

NOTICE OF MEETING

STANDARDS COMMITTEE

Thursday, 23rd January, 2020, 7.00 pm – Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillors Felicia Opoku (Chair), Luke Cawley-Harrison, James Chiriyankandath, Mahir Demir and Elin Weston

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 - 14)

TO RESOLVE:

- a. To confirm and sign the minutes of the meetings of the Standards Committee held on 14th October 2019.
- b. To confirm and sign the unrestricted minutes of the Standards Assessment Sub Committee held on 1st October 2019.
- c. To confirm and sign the unrestricted minutes of the Standards Assessment Sub Committee held on 17th December 2019.

6. DRAFT REPORT ON MEMBER'S ALLOWANCE 2020/21

To follow

7. APPOINTMENT OF INDEPENDENT PERSONS 2020 - 2024 - RECRUITMENT PROCESS (PAGES 15 - 18)

8. REPORT ON CO-OPTED MEMBERS (PAGES 19 - 24)

9. SOCIAL MEDIA GUIDANCE

To follow

10. COMMITTEE WORK PLAN (PAGES 25 - 26)

11. NEW ITEMS OF URGENT BUSINESS

12. DATES OF NEXT MEETINGS

2 March 2020

13. EXCLUSION OF THE PRESS AND PUBLIC

Item 14 is likely to be subject to a motion to exclude the press and public from the meeting as it contains 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 and 2.

14. DRAFT REPORT ON MEMBER'S ALLOWANCE 2020/21

To consider any required exempt information pertaining to item 6.

15. EXEMPT - RESTRICTED MINUTES OF THE STANDARDS SUB COMMITTEE (PAGES 27 - 28)

TO RESOLVE

- a. To confirm and sign the restricted minutes of the Standards Assessment Sub Committee of 1ST October 2019.
- b. To confirm and sign the restricted minutes of the Standards Assessment Sub Committee of 17TH December 2019 - **To Follow**

Ayshe Simsek, Democratic Services and Scrutiny Manager
Tel – 020 8489 2929
Fax – 020 8881 5218
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

Wednesday, 15 January 2020

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**MINUTES OF MEETING STANDARDS ASSESSMENT SUB
COMMITTEE HELD ON TUESDAY, 1ST OCTOBER, 2019, 7.00 -
7.27 PM**

PRESENT:

**Councillors: Luke Cawley-Harrison, James Chiriyankandath, Mahir Demir,
Felicia Opoku (Chair) and Elin Weston**

10. ELECTION OF CHAIR FOR THE DURATION OF THE PROCEEDINGS

Councillor Cawley-Harrison nominated Councillor Opoku to chair the meeting. This was seconded by Councillor Weston.

Councillor Opoku in the chair

11. APOLOGIES FOR ABSENCE

None.

12. DECLARATIONS OF INTEREST

None.

13. URGENT BUSINESS

None.

14. ARRANGEMENTS FOR THE HANDLING OF COMPLAINTS

The Committee noted the arrangements for handling complaints.

15. NEW ITEMS OF URGENT BUSINESS

None.

16. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting for consideration of Items 8 and 9 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.

17. STANDARDS COMPLAINT SC002/1920

The Committee considered exempt information pertaining to item 8.

18. NEW ITEMS OF EXEMPT URGENT BUSINESS

None.

CHAIR: Councillor Felicia Opoku

Signed by Chair

Date

MINUTES OF MEETING STANDARDS COMMITTEE HELD ON MONDAY, 14TH OCTOBER, 2019, 19:00 – 21:45

PRESENT: Councillors Felicia Opoku (Chair), Luke Cawley-Harrison, James Chiriyankandath, and Elin Weston.

ALSO PRESENT: Councillor Reg Rice.

93. FILMING AT MEETINGS

Members of the Committee noted the notice attached at Item 1 of the agenda pack in respect of filming at meetings.

94. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Demir.

95. URGENT BUSINESS

There were no items of urgent business.

96. DECLARATIONS OF INTEREST

No declarations of interest were made.

97. MINUTES

RESOLVED

To approve the minutes of the cabinet meetings held on the 25th June 2019 as a correct record.

98. FINANCIAL REGULATIONS UPDATE

Thomas Skeen, Head of Pensions, introduced this report, as set out, which informed Members of the update to the Council's Financial Regulations, and the Budget and Policy Framework Procedure Rules, which formed a part of the Council's constitution.

The Committee were taken through the proposed substantial changes to the financial regulations section of the Constitution, highlighted at pages 13 to 17 (6.5.1 to 6.5.10) of the Officers report.

In response to questions from Members, Officers provided the following information:

- Regarding the raising of limits for debt write offs at the ALMO (Homes for Haringey), the Council had not consulted the ALMO or its Chief Executive in the reviewing of the proposed figures but had instead researched other boroughs constitutions to ensure the Council was in line with practice at other

- authorities. It was noted the working group that proposed the new limits involved the Head of Finance who has operational dealings with the ALMO.
- Officers confirmed *'to take ownership for'* at paragraph 5.24 would be amended to state *'to take responsibility for'*. It was considered this would better reflect the requirement for managers.
 - Only budget adjustments over £250,000 were reported to Cabinet, this was due to a clause in the Haringey Constitution. However, it was noted that councils had different limits for this, with some differing greatly to Haringey.
 - Any *'other housing income'* referenced in 8.14 included any income of any sort.
 - There was concern amongst the Committee at Cabinet Member involvement in debts written off. Officers noted this would only take place upon the advice of the Chief Executive of the ALMO and the Section 151 Officer. When Officers reviewed other councils' practice in write offs, it was found some did not include councillors in this process. The Committee requested to know how many of the debts involving the ALMO over £25,000 were written off. The Committee was mindful that an abundance of caution should be taken when including councillors in any personalised individual decisions such as debt write offs. Moving forward, Officers suggested this could be kept under review and the issue returned to in 12 months, with the role of councillors in the process also looked at.
 - The Cabinet Member responsible for the ALMO write offs was the Cabinet Member for Finance because they were responsible for the finance portfolio and had regular dealings with the Section 151 Officer, who would advise, (alongside the Chief Executive of the ALMO) whether any debts should be written off.
 - The Committee expressed concern that the specific reference to *'Cabinet Member for Finance'* could cause difficulties if there was to be any change in the name of the Cabinet Member responsible for finance. Officers confirmed this could be amended to reflect whoever was responsible for the finance portfolio, rather than listing a specific title. The Committee was reassured by the Legal Officer that the Monitoring Officer had the authority to make minor amendments to the Constitution, which could be used to reflect title changes.

The Committee agreed to:

- Change *'to take ownership for'* at paragraph 5.24 to state *'to take responsibility for'*.
- Change *'Cabinet Member for Finance'* at 8.14 to read *"cabinet member responsible for the finance portfolio"*.
- Keep the debt write off under review with Officers to bring an update report in approximately 12 months time, to include information on the total number of debt write offs over £25,000, and to consider the role of councillors in debt write off, in light of the Committees concerns above.

RESOLVED

That Standards Committee recommend to November's Full Council meeting, subject to the additional changes above, that the changes to the Financial Regulations Part 4 Section I (Appendix 2) and associated amendment at Part 4, Section E, Budget and Policy Framework Procedure Rules at paragraph 7.1 (Appendix 3), be approved subject to the changes agreed by the Standards Committee.

99. INITIAL FINDINGS FOR THE REVIEW OF MEMBER'S ALLOWANCES 2020/21

Richard Penn, the Independent Advisor (IA), introduced this item which provided an update on the progress of the review for the Member's Allowance scheme.

The IA was a specialist in member allowances and detailed his working career to the Committee, which included being:

- Chair of Independent Remuneration Panel for Wales;
- CEO of unitary authorities in England, including Merseyside; and
- CEO of City of Bradford Metropolitan District Council for 10 years.

The IA informed there had been a considerable amount of information gathered by the Democratic Services Team on comparatives between Haringey Council's member allowances and comparator boroughs member allowances which shared similar demographics and were also councils in London.

The next stage was to gather more information from Haringey Councillors' directly through a questionnaire that had been prepared by the Democratic Services Team. The IA also suggested it would be helpful if he were to have direct conversations with as many Councillors as possible about their work and the Special Responsibility Allowance (SRA). The intention was to bring a report back to the Standards Committee with recommendations before agreement of the next member allowance scheme.

In discussion, the Committee raised the following:

- It was recommended the IA meet with the Chief Whips to discuss the member allowances. The IA suggested drop in sessions with other councillors to allow them the option to contribute their views on the Council's member allowance scheme. This would allow the IA to develop a better understanding of the role of councillors, particularly those in receipt of SRAs. The Chair reminded the Committee there would be budget implications for any day drop in sessions.
- The information gathered so far highlighted discrepancies between the pay for the same SRAs between London boroughs and so it was important the IA gathered as much information as possible about the particular roles performed by councillors in receipt of SRAs to confirm if the pay supported the extra duties required. The information gathered would allow the Council to form a view about the appropriate level of pay was for particular SRAs.
- Members recognised certain committees were held more frequently than others, however, did not feel a special allowance for membership of particular committees a helpful area to explore. The Committee was mindful of the basic allowance which it considered should not be viewed in isolation of the SRA. The IA noted the questionnaire would provide helpful insight into the particular demands of committees and encouraged there to be a written section to allow any further comments.
- Changing the SRA might allow councillors to leave their full-time jobs and take up their council duties on a permanent basis.
- There was a concern that those in receipt of SRAs would be more likely to provide feedback over those not in receipt of SRAs. The Committee felt strongly that all councillors should be encouraged, so far as possible, to fill out

- the questionnaires and/or meet with the IA. That would ensure backbench councillors had their views taken into consideration.
- The Committee felt it would be helpful to know how many SRAs were given for the comparator boroughs looked at as part of this review.
 - The review should not be restricted to a monetary perspective but also contain a breakdown of what an SRA was and why it was paid, to fully inform the public about why certain councillors received more public money. This should include the expectations of those in receipt of any SRA, and what a particular SRA covered (such as additional delegated responsibility, chairing of meetings, etc).
 - It was suggested the questionnaire contain an additional question which asked if the councillor had ever been in receipt of an SRA.
 - It was suggested the questionnaire contain an additional question which asked what political party the councillor belonged to, as those in opposition might have a different understanding of SRAs to the administering party. The Committee agreed to include this as an optional question.
 - Question 2 was considered too restrictive therefore it was suggested there be an option underneath for councillors to provide a written response to clarify if the hours worked differed week to week.
 - Under Section C – Committee/Boards, the Committee suggested taking out the option of Chair for both the Health and Wellbeing Board and Corporate Parenting Advisory Committee, as these were the responsibility of Cabinet Members, whom would already be in receipt of an SRA. It was also noted that the Regulatory Chair was the Chair for Planning and Licensing Committees.
 - The Committee suggested the review should look at the background to how other councils paid their SRAs as, for example, Cabinet Members at Haringey Council were previously expected to be at the Council two days a week. The Committee considered it would be helpful to see how that expectation compared to other councils.
 - The Chair noted efforts would be made to find out why the SRAs at Southwark were as high as they were.
 - A question would be added to the questionnaire which asked if councillors were satisfied with the current level of the basic allowance.
 - The Committee suggested the review explore the vice-chairs and deputy roles to understand any extra work they undertook.
 - It was suggested the Committee have a recommendation that introduce a set principle position to the basic allowance by either increasing it 1% each year, having it rise in line with inflation, or in line with the pay settlement increase expected for staff which, would be ratified by the Standards Committee.
 - The Chair requested the Banding for the Regulatory Chair and Vice-Chair in Question 3 be corrected before the questionnaire be issued.

The Committee agreed to:

- Request the Chief whips meet with the IA to discuss the member allowance scheme review.
- Approve the arrangement of drop in sessions for councillors to meet with the IA to discuss the member allowance scheme review.
- Introduce questions on the questionnaire regarding: previous SRA recipient; satisfaction with basic allowance; political party (optional); a written response under Q2.

- Remove Health and Wellbeing/corporate Parenting 'Chair' options in the questionnaire.

The Committee requested the updated questionnaire be circulated to Members through email (**Action: Ayshe Simsek**).

RESOLVED

1. To note the update on progress with the review.
2. To approve/comment on the attached questionnaire for distribution to Members on the 15th of October and completion by the 21st of November.
3. To comment on the attached comparative data at appendix 3.

100. REVIEW OF ETHICAL STANDARDS

Gina Clarke, Principal Lawyer (Employment, Education & Corporate), introduced this report, as set out, which proposed changes to the Council's Constitution in accordance with recommendations made by the national Committee on Standards in Public Life in its report on Local Government Ethical Standards. The following was highlighted:

- The report included changes that could be made by the Committee which did not require legislation changes.
- There were recommendations to include a more detailed prohibition on bullying and harassment in the Members Code of Conduct, and to regularly review the Code of Conduct each year.
- Regarding the recommendation that the Monitoring Officer meet regularly with political group leaders or group whips to discuss standard issues, the Labour Chief Whip suggested this be formalised as a quarterly meeting. The Legal Officer had communicated that request to the Monitoring Officer. (**Post meeting note** – *Dates have been set for the quarterly meeting between the Chief Whips and the Monitoring Officer*).

One of the Council's two Independent Persons had written an email in response to the report and its recommendations. It was queried whether this might be a missed opportunity to codify in the Haringey Constitution at 'Part 5, Section A, Protocol - Complaints Against Members, Paragraph 3', that the Council currently had two independent persons. Officers suggested reference to the Council having two Independent Persons could be included in this section, if the Committee agreed.

The Independent Person had also suggested in that email to amend the wording of 3.2 (ii) to remove '*decided to*' so that it read '*the Hearing Sub-Committee before it makes its decision on an allegation which it was investigating*'. The Committee agreed to this but requested this be checked with the Independent Person to ensure it reflected the change sought.

In discussion, the Committee raised the following:

- Where reference was made to the Monitoring Officer in 'Part 5, Section A, Protocol - Complaints Against Members', Officers would look for suitable

wording to include reference to the Deputy Monitoring Officer, who would deputise when the Monitoring Officer had recused themselves.

- Officers noted the definition of bullying and harassment at 'Part 5, Section A, Member Code of Conduct, Paragraph 3.2 (b) (i) and (ii)' was likely from previous guidance. The Committee agreed '*may be*' be removed after both bullying and harassment and reworded to state "...includes conduct such as...".
- The Committee agreed rewording 3.2 (b) to state "bully or harass any person through any means'
- The Committee agreed rewording 3.2 (b) (iii) to read '*examples of bullying or harassment include, but not limited to*'.
- It was suggested including reference to social media and electronic communications at 3.2 (b) (iii), as there was concern this section could be considered too generic. However, the Committee decided the wording was broad enough to cover social media and electronic communications without specifically stating so. The Committee agreed to add 'including' before touching at bullet point 7, and to include 'making lewd or sexual remarks' to the list under '*unwelcome sexual advances*.'
- The Chair suggested that, if any councillor was unsure, they should declare any gift or hospitality. That would avoid any potential issues at a later date.
- It was suggested 'Part 5, Section A, Member Code of Conduct' be consistent where reference was made to Members and co-opted members. Officers would explore the option to add co-opted members declarations on the same page as Members on the Council's website and would also clarify the Council's position on publishing Independent Persons details and any conflicts of interest (**Action: Ayshe Simsek**).
- The Committee suggested adding a clear definition of what specifically 'Independent' meant in relation to the Independent Person.

The Committee requested a revised version of Part 5 Section A – Members' Code of Conduct with the above changes incorporated be circulated to them for approval.

RESOLVED

That the Committee recommend to Full Council:

- a) Note the best practice points and recommendations in the report on Local Government Ethical Standards from the Committee on Standards in Public Life (Appendix 3).
- b) Agree the following amended versions of the Constitution, subject to the above changes being incorporated:
 - I. Part 5 Section A – Members' Code of Conduct – pt 1 (Appendix 1).
 - II. Part 5 Section A – Members' Code of Conduct – pt 2 – Process for handling complaints (Appendix 2).

101. RECRUITMENT OF INDEPENDENT MEMBERS FOR STANDARDS COMMITTEE AND STAFFING REMUNERATION COMMITTEE

Gina Clarke, Principal Lawyer (Employment, Education & Corporate), introduced this report which sought the Committee's approval to commence the recruitment of Independent Persons to support the Standards Committee in relation to allegations that members or co-opted members had 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.

The Principal Lawyer informed the Committee that the current Independent Persons were on a 4-year cycle, with the current term ending in 2020. The Council therefore needed to recruit two new Independent Persons. The current primary Independent Person was remunerated at a rate of £1,250 per annum, with the secondary Independent Person at a rate of £250 per annum. It was noted the '*Local Government Ethical Standards: A Review by the Committee on Standards in Public Life*' recommended that Independent Persons should be appointed for a period of two years, with the option to extend for a further two years.

In response to questions from the Committee, the following information was noted:

- The Standards Committee recommended up to Full Council the remuneration package for the Independent Persons.
- The Committee agreed reducing the term of the Independent Persons to two years, with the option to extend for a further two years.
- The Committee agreed to include section 6.4 of the report in the Constitution, specifically the passage that read "*the law provides that a person may not be an IP if they are a Member, a co-opted member or an officer of the Council, or a relative of close friend thereof*". The Chair noted this would tie in with the final bullet point under Item 100 above, in addition to adding that the Independent Person may not be a member of a political party.
- It was suggested that a mechanism be incorporated into the Constitution that dealt with the eventuality where an Independent Persons independence might be compromised, i.e. joining a political party. Officers confirmed they would look into that suggestion (**Action: Gina Clarke**).

RESOLVED

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 Staffing and Remuneration Committee) 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).

102. CHANGES TO COUNCIL STANDING ORDERS AND COUNCIL PROTOCOL

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager, introduced this report which sought Member's initial views on the proposed changes to the Council and Committee standing orders, including Full Council protocol, attached at Appendix 1.

The Acting Democratic Services and Scrutiny Manager noted the updated standing orders tightened up the existing procedural rules. The changes included those that had been suggested by the Standards Committee previously. The Committee was being asked to recommend to Full Council in November changes to the Council Standing orders and Committee Standing Orders.

Regarding Full Council Protocol and the debate item, the following suggestions were made to the Committee:

- Removing the Haringey Debate;
- Keeping the debate item and reducing the time allocated to 45 minutes in total; and
- The Mayor and Leaders of both political groups choosing and advertising a proposed debate item to community groups/ organisations in the borough and inviting representations to the meetings on the chosen item.

The following was noted in discussion:

- The Committee discussed the option of community groups being given the choice to put forward deputations for Full Council.
- The Committee considered the end time of Full Council, with the option of finishing earlier suggested.
- The Committee agreed that any suggested changes to the Full Council Protocol by the Leaders of the Political Groups be reverted back to the Standards Committee's before its next meeting (January 2020).
- The Committee suggested adding to the Standing Orders for Full Council at 10.7 '...relevant to the original question'.
- It was raised that written responses to questions were not being provided following Full Council and Cabinet meetings, as they were meant to. The Committee suggested that written responses could be included at that following meetings report pack or minutes, to resolve the issue.

RESOLVED

1. To recommend the attached changes, set out appendix 2, to the Council Standing orders and Committee Standing Orders set out at appendix 3 for approval at the Full Council meeting in November.
2. To refer changes to the Full Council Protocol and other suggested changes to Council standing orders to the Leaders of the Political Groups as set out in Council procedure rule for implementation in May 2020.

103. COMMITTEE WORK PLAN

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager, introduced this report which requested the Committee note the current work programme and put forward any comments on suggested areas of work.

Regarding the report on co-opted Members to be brought before the Standards Committee in January 2020, the Committee requested the following information be provided:

- How long they had been appointed for;
- How long each term should be (and has been, if served more than one term);
- All declarations of interest made by each co-optees; and
- Any affiliations to political parties or community groups.

The Committee suggested the co-opted members be sent an adapted version of the Members declarations of interest form, with the address section removed, to complete.

104. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

105. DATES OF NEXT MEETINGS

23 January 2020
2 March 2020

106. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the remainder of the meeting as the remaining items contained exempt information, as defined under paragraph 3, Part 1 schedule 12A of the Local Government Act 1972.

107. EXEMPT - RESTRICTED MINUTES OF THE STANDARDS SUB COMMITTEE

RESOLVED

To confirm and sign the restricted minutes of the Standards Assessment Sub Committee held on 4th July 2019.

CHAIR:

Signed by Chair

Date

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**MINUTES OF MEETING STANDARDS ASSESSMENT SUB
COMMITTEE HELD ON TUESDAY, 17TH DECEMBER, 2019, 7.00
- 7.40 PM**

PRESENT:

**Councillors: Peray Ahmet, Luke Cawley-Harrison,
James Chiriyankandath, Mahir Demir and Felicia Opoku**

ALSO ATTENDING:

19. ELECTION OF CHAIR FOR THE DURATION OF THE PROCEEDINGS

Councillor Cawley-Harrison nominated Councillor Opoku to chair the meeting. This was seconded by Councillor Chiriyankandath.

Councillor Opoku in the chair

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Weston. Councillor Ahmet was present as a substitute.

21. DECLARATIONS OF INTEREST

None.

22. ARRANGEMENTS FOR THE HANDLING OF COMPLAINTS

The Committee noted the arrangements for handling complaints.

23. NEW ITEMS OF URGENT BUSINESS

None.

24. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting for consideration of Items 7 and 8 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.

25. STANDARDS COMPLAINT SC002/1920

The Committee considered exempt information pertaining to item 8.

26. NEW ITEMS OF EXEMPT URGENT BUSINESS

None.

CHAIR: CLLR FELICIA OPOKU

Signed by Chair

Date

Report for: Standards Committee 23 January 2020

Title: **Recruitment process for the Appointment of Independent Person - Standards Committee from 30 June 2020 – 29 June 2024**

Report authorised by : Bernie Ryan – Assistant Director Corporate Governance & Monitoring Officer

Lead Officer: Ayshe Simsek – Acting 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 sets out the recruitment process for the appointments of up to two persons under section 28(7) of the Localism Act 2011.

2. Cabinet Member Introduction

N/A

3. Recommendations

3.1 To note the process set out at paragraphs 4.4 to 4.7 and provide any comments.

3.2 To note that the proposed appointment will be considered by the Standards Committee at the 2nd of March meeting and will be for onward approval by full Council at their meeting on the 16th of March.

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 Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the Council must have in place arrangements for inviting Independent Persons to be involved in making recommendations to Council before any decision to dismiss a statutory officer. It would be possible to use IPs other than those appointed to support the Standards Committee, or IPs from other authorities for this purpose, however it is considered sensible to use the IPs supporting the Standards Committee for this purpose if needed as well
- 4.3 Following on from Standards Committee's approval in October 2019 to the recruitment process to seek an Independent person (to commence office on 1 July 2020 for an initial 2 year term and with the option to extend for a further two years), the recruitment process proceeded in December 2019 and January 2020. There is an advert for the post in the local press and on the Council website with a closing date of the 2nd of February 2020.
- 4.4 Given the Committee need to recommend these appointments to the full Council it is appropriate that three members of the Committee be involved in the shortlisting and interview process for these positions. The interview panel will need to be politically proportionate with 2 Labour Councillors and 1 Liberal Democrat Councillor. It is usual for the Chair of Standards to lead these proceedings with assistance from Legal services and Democratic services. Cllr Cawley Harrison has been invited by virtue of his membership of the Standards Committee and keeping to the rules of political proportionality. Therefore, a further Labour nomination will be sought at the meeting to participate in the shortlisting and interview process. It is proposed to hold the shortlisting exercise in the week beginning the 3rd of February.
- 4.5 Democratic Services will compile and provide the Standards interview panel members, completed application forms, person specification form, submitted CV's and required extracts of the legislation concerning appointment of Independent Persons on the 3rd of February. Members will be asked to consider applications against the person specification and focus on the essential criteria, deciding if these are strongly met, met, partially met and not met. The candidates that score more/most strongly met on the criteria should be invited to the interviews. Legal services will also share some suggested questions for the interviews for comments by the Member Panel in this part of the process.
- 4.6 Interviews for the position will take place on the week beginning the 10th or 17th of February according to Member availability. These interviews will be held at the Civic Centre and there will be around 45 minutes allocated for each person successful in the shortlisting process. There will then need to be a further time period for scoring and agreeing the successful candidates. Therefore, it will likely be necessary to diarise around 4 hours for the interviews and conclusions.
- 4.7 Following on from the decision of the interview panel, the successful candidates will be written to and references sought. Legal services will compile an exempt report for Standards Committee on the 2nd of March 2020 to consider and agree the recommendations of the interview panel for a Primary and Secondary Independent Person. The Committee will ask Full Council on the 16th of March to confirm this appointment.

5. Statutory Officers comments

Financial Implications

- 5.1 The cost of the recruitment exercise and payment of Allowances will be met from the Democratic Services budget

Comments of the Assistant Director of Corporate Governance and Legal Implications

- 5.2 These are contained within the report.

Equalities

- 5.3

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

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.

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Report for: Standards Committee 23 January 2020

Title: Co-opted Members – information report

Report

Authorised by: Ayshe Simsek – Acting Democratic Services and Scrutiny Manager

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

- 1.1.1 To consider information regarding the current cohort of co-opted members supporting Council Committees, their role and activity and how they were appointed.
- 1.1.2 To consider any changes to the process for supporting adherence to the Code of Conduct by co-opted members.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

- 3.1. To note the information contained in the report concerning co-opted members, selection, appointment and role.

4. Reasons for decision

To respond to a request for this information from Standards Committee members in June and to improve understanding of these roles, allowing any comments/ issues to be raised.

5. Alternative options considered

None – this is an information report and information has been obtained from the constitution and legislation.

6. Background information

- 6.1 Following a Standards training session in June, members of the Standards Committee were interested to understand and explore more fully the role and appointment of co-opted members given that these members participate in Committees and can have a key role in terms of influence and decision making. Co-opted members of the Council are subject to the code of conduct and certain positions are appointed to meet statutory requirements, provide expert knowledge or to assist Committees with an independent view.
- 6.2 Standards Committee, terms of reference includes promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives; assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct. Therefore, this report is also aimed at providing information about how the code of conduct is observed and whether any improvements can be made to support adherence to the code of conduct by co-opted members.
- 6.3 It has also been queried considering appointment of co-opted members to the Standards Committee. Article 9.02 of the Constitution notes that the Standards Committee will be composed of Councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members.

Overview

- 6.4 Local authorities have a general power to appoint members to Committee who are not elected members of the Council under the Local Government Act 1972. This was modified to include the categories of voting and non-voting members in 1989. It should be noted that there is no power to co-opt to the full Council. In considering this act and the roles in the local authority which are politically restricted, it appears that co-opted members can be members of political parties.
- 6.5 Co-opted members that have no voting rights and are usually appointed for their expert / experienced advice in supporting a particular Committee and are not required to complete a declaration of interest form. Although, would need to follow code of conduct and Council/ Committee standing orders, including not divulging exempt/ confidential information at meetings.
- 6.6 Co-opted members with voting rights are required to complete a declaration of interest form within 28 days of appointment.

Voting Co-opted Members

- 6.7 Haringey has three Committees with voting co-opted members:
- Overview and Scrutiny Committee
 - Children and Young People’s Scrutiny Panel
 - Pensions Committee and Board
- 6.8 Where a Council is responsible for education functions, there is a requirement for certain voting co-opted members to be appointed to the relevant scrutiny bodies responsible for education. In Haringey, there are two diocesan representatives (one Church of England and one Catholic) and two parent governor representatives voting co-opted members and they sit on both the Children and Young People’s Scrutiny Panel and the Overview and Scrutiny Committee. Such co-optees have voting rights on education issues and are treated as opposition Councillors for the purposes of political proportionality. These Committees have a Church of England Diocesan representative and the Catholic position is also represented. They remain in position until they either resign or we are advised by the Diocese that they are no longer nominated. These representatives were appointed by the Diocese and the Council has no role in this process. Where the Committee is not considering an education matter, the co-opted members have no – voting rights. For example, if they were considering a call in of a regeneration decision, they would not be able to vote on the pathway of the call in decision.
- 6.9 Parent governor representatives are elected by all parent governors in the authority’s areas. This election is carried out by the authority wishing to co-opt them. The process for appointing them is prescribed in detail within the Parent Governor Representatives (England) Regulations 2001;
- <http://www.legislation.gov.uk/ukxi/2001/478/contents/made>
- 6.10 There are two current Parent Governor Representatives and they were both elected in October 2018. Their term of office is two years and will end in October 2020.
- 6.11 In accordance with the Member’s Allowance scheme each voting member co-opted member gets £154 per meeting attend and this is capped at £616 per municipal year.
- 6.12 Voting members of the Overview and Scrutiny Committee will have an induction session with Democratic and Scrutiny services team and will discuss the code of conduct.
- 6.13 Haringey is one of only two boroughs in the country that has a Combined Pensions Committee and Board with four available co-opted voting positions. There are two representatives from scheduled and admitted employers, and two scheme membership representatives, one being appointed by local trade unions and the other selected from scheme member nominations. On the Combined Pensions Committee and Board, is

entitled to an allowance of £154 per meeting attended, to a maximum of £616.

- 6.14 The employer representatives will be nominated by employers other than the Council. If there are more than two nominations a panel consisting of the Chair of the Committee and Board and Chief Financial Officer to the Council will select the representatives to be appointed.
- 6.15 The employee representatives will be appointed as follows:
- i. one active scheme member representative will be appointed jointly by trade unions who represent working scheme members.
 - ii. one pensioner and deferred member representative will be selected through an open invitation to apply.

If there is more than one nomination for these positions, a panel consisting of the Chair of the Committee and Board and Chief Financial Officer/Director of Finance to the Council will select the representatives to be appointed.

- 6.16 Employee (pensioner/deferred) reps are advertised by writing to all members of the scheme asking them if they wish to apply for the role. Employer reps are advertised by writing to all employers who participate in the scheme. If there are more than 2 nominations a panel consisting of the Chair of the Pensions Committee and Board and the Chief Financial Officer /Director of Finance will make a decision around the appointment.
- 6.17 Employer representatives will remain as members of the Committee and Board during their appointed term of office unless in the opinion of the administering authority they are not adequately performing their role (including non-attendance at two consecutive meetings), they become incapable of acting, they cease to represent their constituency, they resign or a replacement member is nominated by their relevant nominating body. If an appointment is terminated a new process will commence for the remainder of the term.
- 6.18 Prospective members of the Committee and Board will be required to demonstrate to the panel consisting of the Chair of the Committee and Board and the Chief Financial Officer that they have the capacity to represent other employers and employees (as appropriate) and that they do not have a conflict of interest. The decision of the panel will be final.
- 6.19 Every member of the Committee and Board must be conversant with –
- i) The rules of the LGPS.
 - ii) Any document recording policy about the administration of the LGPS which is for the time being adopted by the LB Haringey Pension Fund.
- 6.20 It is for individual Committee and Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions.
- 6.21 Committee and Board members are required to be able to demonstrate their knowledge and understanding and to keep these up to date and to maintain a written record of relevant training and development.

The Council will provide a training programme, which all Committee and Board members must attend. Training undertaken will be reported at each meeting.

- 6.22 The role of the co-opted members is to sit on the Pensions Committee and Board and represent the interests of the requisite groups (employers, employees etc.), the terms of reference of the Committee and the responsibilities per Haringey's constitution apply, as do the code of conduct requirements.

Non -Voting Members

- 6.23 In relation to scrutiny, the Local Government Act 2000 made provision for the co- option of non-elected members to Overview and Scrutiny to bring additional expertise and skills to scrutiny work and to increase public engagement with scrutiny. This is also covered within the Council's Constitution under the Section G (3.1) of the Overview and Scrutiny Procedure Rules. These meetings are not decision making meetings and will usually be compiling scrutiny reviews for agreement by Overview and scrutiny and then for onward approval by the Cabinet. As set out above, co-opted members are subject to the member's code of conduct.

- 6.24 There is a representative of Haringey Association of Neighbourhood Watches appointed as the co-opted member of the Environment and Community safety. The principle that Scrutiny were trying to establish was that co-optees represented specific organisations with a particular interest or expertise relevant to the Scrutiny Panel. The Co-opted member of the Adults and Health panel was previously co-opted onto the Adults Panel as Chair of Haringey Link Network. Healthwatch took over their role but there was a conflict of interest issue with Healthwatch being represented on the Adults Panel as they are on the Health and Well Being Board and it was felt and important for providing members with the voice of health services users. Therefore, the Chair of the Link Network has continued to be appointed.

- 6.25 Generally, an information pack is provided to co-opted members on their appointment and advice given about their voting rights and declaration of interest form completion. However, going forward, co-opted members can be sent further reminders on a regular basis to advise any changes and raise any queries should they have any. Declaration of interest forms of members and co-opted members are available on the following link

<https://www.haringey.gov.uk/local-democracy/our-standards/register-members-interests>

- 6.26 Under the previous Standards regime, the Standards Committee comprised of 5 Councillors and 6 independent members who would consider complaints against members and co-opted members. Under the ethical framework changes in 2012, Councils were required to compile and administer their own code of conduct and further appoint up to two

independent persons for advice and initial investigation of misconduct claims. The current format of the Standards Committee was agreed in July 2012 and the articles section in the constitution is the only place that includes the 6 co-opted members to assist the Committee. This inclusion seems to be an anomaly as the independent persons assist and provide the Committee with advice and recommendations concerning code of conduct complaints. Members would need to consider the benefit of including co-opted members who would not have any voting rights in consideration of reports and complaints. The expertise and experience is already provided by the independent persons and their written advice considered at the Standards sub –assessment meetings.

7. Contribution to strategic outcomes

The Council’s Constitution supports the governance of the Council and its Decision making thereby assisting the Council to meet its strategic outcomes.

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

8.1 Finance

8.2 Payment of voting co-opted members is contained within the Democratic Services budget.

8.3 Legal comments are contained within the report

8.5 Equality

Equalities duties are adhered to in the recruitment process for co-opted members.

9. Use of Appendices

None

10. Local Government (Access to Information) Act 1985

Council Constitution

1972 Local Government Act

Report for: Standards Committee 23 January 2020

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.

2nd March 2020.

1. Final Recommendations for Members Allowance Scheme 2020/21
2. Council report on Independent Persons for Standards Committee 2020 – 2024

June 2020 –

Potential changes to the Health and Wellbeing Board Terms of Reference.

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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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