

## REPORT OF THE HEAD OF DEMOCRATIC SERVICES

*Reporting Officer: Head of Democratic Services*

### (i) TEMPORARY SUSPENSION OF COUNCIL PROCEDURE RULES FOR THE CURRENT VIRTUAL COUNCIL MEETING ONLY

**RECOMMENDATION:** That, under Council Procedure Rule 26.1, Council agrees to temporarily suspend the specific Council Procedure Rules set out in this report for the purposes of holding this virtual Council meeting only.

#### **Introduction**

1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020 were published on 2 April and came into force on 4 April. They remove the 'place' requirement so meetings can be held virtually. These are temporary national regulations and, unless the Council determines otherwise, will only last until May 2021.
2. To provide for the efficient and effective conduct of virtual Full Council meetings, it is proposed to temporarily suspend parts of the Council's Procedure Rules (Part 4, Schedule A of the Constitution). The proposed suspensions cater for the fact that there cannot be any physical attendance at virtual Council meetings, seek to ensure the meeting runs in a business-like way and, in respect of questions from the public, that technology is not a barrier to those who wish to put their views across and have a response from decision-makers.

#### **Suspension of standing orders**

3. Under Council Procedure Rule 26.1, if at least half of the whole number of members of the Council are present, they can vote to suspend Council Procedure Rules with the exception of Rules 19.6 and 20.2 which are detailed later. Article 15 of the Constitution also requires that where parts of the Council Procedure Rules are to be suspended, to give the reasons for this and the duration of the suspension which is set out in this report.
4. For the avoidance of doubt, it is proposed that this is a temporary measure and will, upon both UK Government advice and if the Council determines, be resumed for traditional meetings.
5. It is also important to note that, as an alternative to suspension, Council can amend the Council Procedure Rules. However, there is no ability to immediately amend them because under Council Procedure Rule 26.2, if a motion is proposed and seconded to amend the Rules it will stand adjourned without discussion to the next ordinary meeting of the Council (which would be in November). Hence, the route proposed to effect these changes is temporary suspension.

## Proposals

6. In light of the above, the suspension of the following Council Procedure Rules is, therefore, proposed:

- i) **Recorded Votes (Council Procedure Rule 19.4)** – it is proposed to suspend this Rule which provides for a roll call to be entered into the minutes upon 7 Members present demanding it, e.g. before a vote on a motion. Instead a Group Leader will be able to request a recorded vote on behalf of 7 Members of their Group.

For 'normal' voting the existing (and remaining) Council Procedure Rule 19.3, allows for the Mayor to take a vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

It is proposed that this affirmation be sought by the Mayor asking both Group Leaders to cast a normal or recorded vote on behalf of their whole Group. The Mayor will then ask if any Member wishes to vote differently to their Group. Time will be allowed for responses – either verbally or by using 'chat'. Such votes will then be recorded in the minutes in the usual way (by name in the case of recorded votes).

It is important to note that Council Procedure Rule 19.6 cannot be suspended. This does not relate to any collective recorded vote as above but relates to an individual Member asking that their vote be recorded in the minutes.

- ii) **Rules of Debate on Motions (Council Procedure Rule 14.5 a-c and Council Procedure Rule 14.9 c)** - It is proposed to suspend these extracts of the two Council Procedure Rules to provide for more structured debate in virtual meetings as follows on any motion:

**The proposed Order of Members speaking on Motions would, therefore, be:**

- i) Mover
- ii) Seconder

**NB: If an amendment is to be moved it will be listed on the Order of Business – move to vi) below:**

**If no amendment is to be moved then:**

- iii) Two other speakers from either Group – pre notified by the Whips (the order of speaking to be determined by the Whips Committee)
- iv) Right of reply (mover of motion)
- v) Vote on motion – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

**NB: If a pre-notified amendment is to be moved:**

- vi) Mover of amendment
- vii) Seconder of amendment
- viii) Two other speakers from either Group - pre-notified by the Whips (the order of speaking to be determined by the Whips Committee)

- ix) Right of reply (mover of original motion)
- x) Right of reply (mover of amendment)
- xi) Vote – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

To assist in this the Chief Whips will liaise with the Head of Democratic Services to provide a definitive list of notified speakers for each item. This will be the list that the Mayor will use to call those speaking, so all Members should be aware of this. However, Points or Order or Points of Personal explanation will still be permitted. If a Member wishes to utilise these then they should indicate to the Mayor verbally or by using the 'chat' facility.

- iii) **General (Council Procedure Rules 22.1 and 24.1)** – Council Procedure Rule 22.1 relates to Members physically signing attendance sheets when they walk into the meeting. It is proposed to suspend this for virtual meetings because of the attendance roll call that takes place. Council Procedure Rule 24.1 relates to physically standing to speak and addressing their statements through the Mayor. As Members will be taking part virtually this will not be required.

### **Financial Implications**

None.

### **Legal Implications**

The Local Authorities and Police and Crime Panels [Coronavirus] [Flexibility of Local Authority and Police and Crime Panel Meetings] [England and Wales] [Regulations] 2020, made pursuant to the Coronavirus Act 2020, permit local authority meetings to be held virtually.

The proposal set out in this report, if agreed by full Council, will allow the virtual meeting on 25 February 2021 to run effectively and democratically by permitting members of the public and Members of the Council to fully participate.

The Borough Solicitor can confirm that, subject to certain exceptions which are set out in the body of the report, Council Procedure Rule 26.1 allows the Rules to be suspended by motion or without notice if at least one half of the whole number of Members of the Council are present and vote accordingly. Suspension can only be for the duration of the meeting on 25 February.

BACKGROUND PAPERS: None

## **(ii) 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.

- Since those noted at the 14 January 2021 Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
07/01/2021	Housing Revenue Accounts Works to Stock Programme 2020/21 – Green Homes Grant Funding: Window Renewals Phase 1.	Leader of the Council and Cabinet Member for Finance, Property & Business Services
08/01/2021	<p>Housing Revenue Accounts Works to Stock Programme 2020/21 – Green Homes Grant Funding Cavity Wall &amp; Loft Installation – Lot 4 (Lot 1, Lot 2 and Lot 3 combined).</p> <p>The Green Homes Grant Funding awarded to the Council for the above two decisions is aimed at improving energy efficiency for low-income households within the Housing Revenue Account.</p>	Leader of the Council and Cabinet Member for Finance, Property & Business Services

Background Papers: Decision Notices

### iii) MEMBERS' ALLOWANCES 2021/22

- 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.
- Having given due regard to the latest report, no change is proposed to the nature of the Allowances Scheme for 2021/2022.

**RECOMMENDATION: That the current Members' Allowances Scheme be revoked as of 31 March 2021 and the new Scheme for 2021/22 be approved, as shown in Appendix B, for implementation from 1 April 2021.**

### INFORMATION

- Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2021.
- 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>.

## FINANCIAL IMPLICATIONS

5. Provision has been made in the 2021/22 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

6. In accordance with the 2003 Regulations, the current scheme needs to be revoked as of 31 March 2021 and a new scheme made before 31 March 2021. 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

### iv) PROGRAMME OF MEETINGS 2021/22

**RECOMMENDATION: That the timetable of meetings for 2021/22 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 should 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

## APPENDIX A

### MEMBERS' ALLOWANCES SCHEME 2021/22

#### 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 2021/22 an allowance of **£11,798.36** 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	23,725.26
2. Deputy Mayor	9,252.71
3. Leader of the Council	58,700.29
4. Deputy Leader of the Council	49,447.58
5. Chief Whip of Largest Party	23,725.26
6. Cabinet Member	41,351.55
7. Chairman of Scrutiny and Policy Overview Committee	23,725.26
8. Chairman of Planning Committee	23,725.26
9. Chairman of Licensing Committee	10,030.32
10. Vice Chairman of Licensing Committee	6,686.93
11. Chairman of Standards Committee	3,343.46
12. Standards Committee Independent Person	1,674.73
13. Chairman of Audit Committee*	3,180.83
14. Champion	6101.08
15. Council representative on Adoption and Permanency Panel	13,373.87
16. Cabinet Assistant	9,252.71
17. Leader of 2 <sup>nd</sup> Party	23,725.26
18. Deputy Leader of 2 <sup>nd</sup> Party	6101.08
19. Chief Whip of 2 <sup>nd</sup> Party	6101.08
20. 2 <sup>nd</sup> Party Lead on Scrutiny and Policy Overview Committee	6101.08
21. Party Lead on Planning 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.

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 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 annual entitlement allowance of £1,674.73 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 15<sup>th</sup> of the month direct to each Member's bank or building society account.
- (c) Where the payment of allowances in one-twelfth instalments would result in a Councillor receiving more than he or she is entitled to because of a part year effect (as defined in paragraph 9 above) the payment shall be restricted to the annual entitlement.

### **11. 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.

**APPENDIX B**

**PROGRAMME OF MEETINGS 2021/22**

**2021**

**2022**

<b>MEETING (and start time)</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug'</b>	<b>Sept'</b>	<b>Oct'</b>	<b>Nov'</b>	<b>Dec'</b>	<b>Jan'</b>	<b>Feb'</b>	<b>Mar'</b>	<b>April</b>	<b>May</b>
Council (7.30pm)	13 (AGM)		15		9		18		13	24			12 (AGM)
Whips Meeting (5pm)			13		7		16		11	22			
Cabinet (7pm)	20	17	8		2	14	11	16	6	17	24	21	19
Petition Hearings with the Cabinet Member for Public Safety and Transport (7pm)	5	2	14	11	1	20	3	8	5	9	9	13	11
Petition Hearings with the Cabinet Member for Environment, Housing and Regeneration (7pm)		9			30		10		4		23		
Petition Hearings with other Cabinet Members (dates & times tbc)													
Central & South Planning Committee (7pm)	13	22	13	4	1	1	2	7	11	15	10	6	10
North Planning Committee (7pm)	19	24	21	18	16	14	16	15	19	23	29	26	18
Major Applications Committee (6pm)	19	24	21	18	16	14	16	15	19	23	29	26	18
Major Applications Sub-Committee (HS2) (dates & times tbc)													
Pensions Committee (5pm)		10			28			1			23		
Audit Committee (5.10pm)			29		29					1		28	
Health & Wellbeing Board (2.30pm)		15			14		30				8		
Licensing Committee (10am)			7			5			26			5	
Licensing Sub-Committee (10am) (dates tbc)													
Executive Scrutiny Committee (7.15 pm or at the rising of Cabinet)	6	17	8		2	21	11	16	6	17	24	21	5
Social Care, Housing and Public Health Policy Overview Committee (7pm)		1	28		8	26	30		4	2	31	19	
Corporate Parenting Panel (5.30pm)	27		1		7		24		25		3		25
Residents, Education & Environmental Services Policy Overview Committee (7pm)		8	22		14	13	25		20	16	16	14	
Corporate Services, Commerce & Communities Policy Overview Committee (7.30pm)		3	6		7	12	24		12	2	2	20	

**PROGRAMME OF MEETINGS 2021/22****2021****2022**

<b>MEETING (and start time)</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug'</b>	<b>Sept'</b>	<b>Oct'</b>	<b>Nov'</b>	<b>Dec'</b>	<b>Jan'</b>	<b>Feb'</b>	<b>Mar'</b>	<b>April</b>	<b>May</b>
External Services Select Committee (6.30pm)		16	20		15	7	23		27	22	22	27	
Standards Committee (7pm)		30			1			7			1		
Registration & Appeals Cttee (dates/times tbc)													
Hillingdon SACRE (5.30pm)		17					4				29		