

Ayshe Simsek,
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24 March 2023

To: All Members of the Full Council

Dear Member,

Full Council - Monday, 27th March, 2023

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:

7. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE (PAGES 1 - 12)

To receive the Council Calendar of meetings 2023/2024.
10. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 13 - 118)

a) Standards Committee

- Approval of Member Allowance Scheme 2023/24
- Extension of Appointment of Independent persons on Standards Committee
- Constitutional and Committee Changes 2023/2024

Yours sincerely

Ayshe Simsek, Democratic Services and Scrutiny Manager

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Report for: Full Council 27th of March 2023

Title: Approval of the Calendar of meetings for the Municipal Year 2023/2024

Report

Authorised by: Fiona Alderman, Head of Legal and Governance Services

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Non Key

1. Describe the issue under consideration

To agree the schedule of meetings for 2023/2024. The schedule of meetings is submitted annually to the Council for approval.

2. Cabinet Member Introduction

N/A

3. Recommendations

That the attached schedule of meetings for 2023/24 be agreed, subject to any minor variations to meeting dates that may be required in the course of the Municipal Year 2023/2024.

4. Reasons for decision

The early notification of the schedule of meetings for 2023/2024 will allow for the effective planning of meetings and in turn decision making of the Council.

Publication of forth coming committee meeting dates will further support residents, stakeholders and partners participation in council decision making.

5. Alternative options considered

The alternative was not to publish the council schedule of meetings which would not be keeping with transparency and openness objectives of the council.

6. Background information

A local authority needs a clear decision making framework to carry out its business effectively and lawfully. The Local Government Act 1972 permits a local authority to arrange for decisions about its functions to be made by a committee, subcommittee or an officer of the authority or by another local authority.

Appendix 1 sets out the committees that are expected to meet during the 2023/24 municipal year and provides councillors, residents, and partners of the dates and times of these committee meetings.

7. Contribution to strategic outcomes

Having an available and agreed schedule of committee meetings for 2023/24 will allow councillors and officers to plan, consult, and agree the required decisions to meet the objectives of the borough plan.

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

Finance

There are no direct financial implications.

Legal

There are no perceived legal implications arising from this report.

Equality

There are no Equalities implications arising from this report.

9. Use of Appendices

Council calendar of Meetings 2023/24 – Appendix 1

Council calendar of Meetings – list format 2023/24 – Appendix 2

10. Local Government (Access to Information) Act 1985

The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929

	May-23		Jun-23		Jul-23		Aug-23		Sep-23		Oct-23		Nov-23		Dec-23		Jan-24		Feb-24		Mar-24		Apr-24		May-24	
Mo	1	Bank Holiday									2	CPAC					1	Bank Holiday					1	Bank Holiday		
Tu	2	LSC									3	LSC/ S&R/ General Purposes					2						2	LSC		
We	3	Political Group									4		1	Political Group			3	Political Group					3	Political Group	1	Political Group
Th	4	Political Group									5	Political Group	2	Political Group			4	CYPSP/ Licensing main committee	1	Corporate/Audit			4	Political Group	2	GLA Election
Fr	5		2				4		1		6	Shmini Atseret & Simchat Torah (Jewish)	3		1		5		2		1		5		3	
Mo	8	Coronation / Bank Holiday	5	Planning Sub Committee	3	Planning Sub Committee	7	LSC	4	Audit Training	9	Milad un Nabi (muslim) Labour Party Conference	6	Planning/ ESCSP	4	Pensions/LSC	8	S&R/ General Purposes	5	Planning Sub Committee	4	Full Council Budget	8		6	Bank Holiday
Tu	9	Political Group	6	CYPSP	4	LSC/ S&R/ GP	8		5	Pensions	10	Labour Party Conference	7	Cabinet	5	Cabinet	9	OSC Budget	6	Cabinet	5	Standards/ Pensions	9		7	LSC
We	10		7	Political Group	5	Political Group	9		6		11	Labour Party Conference	8		6		10	Political Group	7	Lailat al Miraj (Islam) Political group	6	Political Group	10	Eid Al Fitr (Islam)	8	Political Group
Th	11	Planning Sub Committee	8	Licensing Training	6	LSC	10		7	Political Group	12	Alexandra Palace Board /OSC	9		7	Chanukah begins (Jewish)	11	Political Group	8	LSC/General Purposes/S&R/	7	Planning/Sub Committee Corporate/Audit	11	LSC	9	
Fr	12		9		7		11		8		13		10		8		12		9		8		12	School Easter Holiday ends	10	
Mo	15	Full Council /Strategic Planning/Licensing	12	LSC	10	Planning Sub Committee	14		11	Planning Sub Committee/ECSP	16	Planning Sub Committee/LSC	13	C&YPS/ Strategic Planning	11	Planning Sub Committee	15	Planning Sub Committee / LSC	12		11	Start of Ramadan (Islam) OSC/APPB	15		13	Political Group AGM
Tu	16		13	Cabinet	11	Cabinet	15	15th of Av (Jewish)	12	Cabinet	17	Cabinet	14	Audit/Corporate/ HRSP	12	AHSP/Audit Training	16	Cabinet	13		12	Cabinet	16		14	
We	17		14	E&CS SP	12	Joint CSP/HWB-day CPAC	16		13	Political Group	18	CSP - day	15	HWB - day	13	Political Group	17	HWB	14		13	Political Group/SAC-CC/HWB Day	17		15	
Th	18	LSC	15		13	Pensions	17	LSC	14	SAC-CC/LSC	19	Political group	16	/AHSP/LSC	14	APPB/LSC	18	OSC Budget	15		14	Full Council	18	Political Group	16	
Fr	19		18		14		18		15	Rosh Hashanah (Jewish)	20		17		15		19		16		15		19		17	
Mo	22	Planning Sub Committee	19	LSC	17	Full Council	21	LSC	18	AHSP	23	Political Group	20	Full Council	18	H&RSP	22	CPAC	19	Strategic Planning	18	LSC	22		20	Annual Council
Tu	23	LSC	20	Strategic Planning	18		22		19	H&RSP	24	Political Group	21	LSC	19	ESCSP	23	Political group	20	General Purposes/S&R/ C&YPS	19		23	Passover (Jewish)	21	
We	24		21	CSP	19	Hijra - Islamic New Year	23		20	HWB- Day	25	Political Group	22		20	CSP -day	24	Joint CSP/HWB	21	CSP- day	20		24	Passover (Jewish)	22	
Th	25	Overview and Scrutiny	22	Standards/ A&HSP	20	Corporate/Audit	24		21	CY&SP Corporate/Audit committee	26	Political Group	23	Political Group	21	Political Group	25	Shevat (Jewish)	22	LSC/AHSP	21		25	Political group	23	LSC
Fr	26		25		21		25		22		27		24		22		26		23		22	Political Group	26		24	
Mo	29	Bank Holiday	26	Audit Training	24	OSC/LSC	28	Bank Holiday	25	Yom Kippur (Jewish) Lib Dem Conference	30	Political Group	27	OSC	25	Bank Holiday	29	LSC/SAC/CC	26	HRSP/LSC/APPB	25		29	Passover (Jewish)	27	School Half Term
Tu	30	LSC	27	HRSP/LSC	25		29		26	Lib Dem Conference	31	Standards	28	MLD	26	Bank Holiday	30	Standards /Pensions /Audit Training	27	CPAC/ESCSP/LSC	26		30	Passover (Jewish)	28	BANK HOL
We	31		28	Waqf al Arafah - Hajj (Muslim) HWB -day	26		30		27				29		27		31	Political Group	28		27				29	
Th			29	Eid-al-Adha - Political Group	27		31		28	Political Group			30	SAC/CC	28				29	Political group	28	Audit Training			30	
Fr			30		28	Muharram (Islam)			29	Sukkot (Jewish)					29						29	Bank Holiday Good Friday			31	
Mo					31																					

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Calendar of Committee Meetings 2023/24

Key

SAC-CC: Alexandra Palace and Park Statutory Advisory Committee/ Consultative committee

HRSP: Housing and Regeneration Scrutiny Panel

LSC: Licensing Sub Committee

OSC: Overview and Scrutiny Committee

CPAC: Corporate Parenting Advisory Committee

ECSP: Environment and Community Safety Scrutiny Panel

AHSP: Adults and Health Scrutiny Panel

CYPSP: Children and Young People Scrutiny Panel

CSP: Community Safety Partnership

APPB: Alexandra Park and Palace Board

May 2023

Tuesday, 2 May	LSC
Wednesday, 3 May	Political Group
Thursday, 4 May	Political Group
Monday, 8 May	Coronation/Bank Holiday
Tuesday, 9 May	Political Group
Thursday, 11 May	Planning Sub Committee
Monday, 15 May	Full Council/Strategic Planning/Licensing
Thursday, 18 May	LSC
Monday, 22 May	Planning Sub Committee
Tuesday, 23 May	LSC
Thursday, 25 May	OSC
Tuesday, 30 May	LSC

June 2023

Thursday, 1 June	Political Group
Monday, 5 June	Planning Sub Committee
Tuesday, 6 June	CYPS SP
Wednesday, 7 June	Political Group
Thursday, 8 June	Licensing Training
Monday, 12 June	LSC
Tuesday, 13 June	Cabinet
Wednesday, 14 June	E&CS SP
Monday, 19 June	LSC
Tuesday, 20 June	Strategic Planning
Wednesday, 21 June	CSP
Thursday, 22 June	Standards/ A&HSP
Monday, 26 June	Audit Training

Tuesday, 27 June	HRSP/LSC
Wednesday, 28 June	Waqf al Arafah - Hajj (Muslim) HWB -day
Thursday, 29 June	Eid-al-Adha - Political Group

July 2023

Monday, 3 July	Planning Sub Committee
Tuesday, 4 July	LSC/ S&R/ General Purposes
Wednesday, 5 July	Political Group
Thursday, 6 July	LSC
Monday, 10 July	Planning Sub Committee
Tuesday, 11 July	Cabinet
Wednesday, 12 July	Joint CSP/HWB-day CPAC
Thursday, 13 July	Pensions
Monday, 17 July	Full Council
Wednesday, 19 July	Hijra - Islamic New Year
Thursday, 20 July	Corporate /Audit
Monday, 24 July	OSC/LSC
Friday, 28 July	Muharram (Islam)

August 2023

Wednesday, 2 August	Political Meeting
Monday, 7 August	LSC
Tuesday, 15 August	Av (Jewish)
Thursday, 17 August	LSC
Monday, 21 August	LSC

September 2023

Monday, 4 September	Audit Training
Tuesday, 5 September	MLD
Wednesday, 6 September	Pensions
Thursday, 7 September	Political Group
Monday, 11 September	Planning Sub Committee / ECSP
Tuesday, 12 September	Cabinet
Wednesday, 13 September	Political Group
Thursday, 14 September	SAC-CC/LSC
Friday, 15 September	Rosh Hashanah (Jewish)
Monday, 18 September	AHSP
Tuesday, 19 September	H&RSP
Wednesday, 20 September	HWB- Day
Thursday, 21 September	CY&SP Corporate/Audit committee
Monday, 25 September	Yom Kippur (Jewish) Lib Dem Conference
Tuesday, 26 September	Lib Dem Party Conference

Thursday, 28 September	Political Party
Friday, 29 September	Sukkot (Jewish)

October 2023

Monday, 2 October	CPAC
Tuesday, 3 October	LSC/ S&R/ General Purposes
Thursday, 5 October	Political Group
Friday, 6 October	Shemini Atzeret & Simchat Torah (Jewish)
Monday, 9 October	Milad un Nabi (Muslim) Labour Party Conference
Tuesday, 10 October	Labour Party Conference
Wednesday, 11 October	Labour Party Conference
Thursday, 12 October	Alexandra Palace Board /OSC
Monday, 16 October	Planning Sub Committee/LSC
Tuesday, 17 October	Cabinet
Wednesday, 18 October	CSP (Day)
Thursday, 19 October	Political Group
Monday, 23 October	Political Group
Tuesday, 24 October	Political Group
Wednesday, 25 October	Political Group
Thursday, 26 October	Political Group
Monday, 30 October	Political Group
Tuesday, 31 October	Standards

November 2023

Wednesday, 1 November	Political Group
Thursday, 2 November	Political Group
Monday, 6 November	Planning/ ESCSP
Tuesday, 7 November	Cabinet
Monday, 13 November	C&YPS/ Strategic Planning
Tuesday, 14 November	Audit/Corporate/HRSP
Wednesday, 15 November	HWB - day
Thursday, 16 November	AHSP/LSC
Monday, 20 November	Full Council
Tuesday, 21 November	LSC
Thursday, 23 November	Political Group
Monday, 27 November	OSC
Tuesday, 28 November	MLD
Thursday, 30 November	SAC/CC

December 2023

Monday, 4 December	Pensions/LSC
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Tuesday, 5 December	Cabinet
Thursday, 7 December	Chanukah begins (Jewish)
Monday, 11 December	Planning Sub Committee
Tuesday, 12 December	AHSP/Audit Training
Wednesday, 13 December	Political Group
Thursday, 14 December	APPB/LSC
Monday, 18 December	H&RSP
Tuesday, 19 December	ESCSP
Wednesday, 20 December	CSP -day
Thursday, 21 December	Political Group

January 2024

Wednesday, 3 January	Political Group
Thursday, 4 January	CYPSP/Main Licensing Committee
Monday, 8 January	S&R/ General Purposes
Tuesday, 9 January	OSC Budget
Wednesday, 10 January	Political Group
Thursday, 11 January	Political Group
Monday, 15 January	Planning / LSC
Tuesday, 16 January	Cabinet
Wednesday, 17 January	HWB
Thursday, 18 January	OSC Budget
Monday, 22 January	CPAC
Tuesday, 23 January	Political Group
Wednesday, 24 January	Joint CSP/HWB
Thursday, 25 January	Shevat (Jewish)
Monday, 29 January	LSC/SAC/CC
Tuesday, 30 January	Standards/Pensions/Audit Training
Wednesday, 31 January	Political Group

February 2024

Thursday, 1 February	Corporate/Audit
Monday, 5 February	Planning Sub Committee
Tuesday, 6 February	Cabinet
Wednesday, 7 February	Lailat al Miraj (Islam) Political group
Thursday, 8 February	LSC / General Purposes/ S&R
Monday, 19 February	Strategic Planning
Tuesday, 20 February	C&YPSP
Wednesday, 21 February	CSP-day
Thursday, 22 February	LSC/AHSP
Monday, 26 February	HRSP/LSC/Alexandra Palace and Park Board
Tuesday, 27 February	CPAC /ESC SP/LSC

Thursday, 29 February

Political Group

March 2024

Monday, 4 March

Full Council Budget

Tuesday, 5 March

Standards/ Pensions

Wednesday, 6 March

Political Group

Thursday, 7 March

Planning/Sub Committee Corporate/Audit

Monday, 11 March

Start of Ramadan (Islam) OSC/

Tuesday, 12 March

Cabinet

Wednesday, 13 March

Political Group/SAC-CC/HWB Day

Thursday, 14 March

Full Council

Monday, 18 March

LSC

Friday, 22 March

Political Group

28th of March

Audit Training

April 2024

Tuesday, 2 April

LSC

Wednesday, 3 April

Political Group

Thursday, 4 April

Political Group

Wednesday, 10 April

Eid Al Fitr (Islam)

Thursday, 11 April

LSC

Thursday, 18 April

Political Group

Tuesday, 23 April

Passover (Jewish)

Wednesday, 24 April

Passover (Jewish)

Thursday, 25 April

Political Group

Monday, 29 April

Passover (Jewish)

Tuesday, 30 April

Passover (Jewish)

May 2024

Wednesday, 1 May

Political Group

Thursday, 2 May

GLA Election

Tuesday, 7 May

LSC

Wednesday, 8 May

Political Group

Monday, 13 May

Political Group AGM

Monday, 20 May

Annual Council Meeting

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REPORT OF STANDARDS COMMITTEE 01/2022/23**FULL COUNCIL 27 March 2023**

Chair: Councillor Opoku

1. INTRODUCTION

- 1.1 This report arises from the Standards Committee meetings held on 4 October 2022, 24 January 2023 and 21 March 2023 and asks Full Council to consider the following:
- 1.2 To approve changes to the Council's Committee structure and resultant changes to the Constitution. This relates to:
- i. The deletion of:
 - Corporate Committee
 - Staffing and Remuneration Committee
 - ii. The establishment of:
 - Audit Committee
 - General Purposes Committee
 - Appointments Panel
 - Disciplinary, Grievance and Dismissal Panel

This is to take effect from the 2023/24 Municipal year.

- 1.3 To approve an update to Part 5 Section D of the Constitution, Decision Making protocol, to include consideration of climate change mitigation in decision making reports.
- 1.4 To revoke the Members' Allowances Scheme for 2022/23 as of 31 March 2023 and to approve a new Members' Allowances Scheme for the Municipal year 2023/24 to take effect from 1 April 2023.
- 1.5 To approve the continued appointment of the Independent Persons under section 28(7) of the Localism Act 2011 until June 2024.
- 1.6 The full recommendations for each item are included in this report and the attached appendices, some of which were considered at Standards Committee meetings and some detailing changes to the Constitution for approval.
- 2. Constitutional Changes and Committee Changes 2022/23 2023/24 - Establishment of an Audit Committee and General Purposes Committee and Update to part 5 Section D of the Constitution, Decision Making protocol, to include consideration of climate change mitigation in decision making reports**

- 2.1 On 21 March 2023 we considered a report setting out proposed changes to the Council's Committee Structure and resultant changes to the Constitution. The emphasis of the report was on meeting good governance requirements and ensuring that the non-executive functions were effectively assigned and also responded to recent changes in terms and conditions of statutory officers.
- 2.2 We noted that establishing a Committee which focused on Audit, independent of any executive council operations, would provide an independent and high-level focus on the adequacy of governance, risk and control arrangements, and give greater confidence to all those charged with governance that those arrangements would be effective. We discussed the following:
- The proposed 2 Independent Advisors and their appointment process. We noted that the Director of Finance, Head of Audit and Risk along with the Monitoring Officer would be part of the recruitment panel and the Chair of the Audit Committee would be consulted on the appointments. The recruitment process would start as soon as possible and it was hoped to attract local residents with the appropriate experience to be recruited by July 2023, if these Committee proposals were agreed. They would be non-voting and would not have a political affiliation. Their term of office was expected to be 4 years, and they would receive the same remuneration as the Independent Persons on Standards Committee.
 - The training of Audit Committee members and ensuring they had the skills needed to participate and making this mandatory requirement. We noted it was likely that training would take place before the first meeting in July and continue thereafter. *[Further Audit training dates have been added to the Council Calendar]*
 - The need for Audit Committee Members to be only part of the Audit Committee and not on scrutiny. It was clarified that the expectation was for Overview and Scrutiny members to not be a member of the Audit Committee, but that a Scrutiny Panel members [not the Chair] could participate in both Audit and Scrutiny Panel meetings. There was a concern raised about the democratic accountability of Audit Committee members if they were members of both Committees, but we noted the learning and preparation that would be involved in this Audit role.
 - The membership number of the Audit Committee was expected to be 7 plus 2 Independent Advisors. This was a proportionate number and the Committee would cover treasury management functions. These were areas concerning non-executive financial management and involved similar officers with linked expertise.
- 2.3 We considered information from the Constitution Working Group on the remaining powers for Corporate Committee which would be non-executive functions, including the legislation on non-executive functions set out in section Reg. 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853 and the proposals for managing Director appointments, dismissals, disciplinarys and grievance to ensure the Council

met updated legislation related to statutory officers. We received updates to part 5 Section D of the Constitution, Decision Making protocol, to include consideration of climate change mitigation in decision making reports.

2.4 We discussed the following:

- The need to have Cabinet Members involved in Director and Statutory Officer Appointments, Dismissals, Disciplinary even though there was a right of Cabinet Members to call in a decision on the appointment of a Director. We were advised that this was a legislative requirement and there was no way around this.
- The request to have a separate Appointments body and a separate Disciplinary, Grievance and Dismissals body by the Constitution Working Group was noted
- The attendance reporting issues. Current arrangements meant that some Members of S&R were marked as having given apologies for special meetings which they could not attend as they had not been involved in the recruitment process and did not have a vote. Democratic services agreed to look into this matter and could mark S&R members as not required to attend.
- The current Staffing and Remuneration arrangements were referred to and compared to the proposals. It was proposed that the Leader of the Council chair these bodies, with the Chair of General Purposes Committee as Vice Chair of these bodies. In addition, the membership would comprise of a member from the GP Committee, a Cabinet Member, and a Member of the Opposition to ensure political proportionality.

2.5 We were advised at the meeting that late external legal advice had been received and indicated a legislative legal issue with establishing the Appointments body and Disciplinary, Grievance and Dismissals body as planned sub-Committees of the General Purposes Committee as it had been proposed that these Sub-Committees had a different membership to the parent Committee. Due to the Leader and Cabinet Member not being members of the GP Committee, it meant that they would not qualify to be a member of the Sub-Committees. However, they would be required to be a member of the Sub-Committees to meet legislative requirements. We noted that if the General Purposes Committee was expanded from 5 to 7 members to include the Leader and a Cabinet member, this would no longer be an issue. We had a discussion on this and indicated that General Purposes Committee should have a non-executive membership. We also noted that some Councils had these Appointments and Disciplinary bodies as Committees of the Council.

2.6 We noted that questions had been raised with the external legal advisor, shortly before the meeting, to understand if there could be a change in reference. This would be with the Sub Committee reference removed and instead the term 'Panel' used as a way forward and were awaiting a response.

- 2.7 We agreed the recommendations in the report, subject to clarification in the reports on whether the 2 bodies would be Sub-Committees or Panels. We agreed to provide a delegation to the Monitoring Officer in consultation with the Chair [who would in turn consult with the Standards members] following urgent legal external legal advice being sought, to clarify the report and either amend the number of members on General Purposes from 5 to 7 to include the executive members and meet the requirements of the Sub Committee or amend the references to the Sub Committee and use the term 'Panel'.
- 2.8 We subsequently received legal advice that the Sub Committee membership should be drawn from the main Committee and this was a matter concerning the way delegations worked. According to legislation, Full Council delegates the function to a Committee and the Committee can only work within the terms of reference and membership approved by Full Council. If they wish to create a Sub-Committee then they are bound to the remit set by Council .Therefore, there would be a legal issue if the Council set up these bodies as Sub Committees of General Purposes with additional members who were not members of the main Committee and would mean that the bodies were not constituted properly.
- 2.9 Further to consultation, it was agreed to update the report and assign the Appointments body and Disciplinary, Grievance and Dismissals body as Committees of the Council, calling these bodies: The Appointments Panel and Disciplinary, Grievance and Dismissals Panel. This would allow the involvement of Leader to chair meetings and the Cabinet Member with responsibility for the portfolio area to be on this Committee to meet legislative requirements. We agreed the following to be added to the terms of reference to allow this body to have a working relationship with General Purposes Committee:
- Specify the membership in the Constitution: the Leader of the Council, Cabinet Member responsible for HR, Chair of General Purposes, Member of General Purposes Committee and member of the Opposition. This would still allow the substitution of members for meetings if required. However, we would clearly set out the potential substitutes (which would be Cabinet Members) within the Annual report on Committees and could include a note on this within the Terms of Reference.
 - Specify that the Leader of the Council would be Chair of these bodies, with the Chair of General Purposes as Vice-Chair.
 - The minutes of the Panels would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council and this would be added to their Terms of Reference to make this clear.
 - These meetings would not be listed in the Council's calendar of meetings as they would take place on an ad hoc basis.

In addition, the administrative details proposed to be completed were:

- Adding information to the published Members Allowance scheme, in the SRA banding 1b, alongside the listing of chair of General Purposes, Vice chair of Appointments Board/Panel and Disciplinary, Grievance and Dismissals.

3. WE RECOMMEND

- 3.1 To agree the deletion of the Corporate Committee and Staffing Remuneration Committee from the Council's Committee Structure, with effect from the Annual General Meeting of the Council in May 2023.
- 3.2 To agree the establishment of an Audit Committee as an Ordinary Committee of the Council and to take effect from the Annual Meeting of the Council in May 2023.
- 3.3 To agree the establishment of a General Purposes Committee as an Ordinary Committee of the Council and to take effect on from the Annual Meeting of the Council in May 2023.
- 3.4 To agree the establishment of an Appointments Panel to take effect from the Annual Meeting of the Council in May 2023.
- 3.5 To agree the establishment of a Disciplinary Grievance and Dismissal Panel to take effect from the Annual Meeting of the Council in May 2023.
- 3.6 To agree the subsequent administrative changes to the Member Allowance Scheme with the Chair of General Purposes Committee allocated the SRA banding 1B for the Staffing and Remuneration Chair, noting that this position will also be listed as the Vice Chair of the Appointments Panel and the Disciplinary, Grievance and Dismissal Panel; the Audit Committee Chair would be allocated the SRA 1B for the Corporate Committee Chair.
- 3.7 To agree to update part 5 Section D of the Constitution to include consideration of climate change mitigation in decision making reports . This will be in line with the adopted policy position, set out in the Council's Climate Change Action Plan, and will require all key decision-making reports, to consider and report on whether or how the proposals delivers Climate Change Mitigation (reducing carbon and energy impacts) and Climate Change Adaptation (minimising the risks and impacts in a changing climate).
- 3.8 To agree the subsequent changes to the Council's Constitution set out Appendices 1.1 to 4.
- 3.9 To provide delegation to the Council's Monitoring Officer to update the subsequent required administrative and technical amendments (grammatical, formatting, and consistency) necessary to finalise the revised constitution for publication. To note that these will be reported up to the Annual Council meeting in May as part of the Monitoring Officer report and shown in track changes.

4. MEMBERS' ALLOWANCES SCHEME 2023/24

- 4.1 We noted that the 2022 IRP report continued to recommend that the Basic Allowance should be updated in line with the Local Government Pay awards and overall recommendation was that the Basic Allowance can be up to £12,014. The report did not increase the bandings for Special Responsibility Allowances. However, there would be more detailed analysis of the demands and work patterns of councillors in the 2022/23 review.
- 4.2 The independent review of Members Allowance commissioned by the Committee in 2019/20 indicated that the Members Basic Allowance percentage increase be index linked to the local government officer pay percentage increase, capped at 2% to be reduced if a lesser percentage is agreed.
- 4.3 We discussed the Member's Allowance Scheme at the Standards meeting on 24 January 2023 and with our councillor colleagues and indicated that a 2% increase to the Basic Allowance for the 2023/24 municipal year was required. This was in alignment with the review completed in 2019/20 which indicated that the Members Basic Allowance percentage increase be index linked to the local government officer pay percentage increase, capped at 2% to be reduced if a lesser percentage is agreed. We considered that there had been a local government officer pay percentage increase, and we proposed that the current Basic Allowance be increased from £11,247 to £11,471.94 [rounded to 11,472] from the 1 April 2023 to 31 March 2024.

5. WE RECOMMEND

- 5.1 Full Council revoke the Members' Allowances Scheme for 2022/23 as of 31 March 2023.
- 5.2 Full Council approve the new Members' Allowances Scheme for the Municipal year 2023/24, **as set out in Appendix 8.**

6. Appointment of Independent Persons - Standards Committee from 30 June 2023 – 29 June 2024

- 6.1 We considered the continued appointment of the Independent Persons under section 28(7) of the Localism Act 2011 to support the Standards Committee in relation to allegations that members or co-opted members have failed to comply with the Member's Code of Conduct, and to support the Disciplinary, Grievance and Dismissal Panel.
- 6.2 We considered the following issues, since previous consideration of this issue on 25 January 2022:
- The Localism Act had not yet been updated following the report on 'Standards in Public Life'

- The resource intensive recruitment process for appointing new independent persons at a time when there is focus needed on considering the key governance changes as a result of the insourcing of Homes for Haringey and other required changes to the Constitution.
 - The current experienced contribution of the current Independent Persons.
- 6.3 We agreed to recommend not taking forward a recruitment process and continuing with the incumbent Independent Persons, recommending in March 2023 to extend the appointment of the current independent persons from the 30th of June 2023 to 29th of June 2024.

7. WE RECOMMEND

- 7.1 To approve the extended appointment of Lisa Klein as Independent Person, and Stephen Ross as secondary Independent Person under s28(7) of the Localism Act 2011 for a further period of 1 year commencing on 1st July 2023 and ending on 30 of June 2024;
- 7.2 To approve the allowance to be paid to the Independent Person, and Secondary Independent person at £1250.00 and £250.00 per annum respectively.

Appendices

Appendix 1 Standards Committee Report- including updated references to Appointments Panel and Disciplinary Grievance and Dismissal Panel in accordance with paragraph 2.9.

Appendix 1.1 Tracked Changes to Part Three section B responsibility for Functions - Full Council and Non executive bodies.

Appendix 2 Clean Version Part Three section B responsibility for Functions - Full Council and Non executive bodies.

Appendix 3 Tracked changes to part 5 Section D of the Constitution, Decision Making protocol.

Appendix 4 Clean Version to part 5 Section D of the Constitution, Decision Making protocol.

Appendix 5 – CIPFA Guidance on Audit Committees

Appendix 6 – Members Allowances Report to Standards 21 March 2023

Appendix 7 – Members Allowances 2023/24 track changes

Appendix 8 – Members Allowances 2023/24 Clean version

Appendix 9 – The Remuneration of Councillors in London 2022– report of the Independent Panel

Appendix 10 Independent Person Report

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Standards Committee 21 March 2023 – updated in line with Paragraph 2.9 of the Full Council Cover report.

Title: Constitutional Changes and Committee Changes 2022/23 2023/24 - **Establishment of an Audit Committee and potential General Purposes Committee and Update to part 5 Section D of the Constitution, Decision Making protocol, to include consideration of climate change mitigation in decision making reports**

Report authorised by: Fiona Alderman, Head of Legal and Governance and Monitoring Officer

Lead Officer: Ayshe Simsek - Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

Report for Key/ Non-Key Decision: Non-Key Decision

1. Describe the issue under Consideration.

- 1.1 Following CIPFA Guidance and good governance practice, to agree to recommend to full Council the establishment of an Audit Committee as an Ordinary Committee of the Council on the 27th of March 2023 and for inclusion as part of the Committee structure of Council at the Annual meeting in May 2023. This Committee will take forward Audit Functions, Treasury Management and non-executive financial assurance matters.
- 1.2 To agree to recommend to Full Council on the 27th of March 2023 the establishment of a General Purposes Committee which would take forward the remaining non-executive functions of the Corporate Committee and also functions of the Staffing and Remuneration Committee.
- 1.3 To agree to recommend to Full Council on March 27th, 2023, the agreement of the establishment of an Appointments Panel to take effect from the Annual Meeting of the Council in May 2023
- 1.4 To agree to recommend to Full Council on March 27th 2023 the agreement of the establishment of Disciplinary Grievance and Dismissal Panel to take effect from the Annual Meeting of the Council in May 2023.
- 1.5 To agree to recommend to Full Council on the 27th of March 2023, the deletion of the Corporate Committee and Staffing Remuneration Committee from the Council's Committee Structure and to take effect from the Annual Meeting of the Council in May 2023.

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- 1.6 To agree to recommend to Full Council on the 27th of March 2023, and update part 5 Section D of the Constitution to include consideration of climate change mitigation in decision making reports . This will be in line with the adopted policy position, set out in the Council's Climate Change Action Plan, and will require all key decision-making reports, to consider and report on whether or how the proposals delivers Climate Change Mitigation (reducing carbon and energy impacts) and Climate Change Adaptation (minimising the risks and impacts in a changing climate).
- 1.7 To agree to recommend the full Council, the subsequent administrative changes to the Member Allowance scheme with the Chair of General Purposes Committee allocated the SRA banding 1B for the Staffing and Remuneration Chair and the Audit Committee Chair allocated the SRA for the 1B Corporate Committee Chair.
- 1.8 To agree to recommend to full Council the subsequent changes to the Council's Constitution set out Appendices 1 to 4.
- 1.9 To agree to recommend to full Council to provide delegation to the Council's Monitoring Officer to update the subsequent required administrative and technical amendments (grammatical, formatting, and consistency) necessary to finalise the revised constitution for publication . These will be reported up to the Annual Council meeting in May as part of the Monitoring Officer report and shown in track changes.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

- 3.1 To recommend to Full Council on the 27th of March 2023 the agreement of the establishment of an Audit Committee as an Ordinary Committee of the Council and to take effect from the Annual Meeting of the Council in May 2023.
- 3.2 To recommend to Full Council on the 27th of March 2023 agreement of the establishment of a General Purposes Committee as an Ordinary Committee of the Council and to take effect on from the Annual Meeting of the Council in May 2023.
- 3.3 To recommend to Full Council on the 27th of March 2023 agreement of the establishment of an Appointments Panel and to take effect from the Annual Meeting of the Council in May 2023.

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- 3.4 To recommend to Full Council on the 27th of March agreement of the establishment of a Disciplinary Grievance and Dismissal Panel to take effect from the Annual Meeting of the Council in May 2023.
- 3.5 To recommend to Full Council the deletion of the Corporate Committee and Staffing Remuneration Committee from the Council's Committee Structure and to take effect from the Annual Meeting of the Council in May 2023.
- 3.6 To agree to recommend the full Council, the subsequent administrative changes to the Member Allowance scheme with the Chair of General Purposes Committee allocated the SRA banding 1B for the Staffing and Remuneration Chair, noting that this position will also be listed as the Vice Chair of the Appointments Panel and Disciplinary, Grievance and Dismissal Panel and the Audit Committee Chair allocated the SRA 1B for the Corporate Committee Chair.
- 3.7 To agree to recommend to full Council the subsequent changes to the Council's Constitution set out Appendices 1 to 4.
- 3.8 To agree to recommend to full Council on the 27th of March 2023 to provide delegation to the Council's Monitoring Officer to update the subsequent required administrative and technical amendments (grammatical, formatting, and consistency) necessary to finalise the revised constitution for publication To note that these will be reported up to the Annual Council meeting in May as part of the Monitoring Officer report and shown in track changes.

4. Reasons for decision

- 4.1 CIPFA is the Chartered Institute of Public Finance and Accountancy (CIPFA) and a UK-based international accountancy membership and standard-setting Panel. This is a global Panel dedicated to public financial management.
- 4.2 CIPFA believes that improving public services is the key to changing lives for the better and that good public financial management is central to achieving this ambition. CIPFA Guidance outlines that the Audit Committee should be an independent and to be effective, provide the following:
 - Be independent of executive decision making and scrutiny;
 - Able to provide objective oversight with sufficient importance in the authority so that its recommendations and opinions carry weight and have influence with the leadership team and those charged with governance;
 - Have rights of access to and constructive engagement with other Committees/functions, for example scrutiny and service Committees, corporate risk management boards and other strategic Groups;
 - Have rights to request reports and seek assurances from relevant officers;
 - be of an appropriate size to operate as a cadre of experienced, trained Committee Members. Large Committees should be avoided;

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- include at least two co-opted independent Members to provide appropriate technical expertise;
 - meet regularly, at least four times a year, and have a clear policy on those items to be considered in private and those to be considered in public; and be able to meet privately and separately with the external auditor and with the head of internal audit.
- 4.3 In accordance with paragraphs 6.3 to 6.23, the Section 151 Officer and statutory Officers of the Council strongly recommend that an Audit Committee is established in keeping with good governance practices.
- 4.4 Reasons for establishing a General Purposes Committee together with an Appointments Panel and Disciplinary Grievance and Dismissal Panel are further set out in paragraphs 7 to 7.23.
- 4.5 Reasons for updating the Decision-making Protocol are set out in paragraphs 7.24 to 7.27.

5. Alternative options considered.

- 5.1 To continue with current arrangements which would not be in full accordance with CIPFA guidance on good governance principals.
- 5.2 To continue with the Staffing and Remuneration Committee and separate Corporate Committee and include an additional SRA in the Member Allowance Scheme for 2023/24.
- 5.3 Adding Regulatory functions to the Corporate Committee as these non-executive functions have only recently been added to the Strategic Planning Committee and Licensing Committee in May 2021.

6. Background

- 6.1 A Constitution Working Group was established in February under officer delegated authority, and as set out in the Constitution Part 3 Section E to consider the required to the Constitution and Committee Structure of the Council for consideration between February 2023 and November 2023 and beyond to respond to the requirements of the administration, organisation, and in keeping with good governance practice. The Constitution Member Working Group included the Labour Chief Whip as Chair as well as non-executive Members to consider the available governance options and was politically proportionate. This Group was compiled to provide a steer and direction on the changes to the Constitution and Committee Structure to the Head of Legal and Governance and to further inform the officer reports to the Standards Committee and Full Council.

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- 6.2 The Constitution Working Group considered reports and information relating to the recommendations set out above and officers responded to their queries and steer in compiling the changes proposed.

Audit Committee Recommendation.

- 6.3 The Council established the Corporate Committee in 2011 as the main non-executive Committee of the Council and at the time this included pensions, staffing, audit and miscellaneous functions. In 2014 a Staffing and Remuneration Committee was created and subsequently a Pensions Committee and Board. The Committee has continued to cover a range of non-executive functions including audit, agreement of local code of corporate governance, treasury management, approval of the end of year accounts, health and safety, street naming and noise nuisance powers.
- 6.4 The CIPFA guidance issued to local authorities in 2022 advised that best practice is to have an Audit Committee reporting to Full Council with focus on audit matters, independent of any executive council operations. CIPFA expected that all local government Panels to make their best efforts to adopt the principles, aiming for effective audit Committee arrangements.
- 6.5 Audit Committees are considered a key component of an authority's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The Committee's role in ensuring that there is sufficient assurance over governance risk and control give greater confidence to all those charged with governance that those arrangements are effective.
- 6.6 It is important to note CIPFA's view on the Audit Committee practice, which is obtained having consulted with sector representatives, expects all local government Panels to make their best efforts to adopt the principles, aiming for effective audit Committee arrangements. This will enable those Panels to meet their statutory responsibilities for governance and internal control arrangements, financial management, financial reporting and internal audit.
- 6.7 The practice set out at Appendix 5 makes clear the current arrangement, capturing the work of the Audit Committee within the Corporate Committee's remit, does not adhere to CIPFA's Position Statement on the role of the Audit Committee. The main areas where the current arrangements do not conform with the CIPFA Position Statement are: -

CIPFA's Position Statement 2022	Current Arrangements (Corporate Committee)
The audit Committee should be established so that it is independent of	The Corporate Committee includes executive decision making within its terms of reference.

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executive decision making and able to provide objective oversight.	
The audit Committee should be independent of both the executive and the scrutiny functions.	Members of Corporate Committee are not independent of executive and other scrutiny functions.
The audit Committee should be of an appropriate size to operate as a cadre of experienced, trained Committee members. Large Committees should be avoided.	The Corporate Committee comprises 12 members; 11 Labour and 1 Liberal Democrats' members.
The audit Committees of local authorities should include co-opted independent members. CIPFA recommends that each authority audit Committee should include at least two co-opted independent members.	There are none.

- 6.8 What has made the creation of a separate Audit Committee more important recently is the bringing of HfH back in house. HfH has an audit and risk Committee that meets five times every year and has a full agenda. Going forward, the internal audit work previously reported to the HfH audit and risk Committee will be adopted and reported to the Corporate Committee. Clearly, the Committee needs to have time and understanding of the matters raised by assurance provider, including internal audit.
- 6.9 The strong advice from the Section 151 Officer and Head of Audit and Risk is to adopt the model set in the CIPFA Position Statement that will address the short comings of the current arrangements and provide for the transfer in of HfH. This change will allow the Council to demonstrate a key component of an authority's governance framework is in place and is effective. The Committee can focus on providing an independent and high-level focus on the adequacy of governance, risk and control arrangements ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance.
- 6.10 There is further guidance on Audit Committees by CIPFA advises that the terms of reference should set out the Committee's position in the governance

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structure of the authority. The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control give greater confidence to all those charged with governance that those arrangements are effective. The Committee has to have oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability. Governance, risk and control.

The table below summarises the Committees held at each Council.

Council	Audit Committee	Corporate Committee	Assurance and Governance
Barnet	✓		
Brent	✓		
Hackney	✓	✓	
Islington	✓		
Lambeth		✓	
Redbridge			✓
Southwark	✓		
Westminster	✓		
Waltham Forest	✓		
Wandsworth	✓		
Camden			✓
Ealing	✓		
Enfield	✓		
Hammersmith and Fulham	✓		
	✓		
Harrow			
Hillingdon	✓		
Kingston upon Thames			✓

Make up of Audit Committees

6.11 All of these are comprised of members from the incumbent party and the opposition, with the exception of Islington which only has three Councillors on

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the opposition, so the Committee was comprised of Councillors from the main party only. Each audit Committee has to have a least one co-opted member.

Functions of the Audit Committee

- 6.12 The common functions of the audit Committees that were identified via this research were independent scrutiny for the Council's financial and non-financial performance, oversight of Council finance reporting procedures, assessment of the Councils risk management frameworks and the standard of conduct by Councillors.

Corporate Committee research

- 6.13 Hackney and Lambeth were the only other Councils looked at that had a Corporate Committee. Hackney was the only Council with both an Audit and Corporate Committee. However, when looking at the responsibilities of the Corporate Committee, these were non-executive functions including HR, regulatory functions. Haringey has already, in 2021, assigned regulatory functions to Strategic Planning Committee and the Licensing Committee.
- 6.14 The Corporate Committee at Lambeth performs similar financial functions to Haringey's Corporate Committee with additional responsibility for setting up Sub-Committees. They also handle any issues referred by Full Council, the Chief Executive or strategic director and agree the Council Tax base and business tax base on behalf of the Council. The Corporate Committee is comprised in a similar way to the Audit Committee at the other Councils studied so a mix of Councillors from the main party, one opposition Councillor and a co-opted member.
- 6.15 Redbridge Council has a Governance & Assurance Committee covering the audit functions and Code of Conduct responsibilities. This Committee is comprised of four Labour Councillors and one co-opted member but, unusually, no opposition members.
- 6.16 The Constitution Working Group considered the above information in the context and role of the proposed Audit Committee.
- 6.17 The Constitution Working Group noted that the Corporate Committee has some executive roles and members on this Committee should also be independent of any other council role including the scrutiny role. This was to ensure no overlaps and ensure the main focus was Audit. The Group noted that when considering the membership of this proposed Committee, it was important to note that the role of the Overview and Scrutiny Function was to scrutinise and to hold the decision makers (Cabinet) to account. This is specifically considering what is the decision and whether the decision is the right one for the Council. The Audit Committee is concerned with how the

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decisions is made (not what is the decision). The Audit Committee would need to make sure proper processes were followed, risks were accessed and there are appropriate checks and balances. For this role to be effective , it meant Committee members focused on Audit and not drawing on their scrutiny role and function. This will mean that the Overview and Scrutiny Committee Members should not be members of the Audit Committee and Scrutiny Panel members can be members of the Audit Committee.

- 6.18 It was noted that the size of the Corporate Committee was an issue. The CIPFA recommendation was that this should be a small Group of well-informed individuals who understand the governance of the Council. The maximum number recommended was 8, including 2 independent advisors to help with the detail and advise members.
- 6.19 The Constitution Working Group noted that currently housing management related audits would now come to Corporate Committee, increasing the audit items at Corporate Committee. There was a need to have a Committee with the capacity to take on this work and align operations to good practice.
- 6.20 In further reaching a recommendation on a new Audit Committee, the Constitution Working Group discussed:
- The need for external independence expertise offered by independent advisors on the proposed Audit Committee due to the technical information being consistently considered as they aid professional discussions and have an important role in providing an independent expert voice.
 - With regards to the recruitment of the Independent advisors, the Section 151 Officer and Head of Audit would interview the candidates and they would be assessed on merit and skills basis. Assurance was provided that the Chair of the Audit Committee would be consulted as part of the process.
 - Although, there was a need to guard against recruiting advisors with a political interest, the Constitution Working Group concluded that the technical and professional experience of the candidates would take precedence and they were satisfied that the nature and focused work of the Audit Committee would override political view points and matters . The Independent Advisors would also be asked to complete a register of interest which would include indicating membership of a political party.
 - Having an independent chair and not including the Treasury management functions was raised and it was noted that that having an independent chair was more of an option for combined authorities and for Chairs of Audit Committee is Wales. However, the guidance for local authorities did not require the Chair to be independent but does emphasise the need for the Chair to be independently-minded . Information was provided from CIPFA guidance to support this position. The Section 151 Officer and Head of Audit

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recommended combining Audit and treasury management as this will have the appropriate officers that will understand the nature so the reports and also allow Audit to consider Treasury management activities. This recommendation was agreed with by the Constitution Working Group and now put forward to Standards Committee.

- 6.21 The Constitution Working Group continued to agree to recommend that the Audit Committee be established and be comprised of 7 Council seats, 6 Labour and 1 Liberal Democrat. They agreed that there should also be 2 non-voting independent advisors recruited by Director of Finance and Head of Audit and Risk. The positions would have a job description which would be advertised, and applicants shortlisted and then interviewed by these senior officers. Job description from Ealing Council was considered by the Working Group and function and role agreed with.
- 6.22 The Constitution Working Group further agreed the need for regular training for members on the Audit Committee. Members of this Committee would be expected to develop expertise and engage with the audit and treasury management information being considered. They agreed the Committee to receive training over the year , one hour before the Committee meeting as a way forward and also that members of the Audit Committee have mandatory training at the start of the municipal year before commencing their role on the Audit Committee. This has been added to the terms of reference.
- 6.23 Appendix 1 adds in the new Audit Committee Terms of reference and Appendix 2 is the clean version for ease of reference.

Establishment of a General Purposes Committee

- 7.0 The Constitution Working Group considered the remaining powers for Corporate Committee which would be non-executive functions concerning, Elections, health and safety, street naming, and noise nuisance powers. The Constitution Working Group explored the remaining non- executive functions, including the legislation on non-executive functions set out in section Reg. 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853.
- 7.1 They queried the determination of an appeal against any decision made on or behalf of the local authority and noted that this comes from Schedule 2, paragraph 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Schedule 2 refers to functions which may be (but need not be) the responsibility of an authority's executive. This suggested hearing of appeals could be a non-executive function. There were no previous examples of this type of decision being made by the Corporate Committee. However, as this power remained in force , it was recommended by legal that this should remain in the terms of reference of the proposed General Purposes Committee.

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- 7.2 The Working Group queried the power relating to passing a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers). Legal advised that the Control of Pollution Act 1974 included within it, a provision that loudspeakers in the street could not be operated between the hours of 9pm and 8am for any purpose. In addition, loudspeakers cannot be used at any other time, for the purpose of the purpose of advertising any entertainment, trade or business. The Noise and Statutory Nuisance Act 1993, created a new provision which provided a loudspeaker could be used, provided this was consented to by the Council (although the council is not able to consent to a loudspeaker being used in connection with any election or for the purpose of advertising any entertainment, trade or business).
- 7.3 The starting point of this procedure, required the local authority to pass a resolution that Schedule 2 should apply to its area which means anyone then wishing to use a loudspeaker will need to seek consent to do so from the local authority. The procedure for the application and the LA's decision are set out in Schedule 2 of the Noise and Statutory Nuisance Act 1993.
- 7.4 Democratic services were unable to find any examples of this power being used by the Corporate Committee but given that it remained a good law, it was recommended to remain in the Terms of reference for a General Purposes Committee.
- 7.5 The Working Group noted that Corporate Committee was delegated making decisions under any function under a Local Act (except a function specified or referred to in Reg. 2 or Schedule 1) There are over 187 Local Acts that this power could encompass but were rare to be used on a consistent basis.
- 7.6 The Constitution Working Group were satisfied that combining the remaining functions of Corporate Committee with Staffing and Remuneration Committee was a sensible and practical way forward and would not require a change to the SRA banding. This Committee Chair with the General Purposes Committee Chair added to Band 1b It was envisaged that this Committee would likely only need to meet 4 times in a municipal year.
- 7.7 The Constitution Working Group agreed the General Purposes Committee have a Membership of 5 , [4 Labour and 1 Liberal Democrat] and be established by Full Council as an Ordinary Committee of the Council. They agreed that the membership would not include Cabinet Members as they are only needed for appointments and dismissals as these functions would be taken forward by 2 separate Panels. The General Purposes Committee would consider the staffing policies, terms and conditions and the miscellaneous elements of Corporate Committee set out above. There would be 4 meetings per year. The Committee noted that should there need to be a need for more meetings or the membership number require review, this could always be changed after a year at the Annual Council meeting.
- 7.8 With regards to involvement of Cabinet Member responsible for HR on the General Purposes Committee , The Working Group felt that the Cabinet

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member could be in attendance at these meetings in line with Committee Standing Orders but not need to be a voting member and did not agree to add the Cabinet member to this Membership as they would be involved in the proposed Panels for Appointment and dismissals in line with legislative requirements of 2001/3384 regulation.

7.9 General Purposes Committee establishing 2 separate Panels. One Panel to take forward Director Appointments and a second separate Panel to take forward Disciplinary, Grievance and Dismissal of Directors.

7.10.1 Currently appointment and dismissal of senior officers is managed by the Staffing and Remuneration Committee. The current legal guidance is that the appointment process [including the shortlisting, interview panel and Staffing and Remuneration Committee decision] needs to involve the same selected cohort of Members. This includes Leader and Cabinet Members, Chair of the Staffing and Remuneration Committee. The required Cabinet Members are usually substituted to participate in the S&R Committee and will be entitled to vote as a substitute and by virtue of participating in the interview panel and being substitute in accordance with Committee Standing Order rules 53 to 59.

7.11 The Constitution Working Group discussed options for how the General Purposes Committee could deal with appointments to Director and AD positions, and to recommend to Full Council the appointment of the Head of Paid Service and also some dismissal of Directors and ADs as currently covered by S&R. They also considered the need to also have a second separate Panel for Disciplinary, Grievance and Dismissal Panel – to deal with:

- Disciplinary and capability hearings and decisions relating to the Head of Paid Service S151 officer and monitoring officer, and determining whether these officers should be suspended.
- Recommending dismissal of the Head of Paid service , S151 officer and Monitoring Officer to Council
- Hearing and deciding substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.
- Hearing and deciding substantive grievances related to Director level direct reports of the Head of Paid Service, if (and only if) referred to the Committee by the Head of Paid Service due to a conflict-of-interest issue.
- Conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome.

7.12 This second Panel was needed to respond to a recent change in terms and conditions of statutory officers.

The Appointments Panel

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- 7.13 The Working Group noted that for Appointments and Dismissals there was a legal requirement to have at least one Cabinet Member of these Panels for these decisions under the 2001/3384 regulation. The Working Group also noted that , although this was a non-executive Panel, this did not preclude it from having a majority of members from the executive(Cabinet) and also being chaired by the Leader of the Council . In accordance with the 1989 Local Government and Housing Act, the core principle was having a politically proportionate membership Committee and therefore the political membership was a higher order than whether the member was an executive or non-executive member. There were examples given of Councils that had majority of Cabinet members on staffing Committees and this was accepted practice.
- 7.14 The Committee considered options for the number of members of the Committee, noting the need for Cabinet Member involvement. A pool of 13 members was initially favoured as this would allow 9 Cabinet Members plus 4 ordinary members to be drawn from and take forward appointments in a Group of 3 or 5 members according to the director appointment. There was a similar process used by the Licensing Committee with 3 members from the Committee selected to take forward Licensing Sub Committee hearings. The Working Group heard that recent legal advice had been given on this and the issue was that there was no legal definition of a 'pool' and therefore the members of the 'pool' would be the membership of the Panel and this would carry with it Committee membership such as rights to exempt information relating to individuals and participating in the discussion at the appointment meeting which would not be appropriate. This was not an issue for the Licensing which does not consider exempt information. Also the Panel would have a larger membership than its parent Committee which would be unusual. There was discussion about the substitute process and how open and transparent it was for staffing appointments and it was confirmed that as set out in CSO 59 that substitutes properly appointed in line with CSO 53 to 58 carried full voting rights and other rights and responsibilities. It was noted that having a core Panel of 5 members but with an agreed 8 substitutes agreed at Annual Council had been explored and discounted. This would require a change to Committee standing orders and would have to be looked at more closely for impact on subbing arrangements for Planning Sub Committee and Licensing Sub Committee. As a way forward, it was agreed for the Annual report to council to include a list of Cabinet members that can substitute at the Appointments Committee during the year in line with CSO 53 to 59 to enable them to participate in decisions concerning their portfolio areas. This was accepted as a way forward.
- 7.15 The legal advice was that it was best practice to have a smaller membership of the Panel of 5 which the Constitution Working Group agreed to recommend to Standards Committee. The Working Group further agreed that the terms of reference stipulate that only the members of the Appointments Panel which are participating in the Appointment of a director have access to the reports and attend meetings concerning this.
- 7.16 The Working Group next considered the need for more than one member of the Cabinet participating in shortlisting, interviews and Appointment of Directors. Cabinet Members often had cross cutting portfolios and meant working with two

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to three directors. In addition, it was important for the Leader of the Council to be part of the process as they would be working with all directors on a daily basis in delivering the Budget and Policy framework and the Corporate Delivery Programme. The Working Group considered the need to have a fair and equal recruitment process and the need for the Leader and Cabinet to raise any concerns about the recruitment process and candidates before appointment decisions. This meant being involved in the steps before appointment. The Working Group noted that once the appointment decision was made, the Cabinet had 3 Working days to object to the appointment. However, in practical terms, they needed to be involved in the process beforehand and get an understanding of who they could work with. The Working Group considered the alternative of non-executive members appointing directors and the Cabinet Members finding the working relationship not conducive and noted the greater difficulties that this could cause. They accepted that it was sensible for the Leader to chair the Appointments Panel and where the Leader was not able to attend or participate in an appointment process, the Chair of General Purposes Committee, as vice chair of the Appointments Panel could chair the appointments meeting.

- 7.17 The Working Group next considered the how many Cabinet Member and ordinary members the Membership of 5 would include and agreed 2 Cabinet members[including the Leader of the Council] and 3 Ordinary Members which could be the Chair of General Purposes, Vice Chair or member of General Purposes, and a Member of the Opposition.
- 7.18 The Constitution defines definition of 'Directors' includes both Directors and Assistant Directors and the following was agreed and put forward by the Working Group on how the Appointments Panel would be established and work:
- Quorum 3
 - Meet on an ad hoc basis when an appointment is needed.
 - Chair - Leader of the Council and Vice Chair will be the Chair of GP
 - For each appointment of a director , the Leader of the Council and Chair of General Purposes in discussion with the Head of People would agree, whether there would be 5 members or if there is to be quorum 3-member meeting . This would need to include a member of the Opposition to be politically proportionate.
 - Shortlisting, interview and appointment would still need to include the 3 or 5 members, including Member of the Opposition to ensure political proportionality. As a way forward the shortlisting of candidates can be delegated to a senior officer in the Constitution at section K and this would mean that members are only involved in the interview and appointment. This adds flexibility if members want this as a next step after establishment.

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- The Cabinet would be notified of the decision and have 3 Working days to put formal objection which would then need to be considered by the Appointments Panel.
- The minutes of the Panels would be received by the General Purposes Committee.
- Where the Panel is making an appointment to the Chief Executive, Section 151 Officer and Monitoring Officer, they would have express delegation in their terms of reference to make this decision and put this decision forward to Full Council for confirmation.

Disciplinary Grievance and Dismissal Panel

Dismissal of Directors and Statutory Officers

- 7.19 It was clear from the legislation that for dismissals there was a need to include at least one member of the Cabinet in the Panel. Therefore, as above, it was agreed to follow the same membership as the Appointments Panel with the Chair as Leader of the Council and Vice chair as the Chair if GP. It was noted that where the Leader or Cabinet Member had a conflict, by having a daily working relationship with the Director, they would be substituted in line with the Committee Standing Order rules and would not have an involvement in the process including the deciding on a 3 or 5 Member participation.
- 7.20 In relation to a decision on the choice and number of members participating in this Panel on a dismissal, grievance, disciplinary matter, as appropriate the Leader of the Council and Chair of General Purposes in discussion with the Head of People and Monitoring officer would agree, whether there would be 5 members or if there is to be quorum 3-member meeting(Including a Member of the Opposition to ensure political proportionality). Only the members participating in the Hearing and Dismissal would have access to exempt papers and the exempt meeting and this is stipulated in the Terms of Reference.
- 7.21 It was further suggested not having two Panels given the similar membership and having one to consider both appointments, disciplinary grievance and dismissal decisions and this was not agreed with by the Working Group as it was felt that both these processes should be clearly separated to maintain the integrity of this Panel.
- 7.22 There was legal advice to suggest separating out the grievance function and disciplinary function but members were not in favour of this and there was a need to have a demonstrate the fairness of the process and provide ease of reference.
- 7.23 The Local Authorities (Standing Orders) (England) (Amendment) Regulations (SI 2015/881), which introduced a step in a disciplinary procedure whereby any dismissal of statutory officers is required to be considered by a panel

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which must contain at least two Independent Persons. At Haringey the Job description for the Standards Independent persons also covers support to this . This also needs to be factored in the process.

Updating Part 5 Section D of the Constitution to include consideration of climate change mitigation in decision making reports

7.24 In line with the adopted policy position, set out in the Council's Climate Change Action Plan, the Council will require all key decision-making reports, to consider and report on whether or how the proposals deliver Climate Change Mitigation (reducing carbon and energy impacts) and Climate Change Adaptation (minimising the risks and impacts in a changing climate). This would be recorded by a summary paragraph in all reports after the section on Corporate Delivery Plan and before the section on statutory comments. This would also be set out in the Council's Constitution in part 5 Section, Decision Making Protocol.

7.24.1 These comments are not statutory officer comments and have a different status with the information being taken into account but not informing or delineating the decision being made.

7.24.2 The wording 'whether or how' allows some decisions where the climate action plan is not a consideration [i.e. finance quarterly reports, operational decisions concerning Children or Adults or procurement decisions where this was not part of the tender process consideration] to advise in this section that this is not applicable.

7.24.3 The Carbon Management Service will issue supplementary guidance via Business Managers to issue to all report writers, and longer term the Council aims to develop an automated IT system to support this. The Council will also roll out Carbon Literacy training for staff so that they can increase their knowledge and understanding on this issue.

7.27 This change is required to convey the Council's democratic commitment to the Climate Change Action Plan. Continued inclusion ensures that this requirement is embedded in future decision making in a consistent and ongoing basis.

8. Contribution to Corporate Delivery Plan

The Council's Constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its corporate delivery plan objectives.

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

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Finance comments

- 9.1 There are no financial implications as the proposals do not indicate an additional Committees to the existing Committee structure but rather the focus on Audit with Treasury management and remaining Corporate Committee functions added to another non-executive Committee . This means no net increase in Committees nor Committee meetings. The payment for the Independent Advisors of the Audit Committee will be met from the Democratic Services Budget and corporate budget Allocation provided. The Advisors will be expected to attend all meetings of the Audit Committee.
- 9.2 In relation to the establishment of the Panels and update to the Constitution's decision-making protocol to include consideration of climate change mitigation in decision making reports, there are no financial implications directly arising from these decision.

Legal comments

- 9.3 These are set out within the report and Council over report at Paragraph 2.9.

Equality

- 9.4 There are no equality implications in this report.
- 9.5 Appendices

Appendix 1.1 Track Changes to Part Three section B responsibility for Functions - Full Council and Non executive Panels.

Appendix 2 Clean Version Part Three section B responsibility for Functions - Full Council and Non executive Panels.

Appendix 3 Track changes to part 5 Section D of the Constitution, Decision Making protocol.

Appendix 4 Clean Version to part 5 Section D of the Constitution, Decision Making protocol.

Appendix 5 – CIPFA Guidance on Audit Committees

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Appendix 1.1

SECTION 2 – COMMITTEES

The following shall be committees of the Council and they shall have the membership as described in the Appointments of Committees, Sub-Committees, Panels, etc (as approved by the Annual Meeting):

1. ~~Corporate Committee~~ General Purposes Committee

2. ~~Audit Committee~~

3. ~~Combined Pensions Committee and Board~~

~~Staffing and Remuneration Committee~~

4. ~~Overview and Scrutiny Committee~~

5. ~~Standards Committee~~

6. ~~Alexandra Palace and Park Board~~

7. ~~The Licensing Committee~~

8. ~~The Strategic Planning Committee~~

9. ~~The Health and Wellbeing Board~~

10. ~~Appointments Panel~~

11. ~~Disciplinary, Grievance and Dismissal Panel~~

The Terms of Reference of each Committee shall be as set out on the following pages:

1. ~~The Corporate Committee~~ / General Purposes Committee

~~The Corporate Committee~~ / General Purposes Committee has: -

- (a) all the functions listed below in (b) and stated not to be the responsibility of the Council's Executive/Cabinet in Reg. 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853 (as amended or further amended in any statute or subordinate legislation). References to paragraphs below are to those in the appropriate Schedule of the Regulations.

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(b) the following Schedule 1 functions:

- (i) Paragraph C - Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.
- (ii) Paragraph D – Elections; all functions relating to Elections except the approval of pilot schemes for local elections which is reserved to full Council.
- (iii) Paragraph I – Miscellaneous; all functions except those retained by full Council in Article 4 or reserved for the Appointments Panel and Disciplinary, Grievance and Dismissal Panel or reserved to the Staffing and Remuneration Committee. The Committee's functions include:
 - iv) All functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Sub-Committee;
 - v) Authorising the making of payments or the provision of other benefits in cases of maladministration;

c) the following "Local Choice" functions set out in Schedule 2 of the above Regulations: -

- (i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;
- (ii) the determination of an appeal against any decision made by or on behalf of the authority;
- (iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers).

d) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.

Staffing Functions

- (e) To exercise the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 paragraphs H and I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and

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in any Statute or subordinate legislation further amending these Regulations as follows:

- (f) Paragraph H – Pensions; Determining the Council's policy statement of discretions as "Employing Authority" under the Local Government Pension Scheme Regulations 2013 and the Teachers' Pension Regulations 2010
- (g) Paragraph I – Miscellaneous; Determining the terms and conditions of service for all staff, including procedures for dismissal. The Committee agrees the terms and conditions of employment, and the pay structure for all posts with the exception of pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers' Pay and Conditions Documents.

To make recommendations to Council on the appointment and dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

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To consider matters relating to the conduct and capability of the Head of the Paid Service, in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.

To consider matters relating to the conduct and capability of the Head of the Paid Service, in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.

To determine whether or not the Head of the Paid Service, Chief Finance Officer and Monitoring Officer should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

To exercise functions in respect of the appointment and dismissal (including the terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

- (h) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Directors.

- (i) To approve procedures for appointment and dismissal of staff.

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~~(i) To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.~~

~~(j) To approve all human resources policies including pay and grading structures, and changes to employees terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.~~

~~To approve those human resources policies and procedures that the Council recommends to school governing bodies for adoption in respect of school based employees.~~

~~k) The power to make recommendations to the Council on any of its functions set out in Article 4, and the power to establish Sub-Committees to consider and report on any such functions but this does not include recommendations to amend the Council's Constitution nor does it prevent the Council from making decisions on any matter when necessary without a prior recommendation from the Committee.~~

~~(B) making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4;~~

~~(C) formulating the Treasury Management Strategy Statement and amendments to it for recommendation to full Council through Overview and Scrutiny Committee and in consultation with the Cabinet Member for Finance. Receiving quarterly monitoring reports and an out turn report after the close of the year on treasury management policies and practices;~~

~~(D) approving statements under The Accounts and Audit (England) Regulations 2011 and any amendment or re-enactment of the Regulations and considering the external auditor's report on issues arising from the audit of the accounts or any other concerns relating to accounting policies;~~

~~(E) authorising the making of payments or the provision of other benefits in cases of maladministration;~~

~~(F) making orders designating public places in order to confer power~~

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- ~~on the police to prevent nuisance by the consumption of alcohol.~~
- (c) ~~the following "Local Choice" functions set out in Schedule 2 of the above Regulations:—~~
- ~~(i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;~~
- ~~(ii) the determination of an appeal against any decision made by or on behalf of the authority;~~
- ~~(iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers).~~
- (d) ~~the Committee has the following Audit functions:~~
- ~~(i) providing assurance about the adequacy of the Council's Risk Management Framework and Policy and monitoring the effectiveness of systems for the management of risk across the Council and compliance with them;~~
- ~~(ii) Maintaining an overview of the Council's Local Code of Corporate Governance;~~
- ~~(iii) Monitoring the effectiveness of Council policies on "Whistleblowing" and Anti-Fraud and Corruption;~~
- ~~iv) Considering and recommending for adoption the Council's Annual Governance Statement;~~
- ~~(v) Approving the Annual Internal Audit Plan and the Strategic Audit Plan and arrangements for the provision of internal audit services to the Council and considering reports on internal audit activity;~~
- ~~(vi) Receiving the Annual Audit Plan and the Annual Audit Letter from the external auditor and making recommendations on the latter. Considering arrangements for the appointment of the external auditor;~~
- ~~(vii) Commissioning work from the internal and external auditors and~~

Commented [AS1]: I have added agreeing as Full Council does not have the AGS listed as a document for approval and this only usually goes to Corporate Committee

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~~receiving reports from the Head of Audit & Risk Management on any matter; and~~

~~(viii) Questioning officers and Cabinet members on matters relevant to audit and to financial and non-financial performance and making recommendations on these matters to Cabinet and full Council.~~

~~— (ix) The Head of Audit's Annual Report —~~

~~(e) the power to make recommendations to the Council on any of its functions set out in Article 4, and the power to establish Sub-Committees to consider and report on any such functions but this does not include recommendations to amend the Council's Constitution nor does it prevent the Council from making decisions on any matter when necessary without a prior recommendation from the Committee.~~

~~(f) there is a Protocol outside this Constitution setting out how the Corporate Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.~~

Audit Committee

Statement of purpose

The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

Governance, risk and control

- To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- To monitor the effective development and operation of risk management in the council.
- To monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor

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the implementation of agreed actions.

- To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- To monitor the counter fraud strategy, actions and resources.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

Governance reporting

- To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial reporting

- To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Arrangements for audit and assurance

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

External audit

- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To consider additional commissions of work from external audit.
- To advise and recommend on the effectiveness of relationships between

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external and internal audit and other inspection agencies or relevant bodies.

- To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

- To approve the internal audit charter.
- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - ☐ updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work;
 - ☐ regular reports on the results of the QAIP; and
 - ☐ reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- To consider the head of internal audit's annual report, including:
 - ☐ the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit); and
 - ☐ the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.

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- To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

Treasury Management

- Reviewing and monitoring treasury management arrangements in accordance with Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017).

Accountability arrangements

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

Advisers to the Committee

- The Committee to be supported in its role and responsibilities through the appointment of two independent advisers, who are appropriately qualified.
- It is for individual Committee members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions.
- The Council will provide a training programme, which all Committee members must attend. Training undertaken will be reported at each meeting.

Other legislative powers include:

Making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4;

The power to make recommendations to the Council on any of its functions set out in Article 4.

3. ~~Staffing & Remuneration Committee~~

~~To exercise the functions which are stated not to be the responsibility of the~~

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Executive in Regulation 2 and Schedule 1 paragraphs H and I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations as follows:

~~Paragraph H – Pensions; Determining the Council's policy statement of discretions as "Employing Authority" under the Local Government Pension Scheme Regulations 2013 and the Teachers' Pension Regulations 2010~~

~~Paragraph I – Miscellaneous; Determining the terms and conditions of service for all staff, including procedures for dismissal. The Committee agrees the terms and conditions of employment, and the pay structure for all posts with the exception of pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers' Pay and Conditions Documents.~~

~~To make recommendations to Council on the appointment and dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.~~

~~To consider matters relating to the conduct and capability of the Head of the Paid Service, in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.~~

~~To determine whether or not the Head of the Paid Service, Chief Finance Officer and Monitoring Officer should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.~~

~~To exercise functions in respect of the appointment and dismissal (including the terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.~~

~~To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Directors.~~

~~To approve procedures for appointment and dismissal of staff.~~

~~To consider and approve any remuneration or severance payments to Directors of £100,000 or more, in accordance with guidance issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001.~~

~~To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.~~

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~~To approve all human resources policies including pay and grading structures, and changes to employees terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.~~

~~To approve those human resources policies and procedures that the Council recommends to school governing bodies for adoption in respect of school based employees.~~

Membership

~~The Committee will be made up of 5 members of the authority. In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 the Committee must include at least one member of the Cabinet. When carrying out the function of appointment or dismissal of Directors, the relevant Cabinet member is invited and entitled to sit and vote as a substitute member for one of the substantive members of their Group on the Committee. The quorum of the Committee shall be a minimum of three members.~~

10. Appointments Panel

Be the appropriate body to fulfil the Employment Procedure Rules as set out in Part 4 Section K in relation to Appointments.

- a) To exercise functions in respect of the appointment of the Chief Executive, Section 151 Officer and Monitoring officer and Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) To make recommendations to Council on the appointment of the Head of the Paid Service; and the appointment of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- c) That only members of this Panel participating in the Shortlisting, Interview and Appointment of Directors will have access to decision making reports and Appointments meeting.
- d) The substantive membership would be Leader of the Council(Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute and vote on

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appointments concerning their portfolio area. The quorum of the Committee shall be a minimum of three members.

- e) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

11. Disciplinary, Grievance and Dismissal Panel

Be the appropriate body to fulfil the employment procedure rules as set out in Part 4 Section K in relation to Disciplinaries, Grievance and Dismissals.

- a) Disciplinary, conduct and capability decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) Hearing and deciding substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.
- c) To exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome, noting that as set out in the Employment procedure rules in section K, the need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.
- d) To make recommendations to Council on the dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- e) To consider and approve any remuneration or severance payments to Officers of £100,000 or more, in accordance with guidance issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001.
- f) To approve the early/flexible retirement of the Head of Paid Service, Section 151 Officer and Monitoring Officer (save where the Officer is simply resigning) and to agree the award of any discretionary payments in connection with such retirement or redundancy.

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To exercise functions in respect of the following:

h) Grievance decisions related to Director level direct reports of the Head of Paid Service , if (and only if) referred to the Committee by the Head of Paid Service due to a conflict of interest issue.

To note:

i) That only members of this Panel participating in the hearings and subsequent Panel meeting will have access to decision making reports and have a right to attend the hearing/meeting.

j) Cabinet Members with a conflict will not participate in any of the decisions above.

k) To note that Independent persons would be involved in involved in the investigation of a case against a statutory officer and dismissal hearing.

l) The substantive membership would be Leader of the Council(Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes.(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute unless there is a conflict. The quorum of the Committee shall be a minimum of three members.

m) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting.

1. Under the General Purposes Committee Staffing and Remuneration Committee

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1.1 Dismissal Appeals Sub Committee

To hear and determine appeals against dismissal from employment in respect of all staff employed by the Council, save where the continued employment of the employee would contravene the law and subject to the limitation that the Sub-Committee will hear and determine appeals resulting from posts becoming redundant only where these affect Directors. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made. Different arrangements apply for the Head of Paid Service, Chief Officer, and Monitoring Officer.

Appendix 2

SECTION 2 – COMMITTEES

The following shall be committees of the Council and they shall have the membership as described in the Appointments of Committees, Sub-Committees, Panels, etc (as approved by the Annual Meeting):

1. **General Purposes Committee**
2. **Audit Committee**
3. **Combined Pensions Committee and Board**
4. **Overview and Scrutiny Committee**
5. **Standards Committee**
6. **Alexandra Palace and Park Board**
7. **The Licensing Committee**
8. **The Strategic Planning Committee**
9. **The Health and Wellbeing Board**
10. **Appointments Panel**
11. **Disciplinary, Grievance and Dismissal Panel**

The Terms of Reference of each Committee shall be as set out on the following pages:

1. **General Purposes Committee**

General Purposes Committee has: -

- (a) all the functions listed below in (b) and stated not to be the responsibility of the Council's Executive/Cabinet in Reg. 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853 (as amended or further amended in any statute or subordinate legislation). References to paragraphs below are to those in the appropriate Schedule of the Regulations.
- (b) the following Schedule 1 functions:
 - (i) Paragraph C - Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.
 - (ii) Paragraph D – Elections; all functions relating to Elections except

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the approval of pilot schemes for local elections which is reserved to full Council.

- (iii) Paragraph I – Miscellaneous; all functions except those retained by full Council in Article 4 or reserved for the Appointments Panel and Disciplinary, Grievance and Dismissal Panel. The Committee's functions include:
 - (iv) All functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Sub-Committee;
 - v) Authorising the making of payments or the provision of other benefits in cases of maladministration;
- c) The following “Local Choice” functions set out in Schedule 2 of the above Regulations: -
- (i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;
 - (ii) the determination of an appeal against any decision made by or on behalf of the authority;
 - (iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers).
- d) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.

Staffing Functions

- e) To exercise the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 paragraphs H and I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations as follows:
- f) Paragraph H – Pensions; Determining the Council's policy statement of discretions as “Employing Authority” under the Local Government Pension Scheme Regulations 2013 and the Teachers' Pension Regulations 2010

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- g) Paragraph I – Miscellaneous; Determining the terms and conditions of service for all staff, including procedures for dismissal. The Committee agrees the terms and conditions of employment, and the pay structure for all posts with the exception of pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers' Pay and Conditions Documents.
- h) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Directors.
- i) To approve procedures for appointment and dismissal of staff.
- j) To approve all human resources policies including pay and grading structures, and changes to employees terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.
- (k) the power to make recommendations to the Council on any of its functions set out in Article 4, and the power to establish Sub-Committees to consider and report on any such functions but this does not include recommendations to amend the Council's Constitution nor does it prevent the Council from making decisions on any matter when necessary without a prior recommendation from the Committee.

2. Audit Committee

Statement of purpose

The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

Governance, risk and control

- (a) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- (b) To monitor the effective development and operation of risk management in the council.

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- (c) To monitor progress in addressing risk-related issues reported to the committee.
- (d) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- (e) To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- (f) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (g) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- (h) To monitor the counter fraud strategy, actions and resources.
- (i) To review the governance and assurance arrangements for significant partnerships or collaborations.

Governance reporting

- (j) To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- (k) To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial reporting

- l) To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- m) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- n) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Arrangements for audit and assurance

- o) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

External audit

- p) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
 - q) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
 - r) To consider specific reports as agreed with the external auditor.
 - s) To comment on the scope and depth of external audit work and to ensure it gives value for money.
-

Appendix 2

- t) To consider additional commissions of work from external audit.
- u) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- v) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

- w) To approve the internal audit charter.
- x) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- y) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- z) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- A1) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- A2) To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- A3) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - A4) updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work;
 - A5) regular reports on the results of the QAIP; and
 - A6) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- A7) To consider the head of internal audit's annual report, including:
 - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit); and
 - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- A8) To consider summaries of specific internal audit reports as requested.
- A9) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- A10) To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.

Appendix 2

- A11) To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.
- A12) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

Treasury Management

- A13) Reviewing and monitoring treasury management arrangements in accordance with Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017).

Accountability arrangements

- A14) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- A15) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- A16) To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

Advisers to the Committee

- A17) The Committee would be supported in its role and responsibilities through the appointment of two independent advisers, who are appropriately qualified.
- A18) It is for individual Committee members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions.
- A19) The Council will provide a training programme, which all Committee members must attend. Training undertaken will be reported at each meeting.

Other legislative powers include:

- A20) Making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4;
- A21) The power to make recommendations to the Council on any of its functions set out in Article 4.

Appendix 2

10. Appointments Panel

Be the appropriate body to fulfil the Employment Procedure Rules as set out in Part 4 Section K in relation to Appointments.

- a) To exercise functions in respect of the appointment of the Chief Executive, Section 151 Officer and Monitoring officer and Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) To make recommendations to Council on the appointment of the Head of the Paid Service; and the appointment of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- c) That only members of this Panel participating in the Shortlisting, Interview and Appointment of Directors will have access to decision making reports and Appointments meeting.
- d) The substantive membership would be Leader of the Council(Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute and vote on appointments concerning their portfolio area. The quorum of the Committee shall be a minimum of three members.
- e) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

11.Disciplinary, Grievance and Dismissal Panel

Be the appropriate body to fulfil the employment procedure rules as set out in Part 4 Section K in relation to Disciplinarys, Grievance and Dismissals.

- a) Disciplinary, conduct and capability decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) Hearing and deciding substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.
- c) To exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing

Appendix 2

Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome, noting that as set out in the Employment procedure rules in section K, the need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.

- d) To make recommendations to Council on the dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- e) To consider and approve any remuneration or severance payments to Officers of £100,000 or more, in accordance with guidance issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001.
- f) To approve the early/flexible retirement of the Head of Paid Service, Section 151 Officer and Monitoring Officer (save where the Officer is simply resigning) and to agree the award of any discretionary payments in connection with such retirement or redundancy.

To exercise functions in respect of the following:

h) Grievance decisions related to Director level direct reports of the Head of Paid Service, if (and only if) referred to the Committee by the Head of Paid Service due to a conflict-of-interest issue.

To note:

i) That only members of this Panel participating in the hearings and subsequent Panel meeting will have access to decision making reports and have a right to attend the hearing/meeting.

j) Cabinet Members with a conflict will not participate in any of the decisions above.

k) To note that Independent persons would be involved in involved in the investigation of a case against a statutory officer and dismissal hearing.

l) The substantive membership would be Leader of the Council(Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute unless there is a conflict. The quorum of the Committee shall be a minimum of three members.

Appendix 2

m) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting.

1. Under the General Purposes Committee

1.1 Dismissal Appeals Sub Committee

To hear and determine appeals against dismissal from employment in respect of all staff employed by the Council, save where the continued employment of the employee would contravene the law and subject to the limitation that the Sub-Committee will hear and determine appeals resulting from posts becoming redundant only where these affect Directors. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made. Different arrangements apply for the Head of Paid Service, Chief Officer, and Monitoring Officer.

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Part Five, Section D

Protocol for Decision-Making

This part set out provisions with respect to proceedings of the Executive (the Leader, Individual Cabinet members, the Cabinet and Cabinet Committees) and Non-Executive Committees and Sub-Committees.

This protocol is incorporated into the terms and conditions of employment of officers; and breach of this Protocol shall be a breach of the Members' Code of Conduct.

The Executive (the Leader, individual Cabinet members, the Cabinet, and Cabinet Committees), and a Non-Executive Committee or Sub-Committee shall not take any decision until the following requirements have been complied with:

- 1.1. All decisions shall be allocated by the Leader to the Cabinet or Cabinet Member or delegated to a Committee or Sub-Committee.
- 1.2. No decision shall be taken except upon a written report in accordance with this Protocol.
- 1.3. A Director shall prepare a written report which shall be the subject of consultation with
 - (a) the Chief Finance Officer and the Monitoring Officer (except to the extent that they agree otherwise in respect of certain clauses of report)
 - (b) other professional Officers of the Council as appropriate
 - (c) service Directors whose service may be affected by the proposal.
- 1.4. Unless the Democratic Services Manager agrees any exceptions, the written report shall set out:
 - (a) the body proposing to take the decision
 - (b) the issue to be decided
 - (c) an executive summary of the issue, where the length of the report so requires for clarity
 - (d) any recommended restrictions upon the publication of the report or public attendance at the making of the final decision,
 - (e) the facts upon which any decision must be based

PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

- (f) comments of the Assistant Director of Corporate Governance on any legal implications or legislative requirements, including any HRA issues
- (g) any policy of the Authority relating to the issue
- (h) any relevant national or regional guidance
- (i) the options available to the decision-making body
- (j) the reasons for the decision
- (k) the staffing implications of the issue
- (l) the Chief Finance Officer's comments on the financial implications
- (m) any consultations undertaken, the views of any consultees and a summary of any other representations received
- (n) any implications for any other areas of the Authority's activities
- (o) any equalities implications
- (p) the comments of any other professional officer or Service Director where appropriate
- ~~(p)~~(q) whether or how the proposals will contribute to the delivery of climate change mitigation (reducing carbon and energy impacts) and climate change adaptation (minimising the risks and impacts in a changing climate).
- ~~(q)~~(r) if an executive matter, the Cabinet Portfolio which the issue falls within
- ~~(r)~~(s) the electoral areas which are particularly affected by the issue under consideration
- ~~(s)~~(t) the recommendation in respect of the proposed decision and the reasons supporting the recommendation
- ~~(t)~~(u) the place, date and time at which the body proposes to make its decision
- ~~(u)~~(v) a list of any background papers

1.5. At least 5 clear days before the proposed date and time for taking the final decision, the Democratic Services Manager shall send a copy of the report, or arrange for a copy of the report to be sent to all Members of the decision-making body.

1.6. The requirements for consultation and public participation set out above are to be regarded as a minimum, and officers are responsible for determining when further consultation and public participation would be appropriate.

1.7. Urgent Decisions

Where the Director is of the opinion that a relevant decision should be made urgently in order to prevent or reduce the risk of damage to persons or property or to the interests of the Authority, and that the urgency of the matter is such that it is not practicable to complete the decision-making

PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

process set out above or to comply with the Access to Information Procedure Rules in Part 4, the decision may be deemed “urgent”:

- (a) In order for an executive decision to be deemed urgent, the “General Exception” or “Special Urgency” procedures set out in the Access to Information Procedure Rules must be followed.
- (b) the Director shall use his/her best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full decision-making process been followed; and
- (c) the decision-making body shall have the power to take that relevant decision, notwithstanding that the full procedure has not been followed;
- (d) urgent executive decisions shall be taken in the manner prescribed at Part 4 Section F;
- (e) urgent non-executive decisions may also be taken in the manner prescribed at paragraph 5.01 (b) of Part 3 Section E Section 1;
- (f) These urgency procedures should only be used in cases of genuine urgency and should not be abused, for example, in attempting to put right failures in forward planning.

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PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

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 - (m) any consultations undertaken, the views of any consultees and a summary of any other representations received
 - (n) any implications for any other areas of the Authority's activities
 - (o) any equalities implications
 - (p) the comments of any other professional officer or Service Director where appropriate
 - (q) whether or how the proposals will contribute to the delivery of climate change mitigation (reducing carbon and energy impacts) and climate change adaptation (minimising the risks and impacts in a changing climate).
 - (r) if an executive matter, the Cabinet Portfolio which the issue falls within
 - (s) the electoral areas which are particularly affected by the issue under consideration
 - (t) the recommendation in respect of the proposed decision and the reasons supporting the recommendation
 - (u) the place, date and time at which the body proposes to make its decision
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PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

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- (f) These urgency procedures should only be used in cases of genuine urgency and should not be abused, for example, in attempting to put right failures in forward planning.

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CIPFA's Position Statement: Audit Committees in Local Authorities and Police 2022

Scope

This position statement includes all principal local authorities in the UK, corporate joint committees in Wales, the audit committees for PCCs and chief constables in England and Wales, PCCFRAs and the audit committees of fire and rescue authorities in England and Wales.

The statement sets out the purpose, model, core functions and membership of the audit committee. Where specific legislation exists (the Local Government & Elections (Wales) Act 2021 and the Cities and Local Government Devolution Act 2016), it should supplement the requirements of that legislation.

Status of the position statement

The statement represents CIPFA's view on the audit committee practice and principles that **local government bodies in the UK should adopt**. It has been prepared in consultation with sector representatives.

CIPFA expects that all local government bodies should make their best efforts to adopt the principles, aiming for effective audit committee arrangements. This will enable those bodies to meet their statutory responsibilities for governance and internal control arrangements, financial management, financial reporting and internal audit.

The 2022 edition of the position statement replaces the 2018 edition.

The Department for Levelling Up, Housing and Communities and the Home Office support this guidance.

CIPFA's Position Statement 2022: Audit committees in local authorities and police

Purpose of the audit committee

Audit committees are a key component of an authority's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

In a local authority the full council is the body charged with governance. The audit committee may be delegated some governance responsibilities but will be accountable to full council. In policing, the police and crime commissioner (PCC) and chief constable are both corporations sole, and thus are the individuals charged with governance.

The committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.

Independent and effective model

The audit committee should be established so that it is independent of executive decision making and able to provide objective oversight. It is an advisory committee that has sufficient importance in the authority so that its recommendations and opinions carry weight and have influence with the leadership team and those charged with governance.

The committee should:

- be directly accountable to the authority's governing body or the PCC and chief constable
- in local authorities, be independent of both the executive and the scrutiny functions
- in police bodies, be independent of the executive or operational responsibilities of the PCC or chief constable
- have rights of access to and constructive engagement with other committees/functions, for example scrutiny and service committees, corporate risk management boards and other strategic groups
- have rights to request reports and seek assurances from relevant officers
- be of an appropriate size to operate as a cadre of experienced, trained committee members. Large committees should be avoided.

The audit committees of the PCC and chief constable should follow the requirements set out in the Home Office Financial Management Code of Practice and be made up of co-opted independent members.

The audit committees of local authorities should include co-opted independent members in accordance with the appropriate legislation.

Where there is no legislative direction to include co-opted independent members, CIPFA recommends that each authority audit committee should include at least two co-opted independent members to provide appropriate technical expertise.

Core functions

The core functions of the audit committee are to provide oversight of a range of core governance and accountability arrangements, responses to the recommendations of assurance providers and helping to ensure robust arrangements are maintained.

The specific responsibilities include:

Maintenance of governance, risk and control arrangements

- Support a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.
- Consider the effectiveness of the authority's risk management arrangements. It should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk-related issues, for both the body and its collaborative arrangements.
- Monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority's exposure to the risks of fraud and corruption.

Financial and governance reporting

- Be satisfied that the authority's accountability statements, including the annual governance statement, properly reflect the risk environment, and any actions required to improve it, and demonstrate how governance supports the achievement of the authority's objectives.
- Support the maintenance of effective arrangements for financial reporting and review the statutory statements of account and any reports that accompany them.

Establishing appropriate and effective arrangements for audit and assurance

- Consider the arrangements in place to secure adequate assurance across the body's full range of operations and collaborations with other entities.
- In relation to the authority's internal audit functions:
 - oversee its independence, objectivity, performance and conformance to professional standards
 - support effective arrangements for internal audit
 - promote the effective use of internal audit within the assurance framework.

- Consider the opinion, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- Contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.
- Support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.

Audit committee membership

To provide the level of expertise and understanding required of the committee, and to have an appropriate level of influence within the authority, the members of the committee will need to be of high calibre. When selecting elected representatives to be on the committee or when co-opting independent members, aptitude should be considered alongside relevant knowledge, skills and experience.

Characteristics of audit committee membership:

- A membership that is trained to fulfil their role so that members are objective, have an inquiring and independent approach, and are knowledgeable.
- A membership that promotes good governance principles, identifying ways that better governance arrangement can help achieve the organisation's objectives.
- A strong, independently minded chair, displaying a depth of knowledge, skills, and interest. There are many personal skills needed to be an effective chair, but key to these are:
 - promoting apolitical open discussion
 - managing meetings to cover all business and encouraging a candid approach from all participants
 - maintaining the focus of the committee on matters of greatest priority.
- Willingness to operate in an apolitical manner.
- Unbiased attitudes – treating auditors, the executive and management fairly.
- The ability to challenge the executive and senior managers when required.
- Knowledge, expertise and interest in the work of the committee.

While expertise in the areas within the remit of the committee is very helpful, the attitude of committee members and willingness to have appropriate training are of equal importance.

The appointment of co-opted independent members on the committee should consider the overall knowledge and expertise of the existing members.

Engagement and outputs

The audit committee should be established and supported to enable it to address the full range of responsibilities within its terms of reference and to generate planned outputs.

To discharge its responsibilities effectively, the committee should:

- meet regularly, at least four times a year, and have a clear policy on those items to be considered in private and those to be considered in public
- be able to meet privately and separately with the external auditor and with the head of internal audit
- include, as regular attendees, the chief finance officer(s), the chief executive, the head of internal audit and the appointed external auditor; other attendees may include the monitoring officer and the head of resources (where such a post exists). These officers should also be able to access the committee members, or the chair, as required
- have the right to call on any other officers or agencies of the authority as required; police audit committees should recognise the independence of the chief constable in relation to operational policing matters
- support transparency, reporting regularly on its work to those charged with governance
- report annually on how the committee has complied with the position statement, discharged its responsibilities, and include an assessment of its performance. The report should be available to the public.

Impact

As a non-executive body, the influence of the audit committee depends not only on the effective performance of its role, but also on its engagement with the leadership team and those charged with governance.

The committee should evaluate its impact and identify areas for improvement.

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Report for: Standards Committee 21 March 2023

Title: Members Allowances Scheme for 2023- 2024

Report

authorised by : Head of Legal and Governance Fiona Alderman

Lead Officer: Ayshe Simsek - Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

Report for Key/

Non-Key Decision: Non key decision

1. Describe the issue under consideration.

- 1.1 Each year before 31st March, full Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to adopt a Members Allowances Scheme for the following financial year.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 To consider the changes to the Members' Allowances Scheme set out at paragraph 6.13 and reflected at Appendix 1 to the report.
- 3.2 To recommend that the Members' Allowances Scheme 2023/24 attached at Appendix 1 be adopted by Full Council on 27 March 2023.

4. Reasons for decision

- 4.1 The Council has a legal duty to approve 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.

5. Alternative options considered.

- 5.1 No alternative options were considered as there is a duty to adopt a members' allowance scheme annually.

6. Background information

- 6.1 This report asks Standards Committee to consider the scheme proposed for 2023/24 municipal year and recommend the final scheme for approval by full Council on the 27 of March 2023, in accordance with Article 14.03 of the Council's Constitution.
- 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 on the 14th of January 2022 and considered by the Committee on 25th of January 2022 and subsequently in March 2022, it was not felt appropriate to agree any increases to Member's Allowances given the current economic climate together with steep increases in the cost of living being faced by residents.
- 6.4 The report at appendix 2 highlights the challenges to recruiting and attracting new councillors and the difficulties in London with higher living costs. The report discusses reaching a good balance on the level of allowances. This is aiming to ensure that the Basic Allowance and Special Responsibility Allowances are not acting as an incentive to undertake these roles but equally not becoming a financial disincentive. The key issue highlighted is the lack of access of councillors to the local government pension scheme. This can be particularly financially challenging to councillors who take on leadership and portfolio roles for a long period to the detriment of their own careers. This issue will be explored in the 2022/23 review.
- 6.5 The 2022 IRP report continues to recommend that the Basic Allowance should be updated in line with the Local Government Pay awards and overall recommendation is that the Basic Allowance is up to £12,014. The report does not increase the bandings for special responsibility allowances from the 2018 report. However, there will be more detailed analysis of the demands and work patterns of councillors in the 2022/23 review.
- 6.6 The IRP report highlights consideration of a package of support for councillors including continued member training and development, access to digital support, childcare support, and carer financial support to enable attendance at meetings, councillors with disabilities access to travel support. Overall, travel and subsistence reimbursement with additional focus on ensuring female councillors have access to safe travel to get home after meetings.
- 6.7 The Independent Review Panel is undertaking a detailed review, with recommendations on the remuneration of Councillors in London expected at the end of 2023.

- 6.8 Mike Cooke, the Chair of the Independent Panel for Member Remuneration in London, is currently collecting information from councils on councillors' roles, responsibilities and how workload pressures have changed over the past 12 months following the end of Covid19 Pandemic restrictions. This information will help inform the research that the Independent Panel is currently undertaking.
- 6.9 Although the IRP 2022 makes recommendations, it is for each individual Council to decide the level of remuneration and for which roles. The 2018 recommendations were also previously considered in the 2019/20 independent review carried out by the Standards Committee.
- 6.10 The cost-of-living crisis continues this year with increased energy bills and there is not an indication provided of an increase to Member's basic allowance or the special responsibility allowances.
- 6.11 In previous years the Committee discussed if the Basic Allowance should be index link to the proposed increases to the local government officer pay percentage. The National Employers agreed in June 2022 that all local government staff would be offered a £1,925 pay rise, equating to a 10.5% rise for the lowest paid staff and 4% for the highest paid. The rise will be backdated to 1 April 2022.
- 6.12 The independent review of Members Allowance commissioned by the Committee in 2019/20 indicated that the Members Basic Allowance percentage increase be index linked to the local government officer pay percentage increase, capped at 2% to be reduced if a lesser percentage is agreed.
- 6.13 Following discussion of the Member's Allowance Scheme at the Standards meeting on the 24th of January 2023, the steer from both political groups has been provided that a 2% increase to the Basic Allowance for the 2023/24 municipal year is required. This is in alignment with the review completed in 2019/20 which indicated that the Members Basic Allowance percentage increase be index linked to the local government officer pay percentage increase, capped at 2% to be reduced if a lesser percentage is agreed. Given the local government officer pay percentage increase, it is proposed that the current Basic Allowance would increase from £11, 247 to £11,471.94 [**rounded to 11, 472**] from the 1st of April 2023 to the 31st of March 2024.

7. Contribution to strategic outcomes

- 7.1 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)

8.1 Finance

The cost of the scheme unchanged is within the allocated budget envelope. The cost of increasing the Members Basic Allowance by £225 per councillor is £12,825. Given that this is not a significant sum in the context of the Council's overall budget it will be contained within corporate budgets.

8.2 Head of Legal and Governance

The proposed Members' Allowance Scheme complies with the relevant provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003; the Local Government and Housing Act 1989 and the Local Government Act 2000.

In addition, there are separate provisions, namely sections 3 and 5 of the Local Government Act 1972 for the payment of allowances to the Mayor and the Deputy Mayor.

8.3 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 1: Members Allowances Scheme 2023/24

Appendix 2: The Remuneration of Councillors in London 2022– report of the Independent Panel

10. Local Government (Access to Information) Act 1985

Haringey Review of Member Allowances 2019/20

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 1 April 202~~3~~⁴ to 31 March 202~~4~~⁴).

2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of ~~£11,247~~ £11,472 by way of Basic Allowance.

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes suspended or partially suspended, 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 also 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.

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


5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 For the period 1 April 202~~3~~⁴ to 31 March 202~~4~~⁴, 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 suspended or partially suspended, he/she will only be entitled to receive pro-rata payment for the

period(s) during which he/she actually was a serving Councillor and had the special responsibilities .

Table A

Band	Position	Special Allowance	Total Allowance (including Basic Allowance)
Band 4	•Leader	£33,926	£45,173 <u>£45,398</u>
Band 3B	9 or fewer x Cabinet Members	£25,443	£36,690 <u>£36,915</u>
Band 3A	• Chair of Overview and Scrutiny Committee	£23,134	£34,381 <u>£34, 606</u>
Band 2B	<ul style="list-style-type: none"> •Chief Whip •Chair of Strategic Planning and Planning Sub Committee •Chair of Alexandra Palace and Park Board •Leader of the Principal Opposition 	£16, 965	£28,212 <u>£28, 437</u>
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	£15, 421	£26,668 <u>£26, 893</u>
Band 1B	<ul style="list-style-type: none"> •Chair of Combined Pensions Committee and Board •Chair of Staffing and Remuneration Committee(<u>Chair of General Purposes Committee and Vice Chair of Appointments Panel and the Disciplinary, Grievance and Dismissal Panel from May 2023</u>) •Chair of Standards Committee •Chair of Corporate Committee(<u>Chair of Audit Committee from May 2023</u>) •Chair of Licensing Committee and Licensing Sub Committee 	£8, 482	£19,729 <u>£19, 954</u>

	<ul style="list-style-type: none"> •Leader of the second Opposition Group or Deputy Leader of the Principal Opposition • Chief Whip of the Principal Opposition 		
			

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. 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. 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.

- (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
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For an absence of more than 4 hours including lunchtime between 12.00 and 14.00	£6.77
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For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
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For an absence of more than 4 hours ending after 19.00	£8.38
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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 Dependants 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.

11 MATERNITY, ADOPTION, SHARED PARENTAL, PATERNITY AND SICKNESS PAY

- 11.01 Subject to this paragraph 11, all Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave, as long as they remain a Councillor. This includes Members becoming parents through surrogacy arrangements.
- 11.02 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek executive approval from before the point of the 6 months' leave expiry, for the extension of this leave. The Council (or Leader in case of Cabinet Members) may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA pro rata for the period of the temporary appointment.
- 11.03 The Democratic and Scrutiny Services Manager will write to the Member to confirm the continuation of allowances and until what date they will continue.

11.04 Leave arrangements are unaffected by the number of children born from a single pregnancy or placed as part of a single adoption.

Maternity Leave

11.05 A Member is entitled to take up to 52 weeks' maternity leave starting no earlier than the 11th week before the expected week of childbirth, except following a premature birth, and no later than the day following the actual date of birth.

11.06 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take maternity leave in writing no later than 4 weeks before the date they wish the period of maternity leave to start and:

- i) Confirm the expected week of childbirth; ii) Provide a copy of the MATB1 (available from a doctor or midwife); iii) Confirm the date on which the Member intends her maternity leave to start.

Adoption Leave

11.07 A Member is entitled to take up to 52 weeks of adoption leave starting no earlier than 14 days before the child is expected to be placed and no later than the expected placement date, or if the child is adopted from overseas, no later than 28 days after the date on which the child enters Great Britain,

11.08 The Member must notify the Democratic Services and Scrutiny Manager in the case of a UK adoption of their intention to take adoption leave in writing no more than seven days after the date on which the Member is notified of having been matched with the child for adoption or, where that is not reasonably practicable, as soon as is reasonably practicable thereafter. In the case of an overseas adoption, the Member must notify the Democratic Services and Scrutiny Manager of their intention to take adoption leave in writing, no more than 28 days after s/he received the official notification and:

- i) Confirm the date the child is expected to be placed with him/her for adoption (UK Adoption) or the date on which the Member received an official notification and the date on which the child is expected to enter Great Britain (overseas adoption); ii) Provide a copy of the matching certificate/official notification. The matching certificate must be issued by the adoption agency that matched the Member to the child and must contain the name and address of the agency, the date on which the Member was notified that s/he had been matched to the child, and the date on which the agency expects to place the child with the Member.; (iii) in the case of an overseas adoption, the date of entry of the child into Great Britain iv) Confirm the date which the Member has chosen his/her adoption leave to start.

Shared Parental Leave

11.09 A Member is entitled to Shared Parental Leave if they are :-

- (i) the mother, or expectant mother, of a child, or the father of the child, or at the date of the child's birth the spouse, civil partner or partner of the mother/expectant mother, and at the date of birth the mother and the father/spouse/civil partner/partner share the main caring responsibility for the child; or
- (ii) the adopter of a child, or at the date that the child is placed for adoption the person who is the spouse, civil partner or partner of the adopter, and at the date of the placement of the child for adoption the adopter and the spouse/civil partner/partner share the main caring responsibility for the child. Where two people have been matched jointly, the adopter is whoever has elected to be the child's adopter.

11.10 A Member may share up to 50 weeks' leave if the mother/ adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the mother or adopter.

11.11 Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement for adoption of the child.

11.12 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take shared parental leave in writing no later than 8 weeks before the date they wish the period of shared parental leave to start, and must in writing provide the following information

(i) in the case of the birth of a child:-

- the names of the mother and of the father/spouse/civil partner/partner,
- the start and end dates of any period of maternity leave to be taken by the Member,
- the total amount of Shared Parental Leave available,
- the expected week of birth
- the date of birth (where the child is not yet born, this information must be provided as soon as reasonably practicable after the birth and, in any event, before the first period of Shared Parental Leave to be taken by the Member)
- how much Shared Parental Leave the mother and the father/spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave. Including the start and end dates for each period of leave.

(ii) in the case of the adoption of a child:-

- the names of the adopter and of the spouse/civil partner/partner,
- the date that the adopter was notified of having been matched for adoption with the child

- the date that the child is expected to be placed for adoption
- the date of the placement (where the child has yet to be placed for adoption, this information must be provided as soon as reasonably practicable after the placement and, in any event, before the first period of Shared Parental Leave to be taken by the Member)
- the start and end dates of any period of adoption leave to be taken by the adopter,
- the total amount of Shared Parental Leave available,
- how much Shared Parental Leave the adopter and the spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave. Including the start and end dates for each period of leave.

Paternity Leave

11.13 A Member is entitled to take up to two weeks' paternity leave to help care for the child, or to support the child's mother/adopter, if they are either: the father of the child (whether or not they are the biological father); the spouse, civil partner or partner of the mother/adopter.

11.14 The Member may take one week or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within 56 days of the birth or adoption.

11.15 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take paternity leave in writing no later than 4 weeks before they wish the period of paternity leave to start (childbirth) or no more than seven days after the date on which the adopter is notified of having been matched with the child or, where that is not reasonably practicable, as soon as is reasonably practicable; and:

- i) Confirm the expected week of childbirth; or the dates on which the adopter was notified that s/he had been matched with the child and on which the child is expected to be placed for adoption with the adopter(UK Adoption); or the dates on which the adopter received official notification and on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) or matching certificate/official notification;
- iii) Confirm the length of the absence and the date on which the Member has chosen to begin his/her leave

11.16 If the Member wishes to change the start date of a period of leave, they should write to the Democratic Services and Scrutiny Manager no later than 4 weeks before either the original start date 'or' the new start date (whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

11.17 If the Member wishes to change the end date of a period of leave they should write to the Democratic Services and Scrutiny Manager at least 4 weeks before either the original end date or the new end date (whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

11.18 HR Services will provide confirmation that the information on revised dates has been received and that relevant re-instatement or adjustment of any SRA has taken place, with a copy to Democratic Services, within 10 working days.

Sickness Leave

11.19 A Member who is sick will continue to receive the basic allowance as long as they remain a Councillor. They will also continue to receive any SRA for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek *executive* approval before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act.

11.20 If a Member decides not to return to office following either during or on their expiry of maternity, adoption, shared parental, paternity or sickness leave, the Chief Executive must be notified. HR Services must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.

11.21 If an election is held during the Member's maternity, adoption, shared parental, paternity or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA, if appropriate will cease from the Monday after the election date when they would technically leave office.

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Members' Allowances Scheme

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3. INCLUDED EXPENSES

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- 11.03 The Democratic and Scrutiny Services Manager will write to the Member to confirm the continuation of allowances and until what date they will continue.

11.04 Leave arrangements are unaffected by the number of children born from a single pregnancy or placed as part of a single adoption.

Maternity Leave

11.05 A Member is entitled to take up to 52 weeks' maternity leave starting no earlier than the 11th week before the expected week of childbirth, except following a premature birth, and no later than the day following the actual date of birth.

11.06 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take maternity leave in writing no later than 4 weeks before the date they wish the period of maternity leave to start and:

- i) Confirm the expected week of childbirth; ii) Provide a copy of the MATB1 (available from a doctor or midwife); iii) Confirm the date on which the Member intends her maternity leave to start.

Adoption Leave

11.07 A Member is entitled to take up to 52 weeks of adoption leave starting no earlier than 14 days before the child is expected to be placed and no later than the expected placement date, or if the child is adopted from overseas, no later than 28 days after the date on which the child enters Great Britain,

11.08 The Member must notify the Democratic Services and Scrutiny Manager in the case of a UK adoption of their intention to take adoption leave in writing no more than seven days after the date on which the Member is notified of having been matched with the child for adoption or, where that is not reasonably practicable, as soon as is reasonably practicable thereafter. In the case of an overseas adoption, the Member must notify the Democratic Services and Scrutiny Manager of their intention to take adoption leave in writing, no more than 28 days after s/he received the official notification and:

- i) Confirm the date the child is expected to be placed with him/her for adoption (UK Adoption) or the date on which the Member received an official notification and the date on which the child is expected to enter Great Britain (overseas adoption); ii) Provide a copy of the matching certificate/official notification. The matching certificate must be issued by the adoption agency that matched the Member to the child and must contain the name and address of the agency, the date on which the Member was notified that s/he had been matched to the child, and the date on which the agency expects to place the child with the Member.; (iii) in the case of an overseas adoption, the date of entry of the child into Great Britain iv) Confirm the date which the Member has chosen his/her adoption leave to start.

Shared Parental Leave

11.09 A Member is entitled to Shared Parental Leave if they are :-

- (i) the mother, or expectant mother, of a child, or the father of the child, or at the date of the child's birth the spouse, civil partner or partner of the mother/expectant mother, and at the date of birth the mother and the father/spouse/civil partner/partner share the main caring responsibility for the child; or
- (ii) the adopter of a child, or at the date that the child is placed for adoption the person who is the spouse, civil partner or partner of the adopter, and at the date of the placement of the child for adoption the adopter and the spouse/civil partner/partner share the main caring responsibility for the child. Where two people have been matched jointly, the adopter is whoever has elected to be the child's adopter.

11.10 A Member may share up to 50 weeks' leave if the mother/ adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the mother or adopter.

11.11 Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement for adoption of the child.

11.12 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take shared parental leave in writing no later than 8 weeks before the date they wish the period of shared parental leave to start, and must in writing provide the following information

(i) in the case of the birth of a child:-

- the names of the mother and of the father/spouse/civil partner/partner,
- the start and end dates of any period of maternity leave to be taken by the Member,
- the total amount of Shared Parental Leave available,
- the expected week of birth
- the date of birth (where the child is not yet born, this information must be provided as soon as reasonably practicable after the birth and, in any event, before the first period of Shared Parental Leave to be taken by the Member)
- how much Shared Parental Leave the mother and the father/spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave. Including the start and end dates for each period of leave.

(ii) in the case of the adoption of a child:-

- the names of the adopter and of the spouse/civil partner/partner,
- the date that the adopter was notified of having been matched for adoption with the child

- the date that the child is expected to be placed for adoption
- the date of the placement (where the child has yet to be placed for adoption, this information must be provided as soon as reasonably practicable after the placement and, in any event, before the first period of Shared Parental Leave to be taken by the Member)
- the start and end dates of any period of adoption leave to be taken by the adopter,
- the total amount of Shared Parental Leave available,
- how much Shared Parental Leave the adopter and the spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave. Including the start and end dates for each period of leave.

Paternity Leave

11.13 A Member is entitled to take up to two weeks' paternity leave to help care for the child, or to support the child's mother/adopter, if they are either: the father of the child (whether or not they are the biological father); the spouse, civil partner or partner of the mother/adopter.

11.14 The Member may take one week or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within 56 days of the birth or adoption.

11.15 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take paternity leave in writing no later than 4 weeks before they wish the period of paternity leave to start (childbirth) or no more than seven days after the date on which the adopter is notified of having been matched with the child or, where that is not reasonably practicable, as soon as is reasonably practicable; and:

- i) Confirm the expected week of childbirth; or the dates on which the adopter was notified that s/he had been matched with the child and on which the child is expected to be placed for adoption with the adopter(UK Adoption); or the dates on which the adopter received official notification and on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) or matching certificate/official notification;
- iii) Confirm the length of the absence and the date on which the Member has chosen to begin his/her leave

11.16 If the Member wishes to change the start date of a period of leave, they should write to the Democratic Services and Scrutiny Manager no later than 4 weeks before either the original start date 'or' the new start date (whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

11.17 If the Member wishes to change the end date of a period of leave they should write to the Democratic Services and Scrutiny Manager at least 4 weeks before either the original end date or the new end date (whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

11.18 HR Services will provide confirmation that the information on revised dates has been received and that relevant re-instatement or adjustment of any SRA has taken place, with a copy to Democratic Services, within 10 working days.

Sickness Leave

11.19 A Member who is sick will continue to receive the basic allowance as long as they remain a Councillor. They will also continue to receive any SRA for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek *executive* approval before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act.

11.20 If a Member decides not to return to office following either during or on their expiry of maternity, adoption, shared parental, paternity or sickness leave, the Chief Executive must be notified. HR Services must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.

11.21 If an election is held during the Member's maternity, adoption, shared parental, paternity or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA, if appropriate will cease from the Monday after the election date when they would technically leave office.

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The Remuneration of Councillors in London 2022

Report of the Independent Panel



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Summary

At the time of writing this report the country is still responding to the shock of the tragic death of Sir David Amess MP. It is a sad reminder of the vital role that all elected representatives play in the life of our country and how your roles are at the heart of our democratic and civic society. It is also a reminder of the risks that are linked to your roles. It is vital that we have a system of support in place that recognises the full scale of the responsibilities of councillors and one that supports residents in both wanting to come forward to undertake these roles and then when they are elected enables them to be effective. Our work as an independent remuneration panel can play a part in that endeavour.

The report below details our position as the output for the 2021 review. In short, we are very conscious about the huge changes that have taken place as a society during the last few years. Our residents, businesses and communities have been dealing with, and continue to deal with, major challenges. The feedback we have received supports our view that this has had a major impact on the demands placed on all councillors and of those councillors charged with special responsibilities. There is now greater than ever demands for time spent on wider partnership working, the situations faced by many residents are ever more challenging and complex, the ease of access afforded by technology has increased expectations for almost constant access and rapid responses. The burden of responsibility for effective government at a local level is extremely significant.

At the same time, many aspects of the current situation are still relatively recent. It remains rather unclear how these recent patterns of demands and increased expectations will play out and settle over time. With this level of uncertainty, we do not believe that at the current time we have the evidence available to recommend any significant changes in the remuneration of councillors.

However, given the wider background, we have concluded that, instead of waiting four years to undertake the next review, it would be preferable to undertake a review commencing in the summer of 2022 with the aim of concluding it in the latter half of 2023. As well as enabling us to re-assess the situation, this timescale would enable us to undertake more detailed consultations and seek wider views as part of the evidence gathering that will be needed.

As well as the substantive recommendations in the report, we therefore recommend that we undertake a further review of the remuneration of councillors during 2022-23.

Background

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, 2014 and 2018. It now comprises Mike Cooke (Chair), Sir Rodney Brooke CBE DL 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. 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.

Our last report reflected on research that identified 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. These challenges continue and have been exacerbated by the impact of the Covid-19

Pandemic and the continuing recovery effort from it.

In London, each borough 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 difficult 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 coupled with higher levels of homelessness than other parts of the country. Councillors have an increased responsibility for local and place-based health outcomes. Thus, the strain on and competition for resources increase the demands made on elected members.

The feedback we received is that the workload and responsibilities of councillors continues to increase and that their role has become more complex, and not only in the areas of social care and housing. There has been a growth in other public sector activities including community safety with increasing engagement with the Police, increasing expectations for closer working with health services, and in some boroughs more involvement with joint venture partnerships and local authority trading companies. Since the start of the Pandemic, there has been an important and significant role for councillors in local welfare support and greater liaison with the voluntary sector. This all requires the commitment and time of leaders, cabinet members and front-line councillors. The Pandemic has also heightened the significant role of councillors as a point contact for information, advice and reassurance for communities.

While valuable to democracy, the growth in digital connectivity and the availability and use of social media and other forms of messaging applications 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 to deal with concerns as quickly as voters expect. Not only does social media make it easier for their constituents to access councillors, but they also enable an isolated concern to become an organised campaign. The expectations of the public continue to rise.

Recruitment of councillors

We received feedback that it continues to be challenging to recruit candidates generally but also from a diverse background and of a high enough calibre who are prepared to stand for office as councillors. Though financial deterrents were cited amongst a number of reasons for this, a major disincentive is the time commitment required of a councillor. Time pressures (as well as finance) can make it difficult to combine the role with a job and caring responsibilities. As was pointed out in the 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 which are continuing to rise.

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 who have retired or with independent means.

In 2014 the Government removed the possibility of councillors joining the local government pension scheme. Almost half of the responses we received cited the lack of pension provision as a factor that influences people whether to run for council office. 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 for advancement in their particular profession and to contribute to a pension scheme elsewhere. In view of the importance this could have for recruiting a diverse range of councillors in future and to wider issues for local democracy, the Panel intends to look at lobbying opportunities on this issue as part of its further review in 2022-23.

The current financial climate

Because of the financial climate over the last decade, the local government pay settlement over much of this period has been either frozen or severely limited. Since our last report there have been modest increases from 2% in 2018-19 to 2.75% last year.

Acutely sensitive to the ongoing financial austerity, 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.

Our recommendations have led to some convergence of members' allowances across London. 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.

In reaching our views this year, we have been acutely conscious of the continuing financial challenges to council budgets including the impact from the Covid-19 Pandemic. This adds to the view that now is not the time to contemplate a general increase in councillors' allowances.

Level of Basic Allowance

In our last report we recommended that there should be a Basic Allowance paid to every councillor of £11,045. Updated for the local government staff pay awards since then (and including an indicative 1.75% award for 2021-22 which is still the subject of negotiation), the figure is now £12,014. Given all the circumstances including 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 looking again at the level of the allowance. The basic allowance is now less than the allowances paid by many similar authorities outside London. In our last report we highlighted that in Wales, for example, the government-appointed commission set the basic allowance at £13,400 for members of local authorities with populations which are generally substantially lower than those of London boroughs. In its most recent report, published in February 2021, this had increased to £14,368.

However, the wider context is one of considerable uncertainty including whether trends in demands will be sustained. If they are so, as seems likely, the consequences of the changing patterns of work remains unclear added to which is the current financial climate. All this suggests to us that now is not the right moment to recommend major changes to the current allowances (beyond the annual updating). Linking the allowances to 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 £12,014 pending the outcome of the 2021-22 award. 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 £76,011 while our recommendation for a borough leader (increases having been restricted to the local government staff pay increases) was for a total remuneration of £68,130, a difference of £7,881. Updated for the local government pay awards (and indicative 2021-22 award), our recommendation for the current total remuneration of a London borough leader would be £74,106. Meanwhile the salary of MPs has increased to £81,932, a difference of £7,826. Moreover, MPs continue to be entitled to a pension as well as to 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 suggested that the comparator was appropriate with some feedback noting 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, a couple of respondent authorities 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 progressed compared to that of leaders could be argued to warrant a review of the Leaders' allowances.

We are also aware of the very significant expectations on leaders and leading members to participate in wider cross borough, pan-London and partnership working, the demands of which (both in terms of time commitments but importantly in terms of responsibility and significance) appear to have increased dramatically over the last 18 months. Our report makes no recommendations in respect of remuneration for these roles at this stage but we propose to return to this issue as part of the further review that is proposed.

However, for the same reasons which prompt us to maintain the current Basic Allowance, (namely a significant uncertainty over the long term implications of the changes we have been witnessing in the last 18 months, combined with the financial challenges faced at this time) 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 (including an indicative uplift of 1.75% for 2021-22 which is still the subject of negotiation), ie £62,092. We recommend the maintenance of its relation to other special responsibility allowances, as set out in the Appendix to this report.

However, we believe that it is important to undertake a more detailed review, along with the Basic Allowances, of the special responsibility allowances having allowed further time for the new patterns of demands and expectations to become even clearer. We envisage beginning this review in the summer of 2022 and concluding the review during the latter half of 2023.

Training and support

The responsibilities of councillors are substantial, extensive and complex. We have mentioned the increased role that councillors have delivered particularly during the Pandemic. The Pandemic has also resulted in an acceleration of more flexible ways of working including greater use of digital technology. While this has provided a range of benefits including less travelling for work it has required councillors to have the necessary digital skills. Additionally, the move to audio-visual conferencing has resulted in a growth in meetings for many contributing to an overall increase in 'screen time'. Training and development is beyond the direct remit of our Panel but is an important part of ensuring that residents can step forward and become successful and effective elected local representatives. Addressing the financial aspects but not the support aspects would be counter-productive. For this reason, we believe that every borough should have an ongoing programme of member training and development and that members should be provided with the logistical and clerical support and the appropriate IT equipment 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. Care costs can be a significant deterrent to service as a councillor. Our strong view is 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.

One respondent authority stressed that member allowances schemes present an opportunity to better support councillors by providing not just remuneration but wider support packages. Our view is 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

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 all allowances 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.

Mike Cooke

Sir Rodney Brooke CBE DL

Anne Watts CBE

London, 6 January 2022

Appendix A

Basic allowance £12,014

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: £12,014

Band One allowance: £2,807 to £10,218

Total: £14,821 to £22,232

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 £12,014

Band two allowances: £17,628 to £32,450

Total: £29,642 to £44,464

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: £12,014

Band three allowance: £39,860 to £47,271

Total: £51,874, to £59,285

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 £74,106.

This is made up as follows:

Basic allowance: £12,014

Band four allowance: £62,092.

Total: £74,106

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 £92,633.

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 represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations including, where required, acting as a liaison between the constituent and the local authority and where appropriate other public service providers.
10. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
11. To participate in the activities of any political group of which the councillor is a member.
12. To undertake necessary training and development programmes as agreed by the authority.
13. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

Appendix C

The independent panel members

Mike Cooke

Mike Cooke was the Chief Executive of the London Borough of Camden for seven years, where he had also been Director of Housing and Adult Social Care and HR Director. He has extensive experience of partnership working across London including as the CELC lead on children and chairing the London Safeguarding Children Board. Mike also has worked for seven years in financial services where he developed an expertise in remuneration.

Until November 2020 Mike had been a Non-Executive Director of the Central and North West London NHS Foundation Trust where he was chair of the HR Committee. Mike's current role is the independent Chair of the North Central London Integrated Health and Care System.

Sir Rodney Brooke CBE, DL

Sir Rodney Brooke has 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.

Dr Anne Watts CBE

Anne Watts has an extensive career in governance, diversity and inclusion spanning commercial, public and voluntary sectors. She has held executive roles for HSBC and Business in the Community and was chair of the Appointments Commission. She has carried out reviews of Government departments and the Army. In addition she has been a member of Government Pay review bodies and Deputy Chair, University of Surrey where she chaired Remuneration Committee and the new Vet School.

She is a non-exec of Newable (previously Greater London Enterprise) where she chairs ESG Committee and is a non-exec of Newflex subsidiary. In addition she continues to sit on the Race and Gender Equality Leadership teams for Business in the Community.

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Report for: Standards Committee 04 October 2022

Title: **Appointment of Independent Persons - Standards Committee
from 30 June 2023 – 29 June 2024**

**Report
authorised by :** Head of Legal and Governance – Fiona Alderman

Lead Officer: Ayshe Simsek Democratic Services and Scrutiny Manager

Ward(s) affected: All

**Report for Key/
Non-Key Decision:** Non-Key Decisions

1. Describe the issue under consideration

- 1.1 This report considers the continued appointment of the Independent Persons under section 28(7) of the Localism Act 2011 to support the Standards Committee in relation to allegations that members or co-opted members have failed to comply with the Member's Code of Conduct, and to be considered for appointment to the Staffing and Remuneration Committee when considering the dismissal of either the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
- 1.2 The report asks Committee members to consider the following issues, since previous consideration of this issue on the 25th of January 2022:
 - The Localism Act has not yet been updated following the report on 'Standards in Public Life'
 - The resource intensive recruitment process for appointing new independent persons at a time when there is focus needed on considering the key governance changes as a result of the insourcing of Homes for Haringey and other required changes to the constitution.
 - The current experienced contribution of the current Independent persons.
- 1.3 The report seeks agreement from the Committee to not take forward a recruitment process and continue with the incumbent Independent Persons, recommending to full Council in March 2023 to extend the appointment of the current independent persons from the 30th of June 2023 to 29th of June 2024.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 To recommend that Full Council in March 2023 extend the appointment of the current independent persons[IP] from the 30th of June 2023 to 29th of June 2024.

4. BACKGROUND

- 4.1 The Council must appoint at least one Independent Person (IP) whose views are to be sought and taken into account by the Council before it makes its decisions on allegations about breaches of the Code of Conduct. The views of the Independent Person may also be sought by the Council's Monitoring Officer where an investigation has not yet been commenced, and by a member who is the subject of a complaint.
- 4.2 The Independent Person is someone whose views are sought and taken into account by the Council before it makes a decision following an investigation into a breach of the Code of Conduct by a member. Their views can also be sought by the Council in circumstances other than these, and by a member or co-opted member who is the subject of a complaint of breach of the Code.
- 4.3 The Council appointed two Independent Persons in March 2020 (a primary and a secondary/deputy IP) and although only the primary IP has been engaged in respect of these duties, it is considered good practice to have a secondary IP as a reserve, not least because of the additional duties for which the IPS may now be used.
- 4.4 The law provides that a person may not be an IP if he or she is a Member, a co-opted Member or an officer of the Council, or a relative of close friend thereof. It also provides that a person may not be appointed if they were a Member or co-opted Member at any time during the 2 years ending 30 June 2022. However, the law does not place any restriction in relation to the length of appointment of an IP.
- 4.5 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 provide that where a decision to dismiss any statutory officer is to be taken by full Council, before that decision is taken the Council must invite at least 2 IPS to be members of a panel to consider the matter and take any recommendations from that panel into account before taking their final decision. The Staffing and Remuneration Committee has been given the role of being the panel for these purposes in the Constitution, IPS appointed to support the standards regime must be invited to sit on this panel. If there are none, or they are unable to participate, any independent persons appointed by another authority may be invited to participate. It is considered most appropriate to utilise the Council's own IPS appointed to support the standards regime for this purpose, and this role is included in their job description (Appendix 1)
- 4.6 The current primary IP is remunerated at a rate of £1,250 per year and the secondary IP at a rate of £250 per annum. Councils can also remunerate IPS

that are invited to participate in recommendations relating to the dismissal of the statutory officers, however the remuneration must not exceed that paid to the IPS under the standards regime. Whilst the views of the IP are regularly sought and her attendance required at hearings relating to breaches of the Code, is it not clear whether the attendance of IPS will be required in relation to the dismissal of a statutory officer.

- 4.7 It had been the practice of the Council to appoint IPS for a term of four years. However, in October 2019, the Standards Committee put forward a two-year appointment rather than a 4-year appointment. This was further to considering The Local Government Report on Standards in Public Life and in particular **Recommendation 8 of the report which advised that the Localism Act 2011 should be amended to require that Independent Persons were appointed for a fixed term of two years, renewable once.** To provide context for this recommendation, the external report included a comment, made in the investigations and safeguards chapter, which indicated ensuring that an Independent Person's judgment and independence was not compromised by a long period of involvement in a single authority. This was picked up by the Standards Committee as a sensible safeguard at the time and hence decision made to make the appointments for a two-year period, providing a time for considering overview of advice provided to ensure consistent and uncompromised.
- 4.8 Further to considering the latest version of the Localism Act 2011, Recommendation 8 has not been taken forward by the government and no changes made to the 2011 legislation in this relation to this . There is, as yet no prescribed appointment term for Independent Persons.
- 4.9 In January 2022, the Committee noted this information and the Monitoring Officer and Deputy Monitoring Officers views that the incumbent IP continues to provide excellent advice and the secondary IP is also experienced and a reliable advisor. They also advised that taking forward a new recruitment process would be resource intensive and there is not the current capacity in legal and governance services to take this forward. Subsequently, the Committee agreed a one-year extension for the independent persons appointment until June 2023.
- 4.10 The recruitment process for independent persons would begin in October and is a 4-month process, hence the report to Committee at this meeting. The above circumstances remain the same, and the report is seeking a further one-year extension of the appointment of the Independent Persons until 2024. This would be in line with the common practice of a four-year term for Independent Persons.

5. Statutory Officers comments

Financial Implications

- 5.1 There are no financial implications - the remuneration of independent persons is factored in the Democratic Services budget.

Comments of the Assistant Director of Corporate Governance and Legal Implications

5.2 These are contained within the report.

6. Use of Appendices

N/A

7. Local Government (Access to Information) Act 1985

7.1 Background documents:

Recruitment of Independent Person – Standards Cttee – 14/10/19, 25.01.2022

The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929.