

## NOTICE OF MEETING

# STANDARDS COMMITTEE

**Monday, 28th January, 2019, 7.00 pm - Civic Centre, High Road,  
Wood Green, N22 8LE**

**Members:** Councillors Felicia Opoku (Chair), Gideon Bull, Luke Cawley-Harrison and James Chiriyankandath, and vacant position

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. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. 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 and using the public seating area, 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

### 3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business.

### 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 AND MATTERS ARISING (PAGES 1 - 4)**

To confirm and sign the minutes of the meetings of the Standards Committee held on 10<sup>th</sup> of July 2018.

**6. UPDATING THE MEMBERS ALLOWANCE SCHEME TO INCLUDE PROVISION FOR, MATERNITY, PATERNITY AND SICK PAY (PAGES 5 - 12)**

**7. UPDATE ON MEMBER'S ALLOWANCE SCHEME 2019/20**

Report to follow.

**8. WORK PLAN (PAGES 13 - 14)**

**9. NEW ITEMS OF URGENT BUSINESS**

As per item 3.

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

That the press and public be excluded from the meeting for consideration of Items 11 and 12 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. NEW ITEMS OF URGENT EXEMPT BUSINESS**

As per item 3.

**12. DATES OF NEXT MEETINGS**

4<sup>th</sup> of March 2019.

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager  
Tel – 0208 489 2929  
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Email: ayshe.simsek@haringey.gov.uk

Bernie Ryan  
Assistant Director – Corporate Governance and Monitoring Officer  
River Park House, 225 High Road, Wood Green, N22 8HQ

Friday, 18 January 2019

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## **MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON TUESDAY, 10TH JULY, 2018, 7.30 - 8.15 pm**

### **PRESENT:**

**Councillors: Felicia Opoku (Chair), Kaushika Amin, Gideon Bull,  
Luke Cawley-Harrison and Preston Tabois**

#### **48. FILMING AT MEETINGS**

Noted.

#### **49. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Chiriyankandath. Councillor Tabois was in attendance as a substitute.

#### **50. URGENT BUSINESS**

Ayshe Simsek, Acting Democratic Services & Scrutiny Manager, advised that there was an error in the figures contained in the table at paragraph 5, Appendix A of the report for agenda item 7, and an amended table had been circulated to members and updated on the website.

#### **51. DECLARATIONS OF INTEREST**

None.

#### **52. MINUTES**

**RESOLVED** that the minutes of the meeting held on 8 March 2018 were approved as a correct record of the meeting.

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

Ayshe Simsek, Acting Democratic Services & Scrutiny Manager, introduced the report as set out. She advised that this report was a routine report, usually brought to the Standards Committee on an annual basis following the agreement of memberships at Annual Full Council.

**RESOLVED** that the membership of the Standards Assessment Sub Committee and the Standards Hearing Sub Committee as set out in paragraph 5.3 of the report be agreed.

#### **54. AMENDMENT TO MEMBERS' ALLOWANCES SCHEME 2018/2019**

Ayshe Simsek, Acting Democratic Services & Scrutiny Manager, introduced the report as set out. The report set out an amendment to the Members Allowance Scheme to include an allowance for two deputy Cabinet Member positions. It was proposed that each role be set an allowance of £5000 per year, and this would be reviewed on an annual basis as with current practices.

Members discussed the proposal and the following comments were noted:

- To provide an allowance for two new posts seemed to be counter-productive to the savings exercise carried out earlier in the year, where £14,000 was saved from the Member Allowance Scheme.
- Some Members felt that Broadwater Farm issues could be covered by the ward Councillors, and should not be singled out for a specific role. Other Members felt that Broadwater Farm was a particularly difficult issue, and so required special attention.
- Concerns were raised by some Members that there was no clear process as to how these areas of responsibility had been identified, and the lack of consultation with any Members, given that there had been a full consultation carried out with all Members. Members understood that the Leader had the authority to appoint the Cabinet and any deputy Cabinet Members, however the allocation of Special Responsibility Allowances (SRA) was the responsibility of the Standards Committee.
- Some Members questioned the need for an SRA when the roles had no executive powers, and the Members in those roles would not be expected to sit on a number of other Committees. Others argued that the areas identified required special focus, and would require the Members in these roles to spend a significant amount of time looking at the issues.

The Chair suggested that no SRA be provided for the roles at the current time, and that it should be recommended to full Council to keep under review the activity and outcomes of the work carried out by the Deputy Cabinet Member positions, and make a decision on remuneration in March, when the Member's Allowance Scheme was due to be revoked and renewed.

Following a vote, with three in favour and two against, it was

**RESOLVED that no amendments be made to the current Member's Allowance Scheme for 2018/19.**

Cllr Bull informed the committee that he wanted it to be put on record that he voted in favour of amending the Member's Allowance Scheme to include an allowance for the two deputy Cabinet Member positions.

## **55. DATES OF NEXT MEETINGS**

Noted.

## **56. EXEMPT MINUTES**

**RESOLVED** that the exempt minutes of the meeting held on 8 March 2018 be approved as a correct record of the meeting.

CHAIR: Councillor Felicia Opoku

Signed by Chair .....

Date .....

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**Report for:** Standards Committee 28<sup>th</sup> January 2019

**Title:** Updating the Members Allowance scheme to include provision for, Maternity, Paternity and Sick Pay

**Report authorised by :** Bernie Ryan, AD Corporate Governance

**Lead Officer:** Ayshe Simsek, Acting 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 discuss and consider whether the Member's Allowance scheme should be updated in March 2019 to include provision for maternity, paternity and sick pay for Councillors.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

- 3.1 To discuss updating the Members Allowance scheme to explicitly make provision for maternity, paternity, sick pay for councillors.

**4. Reasons for decision**

To fully reflect the Council's fairness objectives and meet this universal equalities standard, recognising that the demographic of councillors has changed over the years, and there is a need for the council to openly provide support to allow councillors that become parents or need to take a prolonged leave of absence due to ill health are not discouraged from doing so.

To ensure that the Council policies on maternity, paternity and sick leave are applied consistently.

To bring the council in line with the neighbouring borough policies of Islington, Waltham Forest and Camden and meet the recommendation of the independent remuneration panel[ The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorised the establishment by the Association of London Government (now London Councils) who make recommendations in respect of the members' allowances payable by London

boroughs which advises on members' allowances schemes] to 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.

**5. Alternative options considered**

To not update the Members Allowance Scheme to explicitly include these protections.

- 6.** To continue to have an informal process in place whereby the SRA payments continue at the discretion of the Monitoring Officer but both the political group whips make this more widely known so that members feel they can take maternity, paternity and sick leave should they need to do so.

**7. Background information**

The Council's Members' Allowance Scheme is governed by the Local Government & Housing Act 1989 as amended and the Local Authorities (Members' Allowances) (England) Regulations 2003. The Members' Allowance Scheme is set out in Part 6 of the Council's Constitution. Currently there is an informal process in place to continue SRA payments should a councillor take maternity leave or have a prolonged absence due to sickness as the Council has been mindful that Councillors are subject to section 85 of the Local Government Act 1972 which states that any Councillor who fails to attend any meeting of the Council or of any committee, joint committee or sub-committee of which they are a member for more than six months, shall cease to be a member of the Council, unless the failure to attend was due to a reason approved by the Council.

These policies can only be implemented on a voluntary basis and mainly Labour councils have been contacted to introduce this scheme to cover maternity, paternity, adoption leave to continue to increase the diversity of experience, age and background of local authority councillors. This is also to assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it. The Camden's council's current scheme is included for information and discussion.

Also given there are staff HR policies for maternity, paternity adoption leave and also sick pay it would seem fair to have this replicated in the Members Allowance scheme.

The key issues arising from this, for discussion are:

- To consider openly stating, in the Members Allowance scheme, Part 6 of the Constitution, that councillors will continue to receive their basic allowance should they need to take Maternity, Paternity, and Sick leave.
- Allocation of duties, in particular, any special responsibilities during any prolonged periods of absence and arrangements to recompense members who take on such additional duties. The need to consider that

this could potentially increase the number of councillors receiving an SRA ?

- Extended maternity leave, beyond 6 months, without attendance at a council meeting would require a council decision.

## **8. Contribution to strategic outcomes**

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

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

### **Finance**

The financial implications arising from the proposed introduction Of this change are not quantifiable since it is dependent upon how many Members seek support under the element of the scheme . Where sought this may result in an increase in the overall level of members' allowances where, for example, additional recompense is provided to Members covering areas of Special Responsibility ordinarily covered by the Member who is absent.

### **Legal**

As set out in the report, Councillors are subject to section 85 of the Local Government Act 1972 which states that any Councillor who fails to attend any meeting of the Council or of any committee, joint committee or sub-committee of which they are a member for more than six months, shall cease to be a member of the Council, unless the failure to attend was due to a reason approved by the Council.

### **Equality**

The Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination and advance equality of opportunity. The proposed changes aims and objectives fully complies with the Equality Act 2010 and will have a positive impact on protected groups who might otherwise be disadvantaged by their inability to carry out their Councillor duties through sickness, maternity, adoption or paternity leave.

## **10. Use of Appendices Appendix A Camden Council Members Allowance Scheme**

## **11. Local Government (Access to Information) Act 1985 None**

## **Appendix A Camden Council Members Allowance Scheme 2018**

### **Appendix A**

#### **MATERNITY, ADOPTION, SHARED PARENTAL, PATERNITY AND SICKNESS PAY**

All Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave.

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. 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.

Full details of entitlement to leave and allowances as a result of maternity, adoption, shared parental, paternity and ill health are attached at Appendix B.

### **Appendix B – Members' entitlement to leave and allowances as a result of maternity, adoption, shared parental, paternity or ill-health**

#### **1. INTRODUCTION**

1.1. This document sets out Members' entitlement to allowances in cases of maternity, adoption, shared parental, paternity and sickness leave.

#### **2. ALLOWANCES DURING MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

2.1. A Member on maternity, adoption, shared parental or paternity leave will continue to receive the basic allowance as long as they remain a councillor. They will continue also continue to receive their SRA allowance for a six month period subject to review and possible extension by six months.

#### **3. DURATION AND NOTIFICATION OF MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

3.1. On receipt of the information set out below, Democratic Services will within two weeks acknowledge that the period of absence has been noted and forward the information to HR services as appropriate.

3.2. The Committee Services Manager will write to the Member to confirm the continuation of allowances and until what date they will continue subject to review.

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

##### **a) Maternity Leave**

3.4. A Member is entitled to take up to 52 weeks maternity leave starting no earlier than the 11<sup>th</sup> week before the expected week of childbirth.

3.5. The Member must notify the Committee Services Manager of their intention to take maternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:

- i) Confirm the expected date of childbirth;
- ii) Provide a copy of the MATB1 (available from a doctor or midwife);
- iii) Confirm the dates which the Member will be absent.

### **b) Adoption Leave**

3.6. 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.

3.7. The Member must notify the Committee Services Manager of their intention to take adoption leave in writing no later than 28 days before the date they wish the period of adoption leave to start and:

- i) Confirm they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provide a copy of the matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent.

### **c) Shared Parental Leave**

3.8. A Member is entitled to Shared Parental Leave if they have (or share with the other parent) the main responsibility for the care of the child and are either the Mother, Father, Main Adopter or Other Adopter of the child, or the spouse, civil partner or partner of the Mother/Main Adopter.

3.9. A Member may share up to 50 weeks leave if the Mother/Main 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 Main Adopter.

3.10. 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 of the child.

3.11. The Member must notify the Committee Services Manager of their intention to take shared parental leave in writing no later than 28 days before the date they wish the period of shared parental leave to start and:

- i) Confirm their entitlement to shared parental leave and the expected (or actual) date of birth/placement;
- ii) Confirm the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take;
- iii) Provide a copy of the MATB1 or matching certificate/official notification;
- iv) Confirm the dates which the Member will be absent.

### **d) Paternity Leave**

3.12. A Member is entitled to take up to two weeks paternity leave to help care for the child if they are either: the biological father of the child; the spouse, civil partner or partner of the Mother/Single Adopter; or are the Other Adopter of the child.

3.13. 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 two months of the birth or adoption.

3.14. The Member must notify the Committee Services Manager of their intention to take paternity leave in writing no later than 28 days before they wish the period of paternity leave to start and:

- i) Confirm the expected date of childbirth; or date the child is expected to be placed for adoption (UK Adoption); or the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provide a copy of the MATB1 or matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent.

#### **4. VARYING THE DATES OF MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

4.1. If the Member wishes to change the start date of a period of leave they should write to the Committee Services Manager no later than 28 days before either the original start date or the new start date (whichever is earlier). The Committee Services Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

4.2. If the Member wishes to change the end date of a period of leave they should write to the Committee Services Manager at least 28 days before either the original end date or the new end date (whichever is earlier). The Committee Services Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

4.3. 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.

#### **5. SICKNESS LEAVE**

5.1. A Member who is sick for a period longer than 2 months 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 subject to review and a possible extension by six months.

#### **6. RESIGNING FROM OFFICE AND ELECTIONS**

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

6.2. 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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**Report for:** Standards Committee 28 January 2019

**Title:** Work Programme -

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

**Lead Officer:** Ayshe Simsek| 020 8489 2929 |  
ayshe.simsek@haringey.gov.uk

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

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

**1. Describe the issue under consideration**

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

**4<sup>th</sup> March 2019**

1. Members Allowance Scheme 2019/20 - recommendation to Full Council
2. Declaration of interest Forms - Inclusion of councillor addresses
3. Required updates to Constitution

**June 2019**

1. Update to Full Council Protocol
2. Update to Committee Procedure rules

**October 2019**

1. Members Allowance Scheme 2020/21
2. Recruitment of 2 independent members as their 4 year term serving the Committee will expire in March 2020.

