered to undertake all of the statutory functions of a Monitoring Officer and Head of Legal Services / Borough Solicitor as set out in the Constitution on an interim basis until such time as a formal appointment to the position of Head of Legal Services is made.**

Information

Monitoring Officer

2. The appointment of a Monitoring Officer is a statutory requirement under Section 5 of the Local Government & Housing Act 1989. The Monitoring Officer's role and responsibilities are also defined within the Council's Constitution. These include ensuring lawfulness and fairness of decision making, receiving reports, conducting investigations, ensuring access to information, advising whether executive decisions are within the budget and policy framework and maintaining the Constitution.
3. At the last Council meeting, in anticipation of the impending departure from the authority of the Borough Solicitor and Monitoring Officer, Glen Egan, it was agreed to appoint the current Deputy Monitoring Officer, Lloyd White, to the role of Monitoring Officer on an interim basis. This appointment ensured continuity in the statutory role within establishment resources whilst longer term options were considered.
4. After careful consideration and consultation with Cabinet Members, it has been recognised that there is now an opportunity to ensure that the Council's legal/governance function is optimally configured to help Hillingdon meet the significant financial challenges it faces, in common with many other local authorities.
5. There are a number of advantages to undertaking that process before making longer-term decisions about how the legal/governance leadership and Monitoring Officer role should be delivered. It is recognised that there is an

ever-increasing risk from Mr Egan's departure until a longer-term decision is made. This risk arises from a lack of leadership capacity within legal services and the absence of a legally qualified Monitoring Officer upon Mr Egan's departure.

6. To mitigate this risk, a search was undertaken to identify a suitably qualified and experienced candidate to lead and review legal services and discharge the statutory monitoring officer role. As a result, Mr Daniel Dickinson has been appointed, on a short-term basis, to the role of Head of Legal Services and, subject to a Council resolution, to the Monitoring Officer role. Mr Dickinson has been retained for an initial period of 6 months, with a standard 3 month notice period.
7. Mr Dickinson is a qualified solicitor and has worked in local government for 24 years. Originally from a planning, highways and regulatory services background, he has operated as Deputy Monitoring Officer and Monitoring Officer for more than 10 years and has experience delivering modern and effective governance structures in Shire, Unitary, and District Councils as well as within a Mayoral Combined Authority.
8. Council is asked to formally grant to Mr Dickinson authority to exercise the delegated powers of the Monitoring Officer and Head of Legal Services as set out in the Constitution, on an interim basis as detailed above.
9. This proposed appointment will provide appropriate expertise and resilience to the Council in its legal obligations.

Financial Implications

10. The cost of this appointment will be contained within existing budgets.

Legal Implications

11. The appointment of a Monitoring Officer is a statutory requirement whose appointment is reserved to Full Council.
12. In 2010 the High Court confirmed in the case of *Pinfold North Limited v Humberside Fire Authority* that there is no legal requirement for a statutory officer to be an employee of the Council. There is, therefore, no legal impediment to the Council appointing Mr Dickinson as the Monitoring Officer or indeed to delegating him powers under the Council's Constitution.
13. Appropriate steps have been taken to protect the Council's interests in line with normal pre-employment checks and processes which have ensured that the terms of Mr Dickinson's appointment include an appropriate notice period to retain the necessary flexibility and options in how it fulfils this role.

Background papers: none