

Michael Kay, Democratic Services
and Scrutiny Manager

020 8489 2920

michael.kay@haringey.gov.uk

02 March 2018

To: All Members of the Standards Committee

Dear Member,

Standards Committee - Thursday, 8th March, 2018

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

- 6. UPDATE ON THE WORK PROGRAMME - PROCEDURE RULES, MEMBER-OFFICER PROTOCOL AND MEMBERS' ALLOWANCES (PAGES 1 - 30)**

Yours sincerely

Michael Kay, Democratic Services and Scrutiny Manager

This page is intentionally left blank

Report for: Standards Committee 8 March 2018

Title: Update on the Work Programme - Procedure Rules, Member-Officer Protocol and Members' Allowances

Report

authorised by : Bernie Ryan, Assistant Director Corporate Governance and Monitoring Officer

Lead Officer: Michael Kay | 020 8489 2920 | michael.kay@haringey.gov.uk

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Non-Key

1. Describe the issue under consideration

1.1 Following the Committee's work on the Members' Allowances Scheme and the Member-Officer Protocol, and the presentation to all Members on the work, to formally agree that the attached documents be recommended to Full Council for agreement.

2. Cabinet Member Introduction

N/A.

3. Recommendations

3.1 The Committee is asked:

- A. To recommend the Members' Allowances Scheme at Appendix A to Full Council.
- B. To recommend the Member-Officer Protocol at Appendix C to Full Council.
- C. To agree and recommend to Full Council the recommendation that the Council's progress on reducing carbon emissions be considered by the Full Council each year.

4. Reasons for decision

4.1 The Council has a legal duty under the Local Authorities (Members Allowances) (England) Regulations 2003 to adopt a Members' Allowances Scheme before the end of each year to cover the following year. The Council can amend a scheme any time during the year but can only revoke a scheme with effect from the beginning of the year. The scheme must make provision for basic allowances and, if they are to be paid, special responsibility, dependents' carers, travelling and subsistence and co-optees' allowances.

4.2 As set out in previous reports to the Standards Committee (of July, September and November), the Council's existing Protocol on Member-Officer relations required significant amendment to be fit for purpose and regularly referred to.

The Committee has overseen the preparation of a refreshed protocol to ensure relations between Members and Officers are under-pinned by an helpful guide.

- 4.3 It has become custom and practice for the Council to consider annually its progress toward reducing carbon emissions. Inclusion of this in the Constitution would ensure that the practice continues into the future.

5. Alternative options considered

- 5.1 No alternative options were considered as there is a duty to adopt a Members' allowances scheme annually.
- 5.2 The existing protocol could have been retained, but as it is not well-updated and is over-long and poorly used, that would not be a helpful alternative.
- 5.3 The requirement to consider the progress on carbon reduction could not be included in the Constitution and instead depend on the commitment of Members at the time. This could damage confidence in the Council's commitment to carbon reduction, if it is seen that not reporting on the progress reflects a lack of progress.

6. Background information

Allowances Review

- 6.1 The Committee has considered the Members' Allowances review at each of its meetings since the review was announced to Council in March 2017. Those papers set out the rationale for the Committee's views, in particular the report to the February Committee. This report asks Standards Committee to consider the scheme proposed for 2018-19 and recommend it for approval by full Council, in accordance with Article 14.03 of the Council's Constitution. The changes to the Scheme for 2018-19 are shown in italics and underlined.
- 6.2 Before it can adopt a Members Allowances Scheme the Council has a duty to consider the recommendations of an Independent Remuneration Panel in relation to the payment of Members Allowances.
- 6.3 The Local Authorities (Members Allowances) (England) Regulations 2003 allow London Boroughs to use an independent remuneration panel set up for the purpose of making recommendations across London. London Councils set up a panel for this purpose in 2001 and its most recent report was published in June 2014 and is attached as Appendix B. Although the IRP makes recommendations, it is for each individual council to decide the level of remuneration and for which roles. The 2018 recommendations have been considered in the preparation of the proposals at Appendix A, and were considered by the Committee in its previous discussions on this matter.
- 6.4 Following the Committee's agreement in February on the outline propositions, the proposals were presented to all members at a briefing on 28 February. Around a third of Members were in attendance, and the proposals were welcomed as a way of remedying some historic inconsistencies with the Allowances Scheme.

Member-Officer Protocol

- 6.5 The Committee considered a full draft of the protocol at its November meeting, and the draft at appendix C reflects the Committee's comments, as well as those of the Senior Leadership Team of the Council's officers.
- 6.6 This draft protocol was also presented to Members at the briefing on 28 February, and Members welcomed the proposals, and had some additional suggestions for inclusion. The Chair invited any Member to make suggestions to her in advance of the meeting, where they could be tabled for consideration prior to agreement of a draft to be presented to Full Council on 19 March.

Carbon Reduction Update

- 6.7 At the February meeting of the Committee, the Chair mentioned that she had received a request that the annual update to Members on progress to reducing Carbon Emissions, normally taken at the Autumn Council meeting, be included in the Constitution. It has not been requested that this comprise part of the Council's Policy Framework, but rather as a routine item for the Council's consideration.
- 6.8 This request could be accommodated by updating the Council's Procedure Rules, to the effect of including the Carbon Reduction report as issue for the Council to consider on an annual basis. This would be achieved with the following insertion of a new paragraph xiv under paragraph 3, Ordinary Council Meetings, of Part 4 Section A – Council Procedure Rules:

3. ORDINARY MEETINGS

3.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence
- (iii) Deal with any business required by statute to be considered before any other business
- (iv) Receive any declarations of interest from members;
- (v) Approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) Hold a Haringey Debate, on the agreed theme for that meeting. The form of the debate may include holding the debate as an Open Session under paragraph 30. Arrangements for how the debate will function are outlined in the full Council Protocol;
- (vii) Receive any announcements from the Mayor, the Leader, members of the Cabinet, the Head of Paid Service or the Monitoring Officer;
- (viii) To make appointments to Council committees and outside bodies;
- (ix) Hear deputations and receive petitions accepted under rules 11 & 12;

(x) Receive questions from and provide answers to the public on matters notified under Rule 8;

(xi) Provide answers to written questions from Members. Receive oral questions from Members, and provide oral answers;

(xii) Deal with any business held over from the previous Council meeting;

(xiii) Receive reports from the Cabinet and the Council's Committees when a decision or resolution of Council is required, and receive questions and answers at the meeting on any of those reports;

(xiv) Receive an annual update from the relevant Cabinet Member on the progress toward reducing carbon emissions in the borough;

~~(xiv)~~ xv) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

(xvi) Consider motions; and

(xvii) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate.

7. Contribution to strategic outcomes

Members of the Council are directly responsible for the setting and oversight of all strategic priorities.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

The proposals contained in this paper are contained within the available budget.

Legal

Legal implications are contained within the body of this report.

Equality

The decision to approve allowances to members does not have a direct impact on the equality duty of the council, other than that the scheme includes provision for payment for parent/carers allowances to facilitate the attendance of parents and carers at meetings and in relation to carrying out the general responsibilities of councillors.

9. Use of Appendices

Appendix A: Draft Members' Allowances Scheme 2018-19

Appendix B: 2018 report of the Independent Panel on the Remuneration of Councillors in London

Appendix C: Member Officer Protocol

10. Local Government (Access to Information) Act 1985

N/A

Part 6

Members' Allowances Scheme

1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

1.01 Made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and in force for the municipal year ~~2017/18~~ 2018/19 (i.e. ~~1 April 2017 to 31 March 2018~~ 1 April 2018 to 31 March 2019).

2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of £10,810 by way of Basic Allowance.

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle applies to education representatives on scrutiny bodies and employee and employer representatives on the Combined Pensions Committee and Board (co-optees).

3. INCLUDED EXPENSES

3.01 Travel Expenses.

The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.

3.02 Telephones and I.T.

The Basic Allowance includes Councillors' telephone call charges, both mobile and landline, for which Councillors are billed individually. The Council meets the rental for apparatus, including broadband, and all datacharges.

4. MAYORAL ALLOWANCES

4.01 The additional allowances for the Mayor and Deputy Mayor are:

(a) The Mayor is entitled to an additional allowance of £16,965 ~~16,797~~.

(b) The Deputy Mayor is entitled to an additional allowance of £4,238 ~~4,196~~.

Appendix A

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 For the period ~~1 April 2017 to 31 March 2018~~ *1 April 2018 to 31 March 2019*, Haringey Council will allocate Special Responsibility Allowances in six bands, to Councillors who take on certain additional roles, in accordance with Table A below. If a Councillor does not serve as such for the whole period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor.

Table A

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> • Leader 	<u>£33,926</u> £33,590	<u>£44,746</u> £44,293
Band 3B	<ul style="list-style-type: none"> • 9 or fewer x Cabinet Members • Opposition Leader 	<u>£25,443</u> £25,194	<u>£36,253</u> £35,894
Band 3A	<ul style="list-style-type: none"> • Chair of Overview and Scrutiny Committee 	<u>£23,134</u> £22,905	<u>£36,944</u> £33,608
Band 2B	<ul style="list-style-type: none"> • Chair of Corporate Committee • Chief Whip • Chair of Regulatory Committee • Chair of Alexandra Palace and Park Board • <u>Leader of the Principal Opposition</u> • Opposition Deputy Leader • Opposition Chief Whip 	<u>£16,965</u> £16,797	<u>£27,775</u> £27,500
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	<u>£15,421</u> £15,268	<u>£26,231</u> £25,974
Band 1	<ul style="list-style-type: none"> • Chair of Combined Pensions Committee and Board • Chair of Staffing and Remuneration Committee • Chair of Standards Committee • <u>Chair of Corporate Committee</u> • <u>Vice Chair of Regulatory</u> • <u>Leader of the second Opposition Group or Deputy Leader of the Principal Opposition</u> • <u>Chief Whip of the Principal Opposition</u> 	<u>£8,482</u> £8,298	<u>£19,292</u> £19,104

6. MULTIPLE RESPONSIBILITIES

- 6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

7. CO-OPTES' ALLOWANCES

- 7.01 Each education representative on scrutiny bodies and each employee and employer representative on the Combined Pensions Committee and Board is entitled to an allowance of £154 per meeting attended, to a maximum of £616.50. No allowances are payable to others who are not elected Councillors.

8. BABYSITTING AND DEPENDANTS ALLOWANCE

- 8.01 Councillors and non-elected members can claim this allowance based on the following:

(a) That reimbursement be made at the London Living Wage ~~a maximum rate of £8.60 per hour~~. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.

(b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

9. TRAVELLING AND SUBSISTENCE ALLOWANCE

- 9.01 Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following:

(a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.

(b) The mileage rate for travel by solo motor cycle is :

Not exceeding	150 cc	8.5 pence per mile
Over	150 cc but not over 500 cc	12.3 pence per mile
Over	500 cc	16.5 pence per mile

(c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available.

Appendix A

- (d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available.
- (e) The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00	£4.92
For an absence of more than 4 hours including lunchtime between 12.00 and 14.00	£6.77
For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
For an absence of more than 4 hours ending after 19.00	£8.38

10. CLAIMS AND PAYMENTS

- 10.01 Where a Councillor is also a Councillor of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.
- 10.02 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.
- 10.03 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.05 below.
- 10.04 All claims for Travelling and Subsistence Allowance and Babysitting and Dependents Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.05 below.
- 10.05 If any Allowance under paragraphs 10.03 or 10.04 is not claimed within the prescribed time limit, the Democratic Services Manager shall have a discretion to make the payment nonetheless.
- 10.06 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Democratic Services Manager.

The Remuneration of Councillors in London 2018

Report of the Independent Panel



Contents

Introduction	p3
The role of elected members	p3
Recruitment of councillors	p4
The current financial and political climate	p4
Level of Basic Allowance	p4
Special Responsibility Allowances	p5
Interpretation of the scheme	p5
Training and support	p6
Barriers to being a councillor	p6
Travel and Subsistence Allowances	p6
Allowances for Mayor or Civic Head	p6
Update for Inflation	p6
Appendix A	p7
Special responsibilities – beyond the basic allowance	
Appendix B	p10
On behalf of the community – a job profile for councillors	
Appendix C	p11
The independent panel members	

Introduction

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the Panel') was established and reported in 2001, 2003, 2006, 2010 and 2014. It now comprises Sir Rodney Brooke CBE DL (Chair), Steve Bundred and Anne Watts CBE.

The Regulations require a review of the scheme every four years as a minimum. The current Panel has therefore completed a review of remuneration for councillors in London. We present our findings and recommendations in this report.

As a preparation for our work, we invited all London boroughs to give their views on the operation of the existing scheme. We are grateful for the feedback, which confirms that the existing London scheme of members' allowances is still fit for purpose. We make recommendations accordingly (**recommendations throughout the report are in bold type**). However, where issues have arisen from the comments we received, we have addressed them in this report.

The role of elected members

In our previous reports we reflected on the importance of the role of elected members. We repeat at Appendix B the job profile for councillors which we originally included in our 2010 report. The feedback we have received is that it continues to be appropriate.

The Local Governance Research Unit, based at Leicester Business School, recently launched a Councillor Commission as an independent review of the role and work of the councillor. The Commission's report points out 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. In London each Borough Council is responsible for services crucial to its residents. Each has a revenue budget of up to £1.4bn as well as a substantial capital programme. The scale of their turnover and other financial activities are in many instances comparable with those of large publicly quoted companies.

Councillors are faced with unenviable choices. Demand for local authority services continues to grow. In particular, there is rapid growth in the number of old people with a corresponding increase in demand for social care. London itself faces acute housing problems. Councillors have an increased responsibility for health. Thus the strain on and competition for resources increase the demands made on elected members. The responsibilities and accountabilities are made clear after a tragedy like the Grenfell Tower fire.

The evidence we received confirms that the workload and responsibilities of councillors continue to increase and that their role has become more complex, and not only in the areas of social care, housing and health. There has been growth in the number of sub-regional meetings, partnerships and joint bodies (such as Boards for Health & Wellbeing and Safer Neighbourhoods) which require the commitment and time of leaders, cabinet members and front-line councillors. Partnership engagement makes great demands on councillors. There has been a marked increase in informal meetings, such as working groups, forums and community gatherings as well as formal meetings like local authority companies. The expectations of the public continue to rise.

While valuable to democracy, the use of social media 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 in employment to deal with concerns as quickly as voters expect. Not only do social media make it easier for their constituents to get hold of councillors, but they also enable an isolated concern to become an organised campaign.

Recruitment of councillors

We received evidence that it is increasingly difficult to recruit people of quality who are prepared to stand for office as councillors. Though the low level of allowances was mentioned as a reason for this, a major disincentive is the time commitment required of a councillor. That time commitment (as well as finance) can make it difficult to combine the role with a job and a family life. As one councillor commented to the Leicester Business School Commission, 'Serving on outside bodies means that I am working every day of the week, weekends too'. As was pointed out in responses we received, the problem is exacerbated in London, where councillors are on the whole younger than in other parts of the country and often in employment. They also face substantially higher costs of living.

Though the time commitment may be the main disincentive to service as a councillor, it is important that, as far as reasonably possible, financial loss does not prevent people from becoming councillors. Allowances are not shown by polls to be something which influences 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. It is clearly desirable that service as a councillor is not confined to those with independent means.

Since our last report the Government has removed the possibility of councillors joining the local government pension scheme. We believe that access to the pension scheme can be an important factor in making service as a councillor financially possible for a wider range of people. It is particularly significant for those who, like elected mayors, leaders and portfolio holders, give most or all of their time to service in local government and lose the opportunity to contribute to a pension scheme elsewhere. Loss of access to a pension scheme imposes a further financial penalty on councillors.

We do not repeat the arguments for appropriate remuneration for councillors which we have set out in our previous reports. We believe them to be self-evident. But we do repeat our belief in the importance of local democracy and the role of councillors within it.

The current financial and political climate

Because of the current financial climate, the local government pay settlement in recent years has been severely limited. Since our last report there have been three awards of 1%. Acutely sensitive to the current financial austerity, some boroughs have frozen members' allowances and failed to apply the pay awards to them. Indeed some boroughs have even reduced members' allowances.

Our recent reports have made no recommendations for increasing the levels of members' allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement. As the Government-appointed Councillors' Commission pointed out in their 2007 report, the recommendations of the London Panel has led to some convergence of members' allowances across London. Indeed, the Councillors' Commission recommended a similar system for the country as a whole. Following our recommendations, there is now considerable congruity in the basic allowance made by London boroughs.

However, most London boroughs have not adopted our recommendations in their entirety and there remain substantial differences in the amount of special responsibility allowances. We fully recognise that now is not the time to contemplate a general increase in councillors' allowances. Nevertheless we hope that in the longer term the financial situation will permit further convergence of members' allowances around our recommendations.

Level of Basic Allowance

In our last report we recommended that there should be a Basic Allowance paid to every councillor of £10,703. Updated for the local government staff pay awards since then, the figure is now £11,045. Given the loss of pension rights; growth in the volume and complexity of the work of councillors; and the limited increase in the Basic Allowance since our last report, we believe that there is a strong case for considering a larger increase. The basic allowance is now less than the allowances paid by many similar authorities outside London. In Wales, for example, the government-

appointed commission sets the basic allowance at £13,400 for members of local authorities with populations which are generally substantially lower than those of London boroughs.

However we reluctantly accept that, in the current financial climate, it would be inappropriate to recommend a general increase in members' allowances (beyond the annual updating). Pegging an annual increase to staff pay awards will ensure that councillors can receive annual increases which are in line with those received by staff. **We therefore recommend that the Basic Allowance be set at £11,045.** We believe that it remains sensible to frame recommendations which are common across London.

Special Responsibility Allowances

Given the extent of the responsibilities of leaders of London boroughs, the Panel's first report in 2001 recommended that their remuneration should equate to that of a Member of Parliament. [Our recommendations for other special responsibility allowances are related to that recommended for leaders.]

Since then the increase in the remuneration of Members of Parliament has substantially exceeded the annual local government pay increase to which we tied the special responsibility allowance for the leader of a London borough. At the time of our last report an MP received a salary of £67,060 while our recommendation for a borough leader (increases having been restricted to the local government staff pay increases) was for total remuneration of £65,472, a difference of £1,588. Updated for the local government pay awards, our recommendation for the current total remuneration of a London borough leader would be £68,130. Meanwhile the salary of MPs has increased to £76,011, a difference of £7,881. Moreover MPs continue to be entitled to a pension as well as to sundry other benefits (such as termination payments) which are not available to leaders.

In our current consultation we enquired whether the remuneration of an MP remains a sound comparator to fix the remuneration of a borough leader. In general the responses agreed that the comparator was appropriate and, if anything, that the Leaders of London boroughs warranted a higher remuneration than an MP, because they had greater financial responsibility and legal burdens, and especially given the differential pension arrangements. Indeed one respondent authority suggested that the direct responsibilities of a Leader should command the salary of a Junior Minister.

We sympathise with the responses. Certainly the way in which MPs' remuneration has outpaced that of leaders would prompt a review of the Leaders' allowances had the Panel not had regard to the current stringent economic circumstances. For the same reasons which prompt us to peg the Basic Allowance, **we recommend that the special responsibility allowance for a Leader should be in accordance with our former recommendation, plus the subsequent local government staff pay awards, ie £57,085. We recommend the maintenance of its relation to other special responsibility allowances, as set out in the Appendix to this report.** Nevertheless we hope that parity of the remuneration of the Borough leaders with the remuneration of Members of Parliament will be restored when the economic situation eases and that the other Special Responsibility Allowances will then be adjusted accordingly.

Interpretation of the Scheme

The responses from the boroughs generally indicated no problems with interpretation of our recommendations, though many had adopted lower figures, especially for special responsibility allowances. We continue to believe that the scheme we propose is sufficiently flexible to accommodate the varying political management arrangements of different London boroughs. Specifically, we were asked for guidance on what percentage of councillors should receive a special responsibility allowance. **We reiterate our view that no more than 50% of councillors should receive a special responsibility allowance. We also continue to believe that no member should receive more than one special responsibility allowance though we accept that there might exceptionally be special circumstances where allocation of more than one Special Responsibility Allowance might be justified, eg where members undertake a number of different time-consuming roles such as sitting on licensing hearings.**

We were asked to give more detailed guidance on the roles allocated to different bands and whether these could be tied to the time commitment required of a role, expressed as a percentage of the time commitment of the Leader. However, we believe that the percentages we identify should be tied not only to time commitment but also to levels of responsibility.

Training and Support

The responsibilities of councillors are substantial, extensive and complex. We have mentioned the Grenfell Tower tragedy as a chilling instance of those responsibilities. **We believe that every borough should have an ongoing programme of member training and development and that members should be expected to participate. We believe that members should be provided with logistical and clerical support to help them deal with their workload.**

Barriers to being a councillor

It is important that obstacles to becoming a councillor should be removed wherever possible. Child care costs can be a significant deterrent to service as a councillor. **We repeat our strong view that in appropriate cases when they undertake their council duties, councillors should be entitled to claim an allowance for care of dependents. The dependents' carers' allowance should be set at the London living wage but (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required.**

We also repeat our belief that members' allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies).

Travel and Subsistence allowances

We continue to believe that the Basic Allowance should cover basic out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses. The members' allowances scheme should, however, provide for special circumstances, such as travel after late meetings or travel by councillors with disabilities. The scheme should enable councillors to claim travel expenses when their duties take them out of their home borough, including a bicycle allowance.

Allowances for Mayor or Civic Head

Many councils include the allowances for the mayor (or civic head) and deputy in their members' allowance scheme. However these allowances do serve a rather different purpose from the 'ordinary' members' allowances, since they are intended to enable the civic heads to perform a ceremonial role. There are separate statutory provisions (ss 3 and 5 of the Local Government Act 1972) for such allowances and councils may find it convenient to use those provisions rather than to include the allowances in the members' allowance scheme.

Update for inflation

We continue to recommend that for a period of four years the allowances we recommend should be updated annually in accordance with the headline figure in the annual local government pay settlement.

We have been asked whether it is necessary for the annual updating to be formally authorised by the council each year. The Regulations do seem to make this obligatory.

Sir Rodney Brooke CBE DL

Steve Bundred

Anne Watts CBE

London, January 2018

Appendix A

Basic allowance £11,045

Special responsibilities – beyond the basic allowance

The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

Calculation of special allowances

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below. We believe that the SRA, which the previous panel recommended for the leader of a London council (updated), continues to be appropriate.

Categories of special allowances

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

Local discretion

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 within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

BAND ONE

The posts we envisage falling within band one include:

- Vice chair of a service, regulatory or scrutiny committee
- Chair of sub-committee
- Leader of second or smaller opposition group
- Service spokesperson for first opposition group
- Group secretary (or equivalent) of majority group
- First opposition group whip (in respect of council business)
- Vice chair of council business
- Chairs, vice chairs, area committees and forums or community leaders
- Cabinet assistant
- Leadership of a strategic major topic
- Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods
- Leadership of a specific major project.

Remuneration

We propose that band one special responsibility allowances should be on a sliding scale of between 20 – 30 per cent of the remuneration package for a council leader.

This would be made up as follows:

Basic allowance: £11,045

Band One allowance: £2,582 to £9,397

Total: £13,627 to £20,442

BAND TWO

The types of office we contemplate being within band two are:

- Lead member in scrutiny arrangements, such as chair of a scrutiny panel
- Representative on key outside body
- Chair of major regulatory committee e.g. planning
- Chair of council business (civic mayor)
- Leader of principal opposition group
- Majority party chief whip (in respect of council business).

Remuneration:

We propose that band two allowances should be on a sliding scale between 40 – 60 per cent, pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance £11,045

Band two allowances: £16,207 to £29,797

Total: £27,252 to £40,842

BAND THREE

We see this band as appropriate to the following posts:

- Cabinet member
- Chair of the Health and Wellbeing Board
- Chair of the main overview or scrutiny committee
- Deputy leader of the council

Remuneration:

We propose that band three allowances should be between 70 – 80 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance: £11,045

Band three allowance: £36,917 to £43,460

Total: £47,962 to £54,505

BAND FOUR

Leader of cabinet

This is a full-time job, involving a high level of responsibility and includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service.

Remuneration:

We propose that the remuneration package for a council leader under band four of our scheme should be £68,130.

This is made up as follows:

Basic allowance: £11,045

Band four allowance: £57,085.

Total: £68,130

BAND FIVE

Directly elected mayor

A directly elected mayor has a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. However we believe this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount and this should be reflected in the salary level.

Remuneration:

We propose that a directly elected mayor should receive a remuneration package of 25 per cent higher than that recommended for a council leader and that it should be a salary set at **£85,162**.

Appendix B

On behalf of the community – a job profile for councillors

Purposes:

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

Key Tasks:

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (for example, setting budgets, overall priorities, strategy).
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various forums available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.
11. To undertake necessary training and development programmes as agreed by the authority.
12. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

Appendix C

The independent panel members

Sir Rodney Brooke CBE DL had a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities. He was knighted in 2007 for his contribution to public service.

Steve Bundred was chairman of Monitor, chief executive of the Audit Commission and chief executive of the London Borough of Camden.

Anne Watts CBE has an extensive career in equality and diversity and governance that spans the private, voluntary and public sectors with organisations including the Open University, the University of Surrey, the Commission for Equality and Human Rights and Business in the Community. She chaired the Appointments Commission.

Draft Protocol on Member-Officer Relations

Contents

1. Introduction	2
2. Role of Members and Officers	2
3. Expectations.....	3
4. Provision of information	5
5. When Things Go Wrong	9

1. Introduction

- 1.1 The relationship between elected members and officers is fundamental to the successful working of the Council. This relationship is based on honesty, mutual respect and trust, and this protocol is intended to support that relationship by giving guidance on roles and relationships to build a common understanding and set of expectations. The protocol also sets out what should happen on the rare occasions when things go wrong. All Members and officers should abide by this protocol. Political group leaders in respect of members, and the Chief Executive and Monitoring Officer in respect of officers, are responsible for ensuring the protocol is upheld.
- 1.2 This protocol should be read and understood alongside relevant legislation and the respective Codes of Conduct. If any questions arise from this protocol, advice should be sought from the Chief Executive or Monitoring Officer.

2. Role of Members and Officers

- 2.1 The respective roles of members and officers can be summarised as follows:

Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct from one another. Members are democratically elected, operate politically, are accountable directly to the public and serve as long as their term of office lasts. Officers are politically impartial and are responsible to the Council as their employer. Their role is to give advice to members and the authority and carry out the work of the authority under the direction and control of the full Council, Cabinet and their committees. Officers are accountable to the Chief Executive as Head of Paid Service.

Members

- 2.2 Members have four main areas of responsibility:
 - a) Determining the Council's policies and giving political leadership
 - b) Monitoring and reviewing the performance of the authority in implementing policy and delivering services
 - c) Representing the authority externally
 - d) Acting as advocates on behalf of their constituents.
- 2.3 It is not the responsibility of members to involve themselves in the day-to-day management of the Council or its services. They should not seek to give instructions outside their areas of responsibility or terms of reference of their respective Committee.
- 2.4 All members, including members of the Opposition or of Scrutiny Committees or Panels, have the same rights and obligations as individual members in their relationships with officers and should be treated equally.

Members of the Cabinet, Chairs and Vice Chairs

- 2.5 Members of the Cabinet, Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with officers. They still must respect the impartiality of officers, and must not ask them to undertake work of a party political nature or that could prejudice their impartiality.

Officers

- 2.6 The role of officers is to give advice and information to members and to implement the policies determined by the Council, the Cabinet and their committees.
- 2.7 Certain officers have responsibilities in law over and above their obligations to the authority and members. These are known as statutory officers and include the Chief Executive/Head of Paid Service, Monitoring Officer and Chief Finance Officer (s151 officer). Members must respect these responsibilities and not obstruct or victimise officers in the discharge of them.

Communications

- 2.8 The Council's Communications team are able to support the Cabinet and Chairs of Committees – including Scrutiny Panels – when they act as spokespeople for the Council. There are specific statutory restrictions on the use of public resources for the Council's communications, which are followed by officers and must be respected by members.

Children's Services

- 2.9 It is recognised that the Director of Children's Services has a close working relationship with the statutory Lead Member for Children's Services (the Cabinet Member for Children and Families) and will regularly report to them in relation to the DCS role. The Director of Children's Services and the Cabinet Member for Children and Families must work together to provide a clear and unambiguous line of local accountability.

Arms Length Organisations

- 2.10 When the Council establishes arms-length organisations to exercise its functions, for example Homes for Haringey, the employees of the organisation should be considered as officers for the purposes of this protocol.

3. Expectations

- 3.1 Members and officers can expect the following from each other:
- (a) A working partnership;
 - (b) An understanding of and support for respective roles, workloads and pressures;
 - (c) Respect, dignity and courtesy;
 - (d) Integrity, mutual support and appropriate confidentiality;
- 3.2 Members can expect from officers:

- (a) A commitment to the authority as a whole, and not to any political group;
- (b) Timely response to enquiries and complaints in accordance with agreed procedures;
- (c) Professional advice, not influenced by political views or preference;
- (d) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (e) Awareness of and sensitivity to the political environment;
- (f) Training and development [from officers] in order to carry out their roles effectively;
- (g) Not to have personal issues raised with them by officers outside of the Council's agreed policies and procedures;
- (h) That officers will at all times comply with the relevant Code of Conduct;
- (i) Support for the role of members as the local representatives of the authority.

3.3 Officers can expect from members:

- (a) Political leadership and direction;
- (b) Not to be subject to bullying or harassment. Members should have regard to the seniority and experience of officers in determining what are reasonable requests, having regard to the powerful relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels;
- (c) That members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- (d) That members will not publicly name officers or make detrimental remarks about officers during public meetings. Where members are chairing or otherwise in a position of authority on committees they will do their best to ensure that meetings are conducted in such a way that officers are not subjected to bullying or harassment by members of the public attending meetings;
- (e) That members will not draw officers into political or group discussions;
- (f) That members will at all times comply with the relevant Code of Conduct.

Limitations upon behaviour

3.4 The distinct roles of members and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between members and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception by others that a particular member or officer may secure advantageous treatment. They should therefore be avoided;
- (b) The need to maintain the separation of roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues;
- (c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that member or group above others.

4. Provision of information

- 4.1 Members should be provided with adequate information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans, updates etc. Members are encouraged to make use of existing sources of information wherever possible.

Members of the Cabinet, Chairs and Vice Chairs

- 4.2 Members of the Cabinet, Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with officers.
- 4.3 In order for them to discharge their responsibilities as Cabinet members, administration portfolio holders will be briefed by Directors¹ on service issues, proposals and policy development. Directors may from time to time nominate other officers to attend these meetings. Directors may also brief committee Chairs on matters relevant to the terms of reference of the committee. These informal meetings may be on a one off or regular basis, in accordance with the requirements of the member concerned.

Ward Councillors

- 4.4 Officers should keep members apprised of developments that are relevant to their role as a ward councillor. Ward councillors should be kept up to date with all major policy developments, public consultations and proposed changes to service delivery affecting their ward.

Major Incidents and Emergencies

- 4.5 A separate guidance document on *The Role of Elected Members in Major Incidents Affecting the London Borough of Haringey* is available to members and sets out arrangements and communications during a major incident.

Members' Enquiries

- 4.6 Any member may ask the relevant Director to provide him or her with such factual information, explanation and advice about the Department's functions as he or she may reasonably need in order to assist him/her in discharging his or her role as a member of the Council or acting for and on behalf of the Council as an appointed representative to another body. These requests will be met where the member has a legal right to the information. If that right arises under the Freedom of Information Act, the Member shall not be required to make a formal FOI request.

¹ The term 'Director' has the meaning as set out at Part 3 Section E Section 1 of this Constitution and shall include the following officers: the Chief Executive, members of the Strategic Leadership Team, all Directors and Assistant Directors and the General Manager of Alexandra Palace & Park (as appropriate)

- 4.7 All such information should be provided in accordance with the Member Enquiry Process. Where there are established alternative procedures, the enquiry will be put through those procedures and not dealt with as a Member Enquiry.
- 4.8 Where a member requests a service on behalf of a constituent that will be dealt with as a 'service request' by the appropriate service team.
- 4.9 Any requests for information made by political group assistants on behalf of members of their group should be treated in exactly the same way as if those members had made the request themselves. The political group assistants, when making such requests should clearly indicate on which member's behalf they are acting.

Briefings to political groups

- 4.10 The Leader of the Council or the Leader of any other political group may request the Chief Executive or relevant Director to prepare a briefing or written report on any matter relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential or personal information. In considering such a request, officers should be mindful of the need to support members by providing factual information. However if an officer deems the nature of the request to be unreasonable the request will be referred to the Chief Executive for determination, were necessary in consultation with the Leader(s) of the political group(s).
- 4.11 Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.
- 4.12 Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups.

Officer attendance at political group meetings

- 4.13 The Leader of the Council or the Leader of any other political group may request the Chief Executive or relevant Director to attend a meeting of the group to advise on any matter relating to the authority.
- 4.14 Attendance at a meeting of a political group should be on the basis of equality of access, and members and officers should avoid officers being exposed to political discussions when delivering a briefing. Officers may decline to attend or provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- 4.15 Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a

combination of party groups. No officer of the Council shall attend any political group meeting which includes non-Council members.

- 4.16 Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.
- 4.17 Officers will request the confidentiality of any matter which they are privy to in the course of attending a political group meeting.

Members' Access to Reports and background papers

- 4.18 Access to Cabinet, Committee or Sub-Committee papers and other documents or information is governed by:-
- (i) Local Government Acts 1972-2000 (particularly Schedule 12A)
 - (ii) Relevant case law
 - (iii) Access to Information Procedure Rules (Part 4 Section D of the Constitution)
 - (iv) Freedom of Information legislation
- 4.19 The rights of members can be summarised as follows:
- (i) Councillors generally enjoy the same access rights as members of the public in respect of public papers;
 - (ii) Members of the appropriate Cabinet, Committee or Sub-Committees will have a good reason for access to all exempt information on the Cabinet, Committee, Sub-Committee agenda under the common law "Need to Know" principles;
 - (iii) Members of the Overview and Scrutiny Committee will have a prima facie "Need to Know" where they require access to exempt Cabinet agenda items as part of their scrutiny function provided the subject matter relates to an action or decision that the member is reviewing or scrutinising as part of the agreed scrutiny work programme;
 - (iv) All other Members who require access to confidential/exempt Cabinet/Committee/Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a "Need to Know".
- 4.20 It is important to note that these rights only apply where members are clearly carrying out their role as elected representatives. Where any member has a disclosable pecuniary interest or a personal and prejudicial interest in a matter the member will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, minutes and background papers relating to the public part of the Cabinet/Committee/Sub-Committee Agenda. In these circumstances, the member must make it clear that s/he is acting in his/her private capacity and not as a member of the Council.

- 4.21 More information can be found in the Access to Information Procedure Rules at Part 4 Section D of this Constitution.

Confidential/Exempt Information

- 4.22 Whilst members of the Council have the same rights as the public in seeking and obtaining public documents or information under Freedom of Information legislation, this is not the case in relation to exempt and confidential information.
- 4.23 Confidential information is information:
- (i) furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, or
 - (ii) which may not be disclosed by or under any enactment or by a Court Order.
- 4.24 Exempt information is information to which the public may be excluded subject to certain qualifications. The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 and are reproduced in section 10 of the Access to Information Procedure Rules at Part 4 Section D of this Constitution. There may be some occasions when information may fall within one or more of the categories, but it is nevertheless in the public interest to disclose it under Freedom of Information legislation, without infringing personal rights or damaging the Council's position. If there is doubt in relation to individual items then they should be kept confidential until the Cabinet/Committee/Sub-Committee has taken a view as to whether they should be treated as exempt or not.

More information can be found in the Access to Information Procedure Rules at Part 4 Section D of this Constitution.

Use of Council Information – Confidentiality

- 4.25 Procedure Rules and specific local procedures (e.g. on contracts) require members and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the member's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, officers will treat the member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- 4.26 Equally, any Council information provided to a member on the basis of a 'Need to Know' must only be used by the member for the purpose for which it was provided, i.e. in connection with the proper performance of the member's duties as an elected representative of the Council. Confidential or exempt information provided to members may be discussed in the private session of Committee meetings or in private meetings of appropriate members and

officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to members.

- 4.27 Members abusing this trust may find themselves the subject of a complaint to the Standards Committee that they have contravened paragraph 3.3 of the Members' Code of Conduct which states that except in certain specified circumstances a member must not disclose information given to him/her in confidence by anyone, or information acquired by the member which he/she believes, or ought reasonably to be aware, is of a confidential nature.
- 4.28 Information disclosed privately or private discussions held during exempt Committee sessions, informal briefings or group meetings should not be disclosed by members or officers to any person not already privy to that information.

5. When Things Go Wrong

- 5.1 Rarely, the relationship between members and officers will fall short of expectations. In such instances, it would always be preferable to deal with matters at an early stage and informally through conciliation through a senior manager or political group leadership or whips. This may not always be possible, in which case the following procedures should be followed.

Procedure for officers

- 5.2 If conciliation via a senior manager is not possible, officers can have recourse to the Chief Executive, as appropriate to the circumstances. Officers also have recourse to the Council's Whistleblowing Procedure or can refer the matter under the arrangements for complaints under the Members' Code of Conduct, set out at Part 5 Section A of the Constitution.

Procedure for Members

- 5.3 In the event that a member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Director. Where the officer concerned is a Director the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive the matter should be raised with the Monitoring Officer.

This page is intentionally left blank