

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
29 January 2024	Deployment of a Data Analytics Platform	The reason for urgency was financial related, in order to avoid the Council incurring supplementary costs in association with this new data project.	Leader of the Council, in conjunction with the Cabinet Member for Corporate Services and on behalf of the Cabinet Member for Finance,
1 February 2024	Temporary Accommodation Leases – Great Central House, South Ruislip	The reason for the urgency was the potential loss of this opportunity to purchase to a competitor authority when competition for this form of accommodation is so high.	Leader of the Council, in conjunction with the Cabinet Member for Residents' Services, and on behalf of the Cabinet Member for Property, Highways and Transport

Background Papers: Decision Notices

ii) POLITICAL GROUPS ON THE COUNCIL AND CALCULATION OF POLITICAL BALANCE

Background

1. The Local Government and Housing Act 1989 provides a statutory basis for the rights of political groups to secure representation upon Council Committee and Sub-Committee meetings in proportion to their respective political strengths within the Council.

2. A 'political group' is one which has been constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and consists of at least two Members. It is therefore separate from the concept of a political party, although it may well consist of Members of the same political persuasion.
3. After the local elections in 2022, the Head of Democratic Services was notified of 2 political Groups on the Council:
 - The Conservative Group with 30 Members and Councillor Ian Edwards as Group Leader,
 - The Labour Group with 23 Members and Councillor Peter Curling as Group Leader
4. The overall political balance calculation was based on these submissions, and, in this instance, the Labour Group were entitled to an additional seat which, it was agreed would be on the Pensions Committee. This body, therefore, has a membership of 2 Con' and 3 Lab'.

Information

5. The Head of Democratic Services has recently received the requisite notice of a change in the composition of the Labour Group, whereby Councillor Basit is no longer a member of that group and is consequently sitting as an Independent Member.
6. This change slightly alters the overall political balance of the Council – the main effect being that the membership of the Pensions Committee will revert to 3 Con' & 2 Lab' as shown below. (**NB:** by statute, a political group needs to be comprised of two or more Members and, therefore, an independent Member is not entitled to any seats allocated on the basis of political balance).

		Conservative		Labour		Independent	
		notional	actual	notional	actual	notional	actual
	seats						
Hillingdon Planning Committee	7	3.96	4	2.91	3	0.13	0
Registration & Appeals Committee	5	2.83	3	2.08	2	0.09	0
Pensions Committee	5	2.83	3	2.08	2	0.09	0
Appointments Committee	3	1.70	2	1.25	1	0.06	0
Health & Social Care Select Committee (SC)	7	3.96	4	2.91	3	0.13	0
Children, Families & Education SC	7	3.96	4	2.91	3	0.13	0
Residents' Services SC	7	3.96	4	2.91	3	0.13	0
Property, Highways & Transport SC	7	3.96	4	2.91	3	0.13	0
Finance & Corporate Services SC	7	3.96	4	2.91	3	0.13	0
Total	55	31.13	32	22.83	23	1.04	0

7. Council are asked to note this change in political balance and, also, to note that the Conservative Group have chosen to allocate the additional seat on the Pensions Committee to the Labour Group and, therefore, to leave the membership of the Pensions Committee as it currently stands, until the Council AGM in May.

FINANCIAL IMPLICATIONS

8. There are no financial implications arising from this report.

LEGAL IMPLICATIONS

9. These are contained within the report.

Background papers: None

iii) MEMBERS' ALLOWANCES 2024/25

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 2023/24, having given due regard to the latest independent report, the level of Members' Basic allowance was increased in line with the pay award subsequently agreed for staff and, for the third year in a row, no change was made to the level of Special Responsibility Allowances (SRA's).
3. Members are now asked to give consideration to the level of Members' Allowances for 2024/25.

RECOMMENDATION: That:

- a) **the current Members' Allowances Scheme be revoked as of 31 March 2024 and the new Scheme for 2024/25 be approved, as shown in the Appendix, for implementation from 1 April 2024.**
- b) **The Head of Democratic Services be authorised to increase the level of Members' allowances in line with any subsequent annual pay award to staff for 2024/25. Such increase to also be applied to the separate allowance paid to the Mayor and Deputy Mayor.**

Information

4. Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme by 31 March 2024.
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 2024. 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>

6. The Independent panel considered the key questions of:
 - a. how best to ensure that people from a wide range of backgrounds and with a wide range of skills are encouraged to serve as local councillors; and
 - b. how to ensure those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage.
7. Within these broad considerations there can be no doubt that financial compensation or a system of allowances plays a crucial part in making it financially possible for local people to put themselves forward to take on the onerous responsibilities involved in being a councillor and indeed to continue to serve as one.
8. For this reason, the Panel felt that it is crucial that allowances for councillors across London are pitched at an appropriate level such that they make a major contribution in ensuring diverse and effective local representation. The recent review aimed to take a step back and ensure that the recommended allowances are pitched such that they serve this crucial purpose.
9. After taking into account the amount of time commitment and work involved in being a local Councillor, the Independent Panel are recommending a Basic Allowance of **£15,960**. Currently the LBH Basic Allowance is £12,481.
10. With regard to SRA's, these are grouped in bands based on the allowance paid to the Leader of the Council. The Panel are recommending an annual payment to a Leader of a Council of **£78,052** (made up of the Basic Allowance above and a Leader's Allowance of £62,092).
11. Currently the annual payment to the Leader of the London Borough of Hillingdon is **£71,181.29** (made up of the Basic Allowance of £12,481 and a Leader's Allowance of £58,700.29)

Proposal

12. At this stage no increase is proposed for the level of Basic or Special Responsibility Allowances for 2024/25. 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.
13. It is recommended, therefore, that the level of Members' Allowances for 2024/25 be increased in line with any pay award subsequently agreed for staff and that The Head of Democratic Services be authorised to implement this increase, once agreed.
14. The Mayor and Deputy Mayor are paid a similar allowance but separate from the main Scheme of Allowances and it is proposed that the increase detailed above also be applied to the allowance paid to the Mayor and Deputy Mayor.

FINANCIAL IMPLICATIONS

15. Provision has been made in the 2024/25 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 into posts receiving a SRA.

LEGAL IMPLICATIONS

16. In accordance with the 2003 Regulations, the current scheme needs to be revoked as of 31 March 2024 and a new scheme made before 31 March 2024. 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 2024

MEMBERS' ALLOWANCES SCHEME 2024/25**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 2024/25 an allowance of **£12,481** 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.