

MINUTES OF STANDARDS COMMITTEE MEETING HELD ON TUESDAY, 2ND MARCH, 2021, 7.00 - 8.00 PM

PRESENT: Councillor Felicia Opoku (Chair), Councillor James Chiriyankandath, Councillor Makbule Gunes (until the end of item 7), Councillor Julia Ogiehor, and Councillor Elin Weston.

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence. Cllr Gunes noted that she would have to leave the meeting part way through in order to attend another meeting.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

RESOLVED

That the minutes of the Standards Committee meeting held on 25 January 2021 be confirmed and signed as a correct record.

6. MEMBERS' ALLOWANCES SCHEME 2021/22

The Democratic Services Manager introduced the report which presented the Members' Allowances Scheme for 2021-22. It was explained that the Council was required to approve a Members' Allowances Scheme annually and that the recommendations of the Standards Committee would be presented to Full Council for approval on 18 March 2021. It was noted that, at the last meeting, the Standards Committee had indicated that it may be appropriate to remove the maximum 2% pay increase that was index linked to local government officers' pay and that this issue would be discussed with political groups.

It was added that the Members' Allowances Scheme 2021-22 would require some changes to descriptions if the proposals to reconstitute the Regulatory Committee as a Strategic Planning Committee, with a Planning Sub-Committee, and a Licensing Committee, with a Licensing Sub-Committee, were agreed. This would mean that sections referring to the Chair of Regulatory Committee, under Band 2B of the scheme, would be amended to refer to the Chair of Strategic Planning Committee and sections referring to the Vice-Chair of Regulatory Committee, under Band 1B of the scheme, would be amended to refer to the Chair of Licensing Committee.

The Chair noted that, under the existing Members' Allowances Scheme, any increases to the basic allowance were index linked to local government officer pay increases; this meant that there would only be an increase in members' allowances if there was an increase in local government officers' pay and that any increase in member allowances was capped at a maximum of 2%. It was clarified that index linking was only relevant to members' basic allowances and not to Special Responsibility Allowances (SRAs) for additional duties.

The Chair explained that the Standards Committee could decide to continue with the existing Members' Allowances Scheme or to remove the index linking between members' basic allowances and local government officer pay for 2021-22. It was noted that, as the Members' Allowances Scheme was considered each year, this issue could be revisited next year.

The Committee noted that there was unlikely to be an increase in local government officers' pay this year but that it was important to ensure that members' basic allowances were not increased for 2021-22. It was also reported that, following some discussion with political groups, there was a general consensus amongst members that it would be inappropriate for there to be any increases to members' basic allowances this year.

The Committee considered that the general principle to index link any potential increases in members' basic allowances to local government officers' pay with a maximum percentage increase was appropriate in most years. However, due to the Covid-19 pandemic and the current financial climate, it was agreed that it would not be appropriate for there to be any increases in members' basic allowances for 2021-22. The Committee agreed that members' basic allowances would not be index linked to local government officers' pay in 2021-22 and that this provision would be removed from the Members' Allowances Scheme 2021-22. It was confirmed that this would be revisited in the Members' Allowances Scheme for 2022-23.

RESOLVED

- 1. That, due to the Covid-19 pandemic and the current financial climate, members' basic allowances would not be index linked to local government officers' pay in 2021-22 and that this provision would be removed from the Members' Allowances Scheme 2021-22.**
- 2. To agree the Members' Allowances Scheme, attached as Appendix 1 to the report, subject to the amendment above that there would be no increase in members' basic allowances for 2021-22.**

3. To recommend that the Members' Allowances Scheme, **as amended and subject to any changes of description relating to the Regulatory Committee, Strategic Planning Committee, and Licensing Committee**, be adopted by Full Council on 18 March 2021.

7. REPORT RESPONDING TO MEMBER COMMENTS IN THE REVIEW OF MEMBER ALLOWANCES THAT THE REGULATORY COMMITTEE SHOULD BE FORMALLY RECONSTITUTED AS TWO SEPARATE COMMITTEES - A PLANNING COMMITTEE AND A LICENSING COMMITTEE

The Democratic Services Manager introduced the report which provided feedback from the Regulatory Committee and asked the Standards Committee to make recommendations to Full Council on the proposed changes to the Committee structure, namely for the Regulatory Committee to be formally reconstituted as two separate Committees – a Strategic Planning Committee and a Licensing Committee.

It was explained that the Regulatory Committee had considered the proposals, which were set out in detail in Appendices 1-4 to the report, at a working group meeting on 11 February 2021 and at the Regulatory Committee meeting on 25 February 2021. It was noted that the Regulatory Committee had formally endorsed Option 3, which proposed the establishment of a Planning Committee called the Strategic Planning Committee, with a Planning Sub Committee, and a Licensing Committee, with a Licensing Sub Committee.

The Democratic Services Manager explained that the Regulatory Committee had welcomed the fact that the existing policy and performance reports would continue to be reported to the Strategic Planning Committee and would be reported to the Licensing Committee. It was considered that it would be appropriate to have the same number of members for the Strategic Planning Committee and the Planning Sub-Committee. It was also suggested that, instead of having three set members for the Licensing Sub-Committee, there would be a Chair and the remaining members would be appointed from a pool of members from the Licensing Committee. It was also noted that, as the Strategic Planning Committee and Licensing Committee would be parent committees, there would be no need for Full Council to act as a parent committee in the unlikely event that an application was referred up.

It was noted that the Regulatory Committee had commented on the need to refer to Building Control functions in the terms of reference for the Strategic Planning Committee and it was highlighted that it was proposed to make this change after consultation with Legal Services. There had been some discussion about changing the name of the main Licensing Committee to the Strategic Licensing Committee. However, it was noted that a number of other boroughs had a Licensing Committee and it was acknowledged that this reflected the terminology used in legislation.

In summary, it was noted that the Regulatory Committee and the relevant planning, licensing, and legal officers had agreed with the changes to the committee structure and the Council's Constitution. If the Standards Committee agreed with these

recommendations, they would be presented to Full Council for approval in March 2021.

On behalf of the Standards Committee, the Chair thanked the Regulatory Committee and officers for their excellent, collaborative work in recommending updates in relation to the Regulatory Committee and the Council's committee structure.

RESOLVED

1. To note the endorsement of Regulatory Committee to Option 3, set out at Appendix 1 to the report, which was the deletion of the Regulatory Committee for the 2021/22 Municipal Year and establishment of a separate main Planning Committee called the Strategic Planning Committee, with a Planning Sub Committee, and the establishment of a separate main Licensing Committee, with a Licensing Sub Committee.
2. To recommend to Full Council the implementation of these changes to the Committee structure, set out above, to take effect from the 2021/22 Municipal year, as set out in section 6.6 of Appendix 1 to the report.
3. To recommend resultant changes and additions to the Constitution, Part 3 Section B (Full Council and Non-Executive Functions and protocols), which are attached at appendices 2 to 4 to the report, to Full Council for approval on 18 March 2021 and to take effect from the start of the new Municipal Year, May 2021/22.
4. To delegate any further required minor amendments to appendices 2 to 4 to the report and other resultant changes to the Constitution that may be necessary before submission of the Standards Committee report to Full Council on 10 March 2021 to the Monitoring Officer after consultation with the Chair.

8. PROPOSED AMENDMENTS TO THE CONSTITUTION (PART FIVE, SECTION A - PROTOCOL FOR COMPLAINTS AGAINST MEMBERS)

The Chair introduced the item and explained that the proposed amendments to the constitution had arisen from discussions within the exempt part of the Standards Committee meeting in January 2021. It had been suggested that additional powers to dismiss complaints could be delegated to the Monitoring Officer and that the Committee could receive an annual report from the Monitoring Officer to ensure oversight of the number and type of complaints that had been dismissed at an earlier stage.

The Democratic Services Manager introduced the report which sought approval to include additions to section 5.3 of Part Five, Section A of the constitution (Protocol for Complaints Against Members), responding to the comments by Standards Committee at its recent meetings to consider additional circumstances where the Monitoring Officer could dismiss a complaint at an earlier stage; in particular, where an allegation took place more than three months prior to the complaint.

The Democratic Services Manager explained that, following research into the constitutions of other local authorities, it was proposed to include a Monitoring Officer delegated power to dismiss frivolous complaints. It was noted that it was also proposed to update officer names and contact details. To provide assurance in relation to the additional delegated powers, it was agreed that the responsibility for the Monitoring Officer to provide an annual report on complaints, including details of the number of complaints that were dismissed at an earlier stage, would be included in the constitution. It was confirmed that all of the proposed amendments were highlighted in tracked changes in Appendix 1 of the report.

It was enquired whether the power to dismiss an allegation that appeared to be motivated by malice or was 'tit-for-tat' could also be delegated to the Monitoring Officer in order to avoid complaints being considered by the Committee unnecessarily. The Democratic Services Manager noted that this category of complaint could be a challenging and delicate judgement which may not be appropriate for the Monitoring Officer to make. The Deputy Monitoring Officer suggested that there was no established guidance or previous Committee direction for this type of complaint so it would be appropriate to keep this in the remit of the Assessment Sub-Committee. However, it was noted that this could be reviewed by the Committee if there was an increasing trend of this type of allegation. The Chair added that this could be reviewed as part of the annual report on complaints.

RESOLVED

1. To approve the additions to section 5.3 of Part Five, Section A of the constitution (Protocol for Complaints Against Members), contained at Appendix 1 to the report.
2. To recommend that this change to the constitution is adopted by Full Council at its meeting on 18 March 2021.

9. REVIEW OF THE SOCIAL MEDIA POLICY

The Chair introduced the item and explained that the existing Social Media Policy had been approved by the Standards Committee in January 2020. The policy had been circulated and members were asked to provide any initial comments which could inform the report to the Committee in June 2021. The Chair explained that officers were looking at the social media policies of other local authorities and would be looking to include some relevant examples for members.

The Committee considered that it would be beneficial to update the Social Media Policy in response to any issues that had arisen. It was noted that it would be helpful to include more information and guidance in relation to the best practice section of the policy. In particular, it was felt that the guidance to be 'professional, polite, and positive' was quite vague and difficult for members to implement.

It was enquired whether there was any proactive monitoring by the Council or by political parties; it was acknowledged that this may have some resourcing issues but that it might be worth considering. The Democratic Services Manager noted that it would be possible to investigate what other councils had done in this respect and that,

if resourcing was an issue, it would be possible to have regular reviews and training sessions for members to communicate what was or was not acceptable.

The Chair noted that the two Independent Persons had experience with social media and social media training and that they may be able to provide some training for members. It was also noted that members could send any further suggestions to officers and the Chair.

10. COMMITTEE WORK PROGRAMME

After the discussion, it was confirmed that the updated work programme was as follows (amendments in bold):

June 2021

1. Changes to Section K of the Constitution on Officer appointments – include statutory officers in the definition of Member recruitment.
2. Changes to Scrutiny arrangements in the Constitution.
3. Any other constitutional changes required as a result of the above.
4. Update on Debt Management
5. **Review of the Social Media Policy.**

Possible future items

6. Review of the Corporate Committee.
7. Review of the Health and Wellbeing Board Terms of Reference.

RESOLVED

To note the Committee work programme, subject to the above amendments.

11. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

12. DATES OF FUTURE MEETINGS

It was noted that the dates of future meetings would be confirmed at the Council meeting in May 2021.

13. EXCLUSION OF THE PRESS AND PUBLIC

It was noted that items 14-15 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.

RESOLVED

That the press and public be excluded from the meeting for consideration of items 14-15 as they 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.

14. EXEMPT MINUTES

RESOLVED

That the exempt minutes of the Standards Committee meeting held on 25 January 2021 be confirmed and signed as a correct record.

15. NEW ITEMS OF EXEMPT URGENT BUSINESS

There were no new items of exempt urgent business.

CHAIR: Councillor Felicia Opoku

Signed by Chair

Date