

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. Since those noted at the 16 January 2020 Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
7/01/2020	ICT Corporate Technology & Innovation Programme - Transition & Upgrade to Windows 10, including End User Hardware Refresh & Migration from Google (G Suite) to Microsoft 365	Leader of the Council and Cabinet Member for Finance Property & Business Services

Background Papers: Decision Notices

ii) UPDATE TO THE COUNCIL CONSTITUTION - THE COUNCIL'S NEW MANAGEMENT STRUCTURE

RECOMMENDATIONS: That

- a) the Constitution be updated to reflect the new top-tier management structure agreed by the Leader of the Council, as set out in the new Part 7 – Management Structure, (see Appendix A), noting it will come into effect on 1 July 2020;
- b) authority be delegated to the Chief Executive and Head of Democratic Services, in consultation with the Leader of the Council, to update 'Article 11 - Officers and Part 3 - Scheme of Delegations to Officers' in order to re-allocate the existing delegations and responsibilities of Chief Officers and provide for the efficient implementation of the new structure.

INFORMATION

1. The Constitution of the London Borough of Hillingdon sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

Many of these processes are required by law, while others are a matter for the Council to choose.

2. The Constitution is reviewed on a regular basis to keep it up to date with legislative changes, best practice and to continue to meet the needs of the political interface, which is integral to the effective running of the Council.
3. Following the announcement of the retirement of Jean Palmer OBE, the Council's Deputy Chief Executive and Corporate Director of Residents Services, the Leader of the Council has agreed changes to the management structure for the Council. The Leader has delegated responsibility for the overall management structure, in consultation with the Chief Executive. The new structure is expected to be implemented in full by 1 July 2020.
4. As a result of the Leader's decision, there is a consequential update required to the Council's Constitution in Part 7 – Management Structure. This is a required part at the end of the Constitution and sets out the top-tier structure and directorates, including organisational chart. Council is asked to approve this updated version which is set out in Appendix A to this report, noting it will come into effect on 1 July 2020.
5. Arising from an updated Part 7, there are also required changes to two other key parts of the Constitution:
 - Article 11 – Officers. This sets out the chief officer roles, statutory officers and general allocation of responsibilities covering service areas.
 - Part 3 – Scheme of Delegation to Officers. This is an important part of the Constitution detailing the powers delegated to the Chief Executive and Chief Officers and how they sub-delegate them to their staff. There are also specific delegations, over the years, that Council has granted to certain officers.
6. Arising from this, and to ensure the efficient implementation of the new structure, Council is requested to authorise the Chief Executive and Head of Democratic Services, in consultation with the Leader of the Council, to update Article 11 and Part 3 of the Constitution to reflect the new structure. This would be to reallocate the powers and service responsibilities of Chief Officers within the new structure as it is implemented. Council should note that this would not provide for any new delegations to officers, only a re-allocation of existing delegations [already approved by Council].
7. Other minor 'job title' updates may be required to other parts of the Constitution, e.g. Procurement and Contract Standing Orders, and in these instances, the Head of Democratic Services, has delegated authority to update these.

Updating and publication of the Constitution

8. The updated Constitution will be available on the Council's public website www.hillingdon.gov.uk

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

10. The Borough Solicitor has checked the proposed update to the Constitution and confirms that they are compliant with relevant legislation.
11. Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS: none

iii) MEMBERS' ALLOWANCES 2020/21

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. Having given due regard to the latest report, no change is proposed to the nature of the Allowances Scheme for 2020/2021.

RECOMMENDATIONS: That:

- a) **the current Members' Allowances Scheme be revoked as of 31 March 2020 and the new Scheme for 2020/21 be approved, as shown in Appendix B, for implementation from 1 April 2020.**
- 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

3. Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2020.
4. 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 published their latest report in January 2018 and the key findings were reported to Members in February 2018. These are summarised again below for Members' information and 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>.
 - The Panel recognised 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 regretted 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 recommended a Basic Allowance of **£11,045** (LBH recommendation for 2020/21 = **£11,482.59**), 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 did, however, recognise that this level was somewhat below the level of basic allowance paid in some other parts of the country.
- **Travel and Subsistence** - the Panel 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 reiterated their recommendations that no more than 50% of Councillors on a Council should receive a SRA and that no Member should receive more than one SRA.
 - **Leader's Allowance** - The Panel recommended a SRA of **£57,085** for Leaders of London Borough Councils (LBH recommendation for 2020/21 = **£57,129.24**).
 - 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. Currently the basic annual salary for an MP from 1 April 2019 is £79,468, 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 The LBH recommended amounts fall broadly in line with the Panel's recommendations.
- **Increases** - The Panel continued to recommend that allowances should be updated annually in accordance with the headline figure in the annual local government pay settlement. This has not yet been agreed for 2020/21.

FINANCIAL IMPLICATIONS

5. Provision has been made in the 2020/21 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.
6. The annual pay award to staff for the 2020/21 financial year has not yet been agreed although an allowance for a 2% increase has been included in the budget. The Head of Democratic Services will apply the increase to the Scheme of Members' Allowances, once agreed.

LEGAL IMPLICATIONS

7. In accordance with the 2003 Regulations, the current scheme needs to be revoked as of 31 March 2020 and a new scheme made before 31 March 2020. If it is not, any allowances paid to Members would not comply with the law and could, therefore, be challenged.

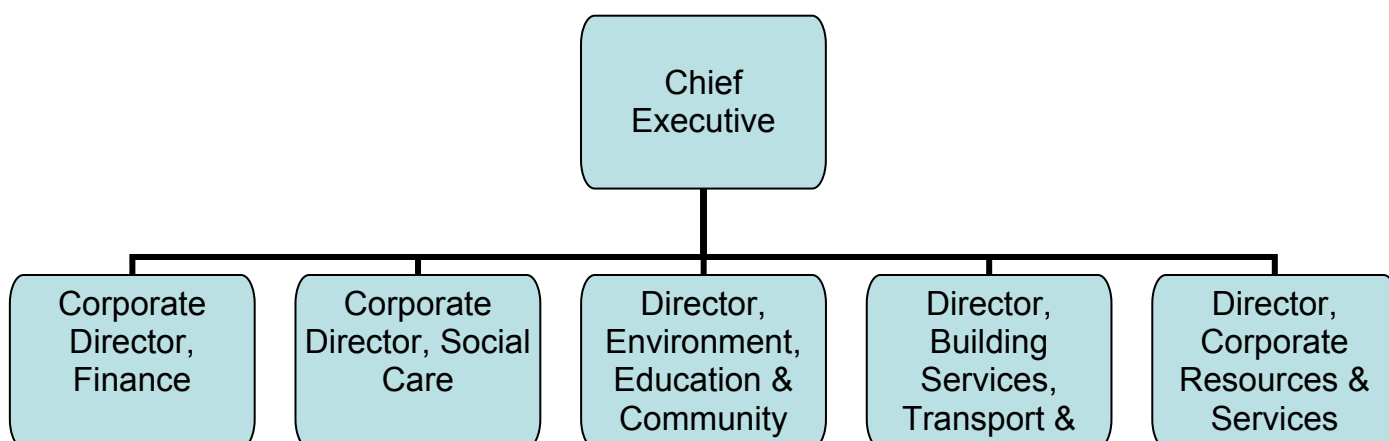
BACKGROUND PAPERS: Report of the Independent Panel on the Remuneration of Councillors in London
January 2018

PART 7

MANAGEMENT STRUCTURE

Preamble

1. The Council's officer management structure consists of a Chief Executive and 5 departments (directorates):
 - (a) Corporate Resources & Services Directorate
 - (b) Finance Directorate
 - (c) Social Care Directorate
 - (d) Environment, Education & Community Services Directorate
 - (e) Building Services, Transport & Business Improvement Directorate
2. The Chief Executive oversees these directorates, which are led by 2 Corporate Directors and 3 Directors. Each Corporate Director or Director is responsible for their Directorate.
3. Together, these officers form the top officer tier in the Council, which is called the Corporate Management Team, working closely with the Leader and Cabinet.
4. W.e.f 1 July 2020, the Council's management structure is as shown below:



MEMBERS' ALLOWANCES SCHEME 2020/21**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 2020/21 an allowance of **£11,482.59** 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	23,090.28
2. Deputy Mayor	9,005.07
3. Leader of the Council	57,129.24
4. Deputy Leader of the Council	48,124.17
5. Chief Whip of Largest Party	23,090.28
6. Cabinet Member	40,244.82
7. Chairman of Scrutiny and Policy Overview Committee	23,090.28
8. Chairman of Planning Committee	23,090.28
9. Chairman of Licensing Committee	9,761.87
10. Vice Chairman of Licensing Committee	6,507.96
11. Chairman of Standards Committee	3,253.98
12. Standards Committee Independent Person	1,626.99
13. Chairman of Audit Committee*	3,095.70
14. Champion	5,937.79
15. Council representative on Adoption and Permanency Panel	13,015.93
16. Cabinet Assistant	9,005.07
17. Leader of 2 nd Party	23,090.28
18. Deputy Leader of 2 nd Party	5,937.79
19. Chief Whip of 2 nd Party	5,937.79
20. 2 nd Party Lead on Scrutiny and Policy Overview Committee	5,937.79
21. Party Lead on Planning Committee	5,937.79

* 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 £3,095.70 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 £1,626.99 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 £433.87 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.