

Report for:
ACTION

Item Number:

Contains Confidential or Exempt Information	NO
Title	Proposed changes to the council's constitution, including changes to the Scheme of Allowances
Responsible Officer(s)	Director of Legal and Democratic Services
Author(s)	Helen Harris
Portfolio(s)	Leader
For Consideration By	Full council
Date to be Considered	18 th May 2021
Implementation Date if Not Called In	Not applicable
Affected Wards	All
Keywords/Index	Constitution changes

Purpose of Report:

A report recommending changes to the council's constitution, relating to:

- cabinet portfolios, and
- Members' Allowances Scheme

1. Recommendations

That full council:

- 1.1 Considers the contents of this report,
- 1.2 Approves the changes to the constitution set out in appendix one, and
- 1.3 Approves the change to the Members' Allowances Scheme, set out in appendix two

2. Reason for Decision and Options Considered

2.1 The Director of Legal & Democratic Services (DLDS) is responsible for keeping the constitution under review and making recommendations for change

as and when appropriate. The changes proposed in this report are an outcome of that ongoing review.

2.2 Councils are required to establish and maintain an independent remuneration panel to provide advice on their own schemes and amounts to be paid and the pensionability of allowances where relevant. Regulations provide for an independent remuneration panel to be established by London Councils to produce reports for authorities across London and the Council must have regard to its advice. Report for: ACTION Item Number:2

2.4 The conclusions of the 2018 review (“Review”) and recommendations can be found in the report ‘The Remuneration of Councillors in London 2018’. The Review Panel has had no direct involvement in the recommendations within this report.

2.5 The 2018 Review emphasises (page 3) that “the workload and responsibilities of councillors continue to increase and ... their role has become more complex” and that “the expectations of the public continue to rise”.. The Review also emphasises (page 4) the general principle that “Allowances are not shown by polls to be something which influence councillors to take on the role, though they are instrumental in making it possible for some people to do so. Allowances should be set at a level that enables people to undertake the role of councillor, while not acting as an incentive to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive”. The Review emphasises (page 7) that “it is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration with the band. They must have regard to our recommendations.”

2.6 Ealing’s allowances have historically been significantly lower than those recommended by the Panel. The reason for the high proportion of SRAs is due to the number of Scrutiny roles that attract an SRA, demonstrating the importance and status the authority places on an effective Overview and Scrutiny function. The proportion of members eligible to receive an SRA has been benchmarked against neighbouring boroughs and Ealing is within the middle of the range.

2.7 In 2020/21 the scheme was amended to explicitly state that no member should receive more than one SRA, although this principle had been followed in practice in Ealing at least since 2018/19.

2.8 A comparison of Ealing’s allowances with those of other London boroughs is set out in the table below. The comparative figures are from 2018/19 which is the latest up to date benchmarking information published by London Councils:

	Basic Allowance	Leader	Deputy Leader	Cabinet	Chair of OSC	Planning & Licensing
Current LBE rate	£9,708	£32,100	£21,384	£16,032	£16,032	£16,032
LBE rank in London (out of 32)	23 rd	24 th	16 th	19 th	9 th	Figures not available
London Councils' Independent Review Panel Recommendation 2018	£11,045	£57,085	£36,917 - £43,460	£36,917 - £43,460	£36,917- £43,460	£16,207 - £29,797

3. Key Implications

Cabinet responsibilities

3.1 Ealing Council is a large and complex organisation. Top level, fully resourced political leadership and focus is vital for the effective operation of the council. In recent years, providing that focus has become increasingly challenging for politicians who also have significant draws on their time by reason of family or “day job” commitments. The creation of two additional cabinet portfolios will make it possible for each portfolio holder to more effectively lead the services for which they have portfolio responsibility.

Members' Allowances Scheme

The change to the Members' Allowances Scheme is required, by reason of the creation of additional cabinet portfolio holder capacity.

A time limited, pro rata allowance is proposed for the vice chair of the Equalities Commission, to recognise the importance of the Commission and the role of the vice chair in facilitating the large volume of engagement and activity required. It is anticipated that the commission will report in early Autumn, at which point the allowance will expire.

4. Financial

Financial implications of the change proposals can be met from existing council resources.

5. Legal

5.1 The Local Government Act 2000 (section 9P) requires that every council has a constitution. That constitution must contain:

- A copy of the council's council and committee procedure rules (standing orders)
- A copy of the code of conduct for councillors

- Any information directed by the Secretary of State
 - Any other information considered appropriate by the council
- 5.2 The constitution must be made available to the public. It is best practice to keep the constitution under review and therefore up to date; at Ealing that task is undertaken by the Director of Legal and Democratic Services, reporting to the Constitution Review Group and subsequently to full council.
- 5.3 Section 18 of the Local Government and Housing Act 1989 (as amended by section 99 of the Local Government Act 2000) makes provision in relation to basic, special responsibility and dependents' carers' allowances for members of local authorities. The Local Authorities (Members' Allowances) (England) Regulations 2003, which have been made under these provisions, provide that it is for each local authority to decide its own scheme and the amounts paid under that scheme.
- 5.4 Regulation 5 of the 2003 Regulations specifies that the council may pay special responsibility allowances for members carrying out any of the following categories of activity:
- (a) acting as leader or deputy leader of a political group within the council;
 - (b) acting as a member of the cabinet;
 - (c) presiding at meetings of a committee or sub-committee of the council, or a joint committee of the council and one or more other councils, or a subcommittee of such a joint committee;
 - (d) representing the council at meetings of, or arranged by, any other body;
 - (e) acting as a member of a committee or sub-committee of the council which meets with exceptional frequency or for exceptionally long periods;
 - (f) acting as the spokesman of a political group on a committee or subcommittee of the council;
 - (g) acting as a member of the Adoption Panel;
 - (h) acting as a member of any committee or sub-committee that deals with any function arising under any enactment authorising the council to license or control the carrying on of any activity;
 - (i) carrying out such other activities in relation to the discharge of the council's functions as require of the member an amount of time and effort equal to or greater than would be required of the member by any one of the activities mentioned above.

6. Value for Money

The proposals are designed to make the council operate more effectively and efficiently.

7. Sustainability Impact Appraisal

It is not envisaged that the proposals will have any sustainability impact. Accordingly, no formal appraisal has been carried out.

8. Risk Management

No issues.

9. Community Safety

No issues.

10. Links to the 3 Key Priorities for the Borough

The council's administration has three key priorities for Ealing. They are:

- Good, genuinely affordable homes
- Opportunities and living incomes
- A healthy and great place

11. Equalities, Human Rights and Community Cohesion

No issues.

12. Staffing/Workforce and Accommodation implications:

The changes have no officer staffing implications. However, they will make it easier for cabinet portfolio holders to fulfil their responsibilities.

13. Property and Assets

No implications.

14. Consultation

Any changes to the constitution must be advertised in advance and account taken of responses received.

15. Timetable for Implementation

The proposed changes will come into effect immediately following this meeting.

16. Appendix

Appendix one: details of the constitution changes proposed

Appendix two: Responsibilities of cabinet portfolio holders

Appendix three: proposed change to the Scheme of Allowances

17. Background Information

[Ealing Council constitution](#)

Consultation

	Consultee	Date sent	Date response received	Paragraph in which comments appear

Internal				
	Chief Finance Officer			
External	All change proposals have been advertised on the council's internet site prior to consideration by full council			

Report History

Decision type:	Urgency item?
Non-key decision	No
Report no.:	Report author and contact for queries: Helen Harris

APPENDIX ONE

Changes proposed to the constitution

	Constitution reference	Existing wording	Proposed wording
1	Part 1 (Summary and explanation), "How decisions are made"	"The cabinet is made up of the Leader and seven other councillors appointed by the Council"	"The cabinet is made up of the Leader and nine other councillors appointed by the Council"
2	Part 2 (articles of the constitution) , amend article 7.07	Portfolios are established by the Council with the allocation of portfolios to members of the cabinet being made by the Leader and notified to the annual meeting of the Council. In the case of casual changes, the Leader will give written notice to the proper officer which will take effect two working days after receipt of the notice by the proper officer. The current portfolios are:	Portfolios are established by the Council with the allocation of portfolios to members of the cabinet being made by the Leader and notified to the annual meeting of the Council. In the case of casual changes, the Leader will give written notice to the proper officer which will take effect two working days after receipt of the notice by the proper officer. The current portfolios are: <ul style="list-style-type: none"> • Leader of the Council (Policy & performance, reform & transformation, media & comms, community engagement) • Inclusive Economy (Finance, Procurement, Human

		<ul style="list-style-type: none"> • Leader of the Council, Regeneration and Transport portfolio • Deputy Leader, Schools and Children's Services • Health and Adults' Services • Environment and Climate Action • Finance and Leisure • Housing, Planning and Transformation • Community Safety and Inclusion • Business and Community Services 	<p>Resources, Community Wealth Building*, social impact)</p> <ul style="list-style-type: none"> • Genuinely Affordable Homes (New Homes, Temporary Accommodation, Housing Demand, Homelessness, Estate Renewal & Housing Management) • Good Growth (Planning, Major Projects, Council Property, Regeneration Strategy, PRS) • Decent Living Incomes (Community wealth building*, Licensing, Economic Regeneration, Skills, Employment, Welfare Reform, Business Support, Further & Higher Education) • Climate Action (Active Travel, Climate Crisis, Highways, Recycling & Waste Reduction, Parks & Green space, Renewable Energy) • Thriving Communities (Neighbourhood governance, volunteering, faith and community groups, libraries, sports, leisure & community centres, community cohesion, cemeteries & crematoria) • A Fairer Start (Children's social care, Schools' performance, child poverty, SEN) • Tackling Inequality (Public Health*, Youth offending, Violence against women and girls, youth service, policing, antisocial behaviour) • Healthy Lives (Public Health* Older People, Adult Social Care, Mental Health, COVID-19, NHS)
3	Part 3 (Responsibility for functions) Section 3A (Responsibilities of	As set out in the constitution.	Replace with the table set out in Appendix 2 below.

	cabinet portfolio holders)		
4	Part 3 (Responsibility for functions) Section 3A (Responsibilities of cabinet portfolio holders) Functions delegated to all cabinet members, within their respective portfolios	Reference to :”Leader of the Council, Regeneration and Transport” Reference to “Housing, Planning, and Transformation”	Replace with “Leader” Replace with “Genuinely Affordable Homes”

APPENDIX TWO

Responsibilities of cabinet portfolio holders (section 3A of Part 3 of the constitution)

Portfolio	
Leader (Policy & performance, reform & transformation, media & comms, community engagement)	<ul style="list-style-type: none"> • Manifesto delivery • Policy overview • Major projects oversight (with Good Growth portfolio) • Performance management • Reform and transformation • Community engagement • Neighbourhood governance • Civil protection • Member development • Elections • Local Area Agreement • Marketing and communications • Councillor’s allowances • All executive functions not allocated to any other portfolio
Inclusive Economy (Finance, Procurement, Human Resources, Community Wealth Building*, social impact)	<ul style="list-style-type: none"> • Budget and finance • Community wealth building • Social value & impact • Digital borough • Digital council • Capital resources • Income • Investment and external funding • Central government grants • Risk management • ICT and facilities • Strategic procurement • Human resources, internal training and skills

	<ul style="list-style-type: none"> • Employee relations • Legal services • Customer services and complaints • Registrars
<p>Genuinely Affordable Homes (New Homes, Temporary Accommodation, Housing Demand, Homelessness, Estate Renewal & Housing Management)</p>	<ul style="list-style-type: none"> • Housing strategy and policy • Property and estates • Housing allocations • Temporary accommodation • Housing advice • Homelessness • Housing management • Housing hubs • Tenancy management • Rents • Estate renewal • Broadway Living • Leaseholder services
<p>Good Growth (Planning, Major Projects, Council Property, Regeneration Strategy, PRS)</p>	<ul style="list-style-type: none"> • Major projects oversight (with Leader) • Regeneration strategy • Land charges • Private housing sector supply and leasing • Private Rental Sector Licencing • Council property and assets • Local Plan and planning policy • Building and development control
<p>Decent Living Incomes (*Community wealth building, Licensing, Economic Regeneration, Skills, Employment, Welfare Reform, Business Support, Further & Higher Education)</p>	<ul style="list-style-type: none"> • COVID19 recovery • Economic development • Community wealth building (with Inclusive Economy portfolio) • Community development • Post 16 education • Adult education • Benefits • Apprenticeships • Skills • Employment • Welfare reform • Business support • Financial inclusion • Pre-employment programmes • Economic resilience • Economic regeneration • Job clubs and brokerage • Further Education & Higher Education

	<ul style="list-style-type: none"> • Regulatory services (environmental health, trading standards, licensing and community health and safety)
<p>Climate Action (Active Travel, Climate Crisis, Highways, Recycling & Waste Reduction, Parks & Green space, Renewable Energy)</p>	<ul style="list-style-type: none"> • Climate action and sustainability • Air quality • Strategic Transport strategy & policy • TfL relations & LIP funding • Active Travel (with Healthy Lives portfolio) • Recycling, refuse, plastics, waste disposal and reduction • Street cleansing • Street lighting • Environmental enforcement • Waterways, canal paths and bridleways • Road safety • Traffic and congestion • Parking, enforcement and CPZs • Highways and footways • Renewable energy • Gunnersbury Park • Trees, parks and countryside
<p>Thriving Communities (Neighbourhood governance, volunteering, faith and community groups, libraries, sports, leisure & community centres, community cohesion, cemeteries & crematoria)</p>	<ul style="list-style-type: none"> • Faith and community groups • Community cohesion • Sports and leisure centres (with Healthy Lives portfolio) • Sports development (with Healthy Lives portfolio) • Halls and community centres • Volunteering and community sector (including VCS grants) • Libraries • Cemeteries and crematoria • Public toilets • Pitzhanger Manor • Culture, heritage and arts • Tourism • Ealing Festivals
<p>A Fairer Start (Children's social care, Schools performance, child poverty, SEN)</p>	<ul style="list-style-type: none"> • Children's social care • Child poverty • Fostering and adoption • Child protection • Children's homes • Home/school transport • Looked after children • Nursery education and child care • Play service • Primary and secondary education • School library service • Special Educational Needs

	<ul style="list-style-type: none"> • Ealing Learning Partnership
<p>Tackling Inequality (Public Health*, Youth offending, Violence against women and girls, youth service, policing, antisocial behaviour)</p>	<ul style="list-style-type: none"> • Public Health – Wider determinants of health & Health Improvement (with Healthy Lives portfolio) • Youth service • Youth offending • Community safety (including ASB, drugs action and crime prevention) • Police liaison • CCTV • Disabilities • Violence against women and girls • Equality and diversity • Refugees and asylum seekers • Gypsy, Roma and Traveller community liaison
<p>Healthy Lives (Public Health* Older People, Adult Social Care, Mental Health, COVID-19, NHS)</p>	<ul style="list-style-type: none"> • Public Health – Health protection & premature mortality (with Tackling Inequality portfolio) • Covid-19 • Active Travel (with Climate Action portfolio) • Sports and leisure centres (with Thriving Communities portfolio) • Sports development (with Thriving Communities portfolio) • NHS relations • Adult social care • Assessment and care services for older people and adults with needs arising from disabilities and mental health • Accommodation and day activities • Promoting independence • Safeguarding adults • Mental health • Supporting people • Disability facilities grants, handyperson scheme and other grants • Sheltered housing

APPENDIX THREE

Changes proposed to the Members' Allowances Scheme ([part 6 of the constitution](#))

Amend Appendix A of the Members' Allowances Scheme, as shown highlighted green below:

Appendix A

Responsibility	Band	£
Leader of the Council	4	32,100
Deputy Leader of the Council	3A	21,384
Cabinet Members x-6	3	16,032
Chief Whip	3	16,032
Deputy Chief Whip	1A	4,176
Deputy Whip (Education)	1	2,112
Mayor	3	16,032
Deputy Mayor	1A	4,176
Chair of Planning Committee	3	16,032
Chair of Licensing Committee	2C	8,016
Chair of General Purposes Committee	1A	4,176
Chair of Audit Committee	2	6,288
Vice-chair of Planning Committee	2	6,288
Vice chair of Equalities Commission	2	6,288
Vice-chair of Licensing Committee	1A	4,176
Vice-chair of General Purposes Committee	1	2,112
Chair of Overview & Scrutiny	3	16,032
Vice Chair OSC (and opposition SRP Chair)	2A	8,328
Scrutiny Standing Panels Chair (x 1)	2A	8,328
Scrutiny Review Panel Chair (x 3)	2	6,288
Vice Chair Standing Panel	1A	4,176
Vice Chair Scrutiny RP x4 (2x Opposition, 1x 2nd Opposition, 1x Majority Group)	1	2,112
Pensions Chair (or Vice Chair where Chair not eligible)	2	6,288
Chair SACRE (or Vice Chair where Chair not eligible)	1A	4,176
Chair Boundaries (or Vice Chair where Chair not eligible)	1A	4,176
Leader of the Opposition	3	16,032
Deputy Leader of Opposition	2A	8,328
Opposition Chief Whip	1A	4,176
Leader of 2nd Opposition Party	2	6,288
Deputy Leader of 2nd Opposition Party	1A	4,176