

# REVIEW OF THE COUNCIL CONSTITUTION

*Reporting Officers: Head of Democratic Services and Borough Solicitor*

## INFORMATION

1. The Constitution of the London Borough of Hillingdon sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Many of these processes are required by law, while others are a matter for the Council to choose. The Constitution contains 16 Articles, which set out the basic rules governing the Council's business.
2. The Constitution is reviewed on a regular basis to keep it up to date with legislative changes, best practice and to continue to meet the needs of the political interface, which is integral to the effective running of the Council.
3. The Leader of the Council has proposed the following changes to the Constitution;
  - a) subject to consideration by Cabinet on 17 February of proposals to change the first tier management structure of the Council, - amendments to Part 2, Article 12, 'Officers', Part 3, 'Scheme of Delegation to Officers' and Part 7, 'Management Structure'
  - b) Amendment to Part 4, Schedule E 'Policy Overview and Scrutiny Procedure Rules' – waiving of call-in.

**RECOMMENDATION TO COUNCIL:** That the proposed amendments to the Constitution, as detailed below and in Appendices 1 – 3 (to follow) be approved with immediate effect.

## PROPOSED AMENDMENTS TO THE CONSTITUTION:

### **Amendments to Part 2, Article 12 'Officers', Part 3, 'Scheme of Delegation to Officers' and Part 7, 'Management Structure'**

4. Cabinet at its meeting on 17 February is due to consider proposals to restructure the top management tier of the Council, driven by a need to find further efficiency savings as part of the Business Improvement Delivery [BID] programme and an opportunity for the Council to streamline its top management structure and to align services within Directorates which have a natural synergy.
5. Subject to the Cabinet agreeing the recommendations before it on 17 February, Council is asked to consider changes to those parts of the Constitution detailed above which will be circulated following the conclusion of the formal consultation into the proposals (*appendices 1, 2 & 3 to follow*).

## **Implementation of the Council's Business Improvement Delivery Programme**

6. Following similar decisions made at the Council meetings in May and November 2010, Council is asked to approve that the authority to make any further changes to existing Officer Delegations, Job Titles and delegations throughout the Constitution which may be required as a part of the Business Improvement

Delivery Programme be delegated to the Head of Democratic Services, in consultation with the Leader of the Council.

#### **Amendment to Part 4, Schedule E: Policy Overview and Scrutiny Procedure Rules – waiving of call-in.**

7. The rules concerning the call-in of decisions made by the Cabinet recognise that the call-in procedure shall not apply where the decision being taken by the Cabinet or Cabinet Member is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests or could lead to an (increased) risk of damage to people or property.
8. Currently the Head of Paid service or his/her nominee and the Chairman of the Executive Scrutiny Committee or his/her nominee must be informed that the decision will be implemented immediately upon their all agreeing that the decision is reasonable and to it being treated as a matter of urgency, or after 2 clear days should no objection to urgent implementation be received.
9. In order that officers should not become involved in making decisions that should properly be the remit of elected Members it is proposed that the following be agreed to replace the current arrangements for the agreement of waiving the call-in provision:

**The Chairman of the Executive Scrutiny Committee (or Vice-Chairman in their absence) must be informed that the decision will be implemented immediately upon him/her agreeing that the decision is reasonable and to it being treated as a matter of urgency, or after 2 clear days should no objection to urgent implementation be received. In the absence of the Chairman or Vice-Chairman then the Mayor (or Deputy Mayor if required) can take this decision. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.**

#### **Updating and publication of the Constitution**

10. The updated Constitution will be available electronically on the Council's intranet site HORIZON and the Council's public website [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk).

#### **FINANCIAL IMPLICATIONS**

11. There are no direct financial implications arising directly out of this report.

#### **LEGAL IMPLICATIONS**

12. The Borough Solicitor has checked the proposed amendments to the Constitution and confirms that they are compliant with relevant legislation.
13. Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS :none