

## REPORT OF THE HEAD OF DEMOCRATIC SERVICES

*Reporting Officer: Head of Democratic Services*

### (i) MEMBERS' ALLOWANCES 2022/23

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, it is proposed to increase the level of the annual Basic Allowance paid to elected Members to that recommended in the Panel's report, of £12,014. No change is proposed to the levels of the Special Responsibility Allowances for 2022/2023.

**RECOMMENDATION: That the current Members' Allowances Scheme be revoked as of 31 March 2022 and the new Scheme for 2022/23 be approved, as shown in Appendix A, for implementation from 1 April 2022.**

### INFORMATION

3. Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2022.
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 for London have just published their latest report dated January 2022. The key findings of that report are summarised below and 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>
5. The Panel acknowledges the fact that councillors oversee million-pound budgets, balancing complex financial pressures at a time of severe cutbacks in local authority spending, making decisions which will affect their areas for decades to come. These challenges continue and have been exacerbated by the impact of the Covid-19.
6. The Panel is aware that the workload and responsibilities of councillors continues to increase and that their role has become more complex.
7. Since the start of the Pandemic, there has been an important and significant role for councillors in local welfare support and greater liaison with the voluntary sector. This all requires the commitment and time of leaders, cabinet members and front-line councillors. The Pandemic has also heightened the significant role of councillors as a point contact for information, advice, and reassurance for communities.
8. While valuable to democracy, the growth in digital connectivity and the availability and use of social media and other forms of messaging applications

adds to the pressure on councillors by increasing demands from their constituents in several different ways. Communication with councillors is not only easier but immediate. The public expects a speedy response, so that it is now more difficult for councillors to deal with concerns as quickly as voters expect. Not only does social media make it easier for their constituents to access councillors, but they also enable an isolated concern to become an organised campaign. The expectations of the public continue to rise.

9. 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.
10. 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.
11. **Basic Allowance** - the Panel has recommended a Basic Allowance of **£12,014**, pending the outcome of the local government pay award, 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.
12. **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.
13. **Special Responsibility Allowances (SRA)** - The Panel confirm that the reasons for payment of SRAs should be clearly set out in local allowances schemes and should only be paid to Members in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.
14. **Leader's Allowance** - The Panel recommends a SRA of **£62,092** for Leaders of London Borough Councils (LBH recommendation for 2022/23 = **£58,700.29**).
15. 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. 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.
16. 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.

17. **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:

<b>Panel Recommendation</b>	<b>LBH Equivalent</b>	<b>LBH recommended Amount</b>
<p><b>Band One</b> - between 20-30% of the remuneration package for the Leader: <b>£2,807 to £10,218:</b></p> <ul style="list-style-type: none"> <li>Deputy Mayor</li> <li>Vice Chairman of a Scrutiny / Regulatory Ctte</li> <li>Chairman of a Sub Ctte</li> <li>Opposition Whip</li> <li>Opposition Spokesperson</li> <li>Cabinet Assistant</li> <li>Adoption Panel member</li> <li>Leader of a special project</li> <li>Leader of a second or minor opposition Group</li> <li>Member of a Committee which meets with exceptional frequency</li> </ul>	<ul style="list-style-type: none"> <li>Deputy Mayor</li> <li>Vice Chairman of Licensing Committee</li> <li>Chairman of Standards Committee</li> <li>Standards Committee Independent Person</li> <li>Chairman of Audit Committee*</li> <li>Champion</li> <li>Council rep' on Adoption and Permanency Panel</li> <li>Cabinet Assistant</li> <li>Deputy Leader of 2<sup>nd</sup> Party</li> <li>Chief Whip of 2<sup>nd</sup> Party</li> <li>2<sup>nd</sup> Party Lead on Select Committee</li> <li>2<sup>nd</sup> Party Lead on Planning Committee</li> </ul>	<p><b>£9,252.71</b></p> <p><b>£6,686.93</b></p> <p><b>£3,343.46</b></p> <p><b>£1,674.73</b></p> <p><b>£3,180.83</b></p> <p><b>£6,101.08</b></p> <p><b>£13,373.87</b></p> <p><b>£9,252.71</b></p> <p><b>£6,101.08</b></p> <p><b>£6,101.08</b></p> <p><b>£6,101.08</b></p> <p><b>£6,101.08</b></p>
<p><b>Band Two</b> - - between 40-60% of the remuneration package for the Leader: <b>£17,628 to £32,450:</b></p> <ul style="list-style-type: none"> <li>Chairman of a Scrutiny / Planning / Licensing etc</li> <li>Mayor</li> <li>Chief Whip</li> <li>Opposition Leader</li> <li>A rep' on a key outside body</li> </ul>	<ul style="list-style-type: none"> <li>Chairman of Select Ctte / Planning etc</li> <li>Chairman of Licensing Committee</li> <li>Mayor</li> <li>Chief Whip of Largest Party</li> <li>Leader of 2<sup>nd</sup> Party</li> </ul>	<p><b>£23,725.26</b></p> <p><b>£10,030.32</b></p> <p><b>£23,725.26</b></p> <p><b>£23,725.26</b></p> <p><b>£23,725.26</b></p>
<p><b>Band Three</b> - between 70-80% of the remuneration package for the Leader: <b>£39,860 to £47,271:</b></p> <ul style="list-style-type: none"> <li>Cabinet Member</li> <li>Deputy Leader</li> <li>Chairman of the main Select Ctte</li> <li>Chair of Health and Wellbeing</li> </ul>	<ul style="list-style-type: none"> <li>Cabinet Member</li> <li>Deputy Leader of the Council</li> </ul>	<p><b>£41,351.55</b></p> <p><b>£49,447.58</b></p>

- **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**

18. Provision has been made in the 2022/23 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**

19. In accordance with the 2003 Regulations, the current scheme needs to be revoked as of 31 March 2022 and a new scheme made before 31 March 2022. 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

### **ii) PROGRAMME OF MEETINGS 2022/23**

**RECOMMENDATION: That the timetable of meetings for 2022/23 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

### **iii) WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE RULE.**

#### **Introduction**

1. 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, 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.
2. Unfortunately, due to illness, Councillor Ray Graham has not been able to attend any Council or Committee meetings since the meeting of the Corporate, Finance and Property Select Committee on 7 September 2021.
3. 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 Graham's non-attendance at meetings of the authority due to ill health, be approved for a period ending on 5 May 2022.

### **Background**

4. The Head of Democratic Services has received a request for the Council to consider approving an extension to the usual six-month attendance rule enabling Councillor Graham to remain in office until he is able to resume normal duties.
5. Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which will be 07 March 2022. 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 Graham would, under Section 85 (1) of the Local Government Act 1972 be disqualified from office as a councillor.
6. 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.
7. Councillor Graham was elected to the Council in May 2010 and represents Uxbridge North Ward.

### **FINANCIAL IMPLICATIONS**

None associated with this report.

### **LEGAL IMPLICATIONS**

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."*

BACKGROUND PAPERS: None

## APPENDIX A

### MEMBERS' ALLOWANCES SCHEME 2022/23

#### 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 2022/23 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. 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.

#### 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.

**PROGRAMME OF MEETINGS 2022/23**

**2022**

**2023**

<b>MEETING (start time)</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>Sep't</b>	<b>October</b>	<b>Nov'</b>	<b>December</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>
Council (7.30pm)	<b>12 (AGM)</b>		<b>14</b>		<b>22</b>		<b>17</b>		<b>12</b>	<b>23</b>			<b>11 (AGM)</b>
Whips Meeting (6pm)			<b>12</b>		<b>20</b>		<b>15</b>		<b>10</b>	<b>21</b>			<b>9</b>
Cabinet (7pm)	<b>19</b>	<b>16</b>	<b>7</b>		<b>1</b>	<b>13</b>	<b>10</b>	<b>15</b>	<b>5</b>	<b>16</b>	<b>23</b>	<b>20</b>	<b>4</b>
Petition Hearings with the Cabinet Member for Public Safety and Transport (7pm)		<b>1</b>	<b>13</b>	<b>10</b>	<b>7</b>	<b>6</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>8</b>	<b>13</b>	<b>10</b>
Petition Hearings with the Cabinet Member for Environment, Housing and Regeneration (7pm)					<b>29</b>		<b>16</b>		<b>3</b>		<b>22</b>		
Borough Planning Committee (6pm)	<b>24</b>	<b>21</b>	<b>12</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>8</b>	<b>17</b>	<b>14</b>	<b>9</b>	<b>5</b>	<b>9</b>
Major Applications Planning Committee (6pm)	<b>18</b>	<b>23</b>	<b>26</b>	<b>23</b>	<b>15</b>	<b>11</b>	<b>9</b>	<b>14</b>	<b>18</b>	<b>22</b>	<b>29</b>	<b>25</b>	<b>18</b>
Pensions Committee (5pm)		<b>9</b>	-		<b>28</b>	-		<b>6</b>	-		<b>22</b>		
Audit Committee (5.10pm)			<b>27</b>		<b>29</b>	-	<b>15</b>		<b>31</b>			<b>27</b>	
Health & Wellbeing Board (2.30pm)		<b>14</b>			<b>13</b>		<b>29</b>				<b>7</b>		
Licensing Committee (10am)			<b>6</b>			<b>4</b>			<b>25</b>			<b>4</b>	
Licensing Sub-Committee (10am) (dates tbc)													
Public Safety and Transport Select Committee (SC) (7pm)		<b>8</b>	<b>28</b>		<b>20</b>	<b>18</b>	<b>16</b>		<b>3</b>	<b>9</b>	<b>7</b>	<b>6</b>	
Families, Health and Wellbeing SC (7pm)		<b>28</b>	<b>20</b>		<b>21</b>	<b>25</b>	<b>29</b>		<b>4</b>	<b>2</b>	<b>14</b>	<b>18</b>	
Corporate Parenting Panel (5.30pm)	<b>25</b>		<b>28</b>				<b>2</b>		<b>24</b>				<b>24</b>
Environment, Housing and Regeneration SC (7pm)		<b>15</b>	<b>21</b>		<b>8</b>	<b>19</b>	<b>24</b>		<b>19</b>	<b>15</b>	<b>15</b>	<b>12</b>	
Corporate, Finance and Property SC (7.30pm)		<b>7</b>	<b>13</b>		<b>6</b>	<b>20</b>	<b>23</b>		<b>11</b>	<b>8</b>	<b>1</b>	<b>19</b>	
External Services SC (6.30pm)		<b>22</b>	<b>19</b>		<b>14</b>	<b>12</b>	<b>22</b>		<b>26</b>	<b>21</b>	<b>21</b>	<b>26</b>	
Standards Committee (7pm)		<b>29</b>		<b>31</b>				<b>1</b>		<b>28</b>			
Hillingdon SACRE (5.30pm)		<b>15</b>					<b>3</b>				<b>28</b>		