

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
27 June 2024	Acquisition of Residential Development Site in Uxbridge	Due to the fact that this site development opportunity supported the Council in meeting its statutory responsibilities and to mitigate the impact on the Council's budget.	Cabinet
27 June 2024	Acquisition of Residential Accommodation in Hayes	Due to the imperative need to secure affordable housing. This opportunity supported the Council in meeting its statutory responsibilities and to mitigate the impact on the Council's budget.	Cabinet
25 July 2024	Provision and support of Internet Security / Proxy Service	Due to unanticipated changes in time-frames, so the Council could make the necessary contractual payment without incurring substantial additional financial cost.	Cabinet

Background Papers: Decision Notices

ii) APPOINTMENT OF STATUTORY OFFICERS

Background

1. The Monitoring Officer and Section 151 Officer, along with the Head of Paid Service combine to form the Council's Statutory Officer functions. These roles are key to ensuring lawfulness, fairness, probity and general good governance that supports the Council in achieving its aims. It is important that they work effectively together yet maintain appropriate independence

and that the roles are undertaken by adequately skilled and experienced staff supported by appropriate resources.

RECOMMENDATIONS: That:

- a) **Mr Richard Ennis be appointed to the statutory role of Section 151 and Chief Financial Officer of the Council.**
- b) **subject to the agreement of the Council to a) above, the Constitution, Financial Regulations and the Officer Scheme of Delegations be amended, and Mr Ennis be empowered to undertake all of the statutory functions of a Section 151 Officer and Corporate Director of Finance as set out in the Constitution on an interim basis until such time as a formal appointment to the position of Corporate Director of Finance is made.**
- c) **Mr Lloyd White be appointed as interim Monitoring Officer of the Council upon departure of the current Monitoring Officer.**

Information

2. Section 151 Officer:

Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer, also known as a Chief Financial Officer (CFO), whose roles and responsibilities are defined in the Constitution.

3. As such, the CFO must lead on a local authority's financial functions and ensure they are fit for purpose. The CFO must be professionally qualified and suitably experienced. In accordance with the Local Government Finance Act 1988, the CFO must be a member of one of the following bodies in order to qualify as a responsible officer:
 - (a) the Institute of Chartered Accountants in England and Wales,
 - (b) the Institute of Chartered Accountants of Scotland,
 - (c) the Chartered Association of Certified Accountants,
 - (d) the Chartered Institute of Public Finance and Accountancy,
 - (e) the Institute of Chartered Accountants in Ireland,
 - (f) the Chartered Institute of Management Accountants, and
 - (g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section.
4. The S151 Officer is normally a role given to the Corporate Director of Finance. However, it should be noted that there is no requirement for the Statutory S151 office holder to be an employee of the Council.
5. Like many other local authorities, the financial challenges facing the Council are significant and in view of this, the Chief Executive noted that the timescales to go out to recruitment for a permanent Chief Financial Officer role would have put the Council at risk of not having a CFO in place for a considerable period of time whilst there was the need for an experienced

S151 Officer to be appointed to lead the Council through the budget process for 2025/26.

6. In light of this a contract has been awarded to Mr Richard Ennis to undertake the role of Corporate Director of Finance, on an interim basis
7. Mr Ennis is qualified for this role by virtue of having held many very senior roles including having been a S151 Officer in 3 London boroughs and is a Chartered Management Accountant in line with the requirements of the Local Government Finance Act 1988.
8. In order to ensure continuity in the role, the Council has included a 3 month notice requirement in the agreement with Mr Ennis. The initial contract is for 6 months with a review after 3 months.
9. On a temporary basis, the role of S151 Officer, has been undertaken by the Deputy S151 officer and Council is now asked to formally appoint Mr Ennis as the Interim S151 Officer until such time as a formal appointment to the position of Corporate Director of Finance is made.
10. In addition, Council is asked to formally grant to Mr Ennis authority to exercise the delegated powers of the Corporate Director of Finance as set out in the Constitution, on an interim basis until such time as a formal appointment to the position of Corporate Director of Finance is made.
11. This proposed appointment is being brought forward to provide appropriate expertise and resilience to the Council in its financial Management.

Monitoring Officer

12. The appointment of a Monitoring Officer is a statutory requirement under Section 5, Local Government & Housing Act 1989. The Monitoring Officer's role and responsibilities are also defined within the Council's Constitution. These include ensuring lawfulness and fairness of decision making, receiving reports, conducting investigations, ensuring access to information, advising whether executive decisions are within the budget and policy framework and maintaining the Constitution.
13. In light of the impending departure from the authority of the current Borough Solicitor and existing Monitoring Officer, Glen Egan, it is vital to ensure interim arrangements are maintained to meet statutory requirements, whilst options for permanent recruitment are explored. Mr Egan's last day of service is 10 November 2024 and it is recommended that the current Deputy Monitoring Officer, Lloyd White, be appointed to the role of Monitoring Officer on an interim basis.
14. Mr White is the Council's Head of Democratic Service and has been the Deputy Monitoring Officer since 2008.

Financial Implications

15. The cost of these appointments will be contained within existing budgets.

Legal Implications

16. The appointment of a Monitoring Officer and a Section 151 Officer are statutory requirements whose appointments are reserved to Full Council.
17. With regard to the section 151 Officer, in 2010 the High Court confirmed in the case of *Pinfold North Limited v Humberside Fire Authority* that there is no legal requirement for the section 151 officer to be an employee of the Council. There is, therefore, no legal impediment to the Council appointing Mr Ennis as the S151 officer or indeed to delegating him powers under the Council's Constitution.
18. However, the Council will wish to ensure that its interests are protected in this statutory appointment with regard to the terms of appointment including an appropriate notice period.

Background papers: none

iii) ELECTORAL COUNT ARRANGEMENTS

Background

1. The Head of Democratic Services is the Council's Returning Officer (RO) and Electoral Registration Officer (ERO) appointed under the Representation of the People Act 1983 and responsible for the conduct of electoral registration and electoral events within the Borough.
2. Although an employee of the Council, RO's are not answerable to their local authorities in respect of their electoral duties. This helps to ensure the independence of the RO from the local authority at elections. Instead RO's are directly accountable to the courts system as independent, statutory office holders. Similarly, EROs and the electoral register are not considered to fall within the scope of the Freedom of Information Act for that reason.
3. It is not unreasonable, however, for the Council to assure itself that the key processes involved in an election are lawful and equitable so that all potential parties and candidates who wish to participate in the electoral process can have complete confidence in that process and, ultimately, the results it produces.
4. Following the experiences gained at the recent Parliamentary election count, Council is asked to consider the following recommendations for the local elections count scheduled for May 2026 and beyond.

Note: The GLA elections are run in conjunction with the London Borough of Ealing and the election count takes place in Ealing.

RECOMMENDATIONS: That:

- a) **the Head of Democratic Services, in his role as Returning Officer, be requested to carry out a review of electoral count arrangements to ensure that all parties, candidates, counting agents and observers attending the count can be assured of a process that is transparent, efficient and consistent.**

- b) the count for the local elections in May 2026 take place during the day on Friday 8 May rather than immediately after polling closes on Thursday 7 May.**

Information

General Election, 4 July 2024

5. Three Parliamentary constituencies fall with the London Borough of Hillingdon:
 - Uxbridge and South Ruislip
 - Hayes and Harlington
 - Ruislip, Northwood and Pinner
6. For the recent Parliamentary election on 4 July, all three counts were conducted overnight in one location (the Brunel University Sports Centre) by a team of approx' 150 count assistants supported by a team of count supervisors, the RO and the Electoral Services team.
7. The basic process of counting the votes is as follows:
 - Each individual ballot box is opened, and the number of ballot papers counted to verify that it tallies with the Ballot Paper Account completed by individual Presiding Officers.
 - Once verification is completed, the votes are divided up into individual parties and / or candidates, by the counting assistants
 - The number of votes cast for each candidate are then counted, principally into batches of 50, by the counting assistants.
 - The batches are passed to a supervisor who recounts the 50 and then passes to a senior supervisor who carries out a further check of the count and the votes themselves to make sure they are all for the same candidate.
 - Once checked these are then placed in a central area and added to the rest of the, previously checked, votes for that candidate (usually in batches of 500 for a General Election – fewer for a local election count).
8. This process, or a variation of it, is used at election counts across the country and has been utilised successfully many times before in Hillingdon. It was carried out successfully at the recent General Election count with one exception.
9. During the count of votes for the Uxbridge and South Ruislip constituency, an error occurred where a batch of 500 votes was placed amongst the wrong candidate's completed votes.
10. This error led, initially, to the incorrect, *informal* result being given to the candidates and agents (but not announced formally).
11. As the informal result was very close, the correct procedure for a recount was utilised and, during the re-count the error was discovered. This is, of course, one of the purposes of a re-count.
12. This then had the effect of reversing the informal result and a further 'batch check' by candidates and agents was requested and granted. This was followed

by the RO authorising a complete second recount of the votes for the candidates in provisional first and second place.

13. This confirmed the correct result which was then accepted by all parties and formally announced.

Options

14. **Do Nothing** – not recommended. Whilst there is no evidence to suggest that the mistake referred to above was in any way deliberate and this was clearly a case of a simple human error, nonetheless, with the system of checks in place, it should not have occurred. It caused both distress to the two main candidates and an unnecessary level of stress and tension to the staff working at the count.
15. Therefore, it is important to critically review the processes and ensure they are as effective as they can be.
16. **Remove the ‘human error’ element** - It is impossible to eliminate completely, human error from a process which is entirely manual and carried out by staff who are working through the night. Current legislation does not allow for electronic counting of votes or (in the case of a Parliamentary election) for a delay in the counting of votes which must, by law, commence within 4 hours of the close of poll.
17. **Reasons for recommendations** - For local elections (scheduled for May 2026 in Hillingdon), there is more flexibility in the timing of the count and it is recommended that, following the receipt of ballot boxes from polling stations on the evening of polling day, that these be stored securely and the count then take place the following day, commencing at (say) 10am, to allow staff to arrive at the count fresh and able to carry out their duties efficiently and accurately. This should have a significant beneficial effect on the count process overall.
18. In addition, the Head of Democratic Services, in his role as Returning Officer, will carry out a review of the detailed count arrangements in relation to the type of count being undertaken (local / Parliamentary etc.), to ensure that all parties, candidates, counting agents and observers attending the count can be assured of a process that is transparent, efficient and consistent.
19. This will include measures to ensure that, when a result is particularly close and likely to result in a re-count request, a further level of scrutiny will be applied to the tallied votes. In such case this process would be carried out by members of the senior count team who have not been involved in the original count for that contest. Implementing this additional scrutiny should aid in identifying, obvious errors like the one described above, at an early stage.
20. This process will be implemented at all future counts and will not, of course, remove the right of candidates and agents to request a re-count.

Transparency and Consistency.

21. Whilst, naturally, candidates, agents, counting agents and observers cannot be directly involved in the counting of the votes, one of the main areas of feedback

received from those attending the count on 4/5 July was the need to ensure that each separate count is carried out in such a way that those observing can:

- understand the process,
- easily identify at which stage in the process the count is and
- easily identify which candidate votes are being allocated to.

22. In addition to putting place measures to achieve the aims set out above, each count must be carried out following the same procedures so that there is a complete consistency of approach.

23. To this end, the Head of Democratic Services will include in his review of count processes, measures to ensure that all candidates, agents and staff at each election count are given a clear briefing to better understand and appreciate how the count results are arrived at – thus ensuring the most important aim of any election count – that of complete confidence in the results.

Financial Implications

There are no financial implications arising from this report. The cost of running an election will not be affected by the review of count arrangements.

Legal Implications

The legal implications are contained within the report.

Background papers: none

iv) MEMBERS' ALLOWANCES 2024/25

1. At the Council meeting in February 2024 Members approved the annual re-adoption of its Allowances Scheme and, in doing so gave due regard to the recommendations made by the report of the Independent Panel on the Remuneration of Councillors in London. 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>
2. One of the clear recommendations of the Independent Panel is for Councils to award Special Responsibility Allowances (SRAs), on top of the Basic Allowance payable to all Members, to those Members undertaking roles where there are significant differences in the time requirement and levels of responsibility from those generally expected of a Councillor.
3. With that in mind Council is asked to give consideration to:
 - a) an increase in the level of SRA paid to the Independent Chair of the Audit Committee and
 - b) an additional SRA to be paid to the Chair of the Pensions Committee.

RECOMMENDATIONS: That w.e.f 26 September 2024:

- a) **the SRA paid to the Independent Chair of the Audit Committee be increased to £8,000pa for the remainder of 2024/25**

- b) an SRA of £8,000pa be paid to the Member carrying out the role of Chair of the Pensions Committee**

NB: both SRAs to remain at his level until reviewed with all other allowances in February 2025.

Information

4. The Scheme of Allowances currently includes a SRA payment to the Independent Chair of the Audit Committee of £3,180.83pa. There is no SRA for the Chair of the Pensions Committee.
5. The current Independent Chair of the Audit Committee is due to step down from this role imminently and Council is currently undertaking a recruitment process for his replacement.
6. It would be appropriate at this time to review the level of the SRA paid to the Independent Chair to assist in attracting a good quality of candidate for this vital role. Members are asked to give consideration to increasing the amount of this SRA for 2024/25.
7. At the same time, it is suggested that an additional SRA be introduced for the role of Chair of the Pensions Committee which requires a broadly similar level of commitment and responsibility from the Member in this position.

Recommendations

8. The Independent Panel emphasises the need to set allowances at a level to ensure that:
 - a. people from a wide range of backgrounds and with a wide range of skills are encouraged to serve as local councillors; and
 - b. those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage.
9. 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 – or in the case of the Audit Committee, to volunteer to be the Independent Chair.
10. For SRA's the Independent Panel recommends a banding system based on a percentage of the Leader's Allowance and the significance of the role being undertaken.
11. Previously in Hillingdon the Chair of the Audit Committee had been placed in Band 1 (the smallest SRA). However, in recent years the importance of the position, the expertise and the time commitment required has increased significantly such that it would now be appropriate to place the position in Band 2 of the SRAs which includes Chairs of Scrutiny (Select) Committees.
12. The role of Chair of the Pensions Committee would also fall into this band.

13. The level of Band 2 SRA is currently recommended by the Independent Panel to be set at a minimum of £19,065pa. However, in Hillingdon the role of Independent Chair of the Audit Committee is not a full-time position, and it is therefore recommended, that a reasonable increase in this SRA would be to £8,000pa, at this stage. This would then be reviewed with all other allowances at the February 2025 Council meeting.
14. Similarly for the Chair of the Pensions Committee the level of commitment would suggest a similar level of SRA.

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. The proposed increase will be met from within existing budgets.

LEGAL IMPLICATIONS

16. The current Scheme was made in accordance with the 2003 Regulations and Council may choose to amend it at any time.

Background Papers: Report of the Independent Panel on the Remuneration of Councillors in London, January 2024

v) AMENDMENT TO CABINET PORTFOLIOS

1. Chapter 5 of the Council Constitution sets out the rules surrounding Executive decision making in the authority and includes the provision for the Leader to appoint and dismiss Cabinet Members and to amend their portfolios on a temporary or permanent basis.
2. The Leader has notified the Head of Democratic Services of an amendment to Cabinet portfolios to the effect that the responsibility for Fleet and Passenger Services has transferred from the Cabinet Member for Property, Highways and Transport to the Cabinet Member for Finance.
3. Such changes are to be reported to Members for information and, therefore, Council is asked to note this change in portfolios.

FINANCIAL AND LEGAL IMPLICATIONS

4. None.

Background Papers: None