

## NOTICE OF MEETING

# STANDARDS COMMITTEE

Tuesday, 31st October, 2023, 7.00 pm - George Meehan House, 294 High Road, N22 8JZ (watch the live meeting [Here](#))

**Councillors:** Erdal Dogan, Felicia Opoku, Ibrahim Ali (Chair), Scott Emery and Simmons-Safo

**Quorum:** 3

### 1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under items 9&13 below).

### 4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

**5. MINUTES (PAGES 1 - 12)**

To confirm and sign the minutes of the Standards Committee meeting held on 27 June 2023 .

**6. RECRUITMENT OF INDEPENDENT MEMBERS FOR STANDARDS COMMITTEE AND DISCIPLINARY, GRIEVANCE AND DISMISSAL PANEL (PAGES 13 - 22)**

**7. PROPOSED CHANGES TO THE CONSTITUTION - PART THREE - RESPONSIBILITIES FOR FUNCTIONS, SECTION E - SCHEME OF DELEGATION - SECTION 2 GENERAL DELEGATION TO DIRECTORS - PROPERTY DELEGATIONS**

Report to follow.

**8. COMMITTEE WORK PROGRAMME (PAGES 23 - 24)**

This paper seeks to identify topics that will come to the attention of the Standards Committee and seeks members' input.

**9. NEW ITEMS OF URGENT BUSINESS**

**10. EXCLUSION OF THE PRESS AND PUBLIC**

Items 12-13 are likely to be subject to a motion to exclude the press and public from the meeting as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely, information relating to any individual and information likely to reveal the identity of an individual.

**11. EXEMPT MINUTES (PAGES 25 - 26)**

To confirm and sign the exempt minutes of the Standards Committee meeting held on the 27 June 2023 .

**12. NEW ITEMS OF EXEMPT URGENT BUSINESS**

Ayshe Simsek, Democratic Services and Scrutiny Manager  
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Fiona Alderman  
Head of Legal & Governance (Monitoring Officer)  
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Monday, 23 October 2023

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## **MINUTES OF MEETING Standards Committee HELD ON Tuesday, 27th June, 2023, 7pm**

### **PRESENT:**

**Councillors: Erdal Dogan, Ibrahim Ali (Chair), Scott Emery, Simmons-Safo and Barbara Blake**

#### **1. FILMING AT MEETINGS**

The Chair referred to the filming at meetings notice and Members noted this information.

#### **2. APOLOGIES FOR ABSENCE**

There were apologies from Cllr Opoku and Cllr Barbara Blake substituted in accordance with Committee Standing Orders.

#### **3. URGENT BUSINESS**

The Standards Committee has been asked to consider a report on the new Licensing Protocol which has been published and was attached to item 9. The Committee were now further asked to consider an addendum which contained the minutes of the Licensing Committee held on the 22nd of June which considered this Protocol as the parent committee and put forward some minor changes which were attached at appendix 1 of the addendum. This addendum sought onward recommendation of the adoption of the Protocol by the Full Council on 17 July 2023, with the changes outlined in appendix 1.

The Protocol would be added to the Constitution and required the agreement of the Standards Committee in line with their terms of reference requirement of considering amendments to the Constitution and recommending proposals to the full Council for approval.

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances are so that the proposal, including the comments of the Licensing Committee which met on the 22nd of June, can be considered by the Standards Committee in a timely manner at the meeting on the 27th of June 2023 and if approved can progress to the next Full Council on the 17th of July 2023. This would allow the protocol to be added to the Constitution and allow clarity and understanding on the process for holding online Licensing Subcommittee hearings. This was agreed as a late paper due to these circumstances by the Chair on the 19th of June 2023.

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that Councillor complaints that had been assessed as no further action should be considered at the meeting as a matter and ensure the Committee consider this information in a timely way, in June, rather than the next meeting in October. This was agreed as a late paper due to these circumstances by the Chair on the 19th of June 2023

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest put forward.

**5. MINUTES**

**RESOLVED**

To approve the minutes of the meeting held on 21 March 2023 as a correct record.

**6. CONFIRMATION OF THE MEMBERSHIP OF THE STANDARDS ASSESSMENT AND HEARING SUB-COMMITTEES**

This report sought confirmation of the Membership of the Standards Assessment and Hearing Sub-Committees.

**RESOLVED**

To agree that, given the need for members' expertise and discretion, the membership of the Standards Assessment Sub-Committee and the Standards Hearing Sub-Committee be the same as the membership of the Standards Committee.

**7. PROPOSED CHANGES TO THE COUNCIL'S CONTRACT STANDING ORDERS**

The Committee considered a report setting out changes to the Council's Constitution, in part four, section J. This included:

- Renaming the Contract Procedure Rules to Contract Standing Orders.
- That Directors approve additional extensions or a variation to a contract that has previously been approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000) and that such decisions will not be treated as a key decision.
- Formalising existing practice that Directors are required to report any decisions valued at one hundred thousand pounds (£100,000) or more are reported to Cabinet.

- Formalising Council Policy for contracts to include the payment of London Living Wage in contracts valued £50,000 or above.
- An amendment enabling a director (or Head of Service up to their level of delegated authority) to sign or approve any contract valued below two hundred and fifty thousand pounds (£250,000), instead of both officers as presently required.
- An amendment to waiver provisions, so that waivers valued at £160,000 or above, is approved by the Head of Procurement prior to engaging the supply chain.

The Committee noted that the proposed changes were required as a result of changes to legislation and to reflect current structures within the Council. The changes supported efficiency of contract approvals and the Committee were assured of the measures to be taken forward to ensure transparency and accountability.

### **RESOLVED**

1. To recommend that the Council adopt the proposed revised Part Four of the Constitution, Section J Contract Procedure Rules as attached at Appendix 1.

To note the following key amendments:

2. Part Four of the Constitution, Section J Contract Procedure Rules is renamed to Part Four of the Constitution, Section J Contract Standing Orders;
3. Directors to approve additional extensions or a variations to a contract that has previously been approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000) and that such decisions will not be treated as a key decision;
4. Formalising existing practice that Directors are required to report any decisions valued at one hundred thousand pounds (£100,000) or more, are reported to Cabinet;
5. Formalising Council Policy for contracts to include the payment of London Living Wage in contracts valued £50,000 or above;
6. An amendment enabling a Director (or Head of Service up to their level of delegated authority) to sign or approve any contract valued below two hundred and fifty thousand pounds (£250,000), instead of both officers as presently required;
7. An amendment to waiver provisions, so that waivers valued at £160,000 or above, is approved by the Head of Procurement prior to engaging the supply chain.

### **Reasons for decision**

The CSO's have not been updated since 2016 and need updating to reflect changes in legislation, improve processes and to reflect current Council Policies.

The title has been amended from 'Contract Procedure Rules' to 'Contract Standing Orders' as all officers and decision reports refer to Contract Standing Orders and not Contract Procedure Rules, therefore the title has been amended to what is commonly referred to throughout the Council.

References to officer roles have been updated to reflect current structures within the Council. Definitions of the roles have been updated to ensure the CSO's remain current going forward by referring to 'or the most senior officer'. This avoids the need to keep amending the roles referenced in the CSO's when job titles change.

New legislation has replaced out of date legislation referenced in the current CSOs; therefore various amendments have been made throughout the document to remove references to old legislation, including those references to the EU brought about by Brexit, so as to ensure the CSOs remain aligned to legislative changes.

Definitions have been updated to ensure references in the CSOs remain consistent throughout the document.

To improve process efficiency by removing the need for matters to return to Cabinet (or member signings) of any amendments to contracts with relatively low values. (i.e. currently a contract for £1m previously approved by Cabinet would need to return to Cabinet for any additional variation, even if this was just £1). Directors will therefore be able to approve contract extensions and variations on contracts previously approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000). This is consistent with Directors delegated authority of up to £500,000 throughout the constitution.

To ensure transparency and visibility of any variations or extensions agreed by Directors under CSO 3.01 d), Directors are required to report these as part of the quarterly finance report to Cabinet. In continuing the theme of transparency, the formalisation of Directors to report all decisions exceeding one hundred thousand pounds (£100,000) to Cabinet each month is incorporated into the CSOs (CSO 3.02 p)).

Reference to the use of Constructionline as a compliant process has been removed throughout the CSO's. This is because Constructionline has been privatised and no longer remains compliant with the Public Contract Regulations (PCRs).

Formalisation of the use of purchase cards (P cards) needing to comply with the CSO's to ensure the Council remains compliant with the PCRs and the Councils procurement policies and procedures (CSO 8.09).

Removal of reference to postal bids from the CSOs, as legislation now requires all tenders to be conducted electronically.



To re-enforce the Procurement Strategy previously approved by Cabinet and ensure officers comply with the delegated authority thresholds for Directors and Cabinet as stated in the constitution, CSO 9.04 drafting has been strengthened to re-enforce the use of corporate Dynamic Purchasing Systems (DPS) established by the Council. To use a non-Haringey DPS, will require the consent of the Head of Procurement to ensure compliance with the Public Contract Regulations.

Council has already approved a policy to pay London Living Wage (LLW) through contractual provisions, this amendment formalises this within the constitution for contracts valued at fifty thousand pounds (£50,000) or more (CSO 9.08.9). This a practical threshold for applying such conditions and ensures the Council remains eligible for LLW accreditation. The Payment of LLW can still apply to contracts below £50,000 where it is appropriate and viable to do so.

To ensure consistency with other delegated powers in the constitution, improve efficiency, reduce administrative burden and be more operationally practical, it is proposed that either a Director or Head of Service (with appropriate delegated authority) can approve and sign contracts valued below two hundred and fifty thousand pounds (£250,000). Currently both a Director and a Head of Service is required to sign or approve contracts (that do not require sealing) valued at two hundred and fifty thousand pounds (£250,000) or below; even if the contract was only valued at £1,000. The constitution already makes provision for a Director to award contracts up to £500,000, which is further supported by a scheme of delegation to other officers.

To enable contracts to be more accessible to small and medium sized enterprises who are unable to provide the Parent Company guarantees or bonds which may be cost prohibitive, the Director of finance can consider alternate forms of surety on contracts over two hundred and fifty thousand pounds (£250,000), which will also provide more commercially viable options for both the Council and the supply chain.

To ensure officers remain compliant with the Councils CSOs and relevant legislation, officers will require approval by the Head of Procurement of any waivers above one hundred and sixty thousand pounds (£160,000) prior to engaging the supply chain.

#### **Alternative options considered**

Do Nothing – This option would mean the Council would be referencing outdated legislation in its constitution.

### **8. RESPONSES TO THREE RECOMMENDATIONS ARISING FROM THE INDEPENDENT REVIEW OF THE COUNCIL'S ARRANGEMENTS FOR PROPERTY NEGOTIATIONS, AQUISITIONS AND DISPOSALS OR INTENDED TRANSACTIONS**

The Committee considered the Action Plan for the Independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023, which included constitutional related actions that were required to consider in accordance with the

Committee's responsibilities for recommending changes to the Constitution to full Council. This included:

- Additional guidance on the role of Council appointees to voluntary sector organisations, reminding them of their role as stewards of public funds and assets. The guidance had been reviewed by the Member Constitution Working Group and included their comments on: a duty to act in the interest of the outside body, and how not to conflict between both outside body role and councillor role discussion with the Monitoring Officer, the potential need to recuse from meetings, and considering public perception. The Action Plan to Cabinet indicated that existing guidance would be reviewed, and new guidance or amendments as required would be implemented and that there was a need for training for Members and officers relating to this area. This took place on 15th of June 2023. There was an action to look to having a signed declaration of having read new guidance and this was planned for implementation following Council approval in July 2023.
- Guidance to Councillors meeting with landowners, contractors etc when not in their capacity as ward councillors. The Committee noted that this had been compiled by considering the seven principles of public life, the Planning Protocol of the Council and LGA guidance on ethical governance. This guidance included the Constitution Working Group's comments on outlining the difference between a proper and improper approach, declaring gifts using the Declaration of Interest form, and the circumstances of when to report participation in ward-based meetings with third parties where there could be a future potential interest.
- Response to recommendation that further information on the Leader's powers are included in the Constitution. The Committee noted the additional wording added to the Protocol for Decision Making to provide consistency and understanding of the key principles of decision making. There would be officer training on decision making reports managed by Legal services and supported by Democratic services, Procurement Team and Policy team where these additions would be highlighted. The Committee further noted that the Asset Management Plan action plan also identified a full review of property related processes. This review would inform any required further updates to Section D and part 5 of the Constitution, in November from a service perspective, and would be considered at the next Committee meeting on the 31 October 2023 and Full Council on the 20th of November 2023.

## **RESOLVED**

1. To recommend the adoption of Appendix 1 – Advice on Outside Bodies to full Council on the 17th of July 2023.

2. To recommend the adoption of Appendix 2 -- Guidance for Councillors on contact with third parties and stakeholders to full Council on the 17th of July 2023.
3. To recommend the adoption of Appendix 3(track changes) and Appendix 4(final version) of updates to the Part 5 Section D, Protocol for Decision Making, to full Council on the 17th of July 2023.

### **Reason for recommendations**

To respond to the Action Plan for the Independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023 indicated that constitutional related actions would be going forward to the Standards Committee in June/ October 2023 & Full Council in July/November 2023.

### **Alternative Options**

None - As this report and appendices are a requirement of the Action Plan arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023.

## **9. LICENSING PROTOCOL**

The Chair had accepted this as a late item of business, for the reasons set out at item 3.

The Committee noted that the local Licensing procedure protocol, would replace the Committee procedure rules in the Constitution under part four, Section B of the Constitution, in relation to Licensing Sub Committee meetings and therefore this protocol was required to be formally incorporated within the Council's Constitution.

The Committee noted the following:

- The amendments had been considered by the Constitution Working Group and also by the Licensing Committee, who had to approved them before this meeting.
- The procedures had not been updated since 2014 and therefore needed to be updated to reflect three main changes:
  - The Licensing Sub Committee hearings under the Licensing Act 2003 were now being held remotely.
  - Introducing a time limit for initial representations to make sure that they were concise and that the meetings were completed by 10pm where possible.
  - A change in the order of the speakers so that the applicant, whether it's an application, or a review of an application, the applicant would go first as it was felt that this would be more efficient in terms of the procedure for the hearings.

- The Licensing Committee that met on the 22nd of June had made a number of recommendations for amendments which had been incorporated and put forward to the Committee for consideration in the supplementary pack.

The Committee queried the time limitation of 5 minutes proposed in terms of equity and fairness for considering presentations. The Committee noted that there still remained a discretion for the Chair to extend this time, taking account where the facts being considered were complex or where the matter might be controversial. It was accepted that there could be meetings with a number of objectors attending and there was provision to extend that time limit if appropriate. It was further explained that this time limit was being introduced to mitigate against repetition and provide a length of time to follow by presenters. This was in line with other boroughs, and this regularised the procedure and supported the chairing of the meeting.

The Committee discussed the proposed change to the protocol of not starting consideration of applications after 9.30pm as this would mean that the meeting would finish much after 10pm. There was some concern about how the 9.30pm timing had been arrived at. It was felt that this change may delay consideration of applications that may be time limited or community sensitive and may need to be considered on that evening. It was accepted that although this may not be a common occurrence, it was prudent to include discretion in the hearing protocol for the Sub Committee to start to consider applications/ review of applications after 9.30pm.

## **RESOLVED**

To approve that the attached Licensing Protocol be put forward to full Council for adoption on 17 July 2023 ,subject to the change to rule 63 to reflect that Hearings shall not normally continue later than 10.00 p.m. and no new hearing shall be commenced after 9.30 pm *unless the chair determines that it is urgent.*

## **10. PETITIONS SCHEME UPDATE**

The Committee noted that the Council's Petitions Scheme was implemented in 2010 and updated in 2011 to meet the requirements of the Local Democracy, Economic Development and Construction Act 2009 which imposed a duty on local authorities to respond to petitions.

The Committee further noted that the requirements of the Act in relation to petitions had been repealed but the majority of local authorities, processes for dealing with petitions were already in place and petitions submitted to a local authority by a body of its citizens were usually presented to the full Council. Some Councils had removed or amended the provisions regarding petitions from their Constitutions following the repeal of the statutory requirements, while others have retained the schemes.

There was a need to update the petitions scheme to improve accessibility and understanding of the scheme and to set out the distinction between e- petitions and paper petitions. The Committee considered the proposed changes and the reasons for them, which were set out in the attached report. There was also included a proposed

change to the Council Standing Orders to reflect the provision of a council debate for petitions supported by 1% of the borough population (2643 signatures).

The Committee discussed petitions with signatures of less than 2643 and noted that the separate Committee Standing Order provision remained unchanged. Residents were still able to put forward a petition with less than 2643 signatories to a Committee meeting and it would be received and responded to at the next meeting.

The Committee further discussed the provision for residents to put forward questions to Cabinet Members at full Council meetings and were advised that this provision was contained in Council Standing Orders and residents were able to submit questions to full Council, 8 clear days in advance of the meeting, and could attend and present them. It was agreed that this provision be better highlighted in on the Council web pages.

There were comments on the submission and hearing of petitions at full Council where the number of signatures was over 2643, and how similar issues could be raised but with some minor differences in wording. It was noted that a petition, that was heard at a meeting, could subsequently be slightly updated and then submitted straight after being heard. There was a need to ensure that the Full Council meetings heard petitions on a range of local issues and from a range of community voices. The Committee continued to agree the updated Petitions Scheme, subject to changes to the wording relating to the submission and hearing of petitions. This updated wording would be sent out to the Committee to consider and agree prior to submission to the full Council.

Following the meeting, the Committee subsequently considered the following updated wording:

*Additionally:*

*Raising similar issues as a petition submitted and response received in writing within the last 6 months.*

*A paper petition or e- petition considered at an Overview and Scrutiny Committee or Full Council raising similar issues heard at these meetings in the last 6 months. This is to allow as many voices in the community to be heard as possible.*

*Once a petition has been heard at a Full Council or Overview and Scrutiny Meeting, a petition on the same topic cannot be submitted until a further 6 months has elapsed from the meeting date.*

## **RESOLVED**

1. To recommend that Full Council approve the updated Petitions Scheme attached, with the above change.

2. To recommend that Full Council approve the updated Council Standing Orders attached.
3. To agree the changes to the Petitions Scheme set out at Appendices 1 to 3 and recommend adoption to Full Council on the 17th of July 2023.

**11. NO FURTHER ACTION CODE OF CONDUCT COMPLAINTS - MONITORING OFFICER ANNUAL REPORT:**

The Committee noted that the Protocol for Complaints Against Members required the Monitoring Officer to review every allegation of breach of the code of conduct received and to decide on whether it merits reference to the Assessment Sub-Committee of the Standards Committee. The Monitoring Officer must consult with the Independent Person before making her decision. The Protocol sets out the criteria by which the Monitoring Officer may make the decision,

In the period 1 May 2022 – 31 April 2023, the Monitoring Officer determined that 25 complaints of alleged breach of the code of conduct by councillors did not merit any further action. The rationale for the Monitoring Officer decisions were mostly that the conduct complained about did not demonstrate a breach of the code. The Independent Person was consulted in making these decisions and agreed with the Monitoring Officer's conclusion. A table of the complaints was attached in the Exempt Report.

**RESOLVED**

To note the report.

**12. COMMITTEE WORK PROGRAMME**

**RESOLVED**

To note the report.

**13. NEW ITEMS OF URGENT BUSINESS**

As per item 3.

**14. DATES OF FUTURE MEETINGS**

As set out in the agenda pack.

**15. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

To exclude the press and public from the meeting as the remaining items contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely,

information relating to any individual and information likely to reveal the identity of an individual.

**16. EXEMPT NO FURTHER ACTION CODE OF CONDUCT COMPLAINTS - MONITORING OFFICER ANNUAL REPORT**

As set out in the exempt minutes.

**17. NEW ITEMS OF EXEMPT URGENT BUSINESS**

None

CHAIR: Councillor Ibrahim Ali

Signed by Chair .....

Date .....

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**Report for:** Standards Committee 31 October 2023

**Item number:**

**Title:** Recruitment of Independent Members for Standards Committee and Disciplinary, Grievance and Dismissal Panel

**Report**

**authorised by:** Fiona Alderman Head of Legal and Governance & Monitoring Officer

**Lead Officer:** Fiona Alderman Head of Legal and Governance & Monitoring Officer

**Ward(s) affected:** N/A

**Report for Key/**

**Non-Key Decision:** Non-Key Decision

## 1. Describe the issue under consideration

- 1.1 This report seeks approval to commence the recruitment of Independent Persons 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 Disciplinary, Grievance and Dismissal Panel when considering the dismissal of either the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

## 2. Cabinet Member Introduction

N/A

## 3. Recommendations

That the Standards Committee:

- a) Approve the commencement of the recruitment exercise for two Independent Persons.
- b) Propose the annual allowance for Independent Persons of £1,250 for the primary member and £250 for the secondary member (subject to Council approval).
- c) Propose that the Independent Persons appointed shall also be available to be considered for appointment to the relevant committee appointed by the Council (currently Disciplinary, Grievance and Dismissal Panel) which is responsible for advising the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (subject to Council approval).

## 4. Reasons for decision

- 4.1 The Council has a legal duty to put in place arrangements for having an Independent Person in relation to allegations of breaches of the Code of Conduct. It must also have in place arrangements for at least two Independent Persons to participate in recommendations in relation to the dismissal of statutory

officers. The law requires that IPS appointed in relation to the Standards regime to be invited to participate in this process.

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## **5. Alternative options considered**

5.1 Under section 28(7) of the Localism Act 2011 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 by Members or co-opted Members of the Council.

5.2 Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the Council must also have in place arrangements for inviting IPS to be involved in making recommendations to Council before any decision to dismiss a statutory officer is made. Authorities must invite any IPS supporting the Standards Committee for this purpose although it is also possible to use IPS from other authorities for this purpose where the authority considers it appropriate.

## **6. Background information**

6.1 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.

6.2 An IP must be appointed following an advertisement and application process and confirmation by full Council. These appointments must be made at the latest, by the May 2024 Annual Council Meeting.

6.3 The Council has re-appointed the two existing Independent Persons in March 2023 and in March 2022. They were originally appointed in March 2020 and it is good practice to carry out a recruitment process every four years. The Council has 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.

6.4 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 5 years ending 30 June 2024. However, the law does not place any restriction in relation to the length of appointment of an IP. It has been the practice of the Council to appoint IPS for a term of four years. The incumbent primary IP has provided excellent independent support to the Standards Committee and the Monitoring Officer. However, her term expires on 30th June 2024.

6.5 It is proposed that following Standards Committee approval, the recruitment

process is commenced. It will involve an advertisement, application process, and interviews held by a panel of members drawn from the Standards Committee and the Monitoring Officer, which will recommend appointments to full Council.

6.6 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 Disciplinary, Grievance and Dismissal Panel 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 has added to their job description (Appendix 1)

6.7 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.

6.8 If the recommendations are agreed, the Democratic Services and Scrutiny Manager will facilitate an advertisement of the positions with a closing date of early January. In this October meeting, the Standards Committee should identify 3 members of the Committee (2 Labour and 1 Liberal Democrat) to participate with the Monitoring Officer in the shortlisting of applicants and interviews which will take place in mid-January/ February. The decision on the chosen IP's will then come forward to the March meeting for agreement and be referred to Full Council in March for ratification.

## **7. Contribution to strategic outcomes**

7.1 Ensuring good governance within the Council and by councillors supports all strategic priorities.

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

8.1 The finance comments, these will be contained within local Democratic services budget as a way forward.

8.2 The comments of the Head of Legal and Governance are included in the body of this report.

8.3 No equalities implications arise directly from this report; however, the application and interview process will be carried out in line with the council's recruitment policies and will comply with the council's equalities duties.

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**9. Use of Appendices**

Appendix 1 – Independent Person - Person Specification & Job Description

**10. Local Government (Access to Information) Act 1985**

Localism Act 2011 Part 1 Chapter 7

Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015



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### Independent Person Haringey Council Standards Committee and dismissal of Council Statutory Officers

#### Person specification and job description

##### Person Specification:

The successful candidate must have the following Essential skills and abilities:

1. Good analytical, questioning and interpersonal skills
2. Able to observe confidentiality at all times.
3. Experience of decision-making skills involving sensitive issues
4. Objective, impartial, open minded with a high level of integrity
5. Political awareness but independent of any political party
6. Interested in local government.
7. On the register of local government electors
8. Sufficient time to devote to the appointment.

##### Desirable skills and abilities:

9. An understanding of the role of a Council and its Councillors
10. An understanding and interest in standards of conduct in public life
11. Experience of dealing with people and matters where conduct and actions must be of the highest standard.
12. A commitment to the effective provision of public services

##### Job Description:

The successful candidate(s) will be required to:

1. Promote and maintain high standards of conduct by councillors and coopted members.
2. Provide views to the Standards Committee before it takes a decision following an investigation about a breach of the Code of Conduct for Councillors, before a decision is made about the allegation.

### Appendix 1 Recruitment of Independent Person

3. If requested, provide views to the Standards Committee and/or the Monitoring Officer about allegations where no investigation has taken place or before an investigation has been commenced.
4. If requested, provide views to a member or co-opted member of the authority whose behaviour is the subject of a complaint that they have breached the Code of Conduct.
5. Be considered for appointment to the Council's Committee (Disciplinary, Grievance and Dismissal Panel) responsible for advising the Council on the dismissal of the Council's Head of Paid Service, Chief Finance Officer and Monitoring Officer.

To ensure your voice is truly independent, the law rules you out for this role if you are currently a member, co-opted member or employee of Haringey Council, or you are a relative or close friend of any such person. It also rules you out if you were a member or co-opted member of the authority in the previous 5 years prior to appointment.



### Independent Person - Haringey Council

Are you interested in promoting high ethical standards in Haringey Council?

Haringey Council has a statutory duty to promote and maintain high standards of conduct for your elected councillors and co-opted members. We take this responsibility seriously and have a Code of Conduct which sets out the key obligations which must be observed.

If an allegation is made that a member or co-opted member has failed to comply with the Code of Conduct, we want someone who views can be sought (either by the Council Standards Committee, Monitoring Officer or the member concerned) before a decision is made about what to do. This Independent Person position is a requirement created by the Localism Act 2011.

In addition, new Regulations in 2015 require an Independent Person to be involved in making recommendations to the Council where the Council is considering dismissing its key Statutory Officers.

We are looking for applicants who:

- Can offer the profile and experience which the community would recognise and respect as bringing an independent and informed perspective to the consideration of complaints about member conduct.
- Are familiar with ethical questions and the development and interpretation of codes of conduct.
- Have good analytical and interpersonal skills.
- Experience of decision-making skills involving sensitive issues
- Is objective, impartial and have a high level of integrity?
- Are independent of any political party.

To ensure your voice is truly independent, the law rules you out for this role if you are currently a member, co-opted member or employee of Haringey Council, or you are a relative or close friend of such a person. The law also rules you out if you have been a member, co-opted member or employee of Haringey Council in the 5 years prior to any appointment.

The post carries an allowance of £1,250 per annum for the primary appointment with £250 for any deputy appointed. The appointments will be for 4 years.

### Appendix 1 Recruitment of Independent Person

If you would like to have an informal discussion about this role, please contact Fiona Alderman, the Council's Head of Legal and Governance and Monitoring Officer of 020 8489 3974 or email: [fiona.alderman@haringey.gov.uk](mailto:fiona.alderman@haringey.gov.uk).

An application form and information pack can be obtained on the Council's website at [www.haringey.gov.uk](http://www.haringey.gov.uk) or from Ayshe Simsek, Democratic Services Manager on 020 8489 2929 or email: [ayshe.simsek@haringey.gov.uk](mailto:ayshe.simsek@haringey.gov.uk).

The closing date for applications is xxxxxx

Interviews are to be held in the evening during the week commencing xxxxxxxx

**Report for:** Standards Committee 31 October 2023

**Title:** Committee Work Programme

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

**Lead Officer:** Ayshe Simsek, Democratic Services and Scrutiny Manager  
ayshe.simsek@haringey.gov.uk, 020 8489 2929

**Ward(s) affected:** N/A

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

**1. Describe the issue under consideration**

- 1.1 Members to note current work programme and put forward any comments on suggested areas of work.

**30<sup>th</sup> of January 2024**

1. Members Allowance Scheme 2024/25
2. Recruitment of Independent Persons
3. Recent developments in the ethical standards of elected members that might be of interest to members of the Standards Committee in its role of promoting and maintaining high standard of conduct.

**5<sup>th</sup> of March 2024**

Members Allowance Scheme 2024/25  
Recruitment of Independent Persons

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is exempt

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