

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.