

## REPORT OF THE HEAD OF DEMOCRATIC SERVICES

### (i) URGENT IMPLEMENTATION OF DECISIONS

**RECOMMENDATION:** That the Urgency decisions detailed below be noted.

#### Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5 day call-in provided there is agreement from the Chairman of the Executive Scrutiny Committee to waive this. All such decisions are to be reported for information only to the next full Council meeting.
2. Recently the following decisions have been made using the urgency procedures:
  - 26 January 2012 – a specific decision by the Cabinet to expeditiously award a building contract in relation to the Primary School Capital Programme;
  - 26 January 2012 – decisions by the Cabinet on:
    - The former Library, Golden Crescent, Hayes;
    - Honeycroft Day Centre, Uxbridge; and
    - 24 Eastbury Road, Northwoodto ensure the swift disposal of the sites concerned; and
  - 1 February 2012 – joint decisions by the Leader of the Council and Cabinet Member for Finance, Property and Business Services on:
    - Acol Crescent (Plot 2), South Ruislip; and
    - The former Belmore Allotment (Plot B), Burns Close, Hayesto ensure the swift disposal of the sites concerned.

BACKGROUND PAPERS: Decision Notices

### (ii) MEMBERS' ALLOWANCES 2012/13

1. The Council is required to undertake an annual re-adoption of its allowances scheme and, in doing so give due regard to the recommendations made by the report of the Independent Panel on the Remuneration of Councillors in London whose latest report was published in April 2010.
2. Having given due regard to the contents of that report, which has not recommended any significant changes to the Scheme of Allowances approved in

its last report in 2006, the Leader of the Council is proposing to Council no change to the nature of the allowances scheme for 2012/13.

**RECOMMENDATION: That the current Members' Allowances Scheme be revoked as of 31 March 2012 and the new Scheme for 2012/13 be approved as shown in Appendix A for implementation from 1 April 2012**

### **INFORMATION**

3. Regulation 10 Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2012.
4. In previous years Council has delegated authority to the Head of Democratic Services to increase the level of allowances in line with the annual pay award to staff, when agreed. As Members may be aware, there will be no annual pay award for staff in 2012/13 and therefore it is not intended that the Scheme of Allowances will be increased from that shown in Appendix A.

### **FINANCE IMPLICATIONS**

5. Provision has been made in the 2012/13 budget for Members' Allowances, although It is important to note this is based upon current posts being held by Members and those who occupy more than one post are only eligible to receive one SRA, normally the higher. It is therefore difficult to accurately estimate the true cost until after the Annual General Meeting in May when Members are confirmed or re-confirmed into posts receiving an SRA.

### **LEGAL IMPLICATIONS**

6. The current scheme, which has been adopted by the Council, needs to be revoked as of 31 March 2012 and a new scheme, in accordance with the 2003 Regulations, has to be made before the 31 March 2012. If it is not, any allowances paid to Members would not comply with the law and could therefore be challenged.
7. Before making or amending its allowances scheme, the Council is required, by virtue of Regulation 19, to have regard to the recommendations of an Independent Remuneration Panel. As indicated above, the latest recommendations made by the Panel in April 2010 have been taken into account when making these recommendations.

## **(iii) AMENDMENT TO COUNCIL CONSTITUTION**

### **PART 3 - OFFICER SCHEME OF DELEGATIONS**

1. In order to provide additional clarity at Director-level regarding decision-making, reporting to Members and corporate working over land and property assets in all departments, the Leader of the Council is proposing the following changes to Officer Delegations in the Constitution.

2. Complementary changes to Cabinet portfolios to reflect this and other matters will be made by the Leader of the Council following this Council meeting.

*Amended delegations to the Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services as shown:*

The Deputy Chief Executive and the Corporate Director of Planning, Environment, Education & Community Services is the officer responsible and accountable for:

- Transportation and Planning Policy
- Public Safety
- Adult Education
- Libraries
- Culture, Sport, Leisure
- Corporate Landlord Corporate Property and Construction
- Environment
- Highways & Green Spaces
- Consumer Protection
- ICT and Business Services
- Education
- Youth Services
- Planning
- Trading Standards
- Environmental Protection

The Deputy Chief Executive will specifically assist the Leader and the Chief Executive in relation to resident facing corporate working across the Council.

The Deputy Chief Executive, in conjunction with the Leader, will oversee the Business Improvement Delivery Programme and authorise expenditure on it.

The Deputy Chief Executive, in conjunction with the Leader of the Council and Cabinet Member for Finance, Property and Business Services will oversee the development, construction and use of land and property assets across all Council Directorates, including the Housing Development Programme and be responsible for all such reporting to Members.

The Deputy Chief Executive is the third most senior officer within the Council's Management hierarchy and has the delegated authority to deputise for the Council's Chief Executive in his absence and the absence of the Deputy Chief Executive and Corporate Director of Central Services.

The Deputy Chief Executive has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to her Heads of Service who report directly to her. The sub-delegations are set out in full in the Deputy Chief Executive's Internal Scheme of Delegations.

Specific Delegations, which may be sub-delegated, include:

1. To take all procedural steps necessary prior to deciding whether to give a direction to admit a child in the borough to a specified voluntary aided or foundation school in accordance with section 97 of the School Standards and Framework Act 1998.
2. To issue a direction to admit a child in the borough to a specified voluntary aided or foundation school in accordance with section 96 of the School Standards and Framework Act 1998.
3. To request an Academy to admit a child in the Borough to it.

*Amended general delegation no.9 to the Chief Executive, Deputy Chief Executives and Corporate Director of Social Care, Health and Housing:*

9. Subject to compliance with any corporate property standards and the Procurement and Contract Standing Orders, to take any steps for the proper and effective management of such property falling within their designated area of responsibility, subject to the agreement of the Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services.

**MEMBERS' ALLOWANCES SCHEME 2012/13****1. Introduction**

In accordance with Local Authorities (Members Allowances) England Regulations 2003 No. 1021 (as amended) the London Borough of Hillingdon makes the following scheme: -

**2. Basic Allowance**

For 2012/13 an allowance of **£10,481.53** will be payable to all Councillors. This figure will be increased each subsequent year in line with the annual Local Government Pay Settlement and it will be paid in equal monthly instalments. The basic allowance includes intra borough travel and subsistence costs.

**3. Special Responsibility Allowances**

Special responsibility allowances of the following amounts shall be paid in equal monthly instalments to Councillors holding the following responsibilities:

	(£)
Mayor	<b>21,287.91</b>
Deputy Mayor	<b>8,302.20</b>
Leader of the Council	<b>52,670.23</b>
Deputy Leader of the Council	<b>44,368.03</b>
Chief Whip of Largest Party	<b>21,287.91</b>
Leader of 2 <sup>nd</sup> Party	<b>21,287.91</b>
Deputy Leader of 2 <sup>nd</sup> Party	<b>5,474.22</b>
Chief Whip of 2 <sup>nd</sup> Party	<b>5,474.22</b>
Cabinet Member	<b>37,103.66</b>
Chairman of Scrutiny and Policy Overview Committee	<b>21,287.91</b>
2 <sup>nd</sup> Party Lead on Scrutiny and Policy Overview Committee	<b>5,474.22</b>
Chairman of Planning Committee	<b>21,287.91</b>
Party Lead on Planning Committee	<b>5,474.22</b>
Chairman of Licensing Committee	<b>9,000.00</b>
Chairman of Licensing Sub-Committee	<b>6,000.00</b>
Chairman of Standards Committee*	<b>2,854.07</b>
Vice-Chairman of Standards Committee*	<b>1,560.00</b>
Independent member of Standards Committee*	<b>1,037.78</b>
Chairman of Audit Committee*	<b>2,854.07</b>
Champion	<b>5,474.22</b>
Council representative on Adoption and Permanency Panel	<b>12,000.00</b>
Cabinet Assistant	<b>8,302.20</b>

\* Where a non-Councillor is Chairman or Vice Chairman a co-optees' allowance is payable as set out in the Scheme under section 9.

Special Responsibility Allowances will be increased each subsequent year in line with the annual Local Government Pay Settlement.

#### 4. Limit on Payment of Special Responsibility Allowances

Individual Councillors may not claim a special responsibility allowance for more than one position for which they qualify.

#### 5. Renunciation

Councillors may elect to forego any of their entitlement to an allowance under the scheme by giving written notice to the Deputy Director of Finance.

#### 6. Part-Year Entitlements

(a) This paragraph regulates Councillors' entitlement to allowances where the scheme is amended during the course of the year or where an individual ceases to be a Councillor or accepts or relinquishes a position of special responsibility.

(b) If an amendment to this scheme is made during the year to which it refers and changes the amount which a Councillor may claim in basic allowances the annual entitlement shall be calculated using the following method:-

Annual entitlement to basic allowance	=	Days at unamended rate divided by 365	X	Annual payment at unamended rate	+	Days at amended rate divided by 365	x	Annual payment at amended rate
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(c) Where the term of office of a Councillor begins or ends part way through the year the annual entitlement to basic allowance shall be calculated using the following method:

Annual entitlement to basic allowance	=	Days as a Councillor divided by 365	X	Annual rate of allowance
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(d) Where this scheme is amended during the year to which it refers the annual entitlement to basic allowance of Councillors beginning or ending their term of office part way through the year shall be calculated using the following method:

Annual entitlement to basic allowance	=	Days as a Councillor during unamended scheme divided by 365	X	Annual payment at unamended rate	+	Days as a Councillor during amended scheme divided by 365	x	Annual payment at amended rate
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(e) Where Councillors hold positions of special responsibility during part of the year their annual entitlement to special responsibility allowance shall be calculated using the following method:

Annual entitlement for special responsibility allowance	=	Days holding position of special responsibility during unamended scheme divided by 365	X	Annual payment at unamended rate	+	Days holding position of special responsibility during amended scheme divided by 365	X	Annual payment at amended rate
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## **7. Out of Borough Travelling and Subsistence Allowances**

Councillors shall be entitled to claim for out of borough travelling allowances incurred in undertaking approved duties as agreed in advance by the Council.

The out of borough car mileage allowance for Councillors shall be paid at the same rate as those paid to officers for the Standard Mileage User Allowance.

The amounts paid for out of borough subsistence shall be in accordance with the maximum levels laid down from time to time by the Department for Communities and Local Government but claims may only be made for approved duties.

## **8. Dependent / Carers Allowance**

A dependent / carers allowance shall be payable at the National Minimum Wage for Adults hourly rate based on the following criteria:

- payments should be subject to a maximum weekly payment, equivalent to seven-and-a-half hours of care per week;
- the maximum rate should be set locally to reflect local costs, in accordance with social service departments levels;
- payment should be claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required;
- only one weekly payment should be claimable in respect of the household of each member, except in special circumstances to be judged by the Council's Standards Committee;
- the allowance should be paid as a reimbursement of incurred expenditure against receipts;
- the allowance should not be payable to a member of the claimant's own household and;
- any dispute as to entitlement and any allegation of abuse should be referred to the Council's Standards Committee for adjudication.

## **9. Co-optees' Allowances**

Where a co-optee and non-Councillor is the Chairman of the Standards or Audit Committee, an annual entitlement allowance of £2,750 may be paid. This will be paid on a pro-rata basis if the appointment of the co-optee begins or ends otherwise than at the beginning or end of a year. Where a co-optee is an Independent Member of the Standards Committee an annual entitlement allowance of £1,000 may be paid. Where a co-optee is one of the three statutory education co-optees on the Executive Scrutiny Committee, an annual entitlement allowance of £400 may be paid. This will be paid on a pro-rata basis if the appointment of the co-optee begins or ends otherwise than at the beginning or end of a year. These allowances will cover expenses, such as travel and subsistence, related to the duties of the postholder.

## **10. Claims and Payments**

- (a) All claims for out of borough travelling and subsistence and carers allowances must be submitted within two months of the date of the approved duty to which they relate, made on the standard form as used by officers and returned to the Head of Democratic Services.

- (b) Payments shall be made in respect of basic and special responsibility allowances subject to sub-paragraph (c) below in Instalments of one twelfth of the amount specified in this scheme on or before the 15<sup>th</sup> of the month direct to each Member's bank or building society account.
- (c) Where the payment of allowances in one-twelfth instalments would result in a Councillor receiving more than he or she is entitled to because of a part year effect (as defined in paragraph 9 above) the payment shall be restricted to the annual entitlement.

## **11. Pensions**

Councillors, under the age of 75 years, shall be entitled to admission to the Local Government Pension Scheme and both basic and special responsibility allowances shall be deemed pensionable pay.

## **12. Withholding Members' Allowances**

Where there has been an adjudication, which suspends or partially suspends a Councillor from office following a breach of the Code of Conduct, the Council may withhold all allowances paid to that Councillor with immediate effect.

## **13. Records of Allowances and Publicity**

In accordance with the new 2003 regulations a detailed record will be kept of the name of the recipient and the amount and nature of each payment made. This will be available for public inspection at all reasonable times or copies supplied following the payment of a reasonable fee.

As soon as is reasonably practicable after the end of the municipal year to which the scheme relates the total sum paid to each recipient in respect of basic allowances, special responsibility allowance, dependant carers allowance and out of borough travelling and subsistence allowance will be published on the Council's website and local newspaper.

## **14. Independent Remuneration Panel**

Hillingdon Council has had regard to the recommendations made by the Independent Panel for the Remuneration of Councillors in London in developing its Members' Allowances Scheme.