



HILLINGDON
LONDON



Council

To all Members of the Council

Date: THURSDAY, 23 FEBRUARY
2023

Time: 7.30 PM

Venue: COUNCIL CHAMBER -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

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Published: Wednesday, 15 February
2023

Contact: Lloyd White, Head of
Democratic Services

Email: lwhite@hillingdon.gov.uk

Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

Useful information for residents and visitors

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Agenda

Prayers

To be said by Pastor Tunde Balogun.

- 1 Apologies for Absence
- 2 Minutes 1 - 12
To receive the minutes of the meeting held on 12 January 2023 (*attached*).
- 3 Declarations of Interest
To note any declarations of interest in any matter before the Council
- 4 Mayor's Announcements
- 5 Report of the Head of Democratic Services 13 - 30
- 6 General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2023 / 2024 31 - 38

To consider the recommendations of Cabinet which will be published, once agreed. The report to Cabinet is available in the Group Offices, on request to the Head of Democratic Services or online at:

<https://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CId=115&MId=4492>

Section 106 of the Local Government Finance Act 1992 will apply to the recommendations of this item. Any Member who is more than two months in arrears with their Council Tax or has arrears of Council Tax must declare that fact and not vote on this item.

Budget Conflict Resolution Procedures – Council is asked to consider the Cabinet's proposals. It may adopt the proposals, submit objections to Cabinet or invite the Cabinet to make amendments specified by Council. If Council votes to object to the Cabinet proposals or to invite Cabinet to make amendments, then the Conflict Resolution Procedure will come into operation.

The Council meeting will be adjourned while a special meeting of the Cabinet is held, after which the Council will resume and consider any revised proposals submitted by the Cabinet or the reasons why the Cabinet disagrees with Council's objections or proposed amendments. The budget would then be open for debate and amendment until a final decision is made.

Members are asked to note that, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, recorded votes will 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.

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Agenda Item 2



HILLINGDON
LONDON

Minutes

COUNCIL

12 January 2023

Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge UB8 1UW

Councillor Becky Haggar (Mayor)
Councillor Shehryar Ahmad-Wallana (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <table><tr><td>Councillors: Naser Abby</td><td>Jas Dhot</td><td>Gursharan Mand</td></tr><tr><td>Kaushik Banerjee</td><td>Ian Edwards</td><td>Stuart Mathers</td></tr><tr><td>Labina Basit</td><td>Scott Farley</td><td>Douglas Mills</td></tr><tr><td>Adam Bennett</td><td>Janet Gardner</td><td>Richard Mills</td></tr><tr><td>Kishan Bhatt</td><td>Elizabeth Garelick</td><td>Peter Money</td></tr><tr><td>Jonathan Bianco</td><td>Narinder Garg</td><td>June Nelson</td></tr><tr><td>Wayne Bridges</td><td>Tony Gill</td><td>Barry Nelson-West</td></tr><tr><td>Tony Burles</td><td>Martin Goddard</td><td>Susan O'Brien</td></tr><tr><td>Keith Burrows</td><td>Ekta Gohil</td><td>Jane Palmer</td></tr><tr><td>Reeta Chamdal</td><td>Henry Higgins</td><td>Sital Punja</td></tr><tr><td>Roy Chamdal</td><td>Mohammed Islam</td><td>John Riley</td></tr><tr><td>Alan Chapman</td><td>Rita Judge</td><td>Raju Sansarpuri</td></tr><tr><td>Farhad Choubedar</td><td>Kamal Preet Kaur</td><td>Jagjit Singh</td></tr><tr><td>Philip Corthorne</td><td>Kuldeep Lakhmana</td><td>Peter Smallwood</td></tr><tr><td>Peter Curling</td><td>Eddie Lavery</td><td>Colleen Sullivan</td></tr><tr><td>Darran Davies</td><td>Richard Lewis</td><td>Steve Tuckwell</td></tr><tr><td>Nick Denys</td><td>Heena Makwana</td><td></td></tr></table>	Councillors: Naser Abby	Jas Dhot	Gursharan Mand	Kaushik Banerjee	Ian Edwards	Stuart Mathers	Labina Basit	Scott Farley	Douglas Mills	Adam Bennett	Janet Gardner	Richard Mills	Kishan Bhatt	Elizabeth Garelick	Peter Money	Jonathan Bianco	Narinder Garg	June Nelson	Wayne Bridges	Tony Gill	Barry Nelson-West	Tony Burles	Martin Goddard	Susan O'Brien	Keith Burrows	Ekta Gohil	Jane Palmer	Reeta Chamdal	Henry Higgins	Sital Punja	Roy Chamdal	Mohammed Islam	John Riley	Alan Chapman	Rita Judge	Raju Sansarpuri	Farhad Choubedar	Kamal Preet Kaur	Jagjit Singh	Philip Corthorne	Kuldeep Lakhmana	Peter Smallwood	Peter Curling	Eddie Lavery	Colleen Sullivan	Darran Davies	Richard Lewis	Steve Tuckwell	Nick Denys	Heena Makwana	
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	<p>OFFICERS PRESENT: Tony Zaman, Andy Evans, Dan Kennedy, Perry Scott, Glen Egan, Lloyd White, Mark Braddock, Morgan Einon, Sue Albu and Nikki O'Halloran</p>																																																			
	<p>ONE MINUTE'S SILENCE</p> <p>Those present observed a one minute's silence in memory of former Councillor Peter Kemp.</p>																																																			
37.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence had been received from Councillor Sweeting.</p>																																																			
38.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meeting held on 17 November 2022 be agreed as a correct record.</p>																																																			
39.	<p>DECLARATIONS OF INTEREST (<i>Agenda Item 3</i>)</p> <p>There were no declarations of interest in matters coming before this meeting.</p>																																																			
40.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor hoped that everyone had had a restful Christmas and wished them a</p>																																																			

	<p>healthy and prosperous 2023. The run up to Christmas had been very busy for the Mayor who had met with Ruislip Old Folks Association which had received one of the last Queen's Awards for voluntary service. As well as attending a number of events at schools including Oakwood, Swakeleys, Bishop Ramsey, Meadow High and Green Corridor, she had attended the staff awards ceremony at the Battle of Britain Bunker with the Leader where staff were thanked for their hard work.</p> <p>The Mayor had received a personal thank you card from King Charles II and a picture from the former Deputy Lieutenant, Bruce Houlder, both of which were on display in the Mayor's Parlour. She also thanked Councillor Jagjit Singh who had raised £2,800 for the Mayor's charities by undertaking a 24 hour walk.</p> <p>The Mayor thanked those who had attended the Civic Service. The event had been a credit to the Borough with an array of multifaith leaders present. Many of these events were seen as opportunities to make new contacts and to provide signposting and had resulted in SafeStart, a local organisation, sponsoring the Mayor's upcoming fundraising event, an Irish Night on 3 March 2023.</p>
41.	<p>REPORT OF THE HEAD OF DEMOCRATIC SERVICES (<i>Agenda Item 5</i>)</p> <p>(i) URGENT IMPLEMENTATION OF DECISIONS</p> <p>The recent urgent decisions taken were noted.</p>
42.	<p>COUNCIL TAX BASE AND BUSINESS RATES FORECAST 2023/2024 (<i>Agenda Item 6</i>)</p> <p>Councillor Goddard moved, and Councillor Edwards seconded, the motion as set out on the Order of Business and it was:</p> <p>RESOLVED: That:</p> <ul style="list-style-type: none"> a) the report of the Corporate Director of Finance for the calculation of the Council Taxbase and the Business Rates Forecast be approved. b) in accordance with the Local Authorities (Calculation of Council Taxbase) (England) Regulations 2012 the amount calculated by the London Borough of Hillingdon as its Council Taxbase for 2023/24 shall be 103,625. c) authority be delegated to the Corporate Director of Finance to submit the 2023/24 NNDR1 return to the Department of Levelling Up, Housing & Communities (DLUHC) and the Greater London Authority (GLA). d) the continuation of the Council's policy of passporting Government discounts and reliefs applied to Business Rates to the ratepayer be approved. e) two amendments to the Council's local Council Tax Reduction Scheme with effect from April 2023 be approved: <ul style="list-style-type: none"> i) Non-dependent charge to be increased to £8 per week ii) Increase the minimum award from £1 to £2 per week f) the following recommendations be approved, upon referral from Cabinet:

	<ul style="list-style-type: none"> i) To increase the current Empty Homes Council Tax Premium, applicable to non-exempt properties empty for more than two years, from the current 50% to 100% from the 2023/24 financial year; ii) To phase in increases to the current Empty Homes Council Tax Premium, applicable to non-exempt properties empty for more than five / ten years, to the maximum premium allowable of 200% / 300% respectively and from financial years 2024/25 and 2025/26 respectively; <p>g) the 2 specific circumstances where the application of the Premium cannot be applied be noted:</p> <ul style="list-style-type: none"> i) a member of the Armed Services, who is away from the property as a result of their service; ii) where a property forms part of a single property, for example, an annexe.
43.	<p>STATEMENT OF GAMBLING POLICY 2023-2025 (<i>Agenda Item 7</i>)</p> <p>Councillor Lavery moved, and Councillor Edwards seconded, the motion as set out on the Order of Business and it was:</p> <p>RESOLVED: That:</p> <ul style="list-style-type: none"> a) the revised Statement of Gambling Policy be adopted as a policy framework document; and b) the change to the Ward Councillor Call-in procedure for gambling applications, be approved and included within the Constitution.
44.	<p>MEMBERS' QUESTIONS (<i>Agenda Item 8</i>)</p> <p>8.3 QUESTION SUBMITTED BY COUNCILLOR DENYS TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE - COUNCILLOR PALMER</p> <p><i>“Can the Cabinet Member please advise how Hillingdon Hospital is currently managing its discharge of patients back into our community?”</i></p> <p>Councillor Palmer advised that the Council had developed good partnerships with health and voluntary sector colleagues in Hillingdon which had helped the Borough to achieve the best Covid vaccination rates in North West London (NWL) and the second highest flu vaccination rates and NWL having one of the best hospital discharge performances in London.</p> <p>Insofar as hospital discharge was concerned, a team was available seven days per week, aided by electronic document transfer and well-established processes. A number of discharge pathways were available to the team through a widely used model: no formal input from social care or health (50%); support to recover at home (45%); rehabilitation or short term care (4%); and 24-hour nursing / long term care (1%).</p> <p>However, there were challenges being faced across the country with regard to care home staffing shortages. Discharge had also been impacted by the recent nurse and ambulance service strikes. Although the nurses at Hillingdon Hospital had not been</p>

on strike, there had been an overflow of patients from other areas that had been directly affected coming into the Borough.

Action had been taken before Christmas to address the number of parents presenting at A&E with children that had Strep A as it had been anticipated that this would further exacerbate the winter pressures which were likely to continue until March 2023.

Hillingdon was above the average NHS performance metrics, for example, Hillingdon had dealt with 39 admissions and 25 discharges on Christmas Day. Councillor Palmer thanked the social care team, NHS staff and voluntary sector who had worked tirelessly to achieve this performance.

There was no supplementary question.

8.1 QUESTION SUBMITTED BY COUNCILLOR GARDNER TO THE CABINET MEMBER FOR RESIDENTS' SERVICES - COUNCILLOR LAVERY

“In view of the tragic death of two-year-old Awaab Ishak through living in a home riddled with damp and mould, and the justifiable national criticism of Rochdale Boroughwide Housing, could the Cabinet Member please tell the Council what steps have been taken to review the adequacy of Hillingdon’s arrangements to deal urgently and efficiently with the constant stream of complaints received by us as councillors, on behalf of tenants living in:

- a. its own properties*
- b. those owned by housing associations*
- c. those used by the Council for the temporary housing of people for which it has a legal responsibility, including those placed by the Council 'out of Borough'*
- d. private rented homes in general?”*

Councillor Lavery advised that investigations had been undertaken by the Council in relation to damp, mould and ventilation in October 2021 to ensure that homes were compliant with the Homes (Fitness for Human Habitation) Act 2019. A spotlight review had been undertaken and a number of actions were identified including the responsibility for anyone working at a property to report issues relating to damp, mould and ventilation. A cross service group had been set up, which included social and private sector housing representatives, to take the actions forward and the fire safety work had been extended to include damp and mould.

It was anticipated that, of the 9,961 tenanted properties in Hillingdon, there would be a prevalence rate of 4.8% for damp and mould (which equated to 478 households). As well as overcrowding and fuel poverty having an impact on the number of properties with damp or mould, Hillingdon specific issues had been identified: solid wall construction; metal framed windows and non-traditional build.

When inspections were being undertaken on properties, issues including damp and mould were immediately being reported as soon as they came to light. Investment in the Council’s housing stock continued with the roof, window and boiler replacement programmes which would also help in addressing the issue of damp, mould and ventilation.

Processes were being reviewed and Councillor Lavery advised that all information gathered about the Council’s housing stock was being collated in one place to enable officers to keep track of any actions required.

Although the majority of residents in the Borough were owner-occupiers, the private rented sector accounted for approximately 28k properties, including properties owned by housing associations. It was assumed that around 8% of these properties (2,200) could be affected by damp.

When the Council received complaints from tenants in the private sector, officers were often able to take action and a private sector housing enforcement policy had recently been drafted. Advisory information for tenants was currently being reviewed, including appropriate questions to ask landlords in relation to damp and mould cases. A procurement framework had also been introduced in relation to temporary accommodation and a new Members Enquiries system had been introduced which included a category for damp and mould.

Between April and November 2022, there had been 399 reports to the repairs team in relation to the Council's housing stock, most of which had been resolved. So far this year, there had been 38 new legal disrepair cases, 30 of which related to damp or mould.

The issue of damp and mould had been scheduled as an item on the Residents' Services Select Committee agenda on 12 April 2023.

By way of a supplementary question, Councillor Gardner asked that the Council ensure that residents placed in private housing had a legally binding tenancy agreement which required the property to be maintained to decent tenancy standards prior to letting and that any maintenance issues be dealt with by experienced and qualified professionals in a timely manner.

Councillor Lavery advised that he would provide Councillor Gardner with a written response.

[NOTE: Councillor Lavery provided the following written response after the meeting:

As you are aware, in meeting its duties under homelessness legislation, the council makes use of a variety of property across housing tenures.

Private rented sector housing forms a significant part of the accommodation used and access to sufficient accommodation is a significant and ongoing challenge. The affordability of homes is an issue in all areas but especially so in and around London and this brings with it additional pressures around housing quality as the council constantly seeks to control expenditure as far as possible, whilst providing homes of an adequate standard.

Registered Providers (RPs) are required to meet the standards of the Regulator of Social Housing (RSH). The RSH Tenancy Standard includes a requirement to meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation. The RSH Home Standard requires that RPs ensure that tenants' homes meet the standard set out in the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard.

Housing Associations form part of the private sector and as such the Council can use enforcement powers with respect to housing standards. We would however expect that tenants would seek redress via the Housing Association's own complaints process before approaching the Council.

While temporary accommodation can be let under licence arrangements, longer-term move-on accommodation will in most instances be through a tenancy agreement which, in the private rented sector is likely to be an assured shorthold tenancy. The government has guidance on landlord and tenant rights and responsibilities in the private rented sector to help make sure tenancies get off to a good start and that the landlord-tenant relationship can be a professional and positive one. When using Temporary Accommodation the Council uses a framework, which any landlord providing such accommodation, must sign up to. The Framework includes a full repairing schedule and landlords are contracted to ensure that properties are of a required standard and are properly maintained to remain at that standard.

Landlords are required to provide tenants with a copy of the governments' guide 'How to rent: the checklist for renting in England' when a new tenancy starts. This sets out what must be provided, including a written tenancy agreement and it provides links to a model agreement and how to seek advice if there are concerns.

By entering an assured shorthold tenancy, the landlord and tenant are entering into a contractual arrangement. It is the landlord's responsibility to ensure that the property is safe and fit for human habitation.

The landlord has responsibilities throughout the tenancy to maintain the property, perform checks and complete repairs. The council is not able to prescribe who carries out repairs to a landlord's property but does have enforcement powers to act if the property contains serious hazards.

The Council encourages landlords to maintain good standards through engagement work including a landlords' forum and by promoting landlord accreditation schemes. At present there is not a requirement for properties in the private rented sector to meet the Decent Homes Standard, but the government has indicated an intention to make this a requirement.

In conclusion, whilst the Council cannot stipulate who in the private sector could undertake maintenance work or that properties should be maintained to the decent homes standard, there are enforcement actions available to us where we are aware of a situation that is not safe or satisfactory, we engage in several Landlord liaison schemes to ensure Landlords are aware of what is expected of them. Registered providers are already required by law to ensure properties are maintained to at least the Decent Homes Standard.]

8.2 QUESTION SUBMITTED BY COUNCILLOR CURLING TO THE LEADER OF THE COUNCIL - COUNCILLOR EDWARDS:

"Does the Leader agree with me that, whilst on-line self-service can be quick and efficient, there are times, especially in emergencies, that the only way of getting the service residents need, is by talking to a person on the 'phone and can he therefore inform Council of the telephone waiting times that residents should expect when calling the Council or its service partners, especially out of hours?"

Councillor Edwards advised that he did agree with Councillor Curling but that the question related to Councillor D Mills' portfolio.

Councillor D Mills advised that there had been a considerable increase in volumes with around 51k enquiries received by the Council over the last few months. In

November / December 2022, the Council had introduced automatic voice responses for the 28 most frequently raised issues, primarily in relation to waste and housing services. This shift to self-help had reduced the waiting time for other callers to an average of six minutes and had reduced costs whilst also improving the service provided.

The main out of hours provider had exceeded its target, with 92% of calls being handled within one minute. On the run up to Christmas, one of the housing contractors had experienced difficulties and lessons had been learnt. If Councillors became aware of an issue, they were encouraged to report this through the new Members Enquiries system.

By way of a supplementary question, Councillor Curling asked if the Cabinet Member agreed that a wait of one hour and forty minutes for a service provider to answer out of hours calls was not acceptable and queried what action would be taken to monitor and enforce the service standard.

The Leader noted that this response time was unacceptable and that Councillor D Mills had set out the action that had been taken to put this right.

8.4 QUESTION SUBMITTED BY COUNCILLOR MATHERS TO THE CABINET MEMBER FOR FINANCE - COUNCILLOR GODDARD:

“Can the Cabinet Member please provide an update on the impact of inflation and other budgetary pressures on capital projects such as leisure facilities and house building?”

Councillor Goddard advised that inflation had had an impact on capital projects and that the Council had had to manage the increase in the cost of things such as labour and building materials using cost reappraisals. An £8.8m cost contingency had been included in the General Fund Capital Programme to protect the Council from cost inflation.

The West Drayton and Yiewsley leisure centre project was on track. Projected costs by the end of 2023/24 were expected to be 95% of the total budget and on target to be completed by May 2024. The Hillingdon Outdoor Activities Centre relaunch project had made good progress and the project for new homes was on track (103 housing units against a target of 100). The Hayes Town Centre and Avondale regeneration project was also progressing well on the construction and the completion of the compulsory purchases.

By way of a supplementary question, Councillor Mathers asked that residents be assured that delays and increased costs would not reduce project sizes or the benefits to residents, including the provision of housing.

Councillor Goddard advised that the rephrasing of capital expenditure should not be seen as an attempt to delay or abandon projects. Although rephrasing had been undertaken, the Council fully intended to finish the projects as soon as possible and the capital budget was in a good position.

45. **MOTIONS** (*Agenda Item 9*)

9.3 MOTION FROM COUNCILLOR D.MILLS

Councillor D Mills moved, and Councillor Bianco seconded, the motion as set out on

the Order of Business.

Speaking in support of the motion, Members advised that it had been proposed to reaffirm the Council's opposition to the ULEZ expansion. Cabinet would be asked to agree to the use of Council resources to fight the proposal. It was suggested that taking action to mitigate the impact of the ULEZ expansion would be pointless as, at £12.50 per day, it would still cost more than £3k per year for those individuals using their cars for five days each week if the ULEZ expansion went ahead.

The Mayor of London needed to be told that air quality in Hillingdon had been negatively affected by Heathrow airport but the Mayor had made it clear that he did not want to engage in further talks. A legal response would need to be developed and the Council would need to work collaboratively with local businesses and neighbouring councils that would also be affected. Harrow had already written to the Mayor challenging the lawfulness of the decision.

Councillor Curling moved, and Councillor Kaur seconded, the following amendment:

~~That this Council opposes the Mayor of London's decision to expand the ULEZ restrictions to outer London as it is wrong on several fronts, not least that it fails to put our residents first and will most adversely impact those on low incomes, at a time when they can least cope with additional expenditure, by being unfairly taxed in the use of their own vehicles and in going about their normal daily business~~ **notes their unanimous resolution on the expansion of the London ULEZ at its meeting on 14 July 2022, which sought to bring Council's opposition and concerns to the attention of the Mayor of London. Since then, a decision has been made to expand the ULEZ zone, but with various mitigations including a scrappage scheme, exemptions for some drivers and the provision of extra bus routes.**

Council also notes that the London ULEZ is part of the national government's Framework of "Clean Air Zones", which was introduced by Rt. Hon Michael Gove MP. Council further notes that the government has since removed the option of having "non-Charging" Clean Air Zones.

This Council, therefore, **opposes the Mayor of London's decision to extend the ULEZ zone to outer London, as it will most adversely impact those on low incomes, at a time when they can least cope with additional expenditure, and the Government's decision to remove the option of having Non-charging Clean Air Zones and** requests Cabinet to formalise a plan of action to implement this policy of opposition to the ULEZ decision and to establish an appropriate budget to do so. The authority to spend against this budget to be granted to the Leader in consultation with appropriate Cabinet members. **that will ensure that our residents are put above party politics and works with the Mayor of London to ensure that those most severely impacted by ULEZ have all the mitigations available to them, and that Cabinet also works with the government to ensure that significant mitigations are funded through the government's Clean Air Zone Framework.**

The amended motion would then read:

That this Council notes their unanimous resolution on the expansion of the London ULEZ at its meeting on 14 July 2022, which sought to bring Council's

opposition and concerns to the attention of the Mayor of London. Since then, a decision has been made to expand the ULEZ zone, but with various mitigations including a scrappage scheme, exemptions for some drivers and the provision of extra bus routes.

Council also notes that the London ULEZ is part of the national Government's Framework of "Clean Air Zones", which was introduced by Rt. Hon Michael Gove MP. Council further notes that the Government has since removed the option of having "non-charging" Clean Air Zones.

This Council, therefore, opposes the Mayor of London's decision to extend the ULEZ zone to outer London, as it will most adversely impact those on low incomes, at a time when they can least cope with additional expenditure, and the Government's decision to remove the option of having non-charging Clean Air Zones and requests Cabinet to formalise a plan of action that will ensure that our residents are put above party politics and works with the Mayor of London to ensure that those most severely impacted by ULEZ have all the mitigations available to them, and that Cabinet also works with the Government to ensure that significant mitigations are funded through the Government's Clean Air Zone Framework.

Those speaking in support of the amendment noted that Michael Gove's Clear Air Strategy could direct areas with poor air quality to introduce measures to reduce air pollution. Had the Mayor of London not agreed the expansion of ULEZ, it was thought likely that London would have been directed to develop a Clean Air Zone. Concerns continued regarding the impact that ULEZ expansion would have on those residents on low incomes and on small businesses but it was suggested that any potential legal challenge would need to also challenge Government policy.

Those in favour of the amendment advised that they were unable to agree the original motion as it had been uncostered. Improving air quality was everyone's responsibility so as not to let future generations down and, as such, the Council needed to try to secure Government funding to introduce measures to mitigate the impact of the ULEZ expansion.

Those speaking against the amendment suggested that the current public transport infrastructure was not sufficient to provide a viable alternative for those that currently used vehicles that would not be ULEZ compliant. Members noted that, contrary to what had been stated in the amendment, the option of having "non-charging" Clean Air Zones was still available and should be investigated. The scrappage scheme offered by the Mayor of London had not provided sufficient funding to enable benefactors to buy ULEZ compliant vehicles.

The amendment was put to the vote and lost.

Those speaking in support of the original motion noted that, up until 2015, the Mayor of London had supported Heathrow expansion which would have increased air pollutants in Hillingdon. They believed that the ULEZ expansion was being seen by the Mayor of London as a cash cow and an opportunity to plug the black hole in his budget. Locally, the value of non-compliant vehicles had been negatively impacted by the decision to expand ULEZ, with approximately 500,000 vehicles in Greater London affected. It was unlikely that the number of cars on the road would reduce (and therefore pollution levels would not reduce either).

Business owners would be significantly impacted by the ULEZ expansion, paying approximately £4,400 per year if they operated seven days each week and residents would not be able to spend as much with these small businesses as a result of the cost of living crisis. The current ULEZ zone had raised £182m less than expected in the previous year and the cost of installation for the cameras and signs for the expansion was expected to be in the region of £400m. As the Mayor of London was happy to increase the 2023/24 precept by approximately 10%, it was questioned how long it would be before the ULEZ charge was also increased.

Those speaking against the motion advised that this was the third ULEZ motion considered at a Council meeting since the Borough elections in May 2022. The Government funding formula needed to be amended to ensure that money was available in London to improve public transport services. Concern was expressed that the motion called for action to be taken by the authority with no limits set on the associated budget, yet the Council was unable to provide funding to support services such as the continuation of early years centres.

It was suggested that the Council needed to lobby the Secretary of State for Transport over the TfL settlement as well as the Mayor of London over the expansion of ULEZ.

The motion was put to a recorded vote:

Those voting for: The Mayor (Councillor Haggar), the Deputy Mayor (Councillor Ahmad-Wallana), Councillors Banerjee, Bennett, Bhatt, Bianco, Bridges, Burrows, Reeta Chamdal, Roy Chamdal, Chapman, Choubedar, Corthorne, Davies, Denys, Edwards, Goddard, Gohil, Higgins, Lavery, Lewis, Makwana, D Mills, R Mills, O'Brien, Palmer, Riley, Smallwood, Sullivan and Tuckwell.

Those voting against: Councillors Abby, Basit, Burles, Curling, Dhot, Farley, Gardner, Garelick, Garg, Gill, Islam, Judge, Kaur, Lakhmana, Mand, Mathers, Money, Nelson, Nelson-West, Punja, Sansarpuri and Singh.

Those abstaining: None.

RESOLVED: That this Council opposes the Mayor of London's decision to expand the ULEZ restrictions to outer London as it is wrong on several fronts, not least that it fails to put our residents first and will most adversely impact those on low incomes, at a time when they can least cope with additional expenditure, by being unfairly taxed in the use of their own vehicles and in going about their normal daily business.

This Council therefore requests Cabinet to formalise a plan of action to implement this policy of opposition to the ULEZ decision and to establish an appropriate budget to do so. The authority to spend against this budget to be granted to the Leader in consultation with appropriate Cabinet Members.

9.1 MOTION FROM COUNCILLOR CURLING

Councillor Curling moved, and Councillor Mathers seconded, the following motion:

That this Council notes the adverse impact that tax avoidance has on the public purse, and thereby the damaging effect that it has on the services that we can provide for the residents of Hillingdon. This Council also notes that a significant element of such tax avoidance is that of "Corporate tax avoidance".

This Council believes that, as recipients of significant public funding, local authorities, such as Hillingdon, should take the lead in the promotion of exemplary tax conduct. However, we also recognise that UK procurement law restricts councils' ability to either penalise poor tax conduct, or reward good tax conduct, when buying goods or services.

This Council therefore requests the Finance and Corporate Services Select Committee to consider conducting a review into how we can ensure that Hillingdon is a Fair Tax borough.

Those speaking in support of the motion believed that, since 2013, tax avoidance had been a public concern and it was suggested that a company's ethics should be considered by the Council when awarding contracts. Significant losses had been created through multinational tax sharing arrangements which was one form of tax avoidance so it was important to promote a fair tax ethos. Although UK procurement laws prevented organisations from rewarding or penalising tax conduct, it was important that taxpayers' money was used wisely.

The motion had fairness at its heart and sought to address the unfairness and greed around some company practices. It was suggested that being complicit with these companies avoiding tax could put Council services at risk and an in depth Select Committee review would be an ideal way to explore all of the issues.

Those speaking against the motion stated that the idea of a fair share of taxation was subjective and questioned how good tax conduct could be identified. Tax avoidance was legal, whereas tax evasion was not, so Members queried why they should challenge a company if HMRC was satisfied. Only contracting with those organisations that had signed up to the Fair Tax Foundation would prove restrictive and tax diligence was not useable in contracts. This issue had not been raised at the recent Finance and Corporate Services Select Committee meetings during Member discussions about procurement.

The motion was put to the vote and lost.

9.2 MOTION FROM COUNCILLOR FARLEY

Councillor Farley moved, and Councillor Punja seconded the following motion:

That this Council, as part of Hillingdon Council's strategy of creating a green and sustainable borough, requests the Cabinet to conduct feasibility studies into the use of further innovative technological solutions as additional ways to reduce London Borough of Hillingdon's carbon footprint and improve air quality, such as city trees, aquamation and water reclamation, to complement existing schemes.

Those speaking in support of the motion noted that Heathrow airport had had an impact on air quality in the Borough and that City trees could be used to mitigate pollution as they absorbed more than regular trees and took up less space. Hillingdon had the second worst air quality in London.

Pollution, and the impact of pollution, had been increasing. In November 2022, the London Ambulance Service and Hillingdon Hospital had reported an increase in the number of respiratory related attendances at A&E. With more residents working from

	<p>home, and therefore using local town centres more, it would be important to consider opportunities to improve air quality in town centre regeneration initiatives. The Council needed to explore options.</p> <p>Those speaking against the motion understood the intent of the motion but it did not take account of the Council's Climate Change Action Plan, Carbon Offset Strategy, Air Quality Action Plan, etc. Air quality screening had already been put in place around many of the schools across the Borough and sustainable urban drainage initiatives had been undertaken. Surveys would be undertaken in February on the Council's top 20 energy use buildings and an update on climate change had been scheduled for consideration at the Residents' Services Select Committee on 8 February 2023.</p> <p>The motion was put to the vote and lost.</p>
	<p>The meeting, which commenced at 7.30 pm, closed at 9.26 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White, Head of Democratic Services on 01895 556743. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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 scrutiny call-in period, provided the decision is deemed urgent and agreement is given from the Chairman of the relevant Select Committee that the matter is urgent and to waive the scrutiny call-in period. All such decisions are to be reported for information only to the next full Council meeting.

2. Since last reported to Council, the following decisions have been made using urgency procedures:

Date of Decision	Nature of Decision	Reason for Urgency	Decision-Maker
10/2/2023	Expansion of Meadow High School - award of pre-construction and professional services contracts including capital release.	This project is part of the SEND provision for places required in September 2024. The urgent decision was made due to the extremely tight construction programme and that late delivery would mean that SEND pupils would not have places available for the start of term. It would also have had an impact on the Safety Valve Agreement with the DfE.	The Leader of the Council, and on behalf of the Cabinet Member for Finance and the Cabinet Member for Property, Highways and Transport,
31/1/23	Home Care and Outreach Contract Extensions	A three-month extension to the current Dynamic Purchasing System was required to complete the full transfer of services to new providers. This urgent decision ensured the continuation of care services to residents.	The Leader of the Council, in conjunction with the Cabinet Member for Health and Social Care

Background Papers: Decision Notices

ii) MEMBERS' ALLOWANCES 2023/24

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.

2. In 2022/23, having given due regard to the latest independent report, the level of Members' Basic allowance was increased in line with the recommended amount in the report. No increase was made to the level of Special Responsibility Allowances in 2022/23.

3. Members are now asked to give consideration to the level of Members' Allowances for 2023/24.

RECOMMENDATIONS: That:

- a) **the current Members' Allowances Scheme be revoked as of 31 March 2023 and the new Scheme for 2023/24 be approved, as shown in Appendix A, for implementation from 1 April 2023.**
- b) **The Head of Democratic Services be authorised to increase the level of Basic allowance in line with any subsequent annual pay award to staff for 2023/24.**

Information

4. Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2023.
5. 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. The Panel for London published their latest report in January 2022. The key findings of that report have been taken into account when making these recommendations. The full report can be viewed here:

<https://www.londoncouncils.gov.uk/who-we-are/about-us/financial-information/leadership-and-expenses/remuneration-councillors-london>

Proposal

6. No increase is proposed for the level of Basic or Special Responsibility Allowances for 2023 /24 at this stage. However, the Independent Panel for the Remuneration of Councillors in London, in its recent report, reiterated its previous recommendation that Members' allowances should be uplifted annually in line with the pay settlement for employees.
7. It is, therefore, recommended that the level of Members' Basic Allowance for 2023/24 be increased in line with any pay award subsequently agreed for staff.
8. No change is proposed for the level of Special Responsibility Allowances. This will be the third year in a row that there will have been no increase to the level of SRAs (with the exception of the Chairman of the Licensing Committee whose SRA was increased in May 2022 to be in line with that of other Chairmen of major committees).
9. It is worth noting that the Independent Panel recommended a Band 4 SRA (for Leaders of London Boroughs) of £62,092 - LBH recommendation for 2023/24 = £58,700.29.
10. Originally the Panel suggested that the level of Band 4 allowance should be broadly equivalent to that paid to MP's. However, the increase in the level of payment to MP's has outstripped that of payment to Leaders. An MP

currently receives £81,932, as well as being entitled to other benefits such as a pension and a termination payment.

FINANCIAL IMPLICATIONS

11. Provision has been made in the 2023/24 budget for Members' Allowances, although it is important to note this is based upon current posts being held by Members. Those who occupy more than one post only receive one SRA, normally the higher. It is therefore difficult to accurately estimate the true cost until after the Annual Council meeting in May when Members are confirmed or re-confirmed into posts receiving a Special Responsibility Allowance.

LEGAL IMPLICATIONS

12. In accordance with the 2003 Regulations, the current scheme needs to be revoked as of 31 March 2023 and a new scheme made before 31 March 2023. If it is not, any allowances paid to Members would not comply with the law and could, therefore, be challenged.

Background Papers: Report of the Independent Panel on the Remuneration of Councillors in London, January 2022

iii) PROGRAMME OF MEETINGS 2023/24

RECOMMENDATION: That the programme of meetings for 2023/24 as set out in Appendix B, be approved and the Head of Democratic Services in consultation with the Chief Whip of the Majority Party be authorised to make any amendments that may be required throughout the course of the year.

Members are asked to note that during the year some meeting dates / times may change, or additional meetings may be called for the effective conduct of the Council's business.

Background Papers: None

iv) REVIEW OF COUNCIL CONSTITUTION

1. Background

- 1.1 The Constitution of the London Borough of Hillingdon sets out how the Council is governed and operates, the various roles of the elected Members, how decisions are made and the procedures which are followed to ensure that everything the Council does is efficient, transparent, accountable, done with integrity and engages residents in the way it does business.
- 1.2 The Constitution helps set the tone in which the Administration seeks to run the Council, embodying an effective governance framework to deliver its manifesto policies, services, projects and to put Hillingdon residents first.
- 1.3 This report seeks the Council's agreement to amend Chapter 7, 'Planning Decisions' of the Council's Constitution. The changes aim to clarify the scheme of delegation regarding the determination of planning applications. This includes an updated definition of major planning applications to align with the relevant legislation and a streamlining of the guidance on the types

of applications referable to each planning committee or delegated to officers. No changes are proposed to the existing Ward Councillor Call-in procedure.

RECOMMENDATION: That the updated version of Chapter 7, 'Planning Decisions' of the Council's Constitution, as shown in Appendix C, be approved.

2. Supporting Information

2.1 Chapter 7 of the Council's Constitution sets out how decisions are taken on planning applications. The current chapter seeks to detail in full the types of planning decisions to be made by the Council's two planning committees and those delegated to officers. The changes outlined below aim to improve the efficiency of planning decisions.

2.2 Chapter 7 has been restructured to set out those planning applications to be reported to the Major Applications and Borough Planning committees. The other key change is that the different types of officer delegation are no longer listed in full. The revised version aims to simplify the intended function of the existing constitution, which is that all planning decisions that are not required to be reported to the planning committees are delegated to the Chief Planning Officer.

2.3 Other minor updates include:

- A clear definition of the types of planning application to be reported to the planning committees.
- Linking the definition of a major planning application with the relevant legislation.
- Clarification that all planning applications referred to committee will be subject to the same Ward Councillor call-in process.
- A simplification of the types of non-major Green Belt applications reported to committee. Any applications for inappropriate development over 200m recommended for approval will be presented to Borough Planning Committee.
- Clarification that non-major planning applications where the Council is the applicant or has a financial liability will be reported to Borough Planning Committee. Major applications by the Council will continue to be reported to the Major Planning Application Committee.
- Consultations on applications in neighbouring boroughs will no longer be routinely reported to planning committee.
- Clarification that the Borough Planning Committee will continue to be responsible for confirming or modifying Tree Preservation Orders where objections have been received.
- Remove duplication of existing Cabinet delegations concerning non-planning High Speed 2 (HS2) matters. Guidance on those HS2 planning matters referable to the Major Planning Committee has been retained.

2.4 A revised version of Chapter 7 is attached at Appendix C.

Financial Implications

There are no direct financial implications arising from the proposed amendments.

Legal Implications

Section 101 of the Local Government Act 1972 enables the Council to delegate any of its functions to a committee or officer. Legal Services confirms that there are no legal impediments to Full Council approving these changes to the Council's Constitution.

Background Papers: None

MEMBERS' ALLOWANCES SCHEME 2023/24

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 2023/24 an allowance of **£12,014** will be payable to all Councillors and 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:

		(£)
1.	Leader of the Council	58,700.29
2.	Deputy Leader of the Council	49,447.58
3.	Chief Whip of Largest Party	23,725.26
4.	Cabinet Member	41,351.55
5.	Chairman of Select Committee	23,725.26
6.	Chairman of Planning Committee	23,725.26
7.	Chairman of Licensing Committee	23,725.26
8.	Chairman of Standards Committee	3,343.46
9.	Standards Committee Independent Person	500 (per meeting)
10.	Chairman of Audit Committee*	3,180.83
11.	Champion	6101.08
12.	Council representative on Adoption and Permanency Panel	13,373.87
13.	Cabinet Assistant	9,252.71
14.	Leader of 2 nd Party	23,725.26
15.	Chief Whip of 2 nd Party	6101.08
16.	2 nd Party Lead on Select Committee	6101.08

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

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 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 Ministry for Housing, 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 £3,180.83 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 entitlement allowance of £500 per meeting required and attended 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 £445.80 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. 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.

12. Records of Allowances and Publicity

In accordance with the 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.

13. 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.

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MEETING (and start time)	Start Time	2023					2024							
		May	June	July	Aug'	Sept'	Oct'	Nov'	Dec'	Jan'	Feb	Mar'	April	May
Council	7:30pm	11 (AGM)		13		28		30		18	22			9 (AGM)
Whips Meeting	5pm			11		26		28		16	20			
Cabinet	7pm	25	22	27		14	12	9	14	4	15	21	18	23
Petition Hearings - Cabinet Member for Property, Highways & Transport - dates & times TBC	7pm													
Petition Hearings - Cabinet Member for Residents' Services	6pm		21			27				10		20		
Borough Planning Committee	7pm	10	13	12		5	5	1	6	17	14	14	11	15
Major Applications Planning Committee	7pm	18	22	26		14	11	7	12	25	20	28	25	21
Pensions Committee	5pm		8			26			13			26		
Audit Committee	5:10pm				8			22			12		30	
Health & Wellbeing Board	2:30pm		13			12		28				5		
Licensing Committee	10am			5			4			31			4	
Licensing Sub-Committee - Dates TBC	TBC													
Property, Highways and Transport Select Committee	7pm		6	11		20	18	14		10	8	6	9	
Children, Families and Education Select Committee	7pm		28	19		19	17	15		9	1	14	18	
Residents' Services Select Committee	7pm		14	19		26	25	29		16	13	13	10	
Finance and Corporate Services Select Committee	7pm		14	18		6	19	22		11	8	5	17	
Health and Social Care Select Committee	6:30pm		15	20		13	10	21		23	21	19	23	
Corporate Parenting Panel	5:30pm	24		25				7		24				23
Standards Committee	7pm		29		31				5		28			
Hillingdon SACRE	6pm		15					2				28		

Council 23 February 2023

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Chapter 7 - Planning Decisions

The London Borough of Hillingdon is a Local Planning Authority and determines planning matters permitted in law.

All matters relating to town and country planning functions as set out in the Town and Country Planning Act and related Acts, including The High Speed 2 (HS2) Act, are delegated to the Chief Planning Officer ¹, with the exception of the matters listed below which are for determination by the relevant Committee.

Definition of Planning Applications

References to ‘Planning Applications’ in this document include the following application types:

- Applications for full planning permission;
- Applications for outline planning permission and reserved matters;
- Applications under S73 of the Town and Country Planning Act (1990) (as amended);
- Applications for permission in principle and technical details consent.

For the avoidance of doubt, the following application types are excluded from the definition of ‘Planning Applications’ in this document:

- Applications for prior notification/approval;
- Applications for tree works;
- Applications for non-material amendments to a planning permission;
- Applications to discharge a condition(s) pursuant to a planning permission;
- Applications for listed building consent;
- Applications for advertisement consent;
- Applications for certificates of lawfulness.

Planning Committees

Matters to be Determined by the Major Applications Committee

¹ The Chief Planning Officer may subdelegate their authority to other officers within the Planning Service, subject to maintaining a written record of the delegation of authority.

<i>Planning Applications meeting the following criteria:</i>	
1.	Planning Applications relating to ‘Major’ development as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) where the recommendation is for approval. Except that Planning Applications to vary an existing planning permission or associated legal agreement are delegated to the Chief Planning Officer (unless the variation results in a reduction of affordable housing provision).
2.	<p>Any ‘Major’ Planning Application as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) where a Ward Councillor requests, in writing to the Chief Planning Officer, Head of Development Management or Planning Service Manager within 21 days of the publication of the relevant weekly list of applications received by the Council, that it be determined by a Committee.</p> <p>The Ward Councillor must include a valid planning reason for the request. Determination of what constitutes a valid planning reason will be made by the Chief Planning Officer or their sub-delegates in consultation with the Planning Committee Chair. In exceptional circumstances, as determined by the Chief Planning Officer, Head of Development Management or Planning Service Manager, the 21-day rule may be waived.</p> <p>Should the desired outcome subsequently be in accordance with the ‘Officer’s Recommendation’ or the call-in request be withdrawn, then the application will not be referred to Committee.</p>
<i>Applications under the High Speed 2 Act meeting the following criteria:</i>	
3.	Schedule 17(2) – Condition relating to building works where the footprint is above 500m ² .
4.	Proposals under Schedule 17(3) Table: (2): Earthworks - where the works involve land of more than 1 hectare.
5.	Schedule 17(6) – Condition relating to road transport proposals for the movement of large goods vehicles (over 7.5 tonnes) of more than 24 movements a day (12 in, 12 out).
6.	Schedule 17(7 and 8) - Conditions relating to waste and soil disposal and excavation where the works affect an area of more than 1 hectare.
7.	Schedule 17(9) – Conditions on bringing scheduled works and depots into use where the scheduled work is more than 500m ² .
8.	Schedule 17(12) – Condition relating to site restoration where the proposals affect an area of more than 1 hectare.
9.	Schedule 16(5) – Condition relating to site restoration where the proposals affect an area of more than 1 hectare.

Other matters meeting the following criteria:

10	Applications for listed building consent for which there is a corresponding Major Planning Application which meets the criteria set out in 1 or 2 above.
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Matters to be Determined by the Borough Planning Committee

The Borough Planning Committee will determine all other (non-major) planning applications which involve:

1.	Planning applications for which petitions of 20 or more valid signatures, or 20 or more separate written responses have been received ² . Where a petition has been received on a householder application and the desired outcome of the petition accords with the ‘Officer’s recommendation’ then the application will not be reported to Committee
2.	Non-major planning applications where the Council is the applicant or has a financial liability.
3	Planning applications submitted by or on behalf of a Councillor, Chief Officer or by or on behalf of any officer directly involved in the processing of planning applications.
4	Planning applications for inappropriate development ³ in the Greenbelt (excluding householder or other development proposing less than 200sqm additional floorspace) where the recommendation is to grant planning permission.
5	To confirm and modify Tree Preservation Orders where objections have been received and not withdrawn.
6	<p>Any non-major planning application where a Ward Councillor requests, in writing to the Chief Planning Officer, Head of Development Management or Planning Service Manager within 21 days of the publication of the relevant weekly list of applications received by the Council, that it be determined by a committee. The Ward Councillor must include in their request the valid planning reasons why they wish the application to be determined by Committee and their desired outcome for the application.</p> <p>Determination of what constitutes a valid planning reason, and thus a valid referral, will be made by the Chief Planning Officer, Head of Development Management or Planning Service Manager in consultation with the relevant Planning Committee Chairman. In exceptional circumstances, as</p>

² Guidance of a Valid Petition is set out in Council’s Petition Scheme.

³ Inappropriate development is defined in the National Planning Policy Framework.

	<p>determined by the Chief Planning Officer, Head of Development Management or Planning Service Manager the 21-day rule may be waived.</p> <p>Should the desired outcome subsequently be in accordance with the ‘Officer’s Recommendation’ then the application will not be referred to Committee.</p>
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Other Cases

Additionally, the Chief Planning Officer in consultation with the appropriate Cabinet Member, may refer applications which by virtue of the level of public interest or by virtue of the economic / regeneration impacts of the proposals are felt to warrant consideration at the Borough or Major Applications Planning Committee.

Planning Committee Membership, Training & Conduct

Planning Committees will be politically balanced, and membership determined by the Full Council.

Mandatory training in planning is required for new committee members and all members of the planning committees should observe the Planning Code of Conduct set out in Part 3 of the Constitution.

Planning Committee Quorum

No business shall be transacted at a meeting of a Planning Committee unless there is present at least one third of the whole number of Members of the body concerned or 3 Members of the Committee whichever is the greater.

Decisions made by Planning Officers

Delegated Decisions

The Council has delegated the determination of all other planning decisions to the Chief Planning Officer in accordance with S101 of the Local Government Act 1972.

The Chief Planning Officer is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers, subject to maintaining a written record.

Decisions on High Speed 2 (HS2)

HS2 is a major national infrastructure rail project impacting the Borough and requires additional, albeit temporary, decision-making delegations to ensure the Council can respond to the development effectively.

More significant decisions are taken by the Major Applications Planning Committee as set out above in this Chapter.

All other High Speed 2 Act Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications from HS2 Ltd to the London Borough of Hillingdon requiring approval are delegated to the Chief Planning Officer in consultation with the relevant Cabinet Member.

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GENERAL FUND REVENUE BUDGET, HOUSING REVENUE ACCOUNT AND CAPITAL PROGRAMME 2023/2024

Reporting Officer: Head of Democratic Services

Council Tax Resolution 2023/24 – Cabinet Proposals

Summary

1. The purpose of this report is to enable the Council to calculate and approve the Council Tax Requirement for 2023/24, in accordance with the Local Government Finance Act 1992 as amended by the Localism Act 2011.
2. Cabinet on 16 February will be considering proposals to Council on Hillingdon's General Fund Revenue Budget, Housing Revenue Account Budget, Fees & Charges, Capital Programme, Treasury Management Strategy and London Borough of Hillingdon's Pay Policy Statement for 2023/24. Cabinet will recommend a budget to Council in line with the Budget and Policy Framework Procedure Rules as set out in the Council's Constitution.
3. The proposals will be published, once agreed. In the meantime, the report to Cabinet is available in the Group Offices, on request to the Head of Democratic Services or online at:

<https://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CIId=115&MIId=4492>

Background Documents: None

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GENERAL FUND REVENUE BUDGET, HOUSING REVENUE ACCOUNT AND CAPITAL PROGRAMME 2023/24

Reporting Officer: Lloyd White, Head of Democratic Services

Summary

1. The purpose of this report is to enable the Council to calculate and approve the Council Tax Requirement for 2023/24, in accordance with the Local Government Finance Act 1992 as subsequently amended. In addition, the Act requires Council to determine whether any Council Tax increase is excessive (that is in excess of 5%) which would require a referendum to be held.
2. This report sets out the Cabinet's proposals to Council on Hillingdon's General Fund revenue budget, Housing Revenue Account budget, Capital Programme, amendments to the approved schedule of Fees & Charges, Capital Investment Strategy, Treasury Management Strategy, Investment Strategy, Minimum Revenue Provision Statement and Pay Policy Statement. In addition, this report also considers reasons for, and implications arising from these proposals. The proposals result in a Band D Council Tax for Hillingdon of £1,326.32, which represents a 4.99% uplift on the Council's element of Council Tax at the 2022/23 level.
3. **The report to Cabinet is available in the Group Offices, on request to the Head of Democratic Services or online at:**

<https://modgov-int.hillingdon.gov.uk/ieListDocuments.aspx?CId=115&MId=4492>
4. The Greater London Authority (GLA) budget proposals add £434.14 to the amount payable by Hillingdon's Council Taxpayers, which represents an 9.7% increase in the GLA portion of Council Tax compared to 2022/23.
5. Based on the Cabinet's proposals, and the GLA precept, the total Band D Council Tax for 2023/24 will be £1,760.46.

CABINET RECOMMENDS that:

- 1 **The General Fund revenue budget proposals made by Cabinet be approved, resulting in a Council Tax requirement for 2023/24 of £137,439,910;**
- 2 **Council note that at its meeting on 12 January 2023 the Council calculated the amount of 103,625 as its Council Tax Base for the year 2023/24. This was calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, as its Council Tax Base for the year (*Item T in the formula in Section 31B (3) of the Local Government Finance Act 1992*);**
- 3 **The Hillingdon element of Council Tax be set at £1,326.32 for a Band D property. Taking into account the precept levied by the Greater London Authority, this results in an overall Band D Council Tax of £1,760.46 for the borough;**

4 The following amounts have been calculated by the Council for the year 2023/24, in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (the Act):

a) £896,367,185 being the aggregate of the amounts that the Council estimates for the items set out in Section 31A (2) (a) to (f) of the Act. *(Gross Expenditure including the amount required for additions to working balances)*

b) £758,927,275 being the aggregate of the amounts that the Council estimates for the items set out in Section 31A (3) (a) to (d) of the Act. *(Gross Income including reserves to be used to meet Gross Expenditure)*

c) £137,439,910 being the amount by which the aggregate at 4 (a) above exceeds the aggregate at 4 (b) above. This is calculated by the Council in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year. *(Item R under Section 31B of the Act)*

d) £1,326.32 being the amount at 4 (c) above divided by Item T (2 above). This is, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year. *(Council Tax at Band D for the Council)*

e)

The London Borough of Hillingdon Council Tax (£)			
Band A	Band B	Band C	Band D
884.19	1,031.57	1,178.95	1,326.32
Band E	Band F	Band G	Band H
1,621.04	1,915.79	2,210.51	2,652.61

being the amounts given by multiplying the amount at 4 (d) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation B and D. This is calculated by the Council in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

- 5 Council note that for the year 2023/24 the Greater London Authority and its functional bodies have stated the following amounts in precepts. These have been issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwellings shown below:

The Greater London Authority Precept (£)			
Band A	Band B	Band C	Band D
289.43	337.66	385.90	434.14
Band E	Band F	Band G	Band H
530.62	627.09	723.57	868.28

- 6 The Council has calculated the aggregate in each case of the amounts at 4 (e) and 5 above. The Council in accordance with Section 30 and 36 of the Local Government Finance Act 1992 hereby sets the Council Tax for the year 2023/24 for each category of dwelling below:

Total Council Tax 2023/24 (£)			
Band A	Band B	Band C	Band D
1,173.62	1,369.23	1,564.85	1,760.46
Band E	Band F	Band G	Band H
2,151.66	2,542.88	2,934.08	3,520.89

- 7 The Council Tax Discount for Older People be retained for 2023/24 with a 1.18% discount on Hillingdon's element of the Council Tax for those who joined the scheme on or after 1 April 2020, 2.70% for those who joined the scheme before or on 31 March 2019 and 5.79% for those who joined before or on 31 March 2018, with the scheme closed to new applicants from 1 April 2021;
- 8 The General Fund Capital Programme for 2023/24 to 2027/28 as set out in Appendix A8 of the report to Cabinet be approved;
- 9 The Housing Revenue Account budget proposals, HRA Capital Programme and housing rents set out in Appendix B of the report to Cabinet be approved;
- 10 The proposed amendments to Fees and Charges set out in Appendix C of the report to Cabinet be approved;
- 11 The Capital Investment Strategy, Treasury Management Strategy, Investment Strategy, Minimum Revenue Provision Statement for 2023/24 to 2027/28 as set out in Appendix D of the report to Cabinet be approved;
- 12 The London Borough of Hillingdon Pay Policy Statement for 2023/24 as set out in Appendix E of the report to Cabinet be approved;
- 13 Council note the Corporate Director of Finance's comments regarding his responsibilities under the Local Government Act 2003;
- 14 Council note the planned use of the Flexible Use of Capital Receipts to fund transformation activity as outlined in Appendix 6a of the report to Cabinet;

- 15 Council (as set out in Schedule G of the Constitution - Budget and Policy Framework Procedure Rules) resolves that Cabinet may utilise the general reserves or balances during 2023/24 in support of functions designated to the Cabinet in line with Part 4 of the Constitution;**
- 16 Council confirm that the Council's relevant basic amount of Council Tax for 2023/24 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 and therefore a referendum will not be triggered.**

Greater London Authority Precept

6. As one of thirty-three billing authorities across the capital, the London Borough of Hillingdon collects Council Tax on behalf of the Greater London Authority (GLA) which is paid over in full as the annual precept. While the Council has no control over the level of this precept or the resulting GLA share of Council Tax payable by residents of the borough, current regulations require that billing authorities calculate the total amount of Council Tax payable as part of the budget setting resolution. The level at which the GLA sets the precept for the forthcoming year does not impact upon the Council's own budgets or the Hillingdon share of Council Tax.
7. The GLA precept this year is set to increase by £20 per annum to support TfL with the Government again granting the Mayor this bespoke additional flexibility. Additionally, a further £15 is being added that will go directly to the Metropolitan Police. Finally, £3.55 is being added to support the London Fire Commissioner. The GLA have therefore increased their precept by £38.55, or 9.7%, to cover rising costs associated with these areas, this takes the GLA precept to £434.14 for a Band D property.

Council Tax Referendums

8. Schedule 5 of the Localism Act 2011 inserted into the Local Government Finance Act 1992 Chapter 4ZA of Part 1 makes provision for a Council Tax referendum to be held if an authority increases its relevant basic amount of Council Tax in excess of principles determined by the Secretary of State for Communities and Local Government. Section 41 of the Local Audit and Accountability Act 2014 amended Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 by imposing new obligations on the Council. These include a requirement that as soon as is reasonably practicable after determining that it is required to hold a referendum in relation to its relevant basic amount of Council Tax for the financial year, the Council must notify that fact in writing to any body that has issued a levy or a special levy to it for the financial year.
9. The Secretary of State has determined the principles for the year 2023/24 under section 52ZC (1) of the Local Government Act 1992 that a Council Tax increase will be excessive if the authority's relevant basic amount of Council Tax for 2023/24 is 5% or greater than its relevant basic amount of Council Tax for 2022/23. This 5% threshold for excessive increases includes the 2% additional flexibility available to local authorities with responsibility for providing Adult Social Care.

10. The relevant basic amount of Council Tax as calculated is the same as the Band D Council Tax for Hillingdon and if the proposals within this report are approved there will be a 4.99% increase in the Council Tax level between 2022/23 and 2023/24 and is therefore not excessive.

Financial Implications

This is a financial report, and the comments of Corporate Finance are contained throughout.

Legal Implications

The Borough Solicitor can confirm that the budgetary proposals and calculations set out in this report fully accord with all necessary statutory requirements.

As is mentioned in the body of the report, the Local Government Finance Act 1992 has been amended by both the Localism Act 2011 and section 41 of the Local Audit and Accountability Act 2014. For this year local authorities are required to hold a referendum if there is an increase in the relevant basic amount of Council Tax of 5% or greater than its relevant amount of Council Tax for 2022/23.

The Cabinet's proposals for the 2023/24 Council Tax requirement, as set out in the attached report, do not require a referendum to be held and therefore the notification requirements as set out in Section 41 of the Local Audit and Accountability Act do not apply.

Finally, Members must have regard to Section 106 of the Local Government Finance Act 1992. This provides that a Member who has not paid an amount due in respect of Council Tax for at least two months after it becomes payable, may not vote on matters concerning the level of Council Tax or the administration of it. Therefore, any Council Members who are more than two months in arrears with their Council Tax payments must make a declaration to this effect at the beginning of the Council meeting.

Background Papers: The Council's Budget - Medium Term Financial Forecast 2023/24 - 2027/28 - Cabinet's Budget proposals approved on 16 February 2023

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