

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	Decision Type / Nature of Decision	Decision-Maker
11/01/2018	Secondary School Expansion Programme - Vyners School - Contract Award For Construction Of All-Weather Sports Pitch And Capital Release.	Leader of the Council / Cabinet Member for Finance, Property & Business Services
16/01/2018	Uxbridge Early Years Centre Soil Remediation and Surfacing Works - Appointment of Contractor and Associated Capital Release.	Leader of the Council / Cabinet Member for Finance, Property & Business Services
17/01/2018	Appointment of Contractor for the Purchase and Installation of 15 Outdoor Water Stations and associated Capital Release.	Leader of the Council / Cabinet Member for Finance, Property & Business Services
18/01/2018	Lease for Electricity Substation site, Grassy Meadows, Uxbridge Road, Hayes.	Leader of the Council / Cabinet Member for Finance, Property & Business Services
31/01/2018	HRA - New General Needs Housing Stock 2017/18 (Housing Buy-Back Scheme) Release No 6.	Leader of the Council / Cabinet Member for Finance, Property & Business Services
05/02/2018	HRA Works to Stock Programme 2017/18: Urgent works to the roofs at Fitzgerald House, Glenister House And Wellings House, Hayes & associated Capital Release - Release No 60.	Leader of the Council / Cabinet Member for Finance, Property & Business Services
09/02/2018	HRA - New General Needs Housing Stock 2017/18 (Housing Buy-Back Scheme) Release No.7	Leader of the Council / Cabinet Member for Finance, Property & Business Services

BACKGROUND PAPERS: Decision Notices

(ii) MEMBERS' ALLOWANCES 2018/19

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. A new report has just been published by that body the key findings of which are summarised in paragraph 5 below.
3. Having given due regard to the report, no change is proposed to the nature of the Allowances Scheme for 2018/19.

RECOMMENDATIONS: That:

- a) **the current Members' Allowances Scheme be revoked as of 31 March 2018 and the new Scheme for 2018/19 be approved, as shown in Appendix A, for implementation from 1 April 2018.**
- b) **The Head of Democratic Services be authorised to increase the level of Basic and Special Responsibility allowances in line with any annual pay award to staff.**

INFORMATION

4. Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2018.
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 have just published their latest report, dated January 2018. The key findings of that report are summarised below and have been taken into account when making these recommendations:
 - The Panel recognises the balance between setting allowances at a level where they are neither an incentive nor a disincentive to the recruitment of candidates to stand as Councillors.
 - The Panel regrets the removal of the opportunity for Members to join the Local Government Pension scheme, recognising that, senior Members in particular, often have to give up earning opportunities elsewhere in order to properly carry out their role.
 - **Basic Allowance** - the Panel has recommended a Basic Allowance of **£11,045** (LBH recommendation for 2018/19 = **£11,036.71**), reluctantly accepting that, in the current financial climate it would be inappropriate to recommend a general increase in Members' Allowances beyond the annual updating in line with staff pay awards. The Panel does, however, recognise that this level is somewhat below the level of basic allowance paid in some other parts of the country.
 - **Travel and Subsistence** - the Panel have reiterated their view that the basic allowance should cover basic out-of pocket expenses including intra-borough travel etc. The Scheme should allow for costs related to 'special circumstances' and travel out of Borough to be met.

- **Special Responsibility Allowances (SRA):**

- the Panel have reiterated their recommendations that no more than 50% of Councillors on a Council should receive a SRA (LBH = 51% in 2017/18, excluding Mayor and Deputy Mayor)
- The Panel have also reiterated their view that no Member should receive more than one SRA.
- **Leader's Allowance** - The Panel recommends a SRA of **£57,085** for Leaders of London Borough Councils (LBH recommendation for 2018/19 = **£54,910.84**).
- Originally the Panel suggested that the level of allowance to be paid to Leaders of London Borough's should be broadly equivalent to that paid to MP's. Four years ago when the Panel last reported, an MP received a salary of £67,060 and the Panel were recommending a Leader's allowance of £65,472.
- However, the increase in the level of payment to MP's has outstripped that of payment to Leaders. An MP currently receives £76,011, as well as being entitled to other benefits such as a pension and a termination payment.
- Although the Panel still feel that the level should be equivalent to that of MP's they recognise that in the current stringent financial climate, such an increase cannot be justified.
- Other SRA's recommended by the Panel are based on a percentage of the amount paid to Leaders of Councils and fall broadly into three bands as illustrated below:

Panel Recommendation	LBH Equivalent	LBH recommended Amount
Band One - between 20-30% of the remuneration package for the Leader: £2,582 to £9,397: <ul style="list-style-type: none"> • Deputy Mayor • Vice Chairman of a Scrutiny / Regulatory Cttee • Chairman of a Sub Cttee • Opposition Whip • Opposition Spokesperson • Cabinet Assistant • Adoption Panel member • Leader of a special project 	<ul style="list-style-type: none"> • Deputy Mayor • Vice Chairman of Licensing Committee • Chairman of Standards Committee • Standards Committee Independent Person • Chairman of Audit Committee* • Champion • Council rep' on Adoption and Permanency Panel • Cabinet Assistant • Deputy Leader of 2nd Party • Chief Whip of 2nd Party • 2nd Party Lead on Scrutiny and Policy Overview Committee • 2nd Party Lead on Planning Committee 	£8,655.39 £6,255.25 £3,127.63 £1,563.81 £2,975.49 £5,707.22 £12,510.51 £8,655.39 £5,707.22 £5,707.22 £5,707.22 £5,707.22

Panel Recommendation	LBH Equivalent	LBH recommended Amount
Band Two - - between 40-60% of the remuneration package for the Leader: £16,207 to £29,797 <ul style="list-style-type: none"> Chairman of a Scrutiny / Planning / Licensing etc Mayor Chief Whip Opposition Leader 	<ul style="list-style-type: none"> Chairman of Scrutiny / Planning etc Chairman of Licensing Committee Mayor Chief Whip of Largest Party Leader of 2nd Party 	£22,193.66 £9,382.82 £22,193.66 £22,193.66 £22,193.66
Band Three - between 70-80% of the remuneration package for the Leader: £36,917 to £43,460 <ul style="list-style-type: none"> Cabinet Member Deputy Leader Main Scrutiny Chair Chair of Health and Wellbeing 	<ul style="list-style-type: none"> Cabinet Member Deputy Leader of the Council 	£38,682.07 £46,255.45

- **Increases** - The Panel continue to recommend that allowances should be updated annually in accordance with the headline figure in the annual local government pay settlement.

FINANCIAL IMPLICATIONS

6. Provision has been made in the 2018/19 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 Special Responsibility Allowance, normally the higher. It is therefore difficult to accurately estimate the true cost until after the Annual General Meeting in May when Members are confirmed or re-confirmed into posts receiving a Special Responsibility Allowance.

LEGAL IMPLICATIONS

7. The current scheme, which has been adopted by the Council, needs to be revoked as of 31 March 2018 and a new scheme, in accordance with the 2003 Regulations, has to be made before 31 March 2018. 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 2018

III) WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE RULE.

Section 85 (1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six month consecutive period, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.

Unfortunately, due to a serious illness and regular hospital admission Councillor Phoday Jarjussey of Botwell Ward, has not been able to attend any Council or Committee meetings since the meeting of the External Services Scrutiny Committee on 11 October 2017. A formal request has therefore been made for an extension to the six month rule to be approved in his respect.

RECOMMENDATION: That, pursuant to Section 85(1) of the Local Government Act 1972, Councillor Jarjussey's non-attendance at meetings of the authority due to ill health for a further one month period ending 11 May 2018, be approved.

Section 85 (1) of the Local Government Act 1972 states that, *"if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority."*

The Monitoring Officer has received a request for the Council to consider approving an extension to the usual six month attendance rule enabling him to remain in office until he is able to resume normal duties.

Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 11 April 2018. This is the final Council meeting at which approval could be sought for an extension of the time limit. If approval to any extension is not therefore agreed at this meeting Councillor Jarjussey would, under Section 85 (1) of the Local Government Act 1972 be disqualified after 11 April 2018 from office as a councillor.

Once a Member loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the Member subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.

Councillor Jarjussey was elected to the Council in May 2002 and represents Botwell Ward. In addition to full Council he also serves as a member of the External Services Scrutiny Committee.

MEMBERS' ALLOWANCES SCHEME 2018/19**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 2018/19 an allowance of **£11,036.71** 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:

		(£)
1.	Mayor	22,193.66
2.	Deputy Mayor	8,655.39
3.	Leader of the Council	54,910.84
4.	Deputy Leader of the Council	46,255.45
5.	Chief Whip of Largest Party	22,193.66
6.	Cabinet Member	38,682.07
7.	Chairman of Scrutiny and Policy Overview Committee	22,193.66
8.	Chairman of Planning Committee	22,193.66
9.	Chairman of Licensing Committee	9,474.86
10.	Vice Chairman of Licensing Committee	6,255.25
11.	Chairman of Standards Committee	3,127.63
12.	Standards Committee Independent Person	1,563.81
13.	Chairman of Audit Committee*	2,975.49
14.	Champion	5,707.22
15.	Council representative on Adoption and Permanency Panel	12,510.51
16.	Cabinet Assistant	8,655.39
17.	Leader of 2 nd Party	22,193.66
18.	Deputy Leader of 2 nd Party	5,707.22
19.	Chief Whip of 2 nd Party	5,707.22
20.	2 nd Party Lead on Scrutiny and Policy Overview Committee	5,707.22
21.	Party Lead on Planning Committee	5,707.22

* 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 £2,975.49 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 £1,563.81 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 £417.02 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.