

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5 day call-in provided there is agreement from the Chief Executive and 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:

Date of Decision	Nature of Decision	Decision-Maker
17 January 2014	Allocation & Capital Release of S106 monies – for extension to Wallasey Medical Centre, Ickenham	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
23 January 2014	Additional funding for highways maintenance, delegation of approvals for key environmental projects and award of a contract for void properties, as set out in the Cabinet agenda.	Cabinet (Urgency)
28 January 2014	Capital release - Highways Structural, Localities, Priority Growth and Revenue Growth Programmes 2013/14 Phase 4	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
30 January 2014	Capital Release - Primary Schools Permanent Expansion Programme: Phase 3 Development Costs	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
31 January 2014	Extension of Leasehold Interests to a number of properties	Leader of the Council (Special Urgency)
7 February 2014	Yiewsley Health Centre and Supported Housing Proposal Development Costs	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
11 February 2014	Rural Activities Garden Centre - Award of Contract for Modular Building to Provide Officer Accommodation, Mess Room and Welfare facilities	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)

BACKGROUND PAPERS: Decision Notices

(ii) AMENDMENT TO THE COUNCIL CONSTITUTION – THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2014

RECOMMENDATION: That, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, Part 4A of the Council Constitution (Council Procedure Rules) be amended to require recorded votes to be taken at the annual budget setting meeting on any motion, amendment to motion or substantive motion regarding the General Fund Revenue Budget, Housing Revenue Account and Capital Programme.

1. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 amend the Local Authorities (Standing Orders) (England) Regulations 2001 in order to make provision about the standing orders of local authorities in relation to the recording of votes taken at budget decision meetings. They also make amendments consequential on the enactment of the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011.
2. These Regulations require authorities to include in their Standing Orders the requirement to record any votes on the budget, taken at their budget meeting. There will thus be in the minutes of the meeting, a record of how each Member present voted on the budget. The aim being to increase the transparency and accountability of local authority decision making on the critical issue of the annual budget setting. With recorded votes, electors and local tax payers will be able to see how those who represent them voted on the issue of the local tax which impacts directly on all council tax payers in the area.
3. The Regulations clearly describe the matters on which votes are to be recorded, making clear these are the substantive budget motion (i.e. the final decision on agreeing the budget and setting the council tax or issuing the precept) and any amendments proposed at the budget meeting.
4. Although the Regulations do not come into force until 25 February 2014, the DCLG has written to all councils highlighting both the new requirements and the expectation that voting will be recorded at all of this year's budget meetings held in February and March 2014.

(iii) AMENDMENT TO THE COUNCIL CONSTITUTION – RESIDENTS SERVICES SCHEME OF DELEGATIONS

RECOMMENDATION: That the Deputy Chief Executive and Corporate Director Residents Services Internal Scheme of Delegation (referred to in Part 3 of the Council's Constitution) be amended so that all applications to which Paragraph A.4 of schedule 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 applies (42 day prior approval applications) cannot be referred to a Planning Committee.

Information

1. Within the Residents Services scheme of delegation – delegations to the Head of Planning, Green Spaces and Culture - it is outlined which type of planning application can be dealt with under delegated authority and which is automatically referred to an area planning committee.

2. Provision is made so that, either a Ward Councillor can refer an application directly to committee, or a petition with more than 20 local residents' signatures can be submitted which then results in a committee referral.
3. Since May 2013 a new process has existed (following a change to national legislation) whereby householders can seek consent for single storey rear extensions only (subject to various criteria including that they are between 4m and 8m in depth) via a 'fast-track' 42 day prior approval process.
4. The Council receives a form and plan; it then undertakes various administrative processes including sending 21 day consultation letters to directly adjoining neighbours. If, at the end of 21 days, the directly adjoining neighbours do not object, then, irrespective of the Council's views of the merits of the proposal, it benefits from deemed consent. If the neighbours do object then the Council has to, within 42 days (which is typically only 10-15 days after the consultation period finishes), make a decision as to whether the extension would have an adverse impact on either adjoining neighbour (including administrative processes). If within 42 days the Council does not make a decision then a deemed approval is granted. The Council receives a high volume of these cases; between 25 and 60 a month.
5. The process officers use to decide whether there is an adverse impact on neighbours is to refer to the Councils detailed Hillingdon Design and Accessibility Statement (HDAS) Residential Extensions Guidance. This guidance was adopted by Council in May 2006 and is very comprehensive and prescriptive.
6. The prior approval process has very tight deadlines which, in many cases, will not allow a committee referral. It is therefore recommended that the scheme of delegation be amended so that prior approvals are not to be referred to committee. The implication of residents being told that a petition they have put considerable time into collating cannot be heard (due to statutory time constraints) is considered to be a strong consideration that weighs in favour of altering the scheme of delegation.
7. The proposal has been discussed with the Chairmen of the two Planning Committees and meets with their approval. Significant changes to the Scheme of Officer Delegations, such as this, require Council approval.

(iv) MEMBERS' ALLOWANCES 2014/15

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. The last report by that body was published in April 2010 and it is anticipated that a further report will be available later this year, after the date by which Council is required to have adopted a Scheme for 2014/15.
2. Having given due regard to the contents of the 2010 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 2014/15.

3. Should the report of the Independent Panel due later this year make any significant recommendations then consideration will be given to submitting a further report to Council regarding the Scheme.

RECOMMENDATION: That the current Members' Allowances Scheme be revoked as of 31 March 2014 and the new Scheme for 2014/15 be approved, as shown in the Appendix, for implementation from 1 April 2014

INFORMATION

4. Regulation 10 Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2014.
5. 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, no annual pay award for staff in 2014/15 has yet been agreed and therefore it is not currently intended that the Scheme of Allowances will be increased from that shown in the Appendix.
6. The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 come into force on 1 April 2014. At this stage the regulations are still in draft form and are silent in respect of Member eligibility for membership of the scheme. The final Statutory Instrument is expected to address the issue of Councillors' eligibility but as yet there is no news on what the position will be from 1 April 2014.

FINANCIAL IMPLICATIONS

7. Provision has been made in the 2014/15 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 June when Members are confirmed or re-confirmed into posts receiving an SRA.

LEGAL IMPLICATIONS

8. The current scheme, which has been adopted by the Council, needs to be revoked as of 31 March 2014 and a new scheme, in accordance with the 2003 Regulations, has to be made before the 31 March 2014. If it is not, any allowances paid to Members would not comply with the law and could therefore be challenged.
9. 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.

BACKGROUND PAPERS: Report of the Independent Panel on the Remuneration of Councillors in London

MEMBERS' ALLOWANCES SCHEME 2014/15**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 2014/15 an allowance of **£10,586.35** 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	21,287.91
Deputy Mayor	8,302.20
Leader of the Council	52,670.23
Deputy Leader of the Council	44,368.03
Chief Whip of Largest Party	21,287.91
Leader of 2 nd Party	21,287.91
Deputy Leader of 2 nd Party	5,474.22
Chief Whip of 2 nd Party	5,474.22
Cabinet Member	37,103.66
Chairman of Scrutiny and Policy Overview Committee	21,287.91
2 nd Party Lead on Scrutiny and Policy Overview Committee	5,474.22
Chairman of Planning Committee	21,287.91
Party Lead on Planning Committee	5,474.22
Chairman of Licensing Committee	9,000.00
Chairman of Licensing Sub-Committee	6,000.00
Chairman of Standards Committee	3,000.00
Standards Committee Independent Person	1,500.00
Chairman of Audit Committee*	2,854.07
Champion	5,474.22
Council representative on Adoption and Permanency Panel	12,000.00
Cabinet Assistant	8,302.20

* 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 Corporate 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 Audit Committee, an annual entitlement allowance of £2,854.07 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 Person on the Standards Committee an annual entitlement allowance of £1,500 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 15th 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.