

# REPORT OF THE HEAD OF DEMOCRATIC SERVICES

*Reporting Officer: Head of Democratic Services*

## **(i) THE CABINET**

Members will recall that Part 2, Article 7 of the Constitution concerns the appointment of the Cabinet by the Leader of the Council.

The Leader has informed the Head of Democratic Services that, with immediate effect, the number of Members on the Cabinet is to be reduced to 8 (including the Leader) and that the Cabinet portfolios are to be amended accordingly.

Details of the composition of the Cabinet and the revised portfolios is attached as Appendix A for Members' Information.

**RECOMMENDATION: That**

- a) the composition of the Cabinet and the Cabinet portfolios be noted;**
- b) Councillor Jenkins be thanked for her outstanding contribution to the work of the Cabinet.**

## **(ii) IMPLEMENTATION OF THE COUNCIL'S BUSINESS IMPROVEMENT DELIVERY PROGRAMME**

Members will recall that, at the AGM in May 2010, delegation was awarded to the Head of Democratic Services, in consultation with the Leader of the Council to amend existing officer and Member delegations, job titles etc throughout the Constitution arising from the Business Improvement Delivery Programme.

Following recent structural changes and changes to the Cabinet etc as outlined above, Council is asked to confirm this delegation for any changes that might arise in the future as a result of BID proposals.

**RECOMMENDATION: That the delegation as detailed above be confirmed.**

## **(iii) AMENDMENTS TO THE COUNCIL CONSTITUTION**

Council is asked to consider some minor amendments to the following sections of the Constitution, set out in full in Appendix B:

- Registration and Appeals Committee - to add in an additional term of reference to hear and determine applications for registration of Village Greens;
- Council Procedure Rules, Questions from Members of the Public - to amend the wording of the section detailing reasons why the Head of Democratic Services may reject a question;
- Council Procedure Rules, Record of Attendance – an amendment to clarify what constitutes attendance at a meeting;

- Standards Committee Procedure Rules – an amendment to the procedures to be undertaken when a complaint about an alleged breach of the Code of Conduct is received.

**RECOMMENDATION: That the amendments to the Constitution, as set out in Appendix B, be approved for implementation with immediate effect, including the current Council meeting.**

**(iv) APPOINTMENT OF CHAMPION**

Members will be aware that currently the Council has appointed the following Champions:

- Older Persons - the Leader of the Council
- Disabled People & Equalities – Councillor Kemp
- Carers - Councillor Major
- Heritage and Built Environment – Councillor Routledge

In accordance with Article 4 of the Constitution, Council is asked to consider the appointment of Councillor Sandra Jenkins as Council Champion with responsibility for the Environment under the generic Terms of Reference approved by full Council on 29 June 2006, (revised February 2009) with additional guidance approved by the Leader of the Council to reflect specific responsibilities.

**RECOMMENDATION: That Councillor Jenkins be appointed Council Champion for the Environment.**

London Borough of Hillingdon  
Revised Cabinet Portfolios

Code:

- What's new (Green)
- What has been moved (red)
- Deleted — struck through

Members of the Cabinet:

	<b>NAME</b>	<b>PORTFOLIO</b>
1.	Councillor Ray Puddifoot	Leader of the Council
2.	Councillor David Simmonds	Deputy Leader of the Council and Cabinet Member for Education and Children's Services
3.	Councillor Philip Corthorne	Cabinet Member for Social Services, Health and Housing
4.	Councillor Henry Higgins	Cabinet Member for Culture, Sport and Leisure
5.	Councillor Douglas Mills	Cabinet Member for Improvement, Partnerships and Community Safety
6.	Councillor Jonathan Bianco	Cabinet Member for Finance, <b>Property</b> and Business Services
7.	Councillor Scott Seaman- Digby	Cabinet Member for Co-ordination and Central Services
8.	Councillor Keith Burrows	Cabinet Member for Planning, Transportation and <b>Recycling</b>

Leader of the Council

- 1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:**
  - **Civic Pride**
  - **Heritage**
  - **Street names / buildings etc...**
  - **Democratic Services**
2. To be responsible for the principal policy direction of the Council within its statutory functions.

3. To be responsible for overseeing the development of the short, medium and long term financial strategies to be recommended for adoption by the Council.
4. To represent the Council in the community and in negotiations with the Government and regional, national and international institutions and organisations, reporting to Cabinet as necessary.
5. To be responsible for the overall management structure of the Council, in consultation with the Chief Executive.
6. To identify the need for new strategies and policies for the better discharge of the Council's functions insofar as specific policies and strategies fall within the remit of other Cabinet Members or the Cabinet.
7. To be responsible for the resolution of differences of opinion between portfolio holders acting within their delegated powers and reporting to Cabinet as necessary.
8. To take responsibility for or to assign responsibility to one or more Cabinet portfolio holders for issues not specifically allocated in these delegations or involving one or more portfolio holder.
9. To exercise any executive function not otherwise allocated to either the Cabinet or any other individual Cabinet member, or to delegate such functions to another Cabinet member, a committee of the Cabinet, or to an officer.
10. To monitor the operation of the modernised decision-making structure and make recommendations to the Cabinet and Council as appropriate.
11. To authorise another Cabinet member to deputise for any other Cabinet member in that person's absence.
12. Jointly with the Cabinet Member for Finance, Property and Business Services, to make decisions on the release of monies for all capital projects.
13. To determine the flying of flags on the forecourt of the Civic Centre and agree the list of flags and dates
14. To champion the interests of Older People in the Borough. To ensure that their views are heard and taken into account by the Council. To work towards effective partnerships between Older People and our partner organisations.
15. Jointly with the Cabinet Member for Finance, Property and Business Services to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
16. The Leader may appoint any Councillor or Member of the Public living in the Borough as a Borough Advocate to protect and promote single-issue interests on behalf of the council and where appropriate with partner organisations and beyond. Such a person should hold significant experience within their agreed area of appointment.  
  
*A protocol will be agreed between the Leader of the Council and a Borough Advocate to determine their exact role and length of appointment, however such a post cannot make formal decisions (which are reserved by the Cabinet or appropriate committee) and would undertake a more defined or temporary role than either a Cabinet Assistant or Champion.*
17. To resolve any dispute over the spending of Ward Budgets after consultation with other Party Group Leaders, where appropriate. To also approve spending of the Ward Budget

for the Ward represented by the Cabinet Member for Improvement, Partnerships and Community Safety.

18. In conjunction with the Chief Executive responsible for the operation of the London Borough of Hillingdon Civic Medal Award Scheme.
19. In consultation with the Mayor responsible for the operation of the London Borough of Hillingdon Volunteer Pin Scheme.
20. To agree or amend service specific policies or official codes of practices and guidance.
21. Approve arrangements for significant civic ceremonies and Borough events and also key matters concerning the Mayoralty, in consultation with relevant Officers
22. To oversee the Hillingdon Improvement Programme and authorise expenditure on it, in conjunction with the appropriate officer.
23. To approve Initiatives, oversee their operation and approve grants issued by appropriate officers.

### **Deputy Leader of the Council**

1. To assist the Leader in the exercise of his or her functions, and to deputise in his or her absence.

### **Cabinet Member for Education & Children's Services**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - special needs,
  - school attendance,
  - grants and awards scheme,
  - careers service,
  - home and hospital tuition,
  - transport and travel concessions for school pupils,
  - school places,
  - raising standards of education.
  - all other education services to children.
  - the youth and community service,
  - young people's services,
  - youth centres,
  - Care services for children and families,
  - Provision of care for children,
  - child abuse,
  - juvenile justice,
  - corporate parenting,
  - Services to asylum seekers,
  - Services for children in need including children with a disability.
2. To represent or recommend to Cabinet, another Councillor to represent the Council on the Authority's Adoption and Permanency Panel and Fostering Panel.
3. To approve statements of purpose for Children's homes and establishments.

4. Jointly with the Cabinet Member for Culture, Sport and Leisure, to monitor the operation of Management Advisory Committees for projects / facilities managed by the education and youth service and to approve the establishment of any new Management Advisory Groups.
5. To approve variations to schemes for the Local Management of Schools.
6. To approve variations to constitutions of School Governing Bodies.
7. To exercise the LEA's powers of intervention including the suspension of delegated powers from a governing body in accordance with the School Standards and Framework Act 1998.
8. To receive monthly reports on the performance of schools.
9. To approve appointments of Council nominees to School Governing Bodies, within a local procedure allowing nominations from all political groups.
10. To monitor the performance of any schools where special measures have been applied.
11. To consider Ofsted reports on schools in the Borough as necessary
12. To determine school organisation proposals where no objections have been received.

#### **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:-
  - housing maintenance
  - stock refurbishment
  - council shops
  - management of the housing stock,
  - housing need for the Borough,
  - housing development programme,
  - homelessness duties,
  - 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
  - care services for adults and older people
  - services for clients with disabilities,
  - mental health services
  - local authority health services
  - **public health**
  - **drugs and substance abuse services**
  - HIV/AIDS services,
  - Health promotion,
  - Working with the NHS,

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 Primary Care Trust.
4. To approve proposals for naming and re-naming of housing schemes and developments
5. Jointly with the Cabinet Member for Finance, Property 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.
6. To approve systems for consultation with tenants and lessees.
7. To approve housing management arrangements and methods of procurement
8. To approve programmes for stock investment and confirmation of adjustments to the programme.

#### Cabinet Member for Culture, Sport and Leisure

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - libraries
  - leisure services
  - cultural activities
  - sports strategy
  - development of the arts
  - adult education

#### Cabinet Member for Improvement, Partnerships and Community Safety

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - partnerships,
  - seeking external funding,
  - promoting harmony between different cultures and races,
  - working with local organisations, including faith groups,
  - the Chrysalis programme of environmental improvements,
  - **Street Champions & Streets Ahead**
  - **Community Engagement**
  - **Town Centre Regeneration**
  - performance improvement,
  - emergency planning,
  - community safety,
  - CCTV, including the CCTV control room,
  - ~~internal and external communications~~
2. To agree proposals for methods of partnership working, in consultation with the appropriate Cabinet Member if this relates to specific service areas, e.g. transport.
3. In consultation with the Cabinet Member for the appropriate service area, to promote effective partnerships between the Council and all other bodies and agencies affecting the community.

4. To represent the Council on the Uxbridge Initiative and similar town centre partnerships.
5. To oversee proposed arrangements with public and other bodies for the delivery of partnership initiatives and to develop successful partnerships with the other private, public and voluntary agencies which affect the Borough.
6. To take the lead for the Council on civil emergencies and on the response to disasters.
7. To provide a link between the Council and the Community Trust.
8. To oversee the Council's performance management arrangements and to receive regular reports on the extent of achievement of targets and performance indicators for all service areas.
9. To make recommendations to the Cabinet on areas for service reviews, in conjunction with the Leader.
10. In consultation with the Cabinet member for the service portfolio area, to make recommendations to Cabinet in respect of services where the in-house provision is to be subject to competition.
11. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme, where appropriate taking into consideration any recommendations of the Environmental Improvements Panel, and to also approve specific alleygating schemes and alleygating policies and procedures.

**To approve the inclusion of individual projects in the Chrysalis Programme which are for security works in parks and open spaces jointly with the Cabinet Member for Finance, Business and Property Services.**

12. To be responsible for developing awareness throughout the Council and Borough of community safety.
13. To develop partnership working with the community, the Police, probation service, health service and other stakeholders to develop solutions to community safety concerns.
14. To monitor the implementation of the community safety strategy, including the achievement of targets in the strategy.

**15. Responsible for ~~corporate communications~~ and consultation arrangements.**

16. To approve the spending of Ward Budgets.
17. To sign off all approved expenditure on external support, agency and consultancy advice for the Business Improvement Delivery programme.
18. To oversee the Member Development Programme and agree associated seminars and training.

**Cabinet Member for Finance, Property and Business Services**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - financial controls,
  - monitoring of the overall revenue and capital budgets
  - economic regeneration,



- progressing regeneration through external funding,
- examining ways of boosting local employment,
- IT policy,
- e-Government agenda,
- risk management
- facilities management
- major construction projects
- **animals,**
- **trading standards,**
- **mortuaries,**
- **crematoria,**
- **cemeteries,**
- **burial grounds,**
- **weights and measures,**
- **environmental health,**
- **consumer protection,**
- **Imported Food office, Heathrow,**
- **Health Control Unit, Heathrow,**
- **Licensing (other than that delegated to committees)**
- **fleet and passenger services**
- **transport and travel for social services clients,**
- land and property holdings,
- the management of industrial and business units,
- **management of meeting halls**
- **reservoirs,**
- **land drainage,**
- **parks,**
- **open spaces,**
- **woodlands,**
- **allotments,**
- **other amenity land,**
- **provision and management of trees,**
- **Colne Valley Park**
- **Land Charges**

2. To recommend, in consultation with other appropriate portfolio holders, to the Cabinet the priorities for the inclusion of projects in the Council's capital maintenance programme.
3. In pursuance of the Council's objectives and on the recommendation of the Director of Planning, Environment and Community Services, the levels of authority for decisions on land and property will be as follows:-

Property Licenses and Leases

Length	Total Amount	Authority
Under 7 years	Under 10K	Director of Planning, Environment and Community Services
Under 7 years	10k - £100k	Cabinet Member
Under 7 years	Above £100k	Cabinet
7-25 years	0k to £250k	Cabinet Member
Over 25 years	All values	Cabinet

Other property matters

Acquisition and disposal of land and property	Under £10K	Director of Planning, Environment and Community Services
	£10k - £250k	Cabinet Member
Grant of easements and wayleaves	Under £10K	Director of Planning, Environment and Community Services
	£10k - £250k	Cabinet Member

4. To approve annually a report on the performance of the property portfolio
5. To receive monthly updates of the sales programme.
6. To recommend to the Cabinet an Asset Management Policy and Plan and Capital Investment Strategy for the best use of the Council's land and property, in consultation with service portfolio holders.
7. Jointly with the Cabinet Member for Social Services, Health and Housing to 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.
8. To report to the Cabinet on the development of information technology within the Council's organisation and the arrangements to promote e-Government in accordance with national strategies.
9. In consultation with the appropriate portfolio holder, to monitor the implementation of changes made as a result of recommendations from Internal Audit.
10. In consultation with the appropriate portfolio holder, to consider recommendations made by the External Auditor and to make recommendations to the Cabinet for service changes.
11. To approve virements between services if provided for in the budget framework.
12. To make recommendations to the Cabinet for the use of land and property, where there are competing service needs.
13. To approve terms for the appropriation between services, on the recommendation of the Director of Planning, Environment and Community Services.
14. To take the lead for the Council in health and safety at work legislation.
15. Jointly with the Leader of the Council to make decisions on the release of monies for all capital projects.
12. To be responsible for overseeing and reporting to Cabinet on major construction projects and corporate landlord matters in conjunction with the Leader.
13. Jointly with the Leader of the Council to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
14. In conjunction with the Leader, to agree rent reviews, including rent free periods for tenants undertaking capital works or determine whether the Council carries out such capital works and agree to modify any future rent accordingly.

15. **Jointly with the relevant Cabinet Member, to monitor the operation of Management Advisory Committees for projects / facilities managed by the education, youth and environmental services and to approve the establishment of any new Management Advisory Groups.**
16. **To approve lettings of public open space for funfairs, circuses and other similar events.**
17. **Jointly with the Cabinet Member for Improvement, Partnerships and Community Safety, and within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme which are for security works in parks and open spaces, where appropriate taking into consideration any recommendations of the Environmental Improvements Panel.**

#### **Cabinet Member for Co-ordination and Central Services**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - Legal services
  - Human Resources
  - Procurement policy
  - Learning & Development
  - **Employment and Training advice**
  - **Communications**
2. To approve, on the recommendation of the Borough Solicitor, the appointment of Counsel.
3. Under the direction of the Leader of the Council, to assist in the delivery of the Council Plan and related initiatives and projects, where appropriate in consultation with other portfolio holders.
4. To be responsible for other portfolio responsibilities or specific delegations, which are agreed in advance by the Leader of the Council under existing delegations.
5. On the request of an Appropriate Delegated Officer within the meaning of the Procurement and Contract Standing Orders, to enter into negotiations, in conjunction with this officer or any other officers nominated by him/her, with those parties who have entered into contracts with the Council.

#### **Cabinet Member for Planning, Transportation and Recycling**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - designation of conservation areas,
  - Borough wide planning policies,
  - Planning enforcement policies,
  - highways,
  - purchase notices,
  - revocation of planning consents,
  - stop notices,
  - bus routes,
  - traffic,
  - transportation,

- parking,
  - road safety
  - building control,
  - school crossing patrols,
  - conservation,
  - promoting a high quality built environment,
  - local safety schemes.
  - **recycling,**
  - **waste strategy,**
  - **civic amenity sites,**
  - **refuse collection,**
  - **street cleansing,**
  - **trade waste.**
  - **sustainable development**
2. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the programmes for street lighting, highway maintenance, traffic management, London Cycling Network, London Bus Priority Network, Parking Revenue Account funded schemes, (in consultation with other Cabinet Members as appropriate) within the financial limits set out in the budget framework.
  3. To receive monthly reports on numbers of parking penalty charge notices written off or cancelled by officers.
  4. To approve variations to the cost of projects funded from the parking revenue account and other schemes, within the limits set out in the overall budget framework.
  5. To approve or refuse requests for footway parking exemptions.
  6. To consider comments received as a result of public consultation on traffic management proposals, including waiting and loading restrictions, clearways, controlled parking zones, local safety schemes and to approve the final form of schemes, including approval to the conditions of use for parking permits to e.g. traders, business users, residents.
  7. To receive monthly progress reports on the completion of planning obligations (section 106) Agreements.
  8. To consider representations made on proposals for modifications to the Local Development Framework and to make recommendations to Cabinet as appropriate.
  9. To consider representations made to proposals for supplementary planning guidance and to make recommendations to Cabinet as appropriate.

**PART 2 – ARTICLES**

**Article 8 – Council Committees and Bodies**

**8.03 Registration and Appeals Committee**

**(c) Terms of Reference**

To hear and determine:

12. Under the terms of the Commons Act 2006, to consider and determine applications for registration of Village Greens.

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**PART 4 – RULES OF PROCEDURE**

**A. Council Procedure Rules**

**10. Questions from Members of the Public**

**10.5 Scope of questions**

The Head of Democratic Services may reject a question if it:

- is not from a resident of the borough or a person whose principal place of work or study is within 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;
- 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.

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**22. RECORD OF ATTENDANCE**

**22.1** All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

**22.2** For an attendance to be considered valid the Member

- must be a member of the committee, sub-committee, panel, working group etc that they are attending
- must be present for at least 50% of the items on the agenda, (excluding standard items such as 'Apologies', 'Minutes' and 'Declarations of Interest'), unless given leave to depart earlier by the Chairman of the meeting.

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## C. Standards Committee Procedure Rules

### 3. ASSESSMENT

3.1 Upon receipt of a written complaint, the Monitoring Officer will normally:

- Acknowledge receipt in writing within 3 working days, requesting any additional information that may be required to assist with the assessment of the complaint\*;
- Notify the subject Member that a complaint has been made, giving details of the complainant (unless the complainant has made a request for confidentiality and the Assessment Sub-Committee has yet to determine whether to grant it), details of the sections of the Code of Conduct to which the alleged breach relates **and requesting any additional information that may be required to assist with the assessment of the complaint\***;
- Notify the subject Member that a full written summary will be provided once the Assessment Sub-Committee has met to consider the complaint;
- Arrange for a meeting of the Assessment Sub-Committee to be held within 15 working days;
- Prepare a report for the Assessment Sub-Committee, summarising the complaint and giving full details of the alleged breach along with any additional information the Sub-Committee may need to assist with its deliberations.

\*N.B – at this stage seeking additional information should not in anyway amount to an investigation e.g. interviewing witnesses etc, but should be a factual clarification of any ambiguities.