



HILLINGDON

LONDON

Council

Date: THURSDAY 6th NOVEMBER 2008

Time: 7.30 P.M.

Venue: COUNCIL CHAMBER, CIVIC CENTRE
HIGH STREET, UXBRIDGE

To all Members of the Council:

You are invited to attend the meeting of the Council to be held on Thursday 6th November 2008 at 7:30pm, in the Council Chamber at the Civic Centre to deal with the business set out overleaf.

Public Question Time:

If you wish to ask a question to the Leader of the Council or Cabinet Members at future Council meetings on issues affecting your area or the Borough as a whole, then please contact Democratic Services. You can find out about the dates of Council meetings using the contact details below:

Publication Date: 29th October 2008

Lloyd White
Head of Democratic Services

Contact Officer: Gill Brice

Visiting the Civic Centre:

Members of the Public and Press are welcome to attend this meeting.

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Please enter from the Council's main reception where you will be directed to the Council Chamber.

Please switch off your mobile phone when entering the room and note that the Council operates a no-smoking policy in its offices.

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INVESTOR IN PEOPLE

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Business

Prayers

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MINUTES OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF HILLINGDON

Meeting held in the Council Chamber at the Civic Centre, Uxbridge
on Thursday 11th September 2008 at 7.30pm

Councillor Brian Crowe (Mayor)
Councillor Shirley Harper-O'Neill (Deputy Mayor)

Councillors:	Dave Allam	Santokh Dhillon	Mary O'Connor
	Lynne Allen	Janet Duncan	+ Ian Oakley
	Bruce Baker	Tony Eginton	John Oswell
	Mo Bamber	Janet Gardner	David Payne
	Ann Banks	Sid Garg	+ Ray Puddifoot
	Tim Baker	Paul Harmsworth	Andrew Retter
	Richard Barnes	John Hensley	Jill Rhodes
	Josephine Barrett	Henry Higgins	David Routledge
	Kenneth Bartram	Graham Horn	Avtar Sandhu
	Jonathan Bianco	Pat Jackson	Robin Sansarpuri
	David Bishop	Phoday Jarjussey	Scott Seaman-Digby
	Lindsay Bliss	Sandra Jenkins	David Simmonds
	Mike Bull	Allan Kauffman	Anita MacDonald
	Keith Burrows	Judy Kelly	Brian Stead
	Paul Buttivant	Liz Kemp	Anthony Way
	George Cooper	Peter Kemp	+ Michael White
	Judith Cooper	Mo Khursheed	+ Kay Willmott-Denbeigh
	Philip Corthorne	Edward Lavery	David Yarrow
	Geoff Courtenay	Richard Lewis	
	Mike Cox	John Major	
	Peter Curling	Michael Markham	
	Catherine Dann	Douglas Mills	

+ Denotes apologies for absence received

1. PRAYERS

Prayers were said by Hajinder Singh.

2. MINUTES

The minutes of the meeting held on 13th March and 3rd July 2008 were agreed as a correct record.

3. DECLARATIONS OF INTEREST (Agenda Item 3)

Councillor Mike Cox declared a personal and prejudicial interest in Item 9.9, relating to the Swallows Gymnastic Club which his firm was representing and left the meeting whilst the item was discussed.

4. MAYOR'S ANNOUNCEMENTS (Agenda Item 4)

It was with sadness that the Mayor informed Members of the recent death Councillor Solveig Stone. All present stood for a minute's silence in her memory.

Councillor Tony Eginton, who was elected at the by-election held on 17 July 2008, was welcomed to the meeting. Fran Beasley, the newly appointed Deputy Chief Executive, was also welcomed to the meeting.

The Council Chamber had been newly refurbished. The Mayor congratulated and thanked those involved in the work.

The Mayor advised those present that the London Borough of Hillingdon had recently been appraised for Green Flag status. As well as retaining seven Green Flags, the Council had achieved three new ones. This brought the Council's total up to ten, ranking it as the second most Green Flag awards for a London Borough behind Westminster (which had achieved 12).

The Mayor was pleased to announce that he had recently presented NVQ certificates to 80 of the Borough's Waste Management staff who had achieved an NVQ Level 2 in Waste Management Operations. He commended the staff for their efforts.

The Borough shooting team had taken part in the annual competition organised by the London Boroughs' National Small Bore Rifle Association which had been running for 97 years. The Mayor congratulated the team members for winning the competition for the second successive year.

Councillor Mary O'Connor was congratulated on being appointed as Chairman of the London Health Commission.

Councillor David Routledge was commended for conducting Walk for Peace through the Borough during Peace Week. He was also thanked for providing a raffle prize, the proceeds of which would benefit the Mayor's Charity. Councillor Andrew Retter was also thanked for his donation of £50 to the Mayor's Charity.

The Mayor reported that, due to insufficient ticket sales, the charity event that was to be held in association with RAF Uxbridge and the RAFA Club on Friday 12 September 2008 had been cancelled.

At the invitation of the Mayor, Councillor Jill Rhodes made a short statement in which she expressed her regret for any offence caused by a remark she had made at the Council meeting held on 17 January 2008 in relation to the conduct of certain canvassers in the May 2006 elections.

5. QUESTIONS FROM THE PUBLIC (Agenda Item 5)

5.1 QUESTION FROM NEVILLE BROOKS TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR KEITH BURROWS

'Recently published figures in respect of road repairs and improvements, indicate that over £1 million has been defrayed in and around the Ruislip area, and over £200,000

is currently being spent for the benefit of Northwood Town Centre. Will Councillor Mills who is responsible for authorising such expenditure please announce how much has been allocated to Northwood Hills Ward for similar repairs and improvements during the same period?’

As Mr Neville Brooks was unable to attend the meeting, he had requested that this question be deferred to a future Council meeting. This deferral was agreed.

5.2 QUESTION FROM GAY BROWN TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH AND HOUSING COUNCILLOR PHILIP CORTHORNE

‘At various meetings with the Carers and Parents of service users at the Rural Activity Garden Centre (RAGC) a verbal undertaking has been given that none of the present users will be moved on and that reconsideration will be given to intended moves, which would change the present operation by including those with more severe needs.

Why are the Council refusing to give such an undertaking in writing to allay the quite justified concern of those involved in supporting the centre and its workers?’

In addition, a petition had been received in relation to this item with 241 signatures as follows:-

We are asking you to sign this petition to support the work of the Rural Activity Garden Centre They do sterling work providing a safe working environment for people with handicaps and are a very real part of the community. The staff have become more like a family and the Council are threatening to change the way they operate and send these people elsewhere. This will obviously cause great distress to them and to those of us who appreciate the welcoming smiles and helping hands that always greet you – to say nothing of the incredible prices. Please sign to say that the RAGC should be retained in its present format with its present staff.

Councillor Philip Corthorne advised that he, along with Councillors John Major, Judith Cooper, Elizabeth Kemp and Peter Kemp, had attended a meeting at the Rural Activity Garden Centre on 31 July 2008. The interim Head of Social Care Services had followed this up in writing to all parent/carers to confirm that no users would be asked to leave the service against their wishes until alternative appropriate services were available. The letter also stated that an options appraisal exercise as to the development of the centre as part of the wider modernisation programme was to be undertaken.

5.3 QUESTION FROM BITU DADES TO THE CABINET MEMBER FOR FINANCE AND BUSINESS SERVICES - COUNCILLOR JONATHAN BIANCO

‘Our small retail members in estate parades surrounding the town have reported that the Council have demanded huge increases in ground rent varying from 50% to 90% in just one year.

The Council must be aware that retails are at present under threat as never before. The recession, the increase in food prices, the increased cost in food road miles,

increased business rates demands and the ever greedy superstore competition create a retail climate which gives us grave concerns for the viability and sustainability of the small traders throughout the Borough. These traders provide a crucial service to the residents of the estates and especially to those less well off and less able to get around and the increase rent demands are clearly hugely above inflation rates.

Would you please therefore justify those increases?’

Councillor Jonathan Bianco stated that he was happy to meet with the retailers to discuss this issue and would instruct officers to make the appropriate arrangements. He stated that all Council shops were let on occupational leases (land and buildings) at a market rent for the premises. Although the premises might be just a shop, it could also include a garage or a flat above the shop.

Officers had been asked to look into the matter and had reported that there were no instances where the Council had demanded an increase of 50% to 90% in just one year. Most of the Council shops were let on leases with a 3 year review pattern, which only allowed rents to be revised every 3 years (there were some older style leases where the rents were reviewed every 5 years). A small number of leases allow the rent to be revised 1 year before the lease expiry. The highest rent increases recently proposed had been one of 34% over 3 years and one of 82% over 5 years.

It was noted that Council tenants had the right to independent third party arbitration, which would assess and determine the rent based on market evidence. This rent would then be binding on both parties.

6. REPORT OF THE HEAD OF DEMOCRATIC SERVICES (Item 6)

(i) MEMBERSHIP CHANGES

RESOLVED: That the following changes be made:

Resident’s & Environment Services Policy Overview Committee	Appoint Cllr Michael Markham to replace Cllr Ian Oakley
Registration & Appeals Committee	Appoint Cllr Mo Bamber to replace Cllr Ian Oakley
Social Services & Health and Housing Complaints Review Panel	Appoint Cllr Peter Kemp to replace Cllr Ian Oakley
Heathrow Airport Consultative Committee	Appoint Cllr Josephine Barrett to replace Cllr Paul Buttivant
Disablement Association of Hillingdon (DASH)	Appoint Cllr Ken Bartram to replace Cllr Ian Oakley
London Council’s Grants Committee	Appoint Cllr Andrew Retter as Deputy
Fassnidge Memorial Trust	Re- Appoint Cllr Andrew Retter
Harefield Parochial	Appoint Mr P Mander
Ruislip Combined Charities	Re- Appoint Mr K T Guy and Mr M Kilbey
Friends of Eastcote Coach House Gardens	Appoint Cllrs Bruce Baker, Catherine Dann and David Payne
Hillingdon Conservation Forum	Appoint Cllr Tony Eginton

The Council meeting was adjourned at this point to enable a special meeting of the Residents & Environment Services Policy Overview Committee to meet and appoint a Chairman and Vice-Chairman.

Appointment of Chairman

Councillor Kay Willmott-Denbeigh was nominated by Councillor Michael Markham and seconded by Councillor John Hensley as Chairman. There being no further nominations, this was put to the vote and agreed.

RESOLVED: That Councillor Kay Willmott-Denbeigh be appointed Chairman of the Residents & Environment Services Policy Overview Committee for the remainder of the Municipal Year.

Appointment of Vice-Chairman

Councillor Michael Markham was nominated by Councillor John Hensley and seconded by Councillor Janet Duncan as Vice-Chairman there being no further nominations this was put to the vote and agreed.

RESOLVED: That Councillor Michael Markham be appointed as Vice-Chairman of the Residents & Environment Services Policy Overview Committee for the remainder of the Municipal Year.

Council Re-convened.

(ii) URGENT DECISION – OPTIONS AGREEMENT

RESOLVED: That the report be noted.

7. ANNUAL REPORT OF THE AUDIT COMMITTEE (Item 7)

RESOLVED: That the Audit Committee's annual report as set out in Appendix 1 of the report be noted.

8. HILLINGDON PARTNERS' SUSTAINABLE COMMUNITY STRATEGY 2008-18 (POLICY FRAMEWORK) (Item 8)

It was noted that the use of the word 'Chair' within the Strategy document should be replaced by 'Chairman'.

RESOLVED: That the Hillingdon Partners' Sustainable Community Strategy 2008-18 be approved and adopted as a policy framework document.

9. QUESTIONS FROM MEMBERS (Item 9)

9.2 QUESTION FROM COUNCILLOR MARY O'CONNOR TO THE CABINET MEMBER FOR EDUCATION & CHILDREN'S SERVICES – COUNCILLOR DAVID SIMMONDS

'Can the Cabinet Member comment on the Examination results achieved in Hillingdon Schools this year?'

Councillor David Simmonds stated that provisional data indicated that 63% of pupils achieved level 2, the equivalent of 5 or more A*-C grades at GCSE. This represented a 5 percentage point increase compared to 2007, a record single year increase. Since 2004, the percentage of pupils achieving this standard had increased by 15 percentage points.

Given that there had been enormous problems with the accuracy of exam results, Councillor Simmonds congratulated the Borough's young people for the results that they had achieved. He also congratulated those Directors and officers involved in assisting the schools in moving forwards.

Councillor Mary O'Connor, by way of a supplementary question, asked Councillor Simmonds to specifically state the achievements of Looked After Children.

Councillor Simmonds responded that a significant number of students placed in the Borough's schools lived outside of the area. He agreed to provide a written answer.

9.3 QUESTION FROM COUNCILLOR TONY EGINTON TO THE LEADER OF THE COUNCIL – COUNCILLOR RAY PUDDIFOOT

'To ask the Leader of the Council having been Leader of the Council for more than eight years, does he accept the view of the voters in Townfield ward (less than 20% of those voting chose the Conservative candidate) that the level of Council services is woefully poor?'

Councillor David Simmonds responded in the absence of Councillor Ray Puddifoot and suggested that, on the basis of all the evidence the Council had residents had not found the level of Council services 'woefully poor'.

Councillor Tony Eginton, by way of a supplementary question, asked Councillor Simmonds about those areas which were in need of investment.

Councillor Simmonds stated that residents appeared to have confidence in Members to resolve the issues.

9.10 QUESTION FROM COUNCILLOR MIKE COX TO THE CABINET MEMBER FOR ENVIRONMENT – COUNCILLOR SANDRA JENKINS

'Given the continuing stench that emanates from the composting site in New Years Green Lane, what action has Hillingdon taken to penalise the owners of the site?'

Councillor Sandra Jenkins stated that the Council's Environmental Protection Unit had worked closely with the Environment Agency, who were now the sole licensing and enforcement authority for odour complaints about waste facilities. All complaints received by the Council were shared immediately with the Agency's local office based in Amersham. Officers were satisfied that the cause of the problem that occurred in June had been identified and, as part of the Environment Agency's enforcement action, an external odour consultant had been brought in by the operator to review the processes.

Councillor Mike Cox asked Councillor Jenkins to give reassurances that something would be done to eliminate the smell.

Councillor Jenkins responded that the Environmental Protection Unit would be asked to make a formal complaint to the Environment Agency about the matter.

9.1 QUESTION FROM COUNCILLOR DAVID BISHOP TO THE LEADER OF THE COUNCIL – COUNCILLOR RAY PUDDIFOOT

‘Can the Leader of the Council please tell us when he considers this Local Authority is likely to be awarded the London Elected Members Personal Development Charter from London Councils?’

Councillor David Simmonds responded in the absence of Councillor Ray Puddifoot and reminded Members of the comprehensive Member Development Strategy in place in Hillingdon, the implementation of which would assist in the achievement of the Charter. The budget had been agreed on 21 February 2008 and Cabinet had signed up to the Strategy. Internal and External development courses had been held and Councillor Douglas Mills would ensure that training was undertaken.

There was no supplementary question.

9.4 QUESTION FROM COUNCILLOR BRUCE BAKER TO THE CABINET MEMBER FOR FINANCE AND BUSINESS SERVICES – COUNCILLOR JONATHAN BIANCO

‘Could the Cabinet Member for Finance and Business Services comment on the financial standing of the Council given the current gloomy state of the national economy?’

Councillor Jonathan Bianco stated that the Council’s finances, for the seventh consecutive year, were on a sound financial basis with balances of over £16m - comfortably above the target level of balances set for the Council of £12m by 2010. This had largely been achieved by sound financial management and as a result of a retrospective payment by the Government in relation to asylum seekers. The ongoing funding regime for asylum seekers from 2008/9 onwards had yet to be announced by the Home Office but it was expected that this would be similar to that achieved for 2007/8. Once confirmed, there should be a further significant improvement in the financial position of the Council. The Council’s well-established MTFP processes would also ensure that any ongoing impact from the economic downturn would be addressed going forward into future years and savings of £800k had been made through the Freedom Passes.

As a result of the Council’s solid financial standing, it was announced that Council Tax levels would be frozen for ALL residents for the next two years. It was hoped that the Mayor of London would follow suit and freeze the GLA rate next year.

Councillor Bruce Baker then asked Councillor Bianco how the money saved as a result of the recent strike action would be spent?

Councillor Bianco advised that the Council had made savings of approximately £45k as a result of the strike action. In accordance with previously agreed practice, this saving would be reinvested in services to the community.

9.6 QUESTION FROM COUNCILLOR JANET DUNCAN TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR KEITH BURROWS

‘Will the Cabinet Member for Planning and Transportation tell us what he is doing to reduce accidents in Pinkwell Ward, particularly in North Hyde Road, Station Road, Dawley Road, Shepiston Lane and Pinkwell Lane?’

Councillor Keith Burrows advised that the Council closely monitored road traffic accident levels across the entire Borough, with reference to police accident data. The roads referred to in the question had experienced various levels of accidents and, as a consequence, there were a number of proposals for schemes in this Ward.

The Cabinet Member stated that the junction between Shepiston Lane, Cherry Lane, Holloway Lane and Stockley Road experienced a very high accident rate. The Council had already studied feasible options to reduce accidents at this junction, and had made a formal bid to Transport for London for the funds needed to improve this. The Council expected to hear whether this bid had been successful when the Mayor for London made his Local Implementation Plan announcement in November 2008. There were also proposals at an advanced stage for improvements to the junction between Station Road and North Hyde Road, which would see changes to benefit road safety and traffic congestion early next year. Funding had already been allocated by TfL for this scheme.

Pinkwell Lane and Crowland Avenue were also included within the Council's Vehicle Activated Sign Programme and, within the past year, a new traffic island had been installed in North Hyde Road, funded by the Council's own Road Safety Programme and arose directly from a request from a local Street Champion. A road safety scheme was also being developed for Pinkwell Lane as part of the 'School Travel Plan' for the schools there, and was planned for implementation next year. Funds had already been obtained from yet another TfL budget to improve many of the bus stops on the U4 bus route, which passed through the area.

Councillor Burrows stated that more requests for road safety investigations were always welcome from local residents in Pinkwell Ward as indeed from everywhere in the Borough.

In addition to engineering measures, Road Safety Officers provided road safety education and training at six of the seven schools in Pinkwell Ward. This included pedestrian and cycle training together with a "moving on" presentation to prepare children for the move to Secondary School when they might then be travelling independently.

A theatre production had been arranged in two of the schools to emphasise road safety messages. In one of the schools, Junior Road Officers were established and it was hoped that this would be extended to all Primary Schools both in Pinkwell and throughout the Borough.

Councillor Janet Duncan then asked Councillor Burrows if it would be possible to prioritise the area around the school?

Councillor Burrows responded that he would speak to officers to establish whether this matter could be brought forward.

9.5 QUESTION FROM COUNCILLOR GEORGE COOPER – TO THE CABINET MEMBER FOR CULTURE, SPORT AND LEISURE – COUNCILLOR HENRY HIGGINS

‘Would the Cabinet Member for Culture, Sport and Leisure provide Council with an update on the current position of Cwm Pennant?’

Councillor Henry Higgins advised that the transfer of Cwm Pennant Mountain Centre was achieved on Friday 29 August 2008. The new operator of the Mountain Centre was Outdoor UK Ltd. who intended to continue the operation as an outdoor pursuits centre. Outdoor UK would also be expanding the range of facilities and activities offered (including the provision of a residential hostel) to maximise the Centre’s potential throughout the year.

The transfer of Cwm Pennant Mountain Centre to Outdoor UK was seen as a positive way forward as a result of the significant capital investment to the Centre, which Outdoor UK would be making in due course. This should be seen as a constructive measure as it meant that the residents, schools and groups from Hillingdon that had previously used the facilities over the years, would continue to do so in an improved and enhanced environment.

Councillor George Cooper then asked Councillor Higgins if there was any truth in the rumour that the Sport England grant to the Centre would have to be repaid?

Councillor Higgins advised that Sport England had awarded the grant to the Council with conditions, which needed to be adhered to. Sport England had asked for £60k back for non-adherence. Officers subsequently wrote to Sport England to advise that a new Centre operator had been found and would soon be in place and it was thought that this would prevent Sport England from taking any further action.

9.7 QUESTION FROM COUNCILLOR ROBIN SANSARPURI TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR KEITH BURROWS

‘Could the Cabinet Member for Planning and Transportation please advise us if there are plans in place to resolve the constant problem of flooding in Central Avenue close to the old swimming baths and the new development?’

Councillor Keith Burrows advised that the gullies in this area were connected into the Thames Water plc surface water sewer that ran in a south to north direction, across Central Avenue and the park and into East Avenue. Last year, the Council inspected all of the highway gullies and connecting pipes and found them to be in perfect working order. However, the Thames Water sewer was draining very slowly. Following representations to Thames Water, arrangements were made to have the sewer jetted and cleaned making the sewer drain better, albeit still slowly. In

instances of abnormally heavy rainfall, the area still flooded due to an overbearing capacity of water.

As part of the Council's on-going programme of sewer cleansing, officers were carrying out a full survey of the drainage network in this area and had written to Thames Water asking that further works be carried out to improve the drainage and capacity of the main sewer

Councillor Robin Sansarpuri, by way of a supplementary question, asked Councillor Burrows for his assurances that action would be taken.

Councillor Burrows assured Councillor Sansarpuri that this issue would be highlighted in a letter that would be sent to Thames Water plc about the whole area.

9.9 QUESTION FROM COUNCILLOR JUDY KELLY TO THE LEADER OF THE COUNCIL - COUNCILLOR RAY PUDDIFOOT

'At a previous Council meeting, the Leader of the Council stated that Council officers had not failed to lodge the appropriate papers in the High Court in the Swallows case relating to non payment of rates as reported in Liberal Democrat literature. Yet I have recently seen the same statements repeated in Liberal Democrat literature.

Can anything be done to stop these falsehoods being repeatedly printed by Liberal Democrats?'

Councillor David Simmonds responded in the absence of Councillor Ray Puddifoot and reminded Members that the Swallows case was currently before the High Court to be decided and that it was inappropriate therefore to discuss this matter. The Mayor stated that officers were available to give advice on the matter if needed.

There was no supplementary question.

9.8 QUESTION FROM COUNCILLOR LYNNE ALLEN TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR KEITH BURROWS

'Could the Cabinet Member for Planning and Transportation please explain why the 20 MPH speed limit scheme in Townfield Ward only covers Central Avenue and not all roads on the estate?'

Councillor Keith Burrows advised that the measures in Central Avenue had arisen as a consequence of a successful 'London Cycle Network' bid to Transport for London (TfL) to improve road safety in this road, in particular for cyclists. They were designed in a way that would benefit all road users, including pedestrians such as children going to and from Dr Triplett's C of E school.

The key road safety concerns were in Central Avenue itself, which carried the bulk of through-traffic, and it was for this reason that the scheme focussed on Central Avenue and its junctions with side roads. Councillor Burrows invited any further ideas for consideration under the Road Safety Programme, full details of which are provided on the Council's website.

Councillor Lynne Allen, by way of a supplementary question, asked Councillor Burrows that consideration be given to including a 20mph limit within the traffic schemes for Church Road and Central Avenue.

Councillor Burrows stated that officers considered police accident data when looking at the implementation of schemes. He assured Councillor Allen that a 20mph limit for Church Road and Central Avenue would be considered.

10. MOTIONS ON NOTICE (Item 10)

10.1 MOTION SUBMITTED BY COUNCILLOR JOHN MAJOR ON COMMISSION FOR SOCIAL CARE INSPECTION

Councillor John Major moved the following motion:

'This Council regrets that the recent report by the Commission for Social Care Inspection (CSCI) on Independence, Wellbeing and Choice for Older People in Hillingdon judged the Council's performance in safeguarding vulnerable adults as 'poor', the lowest of its four assessment grades. In particular the Council notes with concern the following key findings from the Commission's report:

- *The implementation and management of adult safeguarding responsibilities was not sufficiently rigorous.*
- *The multi-agency safeguarding procedures were not consistently invoked.*
- *Compliance was not routinely monitored or enforced by operational managers and was therefore patchy.*
- *Formal investigations with appropriately timed and recorded strategy meetings and case conferences were not routinely undertaken.*
- *Where safeguarding action had taken place, formalised protection plans, required under the procedures, were not routinely put into place.*
- *Recording practice was inconsistent and most records inspected lacked detail and did not provide an investigation audit trail.*
- *Managerial advice given to staff about safeguarding work and expectations was not always accurate.*
- *Officers and partners needed to develop stronger performance management and governance arrangements to support Councillors to speak with much greater knowledge and confidence about safeguarding.*
- *No role of safeguarding champion had been identified within the system of 'champions' that was in place*

The Council welcomes the fact that the Commission acknowledged that front line staff were generally alert to safeguarding issues and that since the inspection an urgent review of all existing safeguarding cases has confirmed that all individual clients are considered to be safe.

It notes that an improvement plan has been drafted by Adult Social Care, Health and Housing and that this has been reported to the Social Services, Health and Housing Policy Overview Committee. However it also notes that the report makes no reference to resources and fails to recognise that a significant proportion of posts in the relevant division continue to be held vacant or are covered by interim appointments.

The Council believes that there remains a pressing need for firm action in order to ensure that vulnerable adults are never again put in the unsatisfactory position identified by the inspectors. It therefore agrees to appoint a champion for vulnerable people and to place this responsibility on the Chairman of the Social Services, Health and Housing Policy Overview Committee.'

This was seconded by Councillor Paul Harmsworth.

In introducing the motion, Councillor Major stated that this CSCI report highlighted areas for improvement and that awareness of these issues was a positive step for the Council. He suggested that this motion would inform residents of the importance that the Council placed on these issues and ensure that vulnerable adults were not at risk whilst also uniting the political parties in ensuring residents' safety. It was the responsibility of everyone to care for vulnerable adults and vital that 'at risk' service users be able to live life free from neglect.

Councillor Philip Corthorne moved an amendment and an alteration to the motion as follows:

Delete everything following the word committee in the penultimate paragraph, add a comma and insert the following words:

'and agreed with the Commission For Social Care Inspection.

Council notes the existence of a disabled peoples champion and an older peoples champion.

Specifically, the Council welcomes:

- 1. The establishment of a dedicated Safeguarding Adults Team and the commitment to ensure permanent employment within the team and the department.*
- 2. The establishment of a Safeguarding Committee under the chairmanship of the Corporate Director of Adult Social Care, Health and Housing.*
- 3. The fact that the Policy and Overview Committee have decided to adopt Safeguarding on its work programme.'*

The motion as amended would then read:

'This Council regrets that the recent report by the Commission for Social Care Inspection (CSCI) on Independence, Wellbeing and Choice for Older People in Hillingdon judged the Council's performance in safeguarding vulnerable adults as 'poor', the lowest of its four assessment grades. In particular the Council notes with concern the following key findings from the Commission's report:

- The implementation and management of adult safeguarding responsibilities was not sufficiently rigorous.*
- The multi-agency safeguarding procedures were not consistently invoked.*
- Compliance was not routinely monitored or enforced by operational managers and was therefore patchy.*
- Formal investigations with appropriately timed and recorded strategy meetings and case conferences were not routinely undertaken.*

- *Where safeguarding action had taken place, formalised protection plans, required under the procedures, were not routinely put into place.*
- *Recording practice was inconsistent and most records inspected lacked detail and did not provide an investigation audit trail.*
- *Managerial advice given to staff about safeguarding work and expectations was not always accurate.*
- *Officers and partners needed to develop stronger performance management and governance arrangements to support Councillors to speak with much greater knowledge and confidence about safeguarding.*
- *No role of safeguarding champion had been identified within the system of 'champions' that was in place*

The Council welcomes the fact that the Commission acknowledged that front line staff were generally alert to safeguarding issues and that since the inspection an urgent review of all existing safeguarding cases has confirmed that all individual clients are considered to be safe.

It notes that an improvement plan has been drafted by Adult Social Care, Health and Housing and that this has been reported to the Social Services, Health and Housing Policy Overview Committee, and agreed with the Commission for Social Care Inspection.

Council notes the existence of a disabled peoples champion and an older peoples champion.

Specifically, the Council welcomes:

- 1. The establishment of a dedicated Safeguarding Adults Team and the commitment to ensure permanent employment within the team and the department.*
- 2. The establishment of a Safeguarding Committee under the chairmanship of the Corporate Director of Adult Social Care, Health and Housing.*
- 3. The fact that the Policy and Overview Committee have decided to adopt Safeguarding on its work programme.'*

The amendment was seconded by Councillor Judith Cooper and Councillor Major indicated his acceptance of the amendment.

The amendment was put to the vote and agreed.

The substantive motion was then put to the vote and agreed.

RESOLVED: That this Council regrets that the recent report by the Commission for Social Care Inspection (CSCI) on Independence, Wellbeing and Choice for Older People in Hillingdon judged the Council's performance in safeguarding vulnerable adults as 'poor', the lowest of its four assessment grades. In particular the Council notes with concern the following key findings from the Commission's report:

- **The implementation and management of adult safeguarding responsibilities was not sufficiently rigorous.**
- **The multi-agency safeguarding procedures were not consistently invoked.**

- Compliance was not routinely monitored or enforced by operational managers and was therefore patchy.
- Formal investigations with appropriately timed and recorded strategy meetings and case conferences were not routinely undertaken.
- Where safeguarding action had taken place, formalised protection plans, required under the procedures, were not routinely put into place.
- Recording practice was inconsistent and most records inspected lacked detail and did not provide an investigation audit trail.
- Managerial advice given to staff about safeguarding work and expectations was not always accurate.
- Officers and partners needed to develop stronger performance management and governance arrangements to support Councillors to speak with much greater knowledge and confidence about safeguarding.
- No role of safeguarding champion had been identified within the system of 'champions' that was in place

The Council welcomes the fact that the Commission acknowledged that front line staff were generally alert to safeguarding issues and that since the inspection an urgent review of all existing safeguarding cases has confirmed that all individual clients are considered to be safe.

It notes that an improvement plan has been drafted by Adult Social Care, Health and Housing and that this has been reported to the Social Services, Health and Housing Policy Overview Committee, and agreed with the Commission for Social Care Inspection.

Council notes the existence of a disabled peoples champion and an older peoples champion.

Specifically, the Council welcomes:

1. The establishment of a dedicated Safeguarding Adults Team and the commitment to ensure permanent employment within the team and the department.
2. The establishment of a Safeguarding Committee under the chairmanship of the Corporate Director of Adult Social Care, Health and Housing.
3. The fact that the Policy and Overview Committee have decided to adopt Safeguarding on its work programme.'

10.2 MOTION SUBMITTED BY COUNCILLOR MIKE COX ON THE ECONOMY

Councillor Mike Cox moved the following motion:

'This Council notes the suffering that many hard working families in Hillingdon are going through because of the effects of the worldwide phenomenon known as "Credit Crunch" and the huge hike in energy and food prices.

At a time when budgets for housing support are being cut this Council therefore requests as a matter of urgency that the cabinet investigate what measures Hillingdon Council can undertake to support families and children such as asking the

government to let Hillingdon buy up land as well as empty homes to help replenish our depleted stock of social housing.'

After introducing the Motion, Councillor Cox requested that the motion be withdrawn. Following Constitutional advice, it was noted that a motion could only be withdrawn if agreed by the seconder and with the consent of the Council. Following a vote, it was agreed to NOT withdraw the motion.

Councillor Philip Corthorne then moved an amendment to the printed motion as follows:

Substitute second paragraph in Councillor Cox's motion with the following:

'At a time when many local families are finding it very difficult to access affordable housing the Council notes the range of innovative measures being taken in this authority to help local residents.

- *We are working with RSL partners to identify available sites in the Borough with a view to purchase and eventually develop for low cost home ownership;*
- *We have identified sites owned by the Council within its HRA portfolio and are taking steps to develop low cost home ownership on these sites;*
- *We are using our S106 agreements to provide significant levels of affordable housing for home ownership and also for older people to free up existing units of family accommodation;*
- *We are one of the few local authorities in the country to be building new homes;*
- *We will have created up to 350 new units of affordable accommodation in the Borough as a result of the void transfer scheme;*
- *We are asking Hillingdon Homes, our arms length management organisation, to procure private sector lettings for local residents with out a home. In summary, this Borough is responding to local families in need by providing practical help and action.*
- *We have a significant, but balanced, housing development programme, which is not just about providing rented accommodation but is also delivering what the vast majority of housing applicants aspire to home ownership.'*

The motion as amended would then read:

'This Council notes the suffering that many hard working families in Hillingdon are going through because of the effects of the worldwide phenomenon known as "Credit Crunch" and the huge hike in energy and food prices.

At a time when many local families are finding it very difficult to access affordable housing the Council notes the range of innovative measures being taken in this authority to help local residents.

- *We are working with RSL partners to identify available sites in the Borough with a view to purchase and eventually develop for low cost home ownership;*
- *We have identified sites owned by the Council within its HRA portfolio and are taking steps to develop low cost home ownership on these sites;*
- *We are using our S106 agreements to provide significant levels of affordable housing for home ownership and also for older people to free up existing units of family accommodation;*
- *We are one of the few local authorities in the country to be building new homes;*

- *We will have created up to 350 new units of affordable accommodation in the Borough as a result of the void transfer scheme;*
- *We are asking Hillingdon Homes, our arms length management organisation, to procure private sector lettings for local residents with out a home. In summary, this Borough is responding to local families in need by providing practical help and action. We have a significant, but balanced, housing development programme, which is not just about providing rented accommodation but is also delivering what the vast majority of housing applicants aspire to home ownership.'*

The amendment was seconded by Councillor Douglas Mills.

Following debate (Councillors David Simmonds, Henry Higgins, John Major, Jonathan Bianco, Sandra Jenkins, Keith Burrows, Anthony Way, Sid Garg, Richard Barnes, Richard Lewis and Andrew Retter) the amendment was put to the vote and agreed.

The substantive motion was then put to the vote and agreed.

RESOLVED: That this Council notes the suffering that many hard working families in Hillingdon are going through because of the effects of the worldwide phenomenon known as “Credit Crunch” and the huge hike in energy and food prices.

At a time when many local families are finding it very difficult to access affordable housing the Council notes the range of innovative measures being taken in this authority to help local residents.

- **We are working with RSL partners to identify available sites in the Borough with a view to purchase and eventually develop for low cost home ownership;**
- **We have identified sites owned by the Council within its HRA portfolio and are taking steps to develop low cost home ownership on these sites;**
- **We are using our S106 agreements to provide significant levels of affordable housing for home ownership and also for older people to free up existing units of family accommodation;**
- **We are one of the few local authorities in the country to be building new homes;**
- **We will have created up to 350 new units of affordable accommodation in the Borough as a result of the void transfer scheme;**
- **We are asking Hillingdon Homes, our arms length management organisation, to procure private sector lettings for local residents with out a home.**

In summary, this Borough is responding to local families in need by providing practical help and action. We have a significant, but balanced, housing development programme, which is not just about providing rented accommodation but is also delivering what the vast majority of housing applicants aspire to home ownership.'

11. WEEK OF PEACE

The Mayor advised that this week signified the Week of Peace. In memory of those who had died or suffered as a result of 9/11 and other atrocities, Members observed a minute's silence.

The meeting closed at 9.58pm.

5.1 QUESTION FROM NEVILLE BROOKS TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR KEITH BURROWS

‘Recently published figures in respect of road repairs and improvements, indicate that over £1 million has been defrayed in and around the Ruislip area, and over £200,000 is currently being spent for the benefit of Northwood Town Centre. Will Councillor Mills who is responsible for authorising such expenditure please announce how much has been allocated to Northwood Hills Ward for similar repairs and improvements during the same period?’

5.2 QUESTION FROM ALLEN BERGSON TO THE CABINET MEMBER FOR CULTURE, SPORT AND LEISURE – COUNCILLOR HENRY HIGGINS

‘There are conflicting reports that the contract for the equipment at the GYM at Highgrove runs out in 18 months, 24 months, 36 months so no new disabled equipment can be purchased until a new contract, can you tell me the exact position?’

5.3 QUESTION FROM JAMES WARE TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH AND HOUSING – COUNCILLOR PHILIP CORTHORNE

‘Will the Local Housing Allowance benefit changes be properly explained to all the boroughs residents through both informal and formal education channels to secure no postcode and information lottery by better use of the internet and leaflets?’

Background Information

This borough has five cross neighbourhood secondary schools, Abbotsfield, Bishop Ramsey, Douay Martyrs, Guru Nanak and Swakeleys, plus borough wide and multi site services such as the Music Service, Youth Awards and Uxbridge College. This excludes the private schools in Hayes and Northwood. Additionally for adults it has one main hospital trust on multi-sites for treating generic illnesses.

All of these allow for couples to meet and settle in different parts of the borough and therefore they should automatically be allowed to do so subject to the will of the governors for political expediency and faith territorialism as occurred in the 1990s

However state schools that are territorial may have pressures put on them not to release the fact that the new Broad Market Rent Areas can leave residents in a given area for life if moving in the state sector is restrictive for Council Tenants owing to the lack of Council Housing owing to a lack of controlled building on Greenfield sites since the 1970s in the North of the Borough and recent developments being mainly part buy part rent borough wide. This is compounded by the fact that cross borough moves can be restrictive in Locata unless you have fixed employment moving or education and housing benefit rents do not reflect full commercial rent rates owing to housing restrictions already outlined.

Therefore it is important and can be done cheaply through the new websites to add benefit claiming and leaflet information to the standard health and central government leaflet drives.

5.4 QUESTION FROM MICHAEL A ROSENTHAL TO THE CABINET MEMBER FOR IMPROVEMENT, PARTNERSHIPS AND COMMUNITY SAFETY – COUNCILLOR DOUGLAS MILLS

‘Despite the current decline in consumer spending, which is having an adverse effect on all local shopping areas, Hillingdon Council has decided to lavish vast sums of money on Northwood and Ruislip and allowed Northwood Hills Shopping Centre to decline to such an extent that we are left with:

- No banks
- No building societies
- Empty shops
- Shops constantly having to close

The remaining shops, relative newcomers to Northwood Hills are fast food shops, creating mess in Joel Street. There is no reason for any family to spend time or money here.

There is an air of dilapidation now about Joel Street. We desperately need money to be spent on regeneration here, and a curb on the landlords’ greed. We need small, innovative businesses who probably can’t afford to pay the high rents which at present are not justified, and the Council should be helping with this.

As the Cabinet Member responsible for Improvement, Partnerships and Community safety, what do you intend to do to improve the environment and sustainability of Northwood Hills as well as other small shopping centres?’

(i) MEMBERSHIP CHANGES AND APPOINTMENTS TO OUTSIDE BODIES**Summary**

To make any appointments to Committees and Outside Bodies set out below or as notified by the Whips at the Council meeting.

InformationLondon Joint Overview and Scrutiny Committee

At the Council meeting held on 6 September 2007, approval was given to the appointment of Councillor Mary O'Connor as this Council's representative to the London Joint Overview and Scrutiny Committee.

The London Joint Overview and Scrutiny Committee was set up in line with Directions from the Secretary of State for Health issued in July 2003. It was set up to look at proposals for new 'models of care' across London which had been proposed in a report commissioned by NHS London from Professor Sir Ara Darzi which was published on 11 July 2007. The report set out models of care and delivery for health services in London.

The last meeting of this first London Joint Overview and Scrutiny Committee was held on 24 October 2008 when a presentation was received from NHS London on a second stage of consultations.

NHS London have written to all London local authorities, local authorities surrounding London as well as their respective Primary Care Trusts informing them of a provisional framework for a formal consultation on acute stroke and major trauma services in London. These proposals will involve changes to services e.g. moving or centralising some existing services so that care takes place in a different hospital.

PCT Boards in London are expected to agree to establish a Joint Committee of PCTs at their Board meetings in the autumn. This will then bring about a statutory requirement on London Boroughs and the Common Council of the City of London to form a Joint Overview and Scrutiny Committee.

The arrangements for this second Joint Overview and Scrutiny Committee have not yet been determined. However NHS London has had initial discussions with Hillingdon and Westminster to discuss these.

It is likely that each Borough will be invited to nominate one member and a deputy member. Council is therefore asked to approve the appointment of a member and a deputy to the Committee.

RECOMMENDATION

That:

- 1) approval be given to the following changes to Committee and other memberships and any additional appointments provided by the Chief Whips at the meeting:**

COMMITTEE/BODY	CHANGE TO BE MADE
London Councils Grants Committee	Appoint Deputy to replace Councillor Andrew Retter (appointment of Executive Member to be confirmed)
London Joint Overview and Scrutiny Committee	Appoint Councillor Mary O'Connor as representative and Councillor Judith Cooper as deputy representative
Licensing Committee (1 vacancy)	Appointment of Conservative Councillor to be confirmed
Heritage Builds Bridges (1 vacancy)	Appointment of Conservative Councillor to be confirmed
Hillingdon Community and Police Consultative Group (1 vacancy)	Appointment of Conservative Councillor to be confirmed
London Drug Policy Forum (1 vacancy)	Appointment of Conservative Councillor to be confirmed
Ruislip Lido MAG (1 vacancy)	Appointment of Conservative Councillor to be confirmed
Ruislip Combined Charities (1 vacancy)	Appointment by Conservative Group to be confirmed
Hoenigsberg Memorial Trust (2 vacancies)	Reappoint Councillor Josephine Barrett as Conservative representative from 14/11/08 and Councillor Tony Eginton as Labour representative from 18/10/08

- 2) Councillor David Routledge be appointed as Heritage and Built Environment Champion upon the recommendation of the Leader and the Head of Democratic Services, in consultation with the Leader, be authorised to agree the role's terms of reference.**

Reporting Officers: Head of Democratic Services and Borough Solicitor

SUMMARY

This report summarises for Members the main provisions of the Local Government and Public Involvement in Health Act 2007 and recommends a number of minor changes and enhancements to the Constitution by the Leader of the Council.

RECOMMENDATIONS: That:

- 1. At the meeting of the Council held on Thursday 6 November 2008 the Council of the London Borough of Hillingdon resolve to formally adopt the Leader (appointed by Council) and Cabinet Executive (appointed by Leader) leadership model as specified in The Local Government and Public Involvement in Health Act 2007 w.e.f the AGM immediately following the local elections in May 2010, and the appropriate amendments to the Constitution as set out in Appendix A.**
- 2. the current leadership model be continued up to that time and the Head of Democratic Services be instructed to draw up a timetable, including any transitional arrangements that may be required for agreement with the Leader of the Council.**
- 3. The proposed amendments to Part 4 of the Constitution, as detailed on Pages 8 and 9 of this report be approved with immediate effect.**

INFORMATION

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.

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.

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Local Government and Public Involvement in Health Act 2007 received Royal Assent on 30 October 2007 and covers a wide range of matters which may require amendments to the Council Constitution including:

- changes to the executive arrangements requiring all but the smallest local authorities to adopt one of two models of governance – either:
 - a directly elected Mayor or
 - a Leader (appointed by Council) and Cabinet Executive (appointed by Leader).

This is addressed in more detail below

- Measures to provide a statutory framework for Local Area Agreements - Members will recall that Annual Council in May 2008 agreed that the adoption of the draft Local Area Agreement be delegated as a function of the Cabinet. The LAA was subsequently approved at a meeting of the Cabinet on 29 May.
- Provisions to allow local authorities to make some byelaws without them having to be confirmed by the Secretary of State.
- The creation of a “councillor call for action”, which gives a power to Councillors to refer matters in their area for scrutiny.
- Conduct of Local Authority Members - these provisions came into effect from May 2008 and appropriate arrangements were adopted by Council at that time and are operating successfully.
- The power to create joint waste authorities.
- Measures for local authorities to replace Patient Forums with Local Involvement Networks [LINKs].
- The power for local people to petition their local authority for a review of community governance – effectively calling for the creation of Parish Councils and the ability for ‘Well-being’ powers to be extended to certain Parish Councils.
- A power for the Secretary of State to direct councils in two tier authorities to make bids for unitary status (not relevant for Hillingdon).

Executive Arrangements (sections 62-76 of the Act)

Most local authorities (except districts with population of less than 85,000) will be required to adopt one of two Leadership models:

- a Councillor elected as Leader of the Executive by the authority and two or more Councillors appointed by the Leader (not elected by the annual meeting as at present). (maximum of ten Members of the Executive as now); or
- a directly elected Mayor and two or more Councillors appointed to the Executive by the Mayor (maximum of ten Members of the Executive).

Both Leaders and directly elected Mayors will serve for a term of four years. An Executive Leader has to be elected at the annual meeting immediately following the ordinary election of Councillors and serves until the annual meeting after the next ordinary election of Councillors.

London Boroughs are required to pass a resolution to adopt one of the new Leadership models by 31 December 2009. The process leading up to this decision depends on whether it is proposed to adopt a different form of Executive or vary the current arrangements. In Hillingdon, if it were proposed to change to the Mayor and Executive model, consultation with local electors would need to take place before proposals were drawn up after which they would have to be publicised widely in the area. **It is recommended however that Council adopt the Leader and Executive model.** This requires a resolution of Council, proposals for change to be drawn up including a timetable and any transitional arrangements. A number of amendments to the Constitution will be required and these are set out at **Appendix A**.

As this resolution would, in effect, result in only a small change to the way in which the Council is governed at present it is suggested that no change be made in the ‘transitional’ period between now and May 2010.

Provisions to allow local authorities to make some byelaws without them having to be confirmed by the Secretary of State.

The proposals (which are currently subject to consultation) are about the way in which byelaws are made and enforced – not about changing what Councils can legislate for. The intention being that Councils and their communities will find byelaws easier to understand, more straightforward and less bureaucratic to make and easier to enforce in an effective way. The types of byelaws it is proposed will no longer require confirmation by the Secretary of State include:

- The prevention of nuisance, including climbing on bridges, skateboarding and riding on verges
- Public walks and pleasure grounds
- Open spaces and burial grounds
- Public bathing
- Markets
- Amusement premises, pleasure fairs, hairdressers and barbers
- Walkways – conduct of public, closing times and placement of structures
- Hackney carriages including drivers conduct
- Use and behaviour on TfL railways, garages, depots, bus stations and shelters
- Acceptable behaviour in libraries and museums
- Local nature reserves

Community Governance Reviews (sections 79-102 of the Act)

The Act gives the power to conduct and respond to community governance reviews to principal councils. The term community governance basically refers to the arrangements for parishes in an area, which would now be determined by the local authority (instead of the government). This power now extends to London Boroughs where there was previously no authority to set up parishes.

Councils may initiate a community governance review or must respond to any petition received (containing the prescribed number of signatures in the correct format) by undertaking a community governance review. The Act sets out the steps to be taken in conducting a review including consultation with electors. Having undertaken a review the Council will decide what action to take which could be to take no action or forms of action which are different from those sought by the petitioners. If the Council did not favour such an arrangement it would need to indicate what arrangements were being made for community governance. The creation of parishes would have wide ranging implications which go beyond the scope of this report.

The number of petition signatures required is:

- Less than 500 electors in the petition area – at least 50% of the electors
- Between 500 and 2,500 electors in the petition area – at least 250 of the electors
- More than 2,500 electors in the petition area – at least 10% of the electors

These provisions came into effect in January 2008.

Overview and Scrutiny Committees (sections 120-128 of the Act)

Overview and Scrutiny committees may review the decisions of key public service providers (who will be specified in regulations) operating in their area and call for evidence in person or in writing (Hillingdon already effectively undertakes this through the External Services Scrutiny Committee). Where an Overview and Scrutiny committee publish a report or recommendations they may require the Executive to consider and respond to it (this is already the practice in Hillingdon).

This section of the Act is currently the subject of separate consultation and a report will be presented to Cabinet shortly.

Councillor Call for Action (sections 119 & 126 of the Act)

The Act extends the Councillor call for action to all local authority services (originally this only related to crime & disorder matters) so that any Member may refer for discussion to an Overview and Scrutiny committee any local government matter relevant to the functions of that committee. The operation of this provision is due to come into force by the end of this year and government guidance for Councils and Council Members is expected to be issued shortly.

Exercise of Functions by Local Councillors(section 236 of the Act)

This came into effect from April 2008 and allows the Council to make arrangements to delegate its functions to individual Members in respect of the Ward they represent. The Secretary of State may exclude functions, place conditions and issue guidance but has not done so yet. For Executive functions the Leader makes the arrangement and for non-Executive functions the council itself.

OTHER AMENDMENTS TO THE CONSTITUTION

Part 4 – Council Procedure Rule 11.1

This section currently provides that a member may ask a question, without notice of the Leader, a Member of the cabinet or the Chairman of a Committee on a report of a Cabinet or Committee when that item is being received or under consideration by Council. **It is recommended that this Rule be revised to remove the reference to Chairmen of Committees.**

Part 4 – Committee Procedure Rule 13.5

This section covers the rules surrounding speaking rights and petitions. **It is recommended that the final sentence of the first paragraph be amended to read (*amendment in italics*):**

“Where the petition is opposing a planning application and is being reported to a Planning Committee, there shall be the right for the applicant or their agent to address the Committee for up to 5 minutes in support of the applications. *All petitions in relation to Planning Committees should be received by the Head of Democratic Services no later than 48 hours prior to the meeting. Discretion to allow petitions after this deadline can only be approved by the Chairman of the relevant Planning Committee*”.

This measure will improve the democratic process in relation to planning petitions. Currently petitions can be received as late as the start of a Planning Committee meeting. The effect of a short, practical 48-hour deadline will not only allow Committee Members and Ward Councillors to be properly informed of all petitions before a decision is made but importantly also provide for fairer consideration of planning applications at meetings. This short deadline will allow time for contact to be made with the applicant and/or ward councillors and local residents in advance of the meeting to ensure they receive the same speaking rights at Committee as would be afforded to those submitting the petition.

The Council strongly believes in accessible local government so it would not want to provide an outright restriction on petitions received after this deadline. Residents often go to a lot of effort to pull petitions together on an issue they feel strongly about. Whilst providing a clear deadline, this constitutional amendment also provides some flexibility, subject to the Chairman's approval, for receiving late petitions. Officers will review this matter after 6-9 months and report back to Council if necessary.

Updating and publication of the Constitution

The updated Constitution will also be available electronically on the Council's intranet site HORIZON and the Council's public website www.hillingdon.gov.uk.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

The Borough Solicitor has carefully checked the proposed amendments to the Constitution and confirms that they are compliant not only with the provisions of the Local Government Act 2000 and Regulations issued and Statutory Guidance made pursuant to it but also with the Local Government and Public Involvement in Health Act 2007.

Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS

The Local Government and Public Involvement in Health Act 2007

AMENDMENTS TO BE MADE TO THE COUNCIL CONSTITUTION FOLLOWING THE MAY 2010 ELECTIONS:

Part 2, Article 4.04 d) will need amending as follows (amendments shown in *italics*):

- (d) *at the annual meeting immediately following the ordinary election of Councillors to appoint annually the Leader of the Council, and ~~consider the Leader's recommendations for the appointment of Members of the Cabinet and to consider any resolution to remove the Leader or a Member of the Cabinet from Office;~~*

A Council constitution may provide for the Council to remove the Leader by resolution and it is therefore recommended that an additional section be added into the Council Terms of Reference, Part 2, Article 4.04 e) as follows (the subsequent paragraphs to be re numbered):

- (e) *to consider a resolution to remove the Leader from office and appoint a replacement Leader.*

Article 7 – The Cabinet (Executive) 7.01 (b) to read:

- (b) *The Cabinet comprises up to 10 Councillors including the Leader, but the Leader may ~~make a recommendation to full Council to reduce this number at some future date.~~*

Article 7 – The Cabinet (Executive) 7.02 (b) to read:

The Leader will be a councillor elected at the annual meeting immediately following the ordinary election of Councillors annually by the Council to the position of Leader of the Council. The Leader holds office until:

1. *he or she resigns from office; or*
2. *he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension); or*
3. *he or she is no longer a councillor; or*
4. *he or she is removed from office by a resolution of the Full Council; or*
5. *on expiry date of fixed term save that the Council may remove the Leader from office at an earlier date ~~but only in the event of a change in political control of the Council.~~*

Any Leader appointed other than at the Annual Meeting immediately following the ordinary election of Councillors shall hold office until the next Annual Meeting immediately following the ordinary election of Councillors.

Article 7 – The Cabinet (Executive) 7.03 (b) to read:

- (a) *The Council Leader shall ~~at its Annual Meeting~~ appoint other Cabinet Members ~~on the recommendations of the Leader of the Council.~~ Cabinet Members hold office until:*

1. *they resign from office; or*
2. *they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or*

3. they are no longer councillors; or
4. they are removed from office by a resolution of the Full Council; or
5. they are removed from office by the ~~full Council following a recommendation from the Leader~~; or
6. on expiry date of fixed term save that the Council can remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council.

~~Any Cabinet Member appointed other than at the Annual Meeting shall hold office until the next Annual Meeting.~~

- (b) As circumstances require and to cover planned and unplanned absences, the Leader may assign Cabinet portfolio responsibilities from one Cabinet Member to another and will notify the Head of Democratic Services where this arrangement is intended to last for more than four weeks.
- (c) The ~~Leader Council~~ will designate one of the Cabinet Members to be the Deputy Leader.

Article 7 – The Cabinet (Executive) 7.05 (b) to read:

The Leader of the Council is *name to be inserted*. The following Councillors have been appointed by the ~~Leader Council on the recommendations of the Leader~~ to be Cabinet Members with their respective portfolio responsibilities:

Article 7 – The Cabinet (Executive) 7.08 (e) introduction to read:

Based upon the portfolios approved by *the Leader* ~~full Council~~, individual Cabinet Members have responsibility for the following delegations:

Referring Officer:
Lloyd White, Head of Democratic Services

SUMMARY

Council is asked to transfer balances into the General Fund now that they have well exceeded the target level.

RECOMMENDATION

That Council approves the transfer of £3m from Balances to the General Fund Priority Growth Budget.

INFORMATION

Hillingdon Council is in a good financial position. It was reported to Cabinet on 16th October 2008 that the Home Office had announced £9m of additional national funding for the 2006/7 and 2007/8 Unaccompanied Asylum Seeking Children (UASC) Special Circumstances Grants and a further £16m for UASC Leaving Care Grant.

The element of these national funding totals that Hillingdon will get is expected to be in the region of £4m which will have the effect of increasing the Council's balances well in excess of the £12m target set at the start of the administration and 2 years early. This is a result of hard work over many years by Members and Officers in lobbying the Government to ensure the financial burden of national policies are not passed onto local taxpayers.

Cabinet is recommending that £3m in balances is transferred to the General Fund Priority Growth Budget. These funds will come at a welcome time for local residents when current international financial problems are having a marked downward effect on many household budgets.

As reported to Cabinet last month, the balances carried forward at 31 March 2009 are forecast at £15,306k. If the recommendation to move £3m to Priority Growth is approved then the forecast balances will reduce to £12,306k, still above target level.

Members and Officers have worked hard over the last 8 years to put the Council back on a strong financial footing and re-build balances. Members may remember that back in 2000/2001 the Council's financial position was wholly different with balances of only £1.2m. A report to the Policy Committee at the time stated:

"In the current year, the Council is already facing the prospect of near-exhaustion of its balances. If any further budget pressures emerge during the year, there will be a need to take action to avoid a deficit."

Financial Implications

Corporate Finance indicates that the Council's balances carried forward at 31 March 2009 are forecast at £15,306k. If the recommendation to move £3m to Priority Growth is approved then the forecast balances will reduce to £12,306k.

The Council's S151 officer reviews the level of risks the authority faces each year as part of the budget setting process and sets a target range for balances which the Audit Commission then reviews for reasonableness. The range set for 2008/9 is £9m to £13m and the Audit Commission is content with this.

Legal Implications

In accordance with the Budget and Policy Framework Procedure Rules – Schedule G – in the Constitution, the use of the Council's balances is reserved to the full Council to determine.

BACKGROUND PAPERS

- Budget Monitoring Report to Cabinet 16 October 2008

9.1 QUESTION FROM COUNCILLOR DAVID BISHOP TO THE CABINET MEMBER FOR IMPROVEMENTS, PARTNERSHIPS & COMMUNITY SAFETY – COUNCILLOR DOUGLAS MILLS

‘With the ‘credit crunch’ affecting consumers propensity to spend, leading to a reduction in activity in shopping centres, what does this Council intend to do to support the future sustainability of shopping centres like Northwood Hills and others, when banks and building societies close their remaining branches? Numerous shops in these parades have decided to close as a result of the lack of any improvement in the local infrastructure. Additional resources provided to neighbouring thriving shopping centres has exacerbated the problem encouraging customers to shop elsewhere. What does the Cabinet Member responsible for Improvements, Partnerships & Community Safety intend to prevent this continual deterioration and decline, which may eventually lead to empty and shuttered shopping parades in numerous locations across the Borough?’

9.2 QUESTION FROM COUNCILLOR LYNNE ALLEN TO THE CABINET MEMBER FOR PLANNING & TRANSPORTATION – COUNCILLOR KEITH BURROWS

‘As we are all aware School Travel Plans are intended to encourage safe and healthy transport routes to and from local Schools in the Borough. Could the Cabinet Member please tell us if he is satisfied with the progress with the development of the Plans particularly bearing in mind that these plans are a partnership between Schools and the local Authority.’

9.3 QUESTION FROM COUNCILLOR PETER KEMP TO THE CABINET MEMBER FOR IMPROVEMENTS, PARTNERSHIPS & COMMUNITY SAFETY – COUNCILLOR DOUGLAS MILLS

‘Can the Cabinet Member for Performance, Partnerships and Community Safety tell Council what progress has been made towards the Equalities Standard for Local Government?’

9.4 QUESTION FROM COUNCILLOR TONY EGINTON TO THE CABINET MEMBER FOR CULTURE, SPORT AND LEISURE – COUNCILLOR HENRY HIGGINS

‘Having expressed pride in the disposal of the mountain centre at Cwm Pennant during the last Council meeting, has the Cabinet Member changed his mind about whether the Centre will be successful and what is the probability of the Council being liable under the provisions of the assigned lease?’

9.5 QUESTION FROM COUNCILLOR JUDY KELLY TO THE LEADER OF THE COUNCIL – COUNCILLOR RAY PUDDIFOOT

‘At the recent staff road show held by yourself and the Chief Executive, a DVD was shown which included many examples of the splendid work this Council is doing. At the end it listed some of the awards received by the Council this year. Could the Leader of the Council please tell Members just how many awards this Council has received?’

9.6 QUESTION FROM COUNCILLOR MICHAEL MARKHAM TO THE LEADER OF THE COUNCIL – COUNCILLOR RAY PUDDIFOOT

‘I have read a number of concerning comments made by one of Hillingdon's Councillors regarding the effect of the demise of Icelandic banks which may cause worry to both residents and the authority's staff. Would the Leader of the Council please let Members know the true situation?’

9.7 QUESTION FROM COUNCILLOR MIKE COX TO THE CABINET MEMBER FOR PLANNING & TRANSPORTATION – COUNCILLOR KEITH BURROWS

‘Is the Cabinet Member responsible for planning satisfied that Hillingdon's policies sustainable development adequate to ensure that our local town centres are protected against the bullying tactics of big developers and supermarkets?’

9.8 QUESTION FROM COUNCILLOR ALLAN KAUFFMAN TO THE CABINET MEMBER FOR IMPROVEMENTS, PARTNERSHIPS & COMMUNITY SAFETY – COUNCILLOR DOUGLAS MILLS

‘How many alley gates have been provided to stop crime and anti social behaviour in the past two financial years?’

10.1 MOTION FROM COUNCILLOR ANITA SMART ON EDUCATION AND CHILDREN'S SERVICES

'The Council recognises the good work being done by Education and Children's Services to raise achievement and attainment in our schools. For instance, standards have risen again this year and schools should be congratulated on their continuing progress.

Given today's uncertain career climate it is vital to ensure that our young people receive the best possible start in life that we in Hillingdon can give them. It is therefore important wherever possible that incoming funding streams are directly targeted at the particular areas prioritised by this Council to date.

In order to ensure that this Council continues to perpetuate good standards in Education and Children's Services, it requests that the appropriate Policy Overview Committee monitors and evaluates funding streams to ensure we are maximising opportunities for young people and their families.'

10.2 MOTION FROM COUNCILLOR DOUGLAS MILLS ON ISSUING GUIDELINES IN RELATION TO THE SUSTAINABLE COMMUNITIES ACT

'This Council notes the Government's intention to issue guidelines in relation to the new Sustainable Communities Act and asks for a report to be prepared for Cabinet taking into account both the guidelines and the following Hillingdon principles:

- The ease of access and self help approach to engaging the local community through schemes such as Chrysalis and Street champions.
- Avoidance of an Area committee based approach but to develop with our partners locality working reflecting shared intelligence of needs
- Development of Street Champions / Street Ahead to reflect consultation with residents on possible options for use of focussed revenue / capital resources designed to enhance Civic pride.
- Utilisation of SNT Ward panels to better reflect a wider zonal aspect of joint service delivery aimed at achieving "nice place to live" recognition.'

10.3 MOTION FROM COUNCILLOR PETER CURLING ON THE BUILDING SCHOOLS FOR THE 21ST CENTURY PROGRAMME

'The Council recognises the huge significance of the BS21 programme for Hillingdon, giving a huge opportunity for young people in the Borough to benefit from vastly improved school buildings and ICT equipment.

Given the combination of today's uncertain financial climate and future building programmes, Council requests that The Cabinet prioritise the BS21 programme to ensure that we continue to proceed in the current wave six, as planned.

Council also calls on the Government to bring all subsequent waves forward, especially as this is exactly the type of development that can help in times of an

economic downturn by providing jobs and local regeneration. This would not only ensure we obtained high quality facilities but would also ensure that Hillingdon continues to develop and improve borough-wide education strategies for a 21st Century provision.'

10.4 MOTION FROM COUNCILLOR MIKE COX ON REVIEWING BUSINESS RENT INCREASES

'This Council notes the appalling increases in rents that the London Borough of Hillingdon has imposed on struggling small shops and businesses. This Council calls on the Cabinet Members responsible for finance and partnerships to urgently review these increases and ask the Corporate Services Policy Overview Committee to investigate the Council's actions and policies.'