

NOTICE OF MEETING

FULL COUNCIL

**Thursday, 18th March, 2021, 7.30 pm - MS Teams Meeting
(view it [Here](#)) This web link will go live at the start of the meeting**

Members: Councillors Adam Jogee (Mayor), Eldridge Culverwell, Gina Adamou, Charles Adje, Peray Ahmet, Kaushika Amin, Dawn Barnes, Dhiren Basu, Patrick Berryman, John Bevan, Barbara Blake, Mark Blake, Zena Brabazon, Gideon Bull, Dana Carlin, Vincent Carroll, Nick da Costa, Luke Cawley-Harrison, Seema Chandwani, Sakina Chenot, James Chiriyankandath, Pippa Connor, Julie Davies, Mahir Demir, Paul Dennison, Isidoros Diakides, Josh Dixon, Erdal Dogan, Joseph Ejiofor, Scott Emery, Ruth Gordon, Makbule Gunes, Mike Hakata, Bob Hare, Kirsten Hearn, Justin Hinchcliffe, Emine Ibrahim, Sarah James, Peter Mitchell, Liz Morris, Khaled Moyeed, Lucia das Neves, Julia Ogiehor, Felicia Opoku, Tammy Palmer, Sheila Peacock, Reg Rice, Viv Ross, Alessandra Rossetti, Yvonne Say, Anne Stennett, Daniel Stone, Preston Tabois, Elin Weston, Noah Tucker, Sarah Williams, and Matt White

Quorum: 15

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. **TO RECEIVE APOLOGIES FOR ABSENCE**

- 3. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**

- 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. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 1 MARCH 2021 (PAGES 1 - 10)**

- 6. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL**

- 7. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE (PAGES 11 - 24)**

To consider and agree the Council Calendar of Meetings for the 2021/22 Municipal Year.

- 8. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES**

- 9. TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**

- 10. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 25 - 252)**

- a) Staffing and Remuneration Committee
- b) Standards Committee

- 11. HARINGEY DEBATE: SUPPORTING THE VACCINATION EFFORT IN THE BOROUGH AND BUILDING BACK BETTER**

12. TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10

1. From Councillor Stone to the Cabinet Member for Finance and Strategic Regeneration

Can the Cabinet Member for Finance and Strategic Regeneration outline how the capital programme in the Council's 2021/22 budget will benefit residents?

2. From Cllr Dennison to the Cabinet Member for Finance and Strategic Regeneration

Well over £20 million in investment has been budgeted for upgrades to Wood Green HQ, Library & Customer Service Centre. What specifically is this being spent on?

3. From Cllr Gunes to the Cabinet for Public Realm and Transformation

What support is the Council providing to residents experiencing immediate financial hardship as a result of the pandemic?

4. Cllr Barnes to the Cabinet Member for Housing and Estate Renewal

Haringey has a record of failure on building Council homes going back over 30 years. When this administration took over, you promised to complete - not begin - the building of 1000 Council homes by 2022. Even before the pandemic began, you admitted you would fail to reach this target. Do you think these continued broken promises by successive Labour administrations in Haringey are acceptable to the residents of our borough?

5. Cllr Peacock to the Leader of the Council

Can the Leader clarify why the Cabinet has chosen to pursue a full refurbishment of the Civic Centre rather than simply fixing the immediate safety issues?

6. Cllr Cawley-Harrison to the Leader of the Council

The decision on Noel Park pods has been pushed back yet again. Can you give a clear timetable to leaseholders about what is happening with the works to their homes and how they will be supported by this Council?

13. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13

Motion C
Universal Basic Income

Proposer: Councillor Josh Dixon
Seconder: Councillor Sakina Chenot

Council notes that:

- Financial security is critical to a stable and thriving society
- According to Trust for London, 34% of Haringey's population lives in poverty
- Due to the nature of employment in Haringey the borough has been hit particularly hard by the pandemic, and has the highest growth rate in unemployment in the country
- Haringey Council launched the Haringey Support Fund in March to provide one off emergency financial support to some residents facing unexpected financial hardship because of the impact of Covid-19
- Results from a Finnish trial of Universal Basic Income (UBI) in 2017-18 showed improvements in employment and wellbeing for the group who participated
- A network of UBI Labs has been set up and works with local authorities across the UK developing UBI proposals to address poverty, inequality, discrimination and environmental damage, long-term and immediately, in relation to coronavirus

Council believes that:

- This year more than any other has shown that when unexpected events take place, the precarious nature of low-paid, insecure employment is a major fault-line in the resilience of our economy
- A UBI could help alleviate poverty, opening the door to opportunities that might otherwise be out of reach, and liberate people from the anxiety of job insecurity through a monthly income regardless of employment status, wealth, or marital status
- A UBI will prevent the need for short term emergency financial supports in moments of crisis, such as a pandemic or financial crash
- There are many potential benefits to a UBI including:
 - More flexible workforce and greater freedom to change jobs;
 - Supporting a caring economy to value unpaid work;
 - Removing the negative impacts of means testing, benefit sanctions and conditionality;
 - Enabling greater opportunities for people to work in community and cultural activities or to train or reskill in areas that will be needed to transition to a lower-carbon economy
- This is the right time to trial Universal Basic Income

Council resolves to:

- Write to the Secretary of State for Work and Pensions, and the Chancellor of the Exchequer, calling for a fully evaluated and fully-funded trial of basic income in our borough, as a result of the effects of the Covid pandemic
- Work with other local authorities to help test UBI in London

Motion D

Proposed by Cllr Seema Chandwani

Seconded by Cllr Stone

Reinstate Council Tax Benefit

This Council notes:

- In 2013, the Conservative/Liberal Democrat coalition government scrapped Council Tax Benefits;
- This change to our council tax system was branded the Pickles Poll Tax after the Minister of the time - Eric Pickles;
- Scrapping Council Tax Benefits resulted in over 5 million low-income households paying more council tax;
- The government replaced Council Tax Benefits with the Council Tax Reduction Scheme (CTRS), which intended that people on a low income would pay up to 20% of their council tax, without consideration to affordability.

This Council further notes:

- In Haringey over 25,000 people are claiming CTRS;
- Haringey Council has exempted 6,000 low-income families from paying any council tax using our own funds;
- Nevertheless, thousands of Haringey residents in receipt of CTRS are behind with their council tax payments;
- A few months ago, Eric Pickles, now Lord Pickles wrote in Conservative Home advocating for better financial support for low-income households with their council tax bills.

This Council believes that:

- Pursuing low-income residents for cost-of-living debt is not in line with our morals and values;
- In light of the pandemic, with millions of residents in debt, the government must exempt low-income households from paying of council tax;
- Maximising income of families on lowest income would better enable them to pay their council tax and enables councils to increase our income and not waste resources on chasing low-income households for a tax they are unable to pay;
- The Government now needs to reinstate Council Tax Benefit to exempt low-income households from paying council tax;
- The Government needs to pay councils for the residents who are exempt through Council Tax Benefit.

This Council resolves:

- To lobby government and campaign for the reinstatement of Council Tax Benefit.

Ayshe Simsek, Democratic Services and Scrutiny Manager
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John Jones
Monitoring Officer (Interim)
River Park House, 225 High Road, Wood Green, N22 8HQ

Wednesday, 10 March 2021

MINUTES OF MEETING Full Council HELD ON Monday, 1st March, 2021, 7.30pm**PRESENT:**

Councillors: Adam Jogee (Mayor), Eldridge Culverwell, Gina Adamou, Charles Adje, Peray Ahmet, Kaushika Amin, Dawn Barnes, Dhiren Basu, Patrick Berryman, John Bevan, Barbara Blake, Mark Blake, Zena Brabazon, Gideon Bull, Dana Carlin, Vincent Carroll, Luke Cawley-Harrison, Nick da Costa, Seema Chandwani, Sakina Chenot, James Chiriyankandath, Pippa Connor, Julie Davies, Mahir Demir, Paul Dennison, Isidoros Diakides, Josh Dixon, Erdal Dogan, Joseph Ejiofor, Scott Emery, Ruth Gordon, Makbule Gunes, Mike Hakata, Bob Hare, Kirsten Hearn, Emine Ibrahim, Sarah James, Peter Mitchell, Liz Morris, Khaled Moyeed, Lucia das Neves, Felicia Opoku, Julia Ogiehor, Tammy Palmer, Reg Rice, Viv Ross, Alessandra Rossetti, Yvonne Say, Anne Stennett, Daniel Stone, Elin Weston, Noah Tucker, Sarah Williams and Matt White

43. FILMING AT MEETINGS

The Mayor referred to the notice of meetings, section of the agenda and Members noted this information.

44. TO RECEIVE APOLOGIES FOR ABSENCE

There were apologies for absence from Cllr Peacock and Cllr Hinchcliffe.

45. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972

The Chief Executive outlined that there was one item of business, which could not be available earlier, and which will need to be dealt with at the meeting.

Item 13 - Budget amendments - Council standing order 15.8b allowed amendments to recommendation to be put forward by 10am on the day of the meeting.

46. DECLARATIONS OF INTEREST

There were no declarations of interests put forward.

47. TO ASK MEMBERS WHETHER THEY NEED TO MAKE A DECLARATION IN ACCORDANCE WITH SECTION 106 OF THE LOCAL GOVERNMENT FINANCE ACT 1992 IN RELATION TO UNPAID COMMUNITY CHARGE OR COUNCIL TAX LIABILITY WHICH IS TWO MONTHS OR MORE OUTSTANDING

There were no declarations made in accordance with section 106 of the Local Government Finance Act 1992 in relation to unpaid community charge or Council Tax Liability.

48. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 16 NOVEMBER 2020

RESOLVED

To approve the minutes of the meeting held on the 16 November 2020 as a correct record of the meeting.

49. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL

The Mayor had circulated information on the Mayoral engagements and activities, and was grateful to colleagues for their support in the vaccination effort and providing donations. This would support the volunteers and healthcare staff with refreshments at the 3 centres in the borough, Hornsey, Bounds Green and Lordship Lane. He urged colleagues that had not yet had an opportunity to respond, to put forward their donations.

The Mayor reported on the sad passing of former Councillor, Sally Billot. The Mayor had attended her funeral on the 23rd of February 2021.

The Mayor invited the Deputy Mayor, and Cllr Brabazon to pay tribute to Sally Billot.

The Deputy Mayor spoke of attending the funeral, and was grateful for the opportunity to be good friends with Sally Billot. The Deputy Mayor expressed that Sally had had an indelible impact on people. The Deputy Mayor advised that Sally Billot had had a significant impact on local community groups with her local knowledge, communication skills, and personality. She was influential in instigating his own local political career and they always had good conversations. The Deputy Mayor advised that he was in contact with the Park's service about appropriately commemorating Sally's hard work for her local community with the planting of a tree and naming of a bench in Finsbury Park.

Cllr Brabazon spoke of her friendship with Sally Billot, spanning over 30 years. She knew her personally and in her professional capacity. Sally had loved Finsbury Park but also had a local connection to Bruce Grove .Sally was part of a parent group that started holiday place schemes at Bruce Grove Primary school . This was a local initiative which led to a wider movement and help set up Haringey Community Play services, which became a nationally recognised and was a vital support service for 25 years, providing support to children and parents. Cllr Brabazon was grateful for Sally's support as she and local working mothers had led the way for this successful service. Now more than ever, the importance of play activities was being recognised.

Cllr Brabazon spoke of Sally's role as a community activist, her career working at Citizen's Advice Bureau in Camden Town and Community Law Centre where they had

met. Cllr Brabazon was working with children and families with learning disabilities, and Sally was keen to link up local groups with community services. Cllr Brabazon spoke about Sally's time on the Council where she was a Stroud Green Councillor and was on the Council's Executive.. Cllr Brabazon described Sally as strong minded with high standards and a strong advocate for community projects, representing the Council on the London borough Grants Committee and with the twinned town, Livry Gargan. Cllr Brabazon expressed that Sally was a good friend, hardworking and independent and would be sorely missed by all.

The Mayor invited Councillors to join him in a minute's silence for former Councillor, Sally Billot.

A one minute's silence was observed.

The Mayor reminded colleagues of his forthcoming quiz night, taking place on March 21st 2021 to raise funds for his three charities and invited colleagues who were not able to make this event to donate.

50. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE

The Chief Executive introduced the report which sought confirmation of the appointments to the role of Monitoring Officer, this was required under the 1989 Local Government and Housing Act which imposes a duty on the authority to designate one of their officers (to be known as the Monitoring Officer) as the officer responsible for performing the duties imposed under section 5 of the Act.

The Chief Whip moved that the report and its recommendations be agreed.

RESOLVED

That John Jones be appointed as Monitoring Officer on an interim basis until the appointment of the permanent Monitoring Officer.

That Fiona Alderman be appointed permanent Monitoring Officer with effect from 10 May 2021.[Clerks note - this date has been updated to the 17th of May].

51. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL & GOVERNANCE SERVICES

The interim Monitoring Officer had no matters to report.

52. TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM

Mr Burnham was invited to present and was not able to unmute his microphone and Mr Secker took forward the deputation on behalf of Haringey Defend Council Housing.

The deputation welcomed the shift of public policy away from unaffordable 'affordable' rents in social housing and strongly supported the proposed conversion of the 18 Haringey Council "Affordable Rent" tenancies back to Social Rent. However, the

deputation was concerned about the actual amount of rent that the socially rented properties would be charged. These homes would be let as Council homes but not at normal Council rents, but £51 per week above normal Haringey rents. The deputation highlighted that, crucially, the benefit cap would be breached, and this point seemed to always be disregarded by the Council when rent setting and this would have an impact on tenants needing to access benefits. The deputation questioned if the new homes rent, which were £51 per week above Council rents, would be applicable to the new homes on Broadwater Farm, Tottenham Hale and Love Lane. Clarification was sought on whether these homes would be on the higher rent levels as this had previously not been advised and rent payers were anxious about this.

The deputation expressed that, at present, Haringey was one of several London boroughs which brought properties for Temporary Accommodation purposes, and which also used Council homes set for demolition for Temporary Accommodation, and then lets these homes at Social Rents. The deputation noted that in savings proposal HO102, the budget proposed that these rents should henceforth be set at Local Housing Allowance rates: rents of £299pw compared to around £122pw at present (for two beds). The deputation opposed this proposal, which they felt would deepen the poverty trap facing tenants, and which conflicted with the Council's fairness and equality policies. The deputation asked Councillors to reconsider this particular saving's proposal.

The Chief Whips of the political groups and Independent member advised that they did not have any questions for the deputation.

The Cabinet Member for Housing and Estate Renewal responded to the deputation, outlining the following:

- Haringey's Council rents were set in line with the government's guidance on setting social rents called the rent standard).
- All new Council tenancies were let at formula rent levels and there was no divergence from that. This was calculated using a formula, which took into consideration local property values, local incomes and house size. For the avoidance of doubt, formula rents are social rents.
- The disparity between some of the Council's existing rents and the new rents was due to previous Government policy, which in 2015 moved away from the policy of rent convergence, designed to eliminate disparities in social rents, and introduced a 1% yearly reduction in rents over a 4-year period. This meant that many rents have not yet reached government formula rent levels.
- Since April 2020 the Government has confirmed that social housing rents may rise by a maximum of the consumer price index (CPI) measure of inflation plus 1% for five years from 2020. This means that no existing Council tenant's rent will rise by more than 1.5% in the new financial year, until they reach formula rent. The only exception would be if a Council tenant moved to a new Council home where the new rent will be set at the formula rent level from the outset.
- The savings proposal HO102 does not refer to the rent on these homes. Rather, savings proposal HO102 was about homes that are leased from the private rented sector and then used as temporary accommodation. The savings

proposal was for these leases to be made with Homes for Haringey, rather than the Council, once each individual lease comes to an end. Having leases agreed with Homes for Haringey meant that tenants can claim a higher rate of housing benefit (the current local housing allowance), whereas if the lease is agreed with the Council, tenants can only claim 90% of 2011 LHA levels (plus a £40 a week management fee). This leads to additional costs to the Council.

53. APPROVAL OF COUNCIL TAX REDUCTION SCHEME FOR 2021/22

The Cabinet Member for Finance and Strategic Regeneration moved the report which set out that since April 2013, Haringey has run a replacement Council Tax Reduction Scheme that protected pensioners (as prescribed by Central Government) and those in receipt of certain disability benefits and passed on the funding cuts by giving a maximum level of support of 80.2% to all other claimants.

It was noted that following a consultation process in 2018, the scheme for 2019/20 was amended to increase the maximum level of support from 80.2% to 100% for working age claimants with children and to reflect some national welfare changes. This scheme continued unchanged for 2020/21.

There is a statutory obligation on the Council to consider, each financial year, whether to revise or replace its scheme and a further obligation to consult residents before the scheme is changed.

This report set out details of the review of Haringey's current Council Tax Reduction Scheme (CTRS) 2020/21 and recommends that it continues unchanged for 2021/22.

The Council needed to approve the final scheme by 11th March 2021, even where the scheme remained unchanged ready for implementation on the 1st April 2021.

RESOLVED

1. To note that an Equalities Impact Assessment (**Appendix 4**) had been undertaken in relation to the Council Tax Reduction Scheme and that the findings of this EIA must be taken into account when making a decision regarding the Scheme for 2021/22.

2. To adopt the Council Tax Reduction Scheme 2021/22 as contained in Appendix 3 and therefore retains the same Scheme agreed for 2020/21. This means that from 01st April 2021;

- I. That pensioners continue to receive support for the payment of Council Tax.
- II. That working age claimants in receipt of certain disability benefits continue to receive support for the payment of Council Tax up to 100%.
- III. That working age claimants with children continue to receive support for the payment for Council Tax up to 100%.
- IV. For all other working age claimants, the extent of Council Tax Support available will continue to be capped at 80.2% of Council Tax liability.

3. That authority to be given to the Director of Finance, the Director of Customer, Transformation and Resources and Assistant Director of Corporate and Customer Services to take all appropriate steps to implement and administer the Scheme.

Reasons for decision

The recommendation to retain the current scheme continues to support the Government's initiative of work incentives and pays due regard to the challenging financial climate.

In recognition of the vulnerable sectors of society, additional supportive measures were put into the 2020/21 scheme giving increased protection to approximately 5,600 claimants, and it is proposed that these continue into 2021/22. Maintaining the current scheme ensures that these protected claimants will not be further disadvantaged.

Consideration has been given to revising the current scheme, however a longer period is needed to fully evaluate the impact of the last changes.

The real reduction in Council resources and service pressures have required the Council to implement significant annual expenditure reductions since 2011. These are forecast to continue for 2021/22 and future years. The affordability to the Council of the CTRS scheme therefore continues to be an important consideration.

Haringey is comparable with other London LAs and its scheme reflects the need to strike a fair balance between protecting the wellbeing of our residents and recognising the challenging financial situation we are in.

Appendix 1 breaks down all London LA schemes and some summary points are shown below:

- 15 LAs ask residents for a higher contribution to their Council Tax than Haringey including Enfield, Barnet, Waltham Forest, and Barking & Dagenham.
- Wandsworth and Harrow have the highest contribution level at 30% for non-disabled working age claimants.
- 10 LAs fully cover the shortfall including City of London, Kensington & Chelsea, and Westminster.

Alternative options considered.

It was a statutory requirement to approve the final scheme by 11th March 2021, even where the scheme remained unchanged ready for implementation on the 1st April 2021.

54. TO RECEIVE A REPORT FROM THE CORPORATE COMMITTEE

The Chair of the Corporate Committee moved his Committee's report and the recommendations it contained, which the Mayor confirmed would be considered under the budget item 13.

55. 2021-22 BUDGET AND 2021-2026 MEDIUM TERM FINANCIAL STRATEGY

The Mayor invited the interim Monitoring Officer to outline the requirement for votes.

It was noted that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, and the Council's Standing Orders required the Council to record in the minutes how each Councillor voted, including any abstentions, when determining the Council's Budget and the level of Council Tax to be levied.

The only requirement was to record in the minutes of the meeting how each member voted, and given that there were 3 amendments and a substantive motion to be voted on, it could be recorded in the minutes of the meeting how each member voted, including any who have abstained, by a roll call vote.

The Mayor then called on Councillor Adje to introduce the budget and move the 2021-22 budget and 2021- 2026 Medium Term Financial Strategy and the recommendations a - o at page 306 of the agenda pack. Councillor Ejiofor formally seconded the motion.

The Mayor then invited Councillor Dennison to move the Liberal Democrat group's 3 amendments, as set out in the tabled papers. Councillor Cawley- Harrison formally seconded the amendments and spoke in favour of their adoption.

The Mayor then opened the debate, in which Councillors: Chandwani, Rossetti, Demir, da Costa, Emery, Moyeed, Ibrahim, Barnes, Bull, Ogiehor, Palmer, Ejiofor, and Berryman contributed to the discussion. Councillor Dennison and then Councillor Adje responded to the debate.

The Mayor then called for a vote on Budget Amendment 1. There being 14 Members in favour (Councillors Barnes, da Costa, Cawley- Harrison, Chenot, Connor, Dennison, Dixon, Emery, Hare, Morris, Ogiehor, Palmer, Ross, Rossetti), and

39 Members opposed(Councillors Adamou, Adje, Ahmet, Amin, Berryman, Bevan, Basu, B Blake, M Blake, Brabazon, Bull, Carlin, Carroll, Chandwani, Chiriyankandath, Culverwell, Davies, Demir, Diakides, Dogan, Ejiofor, Gordon, Hakata, Hearn, Ibrahim, James, Jogee, Mitchell, Moyeed, das Neves, Opoku, Rice, Say, Stennett, Stone, Weston, Tucker, Williams, White,)

[Cllr Gunes lost microphone connection and was not able to vote on amendment 1]

No abstentions,

Budget Amendment 1 was declared LOST.

The Mayor then called for a vote on Budget Amendment 2. There being 14 Members in favour (Councillors Barnes, da Costa, Cawley- Harrison, Chenot, Connor, Dennison, Dixon, Emery, Hare, Morris, Ogiehor, Palmer, Ross, Rossetti), and

40 Members opposed(Councillors Adamou, Adje, Ahmet, Amin, Berryman, Bevan, Basu, B Blake, M Blake, Brabazon, Bull, Carlin, Carroll, Chandwani, Chiriyankandath, Culverwell, Davies, Demir, Diakides, Dogan, Ejiofor, Gordon, Gunes, Hakata, Hearn, Ibrahim, James, Jogee, Mitchell, Moyeed, das Neves, Opoku, Rice, Say, Stennett, Stone, Weston, Tucker, Williams, White,)

No abstentions,

Budget Amendment 2 was declared LOST.

The Mayor then called for a vote on Budget Amendment 3. There being 14 Members in favour (Councillors Barnes, da Costa, Cawley- Harrison, Chenot, Connor, Dennison, Dixon, Emery, Hare, Morris, Ogiehor, Palmer, Ross, Rossetti), and

40 Members opposed(Councillors Adamou, Adje, Ahmet, Amin, Berryman, Bevan, Basu, B Blake, M Blake, Brabazon, Bull, Carlin, Carroll, Chandwani, Chiriyankandath, Culverwell, Davies, Demir, Diakides, Dogan, Ejiofor, Gordon, Gunes, Hakata, Hearn, Ibrahim, James, Jogee, Mitchell, Moyeed, das Neves, Opoku, Rice, Say, Stennett, Stone, Weston, Tucker, Williams, White)

No abstentions,

Budget Amendment 3 was declared LOST.

The Mayor then called for a vote on recommendations a to o contained at page 306 paragraph 3.1 of the agenda pack.

There being 40 Members in favour(Councillors Adamou, Adje, Ahmet, Amin, Berryman, Bevan, Basu, B Blake, M Blake, Brabazon, Bull, Carlin, Carroll, Chandwani, Chiriyankandath, Culverwell, Davies, Demir, Diakides, Dogan, Ejiofor, Gordon, Gunes, Hakata, Hearn, Ibrahim, James, Jogee, Mitchell, Moyeed, das Neves, Opoku, Rice, Say, Stennett, Stone, Weston, Tucker, Williams, White)

14 Members opposed(Councillors Barnes, da Costa, Cawley- Harrison, Chenot, Connor, Dennison, Dixon, Emery, Hare, Morris, Ogiehor, Palmer, Ross, Rossetti), and

No abstentions,

The Recommendations were AGREED.

RESOLVED

- (a) To approve the proposed 2021/22 Budget and Medium-Term Financial Strategy (2021/26) agreed by Cabinet on 9th February 2021 as set out in Annex 1;
- (b) To approve the increase of 1.99% in Haringey's element of the Council tax and an additional 3% for the Adult Social Care Precept;
- (c) To approve the General Fund budget requirement for 2021/22 of £249.077m, net of Dedicated Schools Budget, as set out in Appendix 1 of Annex 1 to this report;
- (d) To approve the Priority Cash Limits for 2021/22 of £ 249.077m as set out in Annex 2;
- (e) To approve the 2021/26 General Fund Capital Programme set out in Appendix 4 of Annex 1 to this report;
- (f) To approve the strategy on the flexible use of capital receipts as set out in and Appendix 6 of Annex 1 to this report;
- (g) To approve the Housing Revenue Account (HRA) Budget 2021/22 as set out in Table 9.4 of Annex 1 to this report;
- (h) To approve the 2021/26 HRA Capital Programme set out in Table 9.5 of Annex 1 to this report;
- (i) To note the Greater London Authority (GLA) precept (para. 7.4);
- (j) To approve the budgeted level of non-earmarked General Fund balance and the specific and other reserves as set out in Annex 3b;
- (k) To approve the reserves policy including the Chief Finance Officer's (CFO) assessment of risk and the assessment of the adequacy of reserves, as set out in Annex 3 (a – c);
- (l) To note the report of the Chief Finance Officer under Section 25 of the Local Government Act 2003 on the robustness of the estimates and the adequacy of proposed reserves set out in section 9;
- (m) To approve the Treasury Management Strategy Statement 2021/22 set out in Annex 4; and
- (n) To pass the budget resolution including the level of Council Tax, in the specified format, and to determine that the Council's relevant basic amount of Council Tax for the year is not excessive as set out in Annex 5.
- (o) To note the results of consultation as set out in Appendix 8 of Annex 1.

Reasons for decision

The Council approved the Borough Plan 2019-2023 (the Plan) in February 2019. In response to the impact of the Covid19 pandemic on the Borough, its residents and businesses, a Recovery and Renewal process was instigated with the intention that the outcomes be used to inform a review and refresh of the Plan. The Borough Plan sets out the Council's priorities and the 2021/22 Budget and 2021/26 MTFs outlines the overall financial strategy for delivering those priorities. The latter has been developed with reference to the Recovery and Renewal process.

This final MTFs (2021/26) now proposed projects further unidentified savings of £21.9m across the period even if all budget reductions included in the MTFs are delivered and no new pressures identified. This is higher than the £15.5m assumed one year ago in the 2020/25 MTFs. The Council will therefore need to quickly identify major budget reduction measures in future years in order to balance the Budget/MTFS, as set out in section 9.

The 2021/22 Budget & 2021/26 MTFS Cabinet report of 9th February included relevant budgetary allocations announced in the Provisional Local Government Finance settlement on 17th December 2020. The Final Settlement ratified by Parliament on 10th February 2021 made no changes impacting on Haringey's figures so no adjustments to the Budget or MTFS were required. The 9th February report also included Cabinet's response to feedback from the Budget consultation, the views of Overview and Scrutiny Committee and also the outcome of the overall equalities assessment.

Taking all relevant factors into account, including the overall equalities assessment, the outcomes from consultation with residents and business rate payers and the recommendations from the Overview and Scrutiny committee meeting held on 18th January 2021, this report sets out Cabinet's 2021/22 Budget and 2021/26 MTFS proposals, including the level of Council tax for 2021/22, for the Council to consider and approve.

The report and recommendations from the Cabinet meeting on 9th February 2021, were agreed in full and are attached as Annex 1.

Alternative options considered

The Council has a statutory requirement to set a balanced budget for 2021/22. Therefore, in accordance with legislation and the Council's constitution, this report recommends that the Council should approve the proposed 2021/22 Budget and 2021/26 Medium Term Financial Strategy agreed by Cabinet on 9th February 2021, including the outcomes from the budget consultation exercise, budget scrutiny and equalities review, which is attached as Annex 1 and approve the Council tax for 2021/22. Accordingly, no other options have been considered.

CHAIR:

Signed by Chair

Date

Report for: Full Council 18th March 2021

Title: Approval of the Calendar of meetings for the Municipal Year 2020/21

Report

Authorised by: Zina Etheridge Chief Executive

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Non Key - Information report

1. Describe the issue under consideration

To agree the schedule of meetings for 2021/22 The schedule of meetings is submitted annually to the Council for approval.

2. Cabinet Member Introduction

N/A

3. Recommendations

That the attached schedule of meetings for 2020/21 be agreed, subject to any minor variations to meeting dates that may be required in the course of the Municipal Year 2021/22

4. Reasons for decision

The early notification of the schedule of meetings for 2021/22 will allow for the effective planning of meetings and in turn decision making of the council.

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

5. Alternative options considered

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

6. Background information

A local authority needs a clear decision making framework to carry out its business effectively and lawfully. The Local Government Act 1972 permits a

local authority to arrange for decisions about its functions to be made by a committee, subcommittee or an officer of the authority or by another local authority.

Appendix 1 sets out the committees that are expected to meet during the 2020/21 municipal year and provides councillors, residents, and partners of the dates and times of these committee meetings.

7. Contribution to strategic outcomes

Having an available and agreed schedule of committee meetings for 2021/22 will allow councillors and officers to plan, consult, and agree the required decisions to meet the objectives of the borough plan.

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

Finance and Procurement

There are no direct financial implications.

Legal

There are no perceived legal implications arising from this report.

Equality

There are no Equalities implications arising from this report.

9. Use of Appendices

Council calendar of Meetings 2021/22 – appendix 1

Council calendar of Meetings – list format 2021/22 – appendix 2



10. Local Government (Access to Information) Act 1985

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

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

Council Committee Calendar 2020/21

		2021										2022												
		May	June	July	August	September	October	November	December	January	February	March	April											
Mo	3	Bank Holiday			2	Political Group		1	Political group		3	Bank Holiday												
Tu	4		1	Training	3	Training		2	Political group		4	CYPSP	1	S&R/ Corporate	1	Full Council								
We	5	Political meeting	2	Political meeting	4	Political meeting	1	3	Political meeting	1	Political meeting	5	Political meeting	2	Political meeting	2	Political meeting							
Th	6	GLA Elections	3	Political group	1	Political Group	5	2	Political group		4	CYPSP / HRSP	2	S&R / Pensions	6	Political Group meeting	3	Political Group	3	AHSP / ECS SP				
Fr	7		4		2		6	3		1		7		4		4		4		1				
Mo	10	Political Group AGM Pt1	7	Planning	5	Planning	9	6	Planning/LSC A	4	Planning/ SAC CC	8	Planning	6	Planning	10	Planning/ LSC B	7	Planning	7	Planning/ CYPSP	4		
Tu	11	Cabinet	8	OSC	6	OSC/ CPAC	10	7	Rosh Hashanah (Jewish New Year)	5	CPAC / Standards	9	Cabinet	7	Cabinet	11	Regulatory/Licensing	8	Cabinet	8	Cabinet	5		
We	12		9	CSP [day]	7	Political Group	11	8		6	CSP [DAY]	10	Political group	8	CSP [DAY]	12		9	CSP [DAY]	9	SACC -CC	6		
Th	13	Eid ul Fitr (Muslim)	10	SAC-CC	8	Pensions	12	9	ECS SP/ Corporate	7	LSC A / OSC	11	ECS SP	9	HRSP	13	OSC	10	LSC A	10	O&S/ Corporate	7		
Fr	14		11		9		13	10		8		12		10		14		11		11		8		
Mo	17	Shavout (Jewish)	14	CYPSP / HRSP	12	APPB / LSC B	16	13	AHSP / HRSP	11	APPB	15	AHSP	13	APPB	17	Tu Bi-Shuvat (Jewish)	14		14	Full Council	11		
Tu	18		15	Cabinet	13	Cabinet	17	14	Cabinet	12	Cabinet	16	Corporate	14	ECS SP	18	Cabinet	15		15	APPB / Pensions/	12		
We	19	Political Group AGM Pt 2	16		14		18	15		13		17		15		19		16		16	HWB [DAY]	13		
Th	20		17		15	Corporate	19	LSC A	16	Yom Kippur (Jewish)	14		18	LSC B	16	AHSP/LSC A	20	OSC	17		17	Purim (Jewish)	14	
Fr	21		18		16		20	17		15		19		17		21		18		18		15	Bank Holiday	
Mo	24		21	Regulatory/ Licensing	19	Full Council	23		20	Keep Free/Political Conference	18	S&R	22	Full Council	20		24	APPB/Pensions/	21	S&R- LSC A	21		18	Bank Holiday
Tu	25		22	LSC A	20	Eid ul Adha (M)	24		21	Sukkot (Jewish)	19	Regulatory/ Strategic Planning	23	Political group	21		25	CPAC/ Standards	22	Cabinet / Regulatory /Strategic Planning	22		19	
We	26		23		21	HWB [DAY]	25		22	HWB [DAY]	20	Political Group	24	HWB [DAY]	22		26	HWB [DAY]	23		23		20	
Th	27	Full Council AGM Regulatory/Strategic Planning	24	S&R	22		26		23	Pensions/CYSP	21	Political Group	25	Political group	23		27	Political Group	24	Political Group	24		21	
Fr	28		25		23		27		24		22		26		24		28		25		25		22	Pesach (Jewish)
Mo	31	Bank Holiday	28	AHSP / ECS SP	26		30		27	Labour Party Conference	25	Political Group	29	OSC	27	Bank Holiday	31		28	Standards/HRSP/CPAC	28		25	
Tu			29	Standards	27		31		28	Labour party conference Shemini Atzeret / Simchat Torah (Jewish)	26	Political Group	30	SAC-CC	28	Bank Holiday					29		26	
We			30		28				29	Labour Party Conference	27				29						30		27	
Th					29				30	Political Group	28	Political Group			30						31		28	Yom Ha-Sho'ah (Jewish)
Fr					30				29					31								29		
		no meetings																						

-  School / bank holiday
-  Pre - Election Period
- SAC-CC Alexandra Palace and Park Statutory Advisory Committee/ Consultative committee
- HRSP Housing and Regeneration Scrutiny Panel
- LSC Licensing Sub Committee
- OSC Overview and Scrutiny Committee
- CPAC Corporate Parenting Advisory Committee
- ECSP Environment and Community Safety Scrutiny Panel
- AHSP Adults and Health Scrutiny Panel
- CYPSP Children and Young People Scrutiny Panel
- CSP Community Safety Partnership
- APPB Alexandra Park and Palace Board

May	
2	Bank Holiday
3	Eid ul Fitr (Muslim)
4	Political meeting
5	Local elections
6	
9	
10	Political Group AGM
11	
12	
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16	
17	Political Group AGM
18	
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20	
23	Council AGM
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Calendar 2021/22

May

Wednesday 5 May	Political meeting
Wednesday 19 May	Political Group AGM
Monday 24 May	Political Group AGM
Thursday 27 May	Full Council AGM Regulatory / Strategic Planning

June

Tuesday 1 June	Training
Wednesday 2 June	Political meeting
Thursday 3 June	Political Group
Monday 7 June	Planning
Tuesday 8 June	OSC
Wednesday 9 June	CSP (day)
Thursday 10 June	SAC/CC
Monday 14 June	CYPSP HRSP
Tuesday 15 June	Cabinet
Monday 21 June	Regulatory/Licensing
Tuesday 22 June	LSC A
Thursday 24 June	S&R
Monday 28 June	AHSP ECS SP
Tuesday 29 June	Standards

July

Thursday 1 July	Political Group
Monday 5 July	Planning
Tuesday 6 July	OSC CPAC
Wednesday 7 July	Political Group
Thursday 8 July	Pensions
Monday 12 July	APPB LSC B
Tuesday 13 July	Cabinet
Thursday 15 July	Corporate Committee
Monday 19 July	Full Council
Wednesday 21 July	HWB (day)

August

Monday 2 August	Political Group
Tuesday 3 August	Training
Wednesday 4 August	Political Democrat Political meeting
Thursday 19 August	LSC A

September

Thursday 2 September	Political Group
Monday 6 September	Planning LSC A
Thursday 9 September	ECSSP/Corporate
Monday 13 September	AHSP HRSP
Tuesday 14 September	Cabinet
Monday 20 September	Potential Political Conference
Wednesday 22 September	HWB (day)
Thursday 23 September	Pensions/CYPSP
Monday 27 September	Political Party Conference
Tuesday 28 September	Political Party Conference
Wednesday 29 September	Political Party Conference
Thursday 30 September	Political Group

October

Monday 4 October	Planning SAC/CC
Tuesday 5 October	CPAC Standards
Wednesday 6 October	CSP (day)
Thursday 7 October	LSC A OSC
Monday 11 October	APPB
Tuesday 12 October	Cabinet
Monday 18 October	S&R
Tuesday 19 October	Regulatory / Strategic Planning
Wednesday 20 October	Political Group
Thursday 21 October	Political Group
Monday 25 October	Political Group
Tuesday 26 October	Political Group

Thursday 28 October Political Group

November

Monday 1 November Political Group

Tuesday 2 November Political Group

Wednesday 3 November Political Group

Thursday 4 November CYPSP

HRSP

Monday 8 November Planning

Tuesday 9 November Cabinet

Wednesday 10 November Political Group

Thursday 11 November ESC SP

Monday 15 November AHSP

Tuesday 16 November Corporate

Thursday 18 November LSC B

Monday 22 November Full Council

Tuesday 23 November Political Group

Wednesday 24 November HWB (day)

Thursday 25 November Political Group

Monday 29 November OSC

Tuesday 30 November SAC-CC

December

Wednesday 1 December Political meeting

Thursday 2 December S&R

Pensions

Monday 6 December Planning

Tuesday 7 December Cabinet

Wednesday 8 December CSP (day)

Thursday 9 December HRSP

Monday 13 December APPB

Tuesday 14 December ECS SP

Thursday 16 December LSC A

AHSP

January

Tuesday 4 January CYPSP

Wednesday 5 January Political meeting

Thursday 6 January Political Group

Monday 10 January Planning
 LSC B
Tuesday 11 January Regulatory / Licensing
Thursday 13 January OSC
Tuesday 18 January Cabinet
Thursday 20 January OSC
Monday 24 January APPB
 Pensions

Tuesday 25 January CPAC
 Standards
Wednesday 26 January HWB (day)
Thursday 27 January Political Group

February

Tuesday 1 February S&R
 Corporate
Wednesday 2 February Political Group meeting
Thursday 3 February Political Group Meeting
Monday 7 February Planning
Tuesday 8 February Cabinet
Wednesday 9 February CSP (day)
Thursday 10 February LSC A
Monday 21 February S&R
 LSC A

Tuesday 22 February Regulatory / Strategic Planning
 Cabinet
Thursday 24 February Political Group
Monday 28 February Standards
 HRSP
 CPAC

March

Tuesday 1 March Full Council
Wednesday 2 March Political meeting
Thursday 3 March AHSP
 ECS SP
Monday 7 March Planning
 CYPSP
Tuesday 8 March Cabinet
Wednesday 9 March SAC CC
Thursday 10 March Corporate

Monday 14 March	OSC
Tuesday 15 March	Full Council
	APPB
	Pensions

Wednesday 16 March	HWB (day)
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May 2022

Wednesday 4 May	Political meeting
Tuesday 10 May	Political Group AGM
Tuesday 17 May	Political Group AGM
Monday 23 May	Council AGM

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**REPORT OF STAFFING & REMUNERATION COMMITTEE
No. 01/2020-21**

FULL COUNCIL 18 MARCH 2020

Chair: Councillor Dhiren Basu

Vice-Chair: Councillor Julie Davies

INTRODUCTION

The Council is required to produce an annual Pay Policy Statement to comply with the requirements of the Localism Act 2011. The Council approved its most recent Pay Policy Statement in March 2020.

This report from the Staffing & Remuneration Committee of 2 February 2021 recommends that Full Council approve the Pay Policy Statement 2021/22 (attached) for publication in April 2021.

PAY POLICY STATEMENT 2021/22

We considered the report on the Pay Policy Statement 2021/22 and noted that this was a statutory report that the Council was required to produce annually, in accordance with the Localism Act 2011. We were requested to approve the Pay Policy Statement and refer it on to Full Council for final approval, and to authorise the Director for Customers, Transformation and Resources to make such amendments to the statement, in consultation with the Chair of the Staffing and Remuneration Committee, as he considered minor, prior to the statement being recommended to Full Council.

The following change has been made, in accordance with recommendation ii) as agreed at the Staffing & Remuneration Committee on the 2 February 2021:

The Government has disapplied the Restriction of Public Sector Exit Payment Regulations 2020. As these regulations were referred to in the Pay Policy 2021/22, which the Staffing & Remuneration Committee approved at their meeting on the 2 February 2021, the policy now needs to be amended to remove this wording. The wording has been replaced with the same wording as was in previously approved pay policies. The change made is to section 14 of the policy.

The revised policy will be the one presented to Full Council for approval at its meeting on 18 March 2021.

We noted that if any changes were required to the statement after its approval by Full Council, these would need to go back to Full Council for determination.

- i) We approved the draft Pay Policy Statement 2021/22 as attached to the report to the meeting of the Staffing and Remuneration Committee on 2 February 2021.
- ii) We resolved that the Director for Customers, Transformation and Resources be authorised, in consultation with the Chair of the Staffing and Remuneration

Committee, to make such amendments to the Pay Policy Statement as he considers minor.

- iii) We resolved to refer the Pay Policy Statement for endorsement by Full Council on 18 March 2021.

WE RECOMMEND

That Full Council approves the Pay Policy Statement 2021/22, amended as explained in this report and attached, at its meeting on 18 March 2021.



Pay Policy Statement 2021/22

Published
April 2021

1. Background

Localism Act 2011 - Openness and accountability in local pay

- 1.1. Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however, it emphasises the need to deliver value for money for local taxpayers.
- 1.3. This statement has been approved by Full Council on 18th March 2021 and any changes during the year will be brought back to Full Council for adoption at the earliest opportunity.
- 1.4. This statement does not apply to Council employees based in schools.

Related Remuneration and Transparency Context

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 (“the Code”), published by the Department for Communities and Local Government in February 2015, and the Local Transparency Guidance issued on 30 November 2015 by the Local Government Association.
- 1.6. Part of the Code includes publishing information relating to senior salaries within a local authority. A full list of all posts that are paid £50,000 or more per year that fall within the scope of the Accounts and Audit Regulations 2015 is published on the Council’s website.

2 Governance arrangements for pay and conditions of service within Haringey

- 2.1. The Staffing & Remuneration Committee as referred to in the Council’s constitution Part three, section B under its Terms of Reference has responsibility for the terms and conditions of service for all staff. The Staffing & Remuneration Committee is a Committee of Full Council.
- 2.2. The Staffing & Remuneration Committee is accountable for the remuneration of Chief Officers (see section 4 for more details), and pay in general, and will ensure that remuneration is set within the wider pay context giving due consideration to the relationship between the highest and lowest paid in the organisation (see section 8 for more information). This Committee will remit the Pay Policy Statement for approval by Full Council.

3 Pay Strategy

- 3.1 In December 2014 the Staffing & Remuneration Committee agreed the Council's Modern Reward Strategy, this included a review of pay and grading arrangements for Chief Officers and Senior Managers and employees covered by the National Joint Council (NJC) for Local Government Services terms and conditions.
- 3.2 The Council's vision included the provision to adopt a reward strategy that was modern, sustainable, fair and transparent concerning pay, which rewards employees appropriately for their contribution to the Council.
- 3.3 In April 2016 new pay and grading arrangements were implemented for Chief Officers and Senior Managers. This Pay Policy Statement sets out the new pay arrangements.
- 3.4 For NJC employees the new London Pay Spine was implemented in April 2019.

4 Remuneration arrangements of Senior Managers and Chief Officers including the Chief Executive

- 4.1 The Council's Chief Officers are the Head of Paid Service (the Chief Executive), the Monitoring Officer, statutory chief officers, or non-statutory chief officers being officers who report to the Chief Executive. The term "Chief Officers" also includes a number of deputy chief officers who report directly to a statutory or non-statutory chief officer. The Council defines its Senior Managers as those staff appointed on senior manager pay grades – which start at remuneration levels of £63,900 per annum (as per Appendix A – Senior Manager Pay Bands – April 2020). Chief Officers and Senior Managers are contracted to work sufficient hours as is required to complete the job.
- 4.2 The Council benchmarks its pay rates with other London Boroughs to ensure that it is able to recruit and retain qualified and competent staff. Pay bands for Chief Officers and Senior Managers must be approved by the Staffing and Remuneration Committee. The pay bands for Chief Officers and Senior Managers are at Appendix A.
- 4.3 Where it is proposed to appoint to a Chief Officer post and the proposed salary is £100,000 per annum or more, the Staffing and Remuneration Committee must consider and approve the proposed salary. The current Chief Officer management structure including employee salaries costs, details of bonuses, performance-related pay and benefits-in-kind if any, grade, department and team, whether permanent or temporary, salary ceiling, job titles, services and functions responsible for, budget held and numbers of staff is published on the Council website. Names may only be published if individual salaries are £150,000 or more.
- 4.4 The salary applicable to the Chief Officer posts is published on the Council website.

4.5 Base pay for the senior management population will be reviewed, but not necessarily increased, annually. The progression of a Chief Officer or a Senior Manager through the pay band applicable to him/her will be contribution led based on individual, team and organisation performance. It will not be automatic, and the process will be overseen by the Chief Executive.

4.6 The Council may in exceptional circumstances, engage Senior Managers/Chief Officers under contracts for services. The Council publishes in accordance with the Code details of all payments made under contracts for services in excess of £500 on the Council website.

5 Remuneration of employees who are not Senior Managers or Chief Officers

5.1 The pay scales for all employees are increased in line with national and regional pay agreements.

5.2 For a majority of its employees who are not Senior Managers and Chief Officers the Council supports the NJC and regional (Greater London Provincial Council – GLPC) collective bargaining arrangements for pay and conditions of service and utilises the GLPC outer London pay spine (the exceptions to this are a small number of staff who are subject to the Soulbury, Teachers and NHS terms and conditions as detailed in paragraphs 5.4 to 5.12).

5.3 The Council considers it important to be able to locally determine pay rates for some staff where this is necessary. This enables it to respond to regional and local labour market conditions. The Council benchmarks its pay rates with other London Boroughs to ensure that it is able to recruit and retain qualified and competent staff.

5.4 The Council employs a small number of employees who are Educational Psychologists and Education Advisers/Inspectors and uses the pay scales recommended by the Soulbury Committee for these employees.

5.5 The last national pay award agreement for employees covered by Soulbury conditions was implemented with effect from 1 September 2020. Refer to Appendix B for more detail.

5.6 The Council also employs a small number of centrally employed Teachers and uses the national Teachers Pay and Conditions (TPAC) pay scales for these employees.

5.7 The last national pay award agreement for employees covered by TPAC conditions was implemented with effect from 1 September 2020. Refer to Appendix B for more detail.

5.8 Public Health employees who transferred from the NHS into the Council from 1 April 2013 continue to be paid in accordance with NHS terms and conditions of employment.

- 5.9 The last national pay award agreement for employees covered by NHS conditions was implemented with effect from 1 April 2018. Refer to Appendix B for more detail.
- 5.10 Employees subject to NJC conditions are able to incrementally progress through the pay spine column points for their job evaluated grade. Progression will normally be one increment (pay spine column point) on the 1st of April each year until they reach the top of their grade.
- 5.11 Employees subject to NHS conditions are able to progress through the steps in their pay band subject to the principles set out in the Framework Agreement on the reform of Agenda for Change.
- 5.12 Employees subject to TPAC and Soulbury conditions can incrementally progress through the pay spine column points subject to satisfactory performance normally on the 1st of September each year until they reach the top of their grade.

6 Remuneration of the lowest-paid employees

- 6.1 The Council approved with effect from May 2011 that in future the pay of Council employees at the lower ends of the pay spine receive a level of pay in line with the London Living Wage rate as determined from time to time by the Greater London Authority. This will be by way of an hourly pay supplement as appropriate to ensure that the London Living Wage rate is achieved. This rate was set at £10.85 per hour with effect from 9th November 2020 and is equivalent to a full time annual salary of £20,366.67.
- 6.2 In November 2018 the Council became an accredited Living Wage Employer and will continue to work towards ensuring all workers in the supply chain are paid the relevant Living Wage.

7 Job Evaluation

- 7.1 The pay grades and therefore remuneration levels of employees (except for centrally employed Teachers who are subject to the Teachers Pay and Conditions documents) are determined by the use of a job evaluation scheme. Job Evaluation is a systematic process used to determine the relative worth of jobs within the organisation. It creates a rank order from the smallest to the largest job and ensures that consistent decisions in grades and rates of pay are made.
- 7.2 The table at Appendix B outlines the job evaluation schemes used for each group of employees.

8 Pay Multiple

- 8.1 The 'pay multiple' is the ratio between the highest paid taxable earnings and the median earnings figure of the whole of the Council's workforce. The Council's highest paid employee is the Chief Executive and the current pay multiple is shown in the table below.
- 8.2 Earnings for the purpose of calculating the 'pay multiple' are defined covering all elements of remuneration that can be valued (i.e. all taxable earnings for 2020/21 including base salary, variable pay, bonuses, allowances and the cash value of any benefits in kind). The calculation of earnings excludes the cash value of pension provision.
- 8.3 The Council defines its lowest paid employees as those paid on the lowest pay spine point of 1 on the GLPC outer London pay spine. The reason for this definition is that this is the lowest pay spine point in the Council in line with the job evaluation scheme and pay scales agreed with the unions. This excludes trainees, apprentices and interns. However, an hourly pay supplement is added when necessary to ensure that the London Living Wage rate is achieved as outlined in paragraph 6.1.

Description	2020/21
Highest Paid	£190,471.28*
Median	£34,268
Lowest	£20,366.67
Highest to median ratio	5.6
Highest to Lowest ratio	9.4

*The salary for the highest paid employee (Chief Executive) includes an allowance paid for Returning Officer duties as outlined in paragraph 11.2

9 Pay on Appointment

- 9.1 All employees, including Chief Officers, are normally appointed on the lower half of the pay range appropriate for their grade.
- 9.2 The Council delegates authority to Chief Officers / Chief Executive as appropriate to appoint staff above this part of the pay range.
- 9.3 The salary of the Chief Executive, and of any other Chief Officer where the proposed salary is £100,000 or more, will be approved by the Staffing and Remuneration Committee as outlined in paragraph 4.3.

10 Market Allowance Payments

- 10.1 The Council acknowledges that our workforce is our most valuable asset when it comes to enabling and delivering services for those who live, work, study or visit the borough. Due to external market factors, allowances may need to be paid to some posts in order to attract and retain staff of the appropriate calibre.
- 10.2 Market allowances are linked to the post, not the person. They cannot be paid to someone because of their level of skill or experience.
- 10.3 A market allowance is deemed suitable where there is evidence of one or more of the following:
- The post has been advertised on more than one occasion and a suitable applicant could not be recruited.
 - Pay benchmarking exercises show that similar local authorities offer market allowances or a higher salary for the same work.
 - A national / local skills shortage where the Council is competing with a number of other employers for applicants.
 - The post is highly specialised with a limited number of potential applicants.
- 10.4 If the post does not meet the suitability criteria the payment of a market allowance is unjustified and may be in breach of equal pay legislation contained in the Equality Act 2010.

11 Fees for Election Duties

- 11.1 Council staff may be engaged on election duties of varying types. The fees paid to Council employees for undertaking these election duties vary according to the type of election they participate in, and the nature of the duties they undertake.
- 11.2 Returning Officer duties (and those of the Deputy Returning Officer) are contractual requirements, and fees paid to them for national elections / referendums are paid in accordance with the appropriate Statutory Fees and Charges Order and are paid by the body responsible for the conduct of the election.

12 Pension

- 12.1 There are three pension schemes covering the Council's employees.
- 12.2 A majority of its employees are entitled to join the Local Government Pension Scheme and receive benefits in accordance with the provisions of that Scheme as applied by the Council. Details of the Council's policy and decisions in respect of discretionary elements of the Scheme are published on the Council's website.
- 12.3 Centrally employed Teachers are entitled to join the Teachers' Pension Scheme and receive benefits in accordance with the provisions of that Scheme.
- 12.4 Public Health employees who transferred from the NHS and are members of the NHS Pension Scheme continue to receive benefits in accordance with the provisions of that Scheme.

13 Other Terms and Conditions of Employment

- 13.1 The Council's employment policies and procedures are reviewed on a regular basis in the light of service delivery needs and any changes in legislation etc.
- 13.2 The Council and trades union agreement, Equal Pay Review 2008, outlined the working arrangements and the payments to be made to the majority of employees below senior manager level. This included arrangements for working outside normal working hours including overtime and call out payments.

14 Payments on Termination of Employment

- 14.1 In the event that the Council terminates the employment of an employee (including Senior Managers and Chief Officers) on the grounds of redundancy they will receive compensation and benefits in accordance with the Council's Redundancy scheme, which is published on the Council's website. Exceptions to this are employees who have TUPE transferred into the Council with different contractual entitlements.
- 14.2 Severance payments of £100,000 or more must be considered and approved by the Staffing & Remuneration Committee.
- 14.3 Details of redundancy compensation payments paid to senior management are published on the Council's website.
- 14.4 The Council's Redundancy schemes may be subject to change.

15 Re-employment of Employees

- 15.1 Section 7 of the Local Government and Housing Act 1989 requires that every appointment to paid office or employment in a local authority shall be made on merit.
- 15.2 Should a successful candidate be in receipt of a redundancy payment the Council will apply the provisions of the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended) regarding the recovery of redundancy payments. The rules of the Local Government Pension Scheme also have provisions to reduce pension payments in certain circumstances to those who return to work within local government service.

16 Further Information

For further information on the Council's Pay Policy please contact the Council's Head of Employment, Transformation and Reward.

Chief Officer/Senior Manager Pay Bands

Level	Category	Step	Point 1 (Minimum Pay Band)	Point 2	Point 3	Point 4	Point 5	Point 6 (Maximum Pay Band)
A	Chief Executive	HA2	£185,600	£190,500	£195,400	£200,300	£205,200	£210,100
B	Directors / Assistant Directors	HB3	£146,400	£151,200	£155,900	£160,700	£165,400	£170,200
		HB2	£119,200	£123,100	£127,000	£130,900	£134,800	£138,700
		HB1	£102,300	£105,600	£109,000	£112,300	£115,700	£119,000
C	Heads of Service / Senior Professional III	HC3	£86,700	£89,700	£92,700	£95,800	£98,800	£101,800
		HC2	£74,000	£76,500	£79,000	£81,600	£84,100	£86,600
		HC1	£63,900	£65,900	£67,900	£69,900	£71,900	£73,900

Employee Group	Job Evaluation Scheme	Last Pay Award Implemented	Next Pay Award Due
National Joint Council (NJC) for Local Government Services – Green Book (the majority of the Council's employees)	Greater London Provincial Council (GLPC) (with local variations)	With effect from April 2020 all London pay spines have been up-rated by 2.75 %.	1 April 2021 (To be agreed)
Chief Executive, Chief Officers & Senior Managers	The HAY job evaluation scheme	With effect from April 2020 An increase of 2.75 %.	1 April 2021 (To be agreed)
Teachers Pay & Conditions - TPAC (centrally employed Teachers)	Teachers Pay and conditions documents	A 1 year pay deal with effect from September 2020 <ul style="list-style-type: none"> • A 5.5 % increase to the minimum of the main pay range • A 2.75 % increase to the minimum and maximum values of all the other pay ranges and allowances for teachers • The re-introduction of advisory pay points for the Main and Upper Pay Ranges 	1 September 2021 (To be agreed)
Soulbury (Education Psychologists & Education Advisers/ Inspectors)	Soulbury	A 1 year pay deal with effect from September 2020 2.75% increase on all Soulbury pay scale points, and all London area and fringe allowances.	1 September 2021 (To be agreed)
Public Health (ex-NHS staff)	The Agenda for Change NHS Job Evaluation Scheme (GLPC or Hay scheme for those whose roles have been reviewed since the transfer date to the Council)	A three-year agreement covering the years from 1 April 2018 to 31 March 2021. Pay increases over this period are as set out in the Framework Agreement on the reform of Agenda for Change (27 th June 2018).	1 April 2021 (To be agreed)

REPORT OF STANDARDS COMMITTEE 01/2020-21

FULL COUNCIL 18 March 2021

Chair: Councillor Opoku

1. INTRODUCTION

1.1 This report from the Standards Committee meetings on 25 January 2021 and 2 March 2021 asks Full Council to consider the following:

- Proposed amendments to the Constitution in relation to the Pensions Committee and Board terms of reference.
- To approve changes to the Committee structure and resultant changes to the Constitution. This is relating to the deletion of the Regulatory Committee and the establishment of a Strategic Planning Committee, with a Planning Sub Committee, and establishment of a main Licensing Committee, with a Licensing Sub Committee, to take effect from the 2021/22 Municipal year.
- To revoke the Members' Allowances Scheme for 2020/21 as of 31 March 2021 and to approve a new Members' Allowances Scheme for the Municipal year 2021/22 to take effect from 1 April 2021.
- To approve changes and additions to section 5.3 of Part Five, Section A of the Constitution (Protocol for Complaints Against Members).

1.2 The full recommendations for each item are included in the report and the attached appendices.

2. MINOR UPDATES TO THE PENSIONS COMMITTEE AND BOARD TERMS OF REFERENCE

2.1 It was proposed to amend the wording of the Pensions Committee and Board terms of reference in relation to employer representatives to bring it in line with the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 (the Pensions Regulations).

2.2 We heard that the Pensions Committee and Board consisted of six Councillor members, two employer representatives, and two employee representatives. The employer and employee representatives were co-opted members who served for a period of four years and were eligible for re-appointment. The two employer representatives were nominated by employers other than the Council. We were informed that it had proved difficult to fill all of the employer representative positions and one position had been vacant for a number of years.

- 2.3 We noted that the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 (the Pensions Regulations) stated that an employer representative must have 'the capacity to represent employers'. We heard that the existing wording in relation to employer members of the Pensions Committee and Board in the Haringey Council Constitution was narrower than the statutory wording in the Pensions Regulations and stated that employer representatives must be 'from scheduled and admitted employers'. The proposed amendment would bring the wording in line with the Pensions Regulations so that employer members would not need to be from scheduled and admitted employers but would need to have the capacity to represent scheduled and admitted employers.
- 2.4 We noted that the Pensions Committee and Board had considered the proposal at its meeting on 21 January 2021, had noted the proposed amendment, and hoped that the amended wording, which would provide a wider pool of potential employer representatives, would assist in filling the employer representative vacancy which had existed for several years.
- 2.5 We considered the proposals and agreed to the proposed amendments.

3. WE RECOMMEND

- 3.1 Full Council approve the amendment of the Pensions Committee and Board terms of reference in relation to employer member representatives to bring the wording in line with Pensions Regulations. The amendment would change the wording as follows (additions in bold text, deletions in strikethrough text): 'Two representatives ~~from~~ **who have the capacity to represent** scheduled and admitted employers'.

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

- 4.1 In the Review of Members' Allowances for the Municipal year 2020/21, the independent person outlined, in their report to the Standards Committee meeting on 2 March 2020, that there seemed to be consensus around the proposition that the Regulatory Committee should be formally reconstituted as two separate Committees – a Planning Committee and a Licensing Committee. The Standards Committee considered this suggestion and recommended consultation with the Regulatory Committee on options for taking forward any changes to the Committee structure.
- 4.2 Various proposals were considered by the Standards Committee and the Regulatory Committee; these are set out in detail in **Appendices 1-5 to the Standards report considered on the 2nd of March 2021[pages 49 to 102 of the full Council agenda pack]**. The Regulatory Committee had considered the proposals at a working group meeting on 11 February 2021

and at the Regulatory Committee meeting on 25 February 2021 and 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.

- 4.3 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 similar reports would go forward 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, the Chair of the main Licensing Committee would chair the Sub Committee 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.
- 4.4 We 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, we 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, we 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.
- 4.5 We agreed with the proposals to establish a Strategic Planning Committee, with a Planning Sub Committee, and a Licensing Committee, with a Licensing Sub Committee. We also 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.
- 4.6 We agreed to delegate any further required minor amendments to appendices 2 to 4 and other resultant changes to the Constitution, that may be necessary before submission of the Standards Report to Full Council on 10 March 2021, to the Monitoring Officer after consultation with the Chair. There has been additional wording added to Strategic Planning Committee Terms of reference and Protocol to reference that this Committee will consider Planning related regulatory matters. This is to pick up issues raised at the Regulatory Committee meeting on building control matters. **These additions are underlined and added as a new appendix 5.1, pages 103 to 116 of the full Council pack. In addition , Article 8 in the Constitution references Regulatory Committee and this is also attached for amendment at appendix 5.2, page 117 of the full Council pack.**

5. WE RECOMMEND

That Full Council is asked:

- 5.1 To note the endorsement of Regulatory Committee and Standards Committee to Option 3, set out at **Appendix 1 of the 2nd of March Standards Report [pages 49 to 56 of the full Council pack]**, 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.
- 5.2 To approve 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 of the 2nd of March Standards Report [page 53 of the Council pack]**
- 5.3 To approve 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 5.2 pages 57 to 86 and 103 to 117 of the Council pack]** to take effect from the 2021/22 Municipal year.

6. MEMBERS' ALLOWANCES SCHEME 2021/22

- 6.1 The Standards Committee has the responsibility, under Article 14.03 of the Constitution, to consider the Members' Allowances Scheme (the Scheme) and any changes and to recommend the Scheme to Full Council for approval.
- 6.2 It is a statutory requirement, under the Local Authorities (Members Allowances) (England) Regulations 2003 (the Regulations), for the Council to adopt a Members' Allowances Scheme for the following financial year by 31 March each year. The scheme may be amended at any time but may only be revoked with effect from the beginning of a year, the beginning of a year being 1 April. Under the Regulations, a year is defined as any period of 12 months ending on 31st March.
- 6.3 Under the Regulations, before making or amending the Members' Allowances Scheme, an authority shall have regard to the recommendations made in relation to it by an Independent Remuneration Panel. The Regulations allow London Boroughs to use an independent remuneration panel set up for the purpose of making recommendations across London. London Councils set up a panel for this purpose in 2001 and its most recent report was published in 2018 and makes recommendations in respect of the Members' allowances payable by London Boroughs.
- 6.4 We considered the Members' Allowances Scheme for 2020/21 and had regard to the report of the Independent Remuneration Panel established by London Councils when considering the Members' Allowances Scheme 2021/22.

- 6.5 We noted that the Independent Remuneration Panel recommendations and the Members' Allowances Scheme generally had been reviewed in detail in the 2019-20 review.
- 6.6 We acknowledged 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.
- 6.7 We 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. We 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.
- 6.8 We 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 allowance for 2021-22. We 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.
- 6.9 The changes to the Members' Allowances Scheme for 2021-22 are shown in tracked changes of **Appendix 6** of this report and **Annex 1 of the 2nd of March Standards report on Member's Allowances [pages 123 to 132 of this Council Pack]**

7. WE RECOMMEND

- 7.1 Full Council revoke the Members' Allowances Scheme for 2020/21 as of 31 March 2021.

7.2 Full Council approve the new Members' Allowances Scheme for the Municipal year 2021/22, **as set out in Appendix 6 - Annex 1.1 pages 133 to 140 of the Council pack**, to take effect from 1 April 2021, noting that in the start of the Municipal year 2021/22, 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.

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

8.1 The Standards Committee had suggested, at its recent meetings, that it would be appropriate to consider additional circumstances where the Monitoring Officer could dismiss a standards complaint at an earlier stage. It had been suggested that additional powers to dismiss complaints could be delegated to the Monitoring Officer, in particular where an allegation took place more than three months prior to the complaint, 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.

8.2 We have considered proposed amendments to section 5.3 of Part Five, Section A of the Constitution (Protocol for Complaints Against Members); this is included as **Appendix 7 of this main Council report [pages 235 to page 252 of this Council pack]**

8.3 Following research into the Constitutions of other local authorities, we considered a proposal to include a Monitoring Officer delegated power to dismiss frivolous complaints. We 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.

8.4 We 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. We noted that this category of complaint could be a challenging and delicate judgement which may not be appropriate for the Monitoring Officer to make. We also acknowledged 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, we noted that this could be reviewed by the Committee if there was an increasing trend of this type of allegation as part of the annual report on complaints.

9. WE RECOMMEND

That Full Council is asked:

- 9.1 To approve the changes and additions to section 5.3 of Part Five, Section A of the Constitution (Protocol for Complaints Against Members), attached at **Appendix 7.1 Proposed amendments to part 5 Section A - protocol for complaints against Members [pages 239 to page 252]**

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Report for: Standards Committee – 2 March 2021

Title: Establishment of a separate Strategic Planning Committee with a Planning Sub Committee and separate Licensing Committee with a Licensing Sub Committee and decommissioning the Regulatory Committee for the Municipal year 2021/22.

Report authorised by: Interim Monitoring Officer – John Jones

Lead Officer: Ayshe Simsek - Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

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

1. Describe the issue under Consideration.

1.1 This report provides the feedback from the Regulatory Committee which has been consulted on the proposed changes to the Committee structure which is for the Regulatory Committee to be formally reconstituted as two separate Committees – a Strategic Planning Committee and a Licensing Committee. The Regulatory Committee considered the attached report at Appendix 1, and appendices 2 to 4 on 25 February 2021, and also considered Appendix 5, at an earlier working group meeting on 11 February 2021.

1.2 The Regulatory Committee formally endorsed Option 3 - which is the establishment of a separate main Planning Committee called a Strategic Planning Committee with a Planning Sub Committee and the establishment of a separate main Licensing Committee with a Licensing Sub Committee. They were in agreement to this change in Committee Structure and considered consequent changes to the Council's Constitution, in particular Section B – Full Council and Non-Executive Functions. They commented on the need for explicit reference, in the Strategic Planning Committee's Terms of Reference, to Building Control functions and it is proposed to make this change further to consultation with Legal services. There was a comment on changing the name of the main Licensing Committee to Strategic Licensing Committee. Although, the proposed name of this Committee is similar to other borough's Licensing Committee names and reflects the term used in legislation. It was also agreed to reference the potential consequent changes to the Special Responsibility Allowance (SRA) descriptions, according to their banding e.g., Chair of Strategic Planning, will be Band 2B and Chair of Licensing Band 1B. This would be taken forward in the report to Full Council from the Standards Committee, if the Committee is minded to agree the recommendations.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Standards Committee is asked:

- 3.1 To note the endorsement of Regulatory Committee to Option 3, set out at Appendix 1, which is 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.
- 3.2 To recommend to full Council, the implementation of these changes to the Committee structure, set out at 3.1 above, to take effect from the 2021/22 Municipal year as set out at Appendix 1, section 6.6.
- 3.3 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 full Council for approval on 18 March 2021 and to take effect from the start of the new Municipal Year, May 2021/22.
- 3.4 To delegate any further required minor amendments to appendices 2 to 4 and other resultant changes to the Constitution, that may be necessary before submission of the Standards Report to Full Council on 10 March 2021, to the Monitoring Officer after consultation with the Chair.

4. Reasons for decision

- 4.1 In the Review of Members' Allowances for the Municipal year 2020/21, the independent person, conducting this review, outlined in his report, to the Standards meeting on 2 March 2020, that there seemed to be consensus around the proposition that the Regulatory Committee should be formally reconstituted as two separate Committees – a Planning Committee and a Licensing Committee. The Standards recommended consultation with the Regulatory committee on options for taking forward this change to the Committee structure.
- 4.2 Regulatory Committee considered 4 options for how this change could be taken forward on 14 January 2021 and a further 2 options were considered by the working group of Regulatory Committee on 11 February 2021. The Regulatory Committee formally endorsed Option 3 at their meeting on 25 February 2021 with comments as set out at section 1.2.
- 4.3 The Constitution at section 14.03 sets out that Changes to the Constitution, including the Scheme of Members' Allowances, will only be approved by the full Council after recommendation of the proposal by the Standards

Committee and following advice from the Monitoring Officer save that authority is delegated to the Monitoring Officer to make any changes required as a result of legislative change. This report takes forward this action and changes to the Constitution will be put forward to Full Council on 18 March 2021 meeting for approval and to take effect for the Municipal Year 2021/22.

5. Alternative options considered.

- 5.1 To make no changes to the Committee Structure or Constitution and maintain the Regulatory Committee. This would be contrary to Member's wishes and the findings of the review of Member Allowances Review in 2019/20.
- 5.2 To reconsider and recommend Options 1, 2 or 4 as set out at 1.2, 1.3 and 1.5 in the attached report at Appendix 1.

6. Background

- 6.1 As set out in Appendix 1 and Appendix 5.

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)

Finance comments

- 8.1 There are no financial implications arising from this report. There are no consequent changes to the SRA's and no significant resource implications for supporting the proposed changes to the Committee structure.

Legal comments

- 8.2 These are set out within the report.

Equality

- 8.3 There are no equality matters in this report.

9. Use of Appendices

Appendix 1: Report to Regulatory Committee – 25 February 2021.

Appendix 2a: Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing Committee [shown with track changes].

Appendix 2b: Licensing Sub Committee Terms of Reference with track changes.

Appendix 2c: Proposed terms of reference for Strategic Planning Committee – New.

Appendix 3.1: Current Regulatory Committee Protocol amended to cover the new Main Licensing Committee and created new Strategic Planning Committee Protocol at 2.2 [with track changes].

Appendix 4: Clean terms of references for Licensing Committee, Licensing Sub Committee, Strategic Planning Committee, Protocol for Licensing Committee and Strategic Planning Committee.

Appendix 5: Regulatory Committee – Briefing paper.

10. Local Government (Access to Information) Act 1985

The Council Constitution can be found at: <http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>.

Report for: 25 February 2021 – Regulatory Committee/ Standards Committee 2nd of March 2021

Title: Establishment of a separate Strategic Planning Committee with a Planning Sub Committee and separate Licensing committee with a Licensing Sub Committee and decommissioning the Regulatory Committee for the Municipal year 2021/22.

Report

authorised by : Interim Monitoring Officer – John Jones

Lead Officer: Ayshe Simsek - Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

Report for Key/

Non-Key Decision: Non key decision

1. Describe the issue under Consideration.

- 1.1 This report responds to the issues raised at Regulatory Committee on the 14th of January 2021 when options were considered for separating out the Planning and Licensing functions of the Regulatory Committee. There were 4 options considered along with their implications. These were as follows:
- 1.2 Option 1 – Adding the non-executive Planning related functions of Regulatory Committee, including making informal recommendations, to Cabinet and Council, to the current Planning Sub Committee terms of reference and making this a Committee of the Council.
- 1.3 Option 2 – Regulatory Committee deleted, and Planning Committee established as a Committee of the Council, with the current Sub-Committee terms of reference. This would mean Policy reports progressing directly to Cabinet and then Full Council without any informal recommendations from a non - executive Committee. Planning service performance reports and other reports which were not related to applications could be considered by the relevant Scrutiny Panel. Separate Licensing Committee and Sub Committee to be created.
- 1.4 Option 3. Clarified, following the 14th of Jan ,meeting to mean having a Strategic Planning Committee as a Committee of the Council keeping only Planning related functions [from the Regulatory Committee] which are not licensing related with a Planning Sub Committee to consider applications. Having a separate Licensing Committee with one Sub Committee to consider licensing applications.

- 1.5 Option 4 – To keep current Regulatory Committee without establishing a Licensing Committee and only having one Licensing Sub Committee.
- 1.6 The discussion at Regulatory Committee raised a number of important points and it was suggested that some members of the Regulatory Committee could meet informally as a smaller group to consider their views and the potential options in greater detail. It was noted that any conclusions and proposals would need to be considered by the Regulatory Committee and the Standards Committee before any proposals were recommended for adoption at the Annual Council meeting on 24 May 2021.
- 1.7 All Regulatory Committee members were invited to the informal group meeting and 7 members attended, considering further additional information on options 1 and 3 which were the favoured options at the 14th of January Regulatory meeting. This briefing note is attached as Appendix 4 as background. Further to considering this information, there was support for Option 3 as this would provide a clearer distinction between meetings of Planning that would consider performance and policy related reports and those that would consider Planning applications. There was consideration given to the number of members that would sit on the Strategic Planning Committee and Planning Sub Committee. There was consensus that this should be the same number and membership, with 11 on Strategic Planning and also 11 on the Planning Sub Committee. There was discussion on how the main Licensing Committee would work with its Sub Committee. Some members felt that there should not be a specific Sub Committee membership for Licensing to consider applications and there not be a reliance on special meetings and substitutes. There was a need to ensure that each member of Licensing Committee was participating in Licensing decisions. This report follows up on this query and proposes that there is one Sub Committee with any three members of the main Licensing committee as members. Further details are set out paragraph 6.11.
- 1.8 There was a need to ensure that by splitting the functions of Regulatory Committee between Strategic Planning and Licensing Committee that any non-executive regulatory responsibilities do not fall outside of the remit of these two Committees . There is reference in the Regulatory Committee terms of reference to other 'regulatory matters' and these have been kept in the Licensing Committee Terms of reference.
- 1.9 The protocol for Regulatory Committee is referenced in the Constitution terms of reference and this has been located and updated with some information on how the Licensing Committee and Strategic Planning Committee will work, including requirements for Planning Training and having a reserve pool of trained members that can substitute on Planning Sub Committee.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 To comment on the additional information provided on Option 3 and recommend a proposed final model for establishment of a separate main Planning Committee with a Planning Sub Committee and separate Licensing Committee with a Licensing Sub Committee, decommissioning the Regulatory Committee for the Municipal year 2021/22, to Standards Committee on the 2nd of March 2021.
- 3.2 To note that there will need to be further review of the proposed Terms of references by Planning officers and Legal Services.

4. Reasons for decision

- 4.1 In the Review of Members' Allowances for the Municipal year 2020/21, the independent person, conducting this review, outlined in his report, to the 2nd of March 2020 Standards meeting, that there seemed to be consensus around the proposition that the Regulatory Committee should be formally reconstituted as two separate Committees – a Planning Committee and a Licensing Committee. The Standards recommended consultation with the Regulatory committee on options for taking forward this change to the Committee structure.
- 4.2 Regulatory Committee considered 4 options for how this change could be taken forward on the 14th of January and a further 2 options were considered by the working group of Regulatory Committee on the 11th of February. This report responds to comments and discussion at these meetings and proposes a structure for the member consideration of Planning, Licensing and Regulatory functions.

5. Alternative options considered.

- 5.1 Not to comment and recommend a preferred option which would be contrary to the request made by Standards Committee.
- 5.2 To reconsider and recommend Options 1, 2 or 4 as set out at 1.2, 1.3 and 1.5.

6. Background

- 6.1 As set out above, this paper takes forward Option 3, clarifying that a Strategic Planning Committee is created[there can be another name chosen if it is felt that this may confuse with the term for major planning applications which are sometimes referred to as "Strategic] as a Committee of the Council with a Planning Sub Committee whilst also having a main Licensing Committee and Licensing Sub Committee. There would need to be 4 additional meetings of

Strategic Planning added to the Council Committee Calendar for 2021/22 and Licensing Committee would replace the Regulatory meeting dates. There could be a net increase in 4 meetings for members. To mitigate this net increase, it is proposed that there are **2** main Licensing Committees added to the calendar one in **May** to establish the sub committees and one in **January** to consider policies and agree required fee charges. It is also proposed to only add **3** additional Strategic Planning meetings to cover the quarterly updates and reports . This would mean a net increase of only 1 meeting.

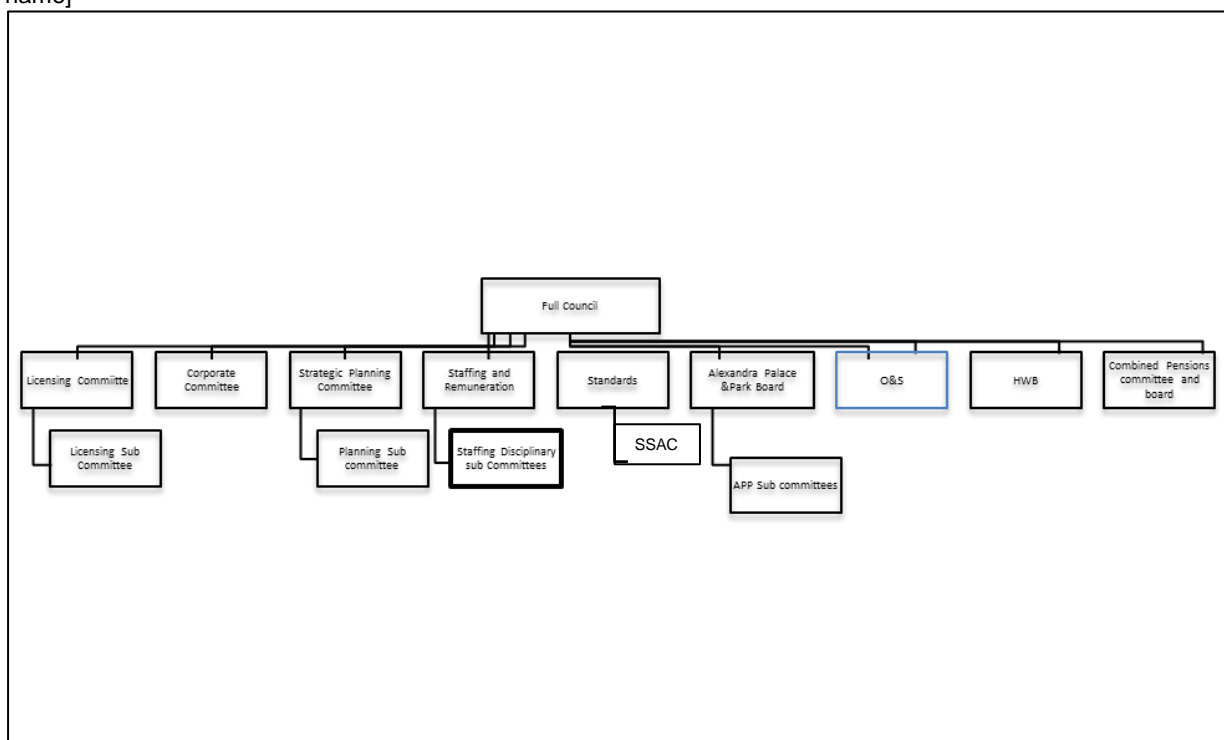
6.3 The number of licensing related items for the Licensing Committee likely to come forward in 2021/22 are as follows.

- a review of the years licensing activities to include - the years various licences issued under delegated authority, any Licensing Appeal cases summed up,
- any Sub Committee cases summary and points of learning.
- Fees and charges report

6.4 In the years that the Statement of Licensing Policy or Gambling Policy needed to be considered (Gambling every 3 years, Licensing every 5 years) there would need to be special meetings. The Gambling Policy is normally considered by Regulatory Committee in July whilst it is out to consultation, so that the Committee can feedback to Cabinet in October and it can be recommended to Full Council in November. That work will be happening this year, therefore a Special Licensing Committee meeting is likely to be required in July 2021. The Statement of Licensing Policy will be reviewed during 2025. It is normally considered by the Regulatory Committee before and after it goes out to consultation, usually in September and November before recommending to Full Council in November.

6.5 If there was only one Licensing Sub Committee, ideally it should meet twice a month due to the timescales for hearing applications and reviews and the fact that the Committee can only realistically deal with a maximum of 2 hearings in one evening. Where necessary, special meetings will need to be called e.g. to deal with TENs applications.

6.6 The Committee structure would look as follows: Members can comment on this new name]



Impact on Seat Numbers would be as follows:

- 6.7 As set out in the appendix 4 and according to principles of allocation as set out above, the main Licensing Committee could have 11 seats and Strategic Planning Committee could have 11 seats with the Planning Sub Committee also having 11 seats. The working group, on the 11th agreed this number is put forward.
- 6.8 The number of seats available on ordinary committees increases to 56. There would be 40 seats available to Labour and 16 seats available to the Liberal Democrat Group.
- 6.9 In practice, the political Chief Whips can choose the same members to sit on both Strategic Planning Committee and main Licensing Committee if they want to maintain the close connection between these functions or choose to spread the membership in the respective political groups.
- 6.10 A potential terms of reference for Option 3 is set out in Appendix 1.
- 6.11 The working group indicated that they were not in favour of having a Licensing Sub Committee with a set membership and wanted the whole pool of councillors on the main Licensing Committee to be accessed and not have to rely on substitutes. It is proposed that, as a way forward, at its first meeting, the Licensing Committee is asked to formally agree the establishment of one Sub Committee and further agree that the Licensing Sub-Committee may

comprise any three members, including the Chair of the main Licensing Committee. There will be a note advising that all members of the Licensing Committee will be consulted on their availability when it is known that a licensing hearing is required. From responses received, three Members would be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. Democratic Services will ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis and can provide a note to the political group Chief Whips on attendance on a quarterly basis.

- 6.12 Members are asked to comment on the information above and recommend this option for Standards Committee on the 2nd of March 2021 for consideration.

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)

Finance

- 8.1 There are no financial implications arising from this report.

Legal

- 8.2 The proposed changes to the Council constitution were taken forward with Legal Service assistance.

Equality

- 8.3 There are no equality matters in this report.

9. Use of Appendices

Appendix 1 a- Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing Committee [shown with track changes]

Appendix 1b Licensing Sub Committee Terms of Reference with track changes

Appendix 1c - Proposed terms of reference for Strategic Planning Committee -New

Appendix 2.1 Current Regulatory Committee Protocol amended to cover the new Main Licensing Committee and created new Strategic Planning Committee Protocol at 2.2[with track changes]

Appendix 3 – Clean terms of references for Licensing Committee, Licensing Sub Committee, Strategic Planning Committee, Protocol for Licensing Committee and Strategic Planning Committee.

Appendix 4 – Regulatory Committee – Briefing paper

10. Local Government (Access to Information) Act 1985

The Council Constitution can be found at: <http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>.

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Appendix 1 a- Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing Committee

7. The Licensing Regulatory Committee

The Licensing Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, ~~Town Planning~~ and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

Membership

The Regulatory Licensing Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

Protocol

There is a Protocol outside this Constitution setting out how the Licensing Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
 - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications

for premises licences and related matters under the Gambling Act 2005;

- (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.
- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
- (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;
 - (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
 - (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
 - (d) ~~Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;~~
 - (e) Reviewing all Council plans and policies on any licensing, **planning** or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
 - (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, **planning**, ~~conservation~~ or regulatory issues.

Appendix 1b Licensing Sub Committee Terms of Reference with track changes

4. Under The Licensing Regulatory Committee

4.1 Licensing Sub-Committeees

Introduction

The Licensing Sub-Committeees ~~hasve~~ functions either (1) as Sub-Committeees of the Licensing Regulatory Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committeees of the Licensing Regulatory Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of ~~the each~~ Sub-Committee shall be drawn from the Licensing Regulatory Committee. ~~In the event that an appointed member or members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the remaining members of The Regulatory Committee.~~ When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

- (1) General Provisions Relating to the Statutory Licensing Sub-Committeees
- (a) The Licensing Sub-Committeees ~~hasve~~ the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Regulatory Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences where relevant representations have been made;
- (e) To decide on any other matter where it is necessary or desirable for members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;

- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
 - (v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
 - (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
 - (x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the [Licensing Regulatory](#) Committee considers that there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees
- a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committee's terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The [Licensing Regulatory](#) Committee.

Appendix 1c

Proposed terms of reference for Strategic Planning Committee -New

– Option 3

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

There is also a Protocol setting out how members of the ~~Strategic Planning Sub-~~Committee will exercise ~~any these~~ functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution~~s-~~.

The Committee has all the functions ~~which are set out below and~~ which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations.

To establish the Planning Sub-Committee~~s~~ and to agree the delegation of functions to that Sub-Committee.

The Committee shall also:

- (i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, ~~the local development framework, the statement of community involvement~~ and any other planning policy matter;
- (ii) Review all Council plans and policies on any ~~licensing, planning or regulatory~~ matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to ~~licensing, planning, and conservation or regulatory~~ issues.

Current Planning Sub Committee Terms of reference 2020 for information – this will remain the same in option 3 but will need further review by Planning officers

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Assistant Director or Head of Development Management, in consultation with the

Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

(l) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Assistant Director or Head of Development Management in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the Assistant Director or Head of Development Management is authorised after a Planning sSub-eCommittee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the sSub-eCommittee.

Appendix 2.1 Current Regulatory Committee Protocol amended to cover the new Main Licensing Committee and created new Strategic Planning Committee Protocol at 2.2

PROTOCOL COVERING Licensing REGULATORY COMMITTEE

1—INTRODUCTION

~~1.1—A key objective of Haringey’s Governance Review 2010/11 was to reduce the number of Council Committees, and to develop a more streamlined, focused and transparent decision-making structure. A single Regulatory Committee was therefore established to combine the remits of the Planning and Licensing Committees, as well as some non-executive licensing functions of the General Purposes Committee and Miscellaneous Functions Sub-Committee.~~

1.21.1 The Terms of Reference for the Licensing Regulatory Committee is stated in the Council’s Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Regulatory Committee will function.

1.2 This Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 of the constitution. Any issue on procedure at the meeting shall be subject to the ruling of the Chair.

1.3 This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

2 MEMBERSHIP AND CHAIR

~~2.1—A Planning Sub-Committee and Licensing Sub-Committees A and B shall sit under the Regulatory Committee.~~

2.22.1 The members and chair of the Licensing Regulatory Committee ~~and its Sub-Committees~~ shall be elected and ratified each year at the Annual Council Meeting.

2.32.2 The Licensing Regulatory Committee shall comprise 11 ~~12~~ members. ~~The Planning Sub-Committee shall comprise 9 members, and each Licensing Sub-Committee shall comprise 3 members. Each Sub-Committee shall be elected from the Regulatory Committee. The members of the Licensing Sub-Committee may comprise any three members of the Licensing Committee.~~

2.3 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub Committee meeting/hearing is required.

2.4 From responses received three Members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (Note: All efforts will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis)

2.5 The Chair of the Licensing Regulatory Committee and shall also act as the Chair of the Planning Committee and the Chair of Licensing Sub-Committee B. The Vice Chair of the Regulatory Committee shall chair the Licensing Sub-Committee A. In their absence, a member of the Licensing Committee who is trained to chair licensing meetings will be proposed and seconded as chair of the meeting.

~~2.41.1 Where one or more members of the Planning Sub-Committee are unable to participate in a hearing for some reason, they may give notice to arrange a substitute member in their place (as detailed in Paragraph 40, Part 4 Section B of the Council's Constitution), provided they have requisite training on planning matters.~~

~~2.5 Where one or more members of a Licensing Sub-Committee are unable to participate in a hearing for some reason, the Regulatory Committee may appoint substitute member(s) to sit on a special Licensing Sub-Committee. The special Licensing Sub-Committee must be comprised of Regulatory Committee members.~~

3 RESPONSIBILITIES

Main Licensing Regulatory Committee

3.1 The Licensing Regulatory Committee shall act as:

- (a) a **statutory licensing body**;
- (b) a **non-statutory body**.

3.2 At the appropriate stage during the meeting, the Chair of the Licensing Regulatory Committee shall announce whether the Committee is acting in its statutory or non-statutory role.

3.3 The main responsibilities of the Licensing Regulatory Committee will be in regard to determining and being consulted on Licensing and Regulatory policy issues, evaluating decisions and identifying learning points and informing Member and Officer development and training. These responsibilities are explained further in paragraphs 3.4 to 3.10 below. Decision making responsibilities in relation to individual complex or contested licensing ~~and planning~~ applications will be devolved to a Planning Sub-Committee and two the Licensing Sub-Committees. Uncontested or non-complex applications, or those that comply with the Scheme of Delegation, are determined by Officers.

3.4 As the **statutory licensing body** under the Licensing Act 2003 and Gambling Act 2005, the Licensing Regulatory Committee shall:

3.4.1 Establish the Licensing Sub-Committees

The Committee shall establish the Licensing Sub-Committees, and determine the procedures for handling applications, notices and representations, including the fees

payable for applications under the Gambling Act 2005. The Committee shall retain overall responsibility for the hearings carried out by the Sub-Committees. The Committee shall be able to call for a report on any individual case from the Licensing Sub-Committees.

3.5 As the non-statutory body the Licensing Committee's functions are to:

3.6 Determine policy issues relating to non-executive licensing functions
The Committee may determine policy for licensing functions that are not required to be made by Cabinet. Examples include policy to regulate street trading, sex establishments, special treatment premises and dog-breeding establishments.

3.7 Formulate, review and approve the Statement of Licensing Policy
The Committee shall formulate, review and approve for consultation the Statement of Licensing Policy, and any revisions to it, to full Council for adoption.

3.8 Be consulted on the Statement of Gambling Policy
The Committee can be consulted and provide recommendations on the Statement of Gambling Policy, for a decision by the Cabinet.

~~Be consulted on planning policy~~

~~The Committee may exercise an informal consultative role in relation to planning policy. Examples include local development documents, development plan documents, the local development framework, and the statement of community involvement. As most planning policy decisions must by law be made by the Cabinet and sometimes by full Council, the role of the Regulatory Committee will be 'informal'.~~

3.9 Be consulted on Council plans and services relating to regulatory issues

The Committee may make informal recommendations to the Cabinet and other bodies on Council plans, service delivery, grant aid, commissioning and procurement matters when these involve or relate to regulatory issues.

Licensing Sub-Committees

3.6 The Licensing Sub-Committees shall act as:
(a) statutory licensing bodies;
(b) non-statutory licensing bodies.

- 3.7 At the appropriate stage during the meeting, the Chair of the Licensing Sub-Committee shall announce whether the Sub-Committee is acting in its statutory or non-statutory role.
- 3.8 As **statutory bodies** under the Licensing Act 2003 and the Gambling Act 2005, the Licensing Sub-Committees shall undertake hearings on individual licensing applications (as detailed in Part 3 Section C of the Council's Constitution), and has the power to make final decisions on those matters. The authority to agree minor variations to premises licenses under the Licensing Act 2003 is delegated to officers. All licence reviews will be undertaken by the Licensing Sub-Committee.
- 3.9 As **non-statutory bodies**, the Licensing Sub-Committees shall undertake hearings on individual licensing applications that fall outside the Licensing Act 2003 and Gambling Act 2005, where they have been objected to and require a Member level hearing. Examples include the licensing of street trading, special treatment premises, sex establishments, pet shops and dog breeding establishments. All licence reviews will be undertaken by the Licensing Sub-Committee.

Planning Sub-Committee

- ~~3.10 The Planning Sub-Committee shall determine complex (including for reasons of scale) or contested applications for:~~
- ~~• Planning Permission;~~
 - ~~• Conservation Area consent;~~
 - ~~• Listed Building consent;~~
 - ~~• Advertisements consent;~~
 - ~~• Entering into Planning Agreements;~~
 - ~~• Enforcement of Planning and Listed Building Controls;~~
 - ~~• Creation, stopping up, diversion of highways, footpaths or bridleways;~~
 - ~~• Preservation of trees.~~

4 MEETING FREQUENCY AND FORMAT

Main Licensing Regulatory Committee Meetings

- 4.1 The Licensing Regulatory Committee will ~~not~~ have 2 scheduled meetings, however the Chair of the Licensing Regulatory Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B). Where possible, Regulatory Committee meetings shall take place on the same evening as, and directly before, a Planning Sub-Committee meeting or Licensing Sub-Committee meeting.

~~—~~ The work programme for the Licensing Regulatory Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year and will include:

~~—~~ . The years various licences issued under delegated authority

~~—~~ • Any Licensing Court cases summed up

~~—~~ • Any Sub-Committee cases summary

- 4.2 Points of learning.

Sub-Committee Meetings

~~4.3—It is intended that the Planning Sub-Committee shall meet on a monthly basis.~~

~~4.4.2~~ Licensing Sub-Committee meetings shall be scheduled on a twice monthly basis; ~~divided between Sub-Committees A and B.~~ It is necessary to schedule on this frequency given the need to convene such meetings at a relatively short notice due to statutory deadlines for licensing applications. In practice it is envisaged that a number of the Licensing Sub-Committee meetings will be cancelled if the volume and timing of applications do not require them.

~~4.5—The Chair of a Licensing or Planning Sub-Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).~~

Appendix 2.2 Strategic Planning Committee Protocol

The Terms of Reference for the Strategic Planning Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.

This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

MEMBERSHIP AND CHAIR

A Planning Sub-Committee shall sit under the Strategic Planning Committee.

The members and chair of the Strategic Planning Committee shall be elected and ratified each year at the Annual Council Meeting.

The Strategic Planning Committee shall comprise 11 members. The Planning Sub-Committee shall comprise the same 11 members.

The Chair of the Strategic Planning Committee shall also act as the Chair of the Planning Sub-Committee.

Where one or more members of the Planning Sub-Committee are unable to participate in a hearing for some reason, they may give notice to arrange a substitute member in their place (as detailed in Paragraph 49, Part 4 Section B of the Council's Constitution), provided they have requisite training on planning matters.

There will be a reserve list of councillorsmembers who have received the required training to participate in Planning Sub Committee meetings if needed. This list will be updated on an annual basis by the Political Chief Whips.

1.1.1 Be consulted on planning policy

The Committee shall makemay exercise an informal consultative relerecommendations in relation to planning plans and policy. -Examples includinge local development documents; and development plan documents; the local development framework; and the statement of community involvement and service delivery to -As most planning policy decisions must by law be made by the Cabinet and sometimes by fFull Council; the role of the Strategic Planning Committee will be 'informal'.

Planning Sub-Committee

4.3 The Planning Sub-Committee shall be established on an annual basis and determine complex (including for reasons of scale) or contested applications for:

- Planning Permission;
- Conservation Area consent;
- Listed Building consent;
- Advertisements consent;
- Entering into Planning Agreements;
- Permission in Principle and Technical Details Consents
- Enforcement of Planning and Listed Building Controls;
- Creation, stopping up, diversion of highways, footpaths or bridleways;
- Preservation of trees.

5 MEETING FREQUENCY AND FORMAT

Strategic Planning Committee Meetings

5.1 The Strategic Planning Committee will have 3 scheduled meetings, however the Chair of the Strategic Planning Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B). ~~Where possible;~~

5.2 The work programme for the Strategic Planning Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year and will include:

- Planning Performance
- Planning guidance

Sub-Committee Meetings

5.3 It is intended that the Planning Sub-Committee shall meet on a monthly basis.

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Appendix 4 Clean version

Appendix 1 a- Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing Committee

7. The Licensing Committee

The Licensing Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

Membership

The Licensing Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

Protocol

There is a Protocol outside this Constitution setting out how the Licensing Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To establish the Licensing Sub-Committee and to agree the delegation of functions to the Sub-Committee and to officers;
 - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committee and to officers. To call for a report on any individual case;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;

- (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
 - (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.
- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
- (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;
 - (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
 - (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
 - (d)
 - (e) Reviewing all Council plans and policies on any licensing, or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
 - (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, or regulatory issues.

Appendix 1b Licensing Sub Committee Terms of Reference with track changes

4. Under The Licensing Committee

4.1 Licensing Sub-Committee

Introduction

The Licensing Sub-Committee has functions either (1) as Sub-Committee of the Licensing Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committee of the Licensing Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of the Sub-Committee shall be drawn from the Licensing Committee. When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

(1) General Provisions Relating to the Statutory Licensing Sub-Committee

- (a) The Licensing Sub-Committee has the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences where relevant representations have been made;
- (e) To decide on any other matter where it is necessary or desirable for members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;

- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
 - (v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
 - (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
 - (x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Licensing Committee considers that there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committee
- a) The Sub-Committee has all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committee makes decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committee has the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committee's' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Licensing Committee.

Appendix 1c

Proposed terms of reference for Strategic Planning Committee -New – Option 3

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council. There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution. The Committee has all the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations.

To establish the Planning Sub-Committee and to agree the delegation of functions to that Sub-Committee.

The Committee shall also:

- (i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, and any other planning policy matter;
- (ii) Review all Council plans and policies on any , planning matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to , planning, and conservation issues.

Current Planning Sub Committee Terms of reference 2020 for information – this will remain the same in Option 3 but will need further review by Planning officers

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and

other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting

out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Assistant Director or Head of Development Management in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the Assistant Director or Head of Development Management is authorised after a Planning Sub-Committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the Sub-Committee.

Appendix 2.1 Current Regulatory Committee Protocol amended to cover the new Main Licensing Committee and created new Strategic Planning Committee Protocol at 2.2

PROTOCOL COVERING LICENSING COMMITTEE

- 1.1 The Terms of Reference for the Licensing Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.
- 1.2 This Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 of the constitution. Any issue on procedure at the meeting shall be subject to the ruling of the Chair.
- 1.3 This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

2 MEMBERSHIP AND CHAIR

- 2.1 The members and chair of the Licensing Committee shall be elected and ratified each year at the Annual Council Meeting.
- 2.2 The Licensing Committee shall comprise 11 members. The members of the Licensing Sub-Committee may comprise any three members of the Licensing Committee.
- 2.3 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub Committee meeting is required.
- 2.4 From responses received three Members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (**Note:** All efforts will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis)
- 2.5 The Chair of the Licensing Committee shall chair the Licensing Sub Committee In their absence, a member of the Licensing Committee who is trained to chair licensing meetings will be proposed and seconded as chair of the meeting.

3 RESPONSIBILITIES

Main Licensing Committee

3.1 The Licensing Committee shall act as:

- (a) a **statutory licensing body**;
- (b) a **non-statutory body**.

3.2 At the appropriate stage during the meeting, the Chair of the Licensing Committee shall announce whether the Committee is acting in its statutory or non-statutory role.

3.3 The main responsibilities of the Licensing Committee will be in regard to determining and being consulted on Licensing and Regulatory policy issues, evaluating decisions and identifying learning points and informing Member and Officer development and training. These responsibilities are explained further in paragraphs 3.4 to 3.10 below. Decision making responsibilities in relation to individual complex or contested licensing applications will be devolved to a the Licensing Sub-Committee. Uncontested or non-complex applications, or those that comply with the Scheme of Delegation, are determined by Officers.

3.4 As the **statutory licensing body** under the Licensing Act 2003 and Gambling Act 2005, the Licensing Committee shall:

Establish the Licensing Sub-Committee

The Committee shall establish the Licensing Sub-Committee, and determine the procedures for handling applications, notices and representations, including the fees payable for applications under the Gambling Act 2005. The Committee shall retain overall responsibility for the hearings carried out by the Sub-Committee. The Committee shall be able to call for a report on any individual case from the Licensing Sub-Committee.

3.5 As the **non-statutory body** the Licensing Committee's functions are to:

3.6 Determine policy issues relating to non-executive licensing functions
The Committee may determine policy for licensing functions that are not required to be made by Cabinet. Examples include policy to regulate street trading, sex establishments, special treatment premises and dog-breeding establishments.

3.7 Formulate, review and approve the Statement of Licensing Policy

The Committee shall formulate, review and approve for consultation the Statement of Licensing Policy, and any revisions to it, to full Council for adoption.

- 3.8 Be consulted on the Statement of Gambling Policy
The Committee can be consulted and provide recommendations on the Statement of Gambling Policy, for a decision by the Cabinet.
- 3.9 Be consulted on Council plans and services relating to regulatory issues
The Committee may make informal recommendations to the Cabinet and other bodies on Council plans, service delivery, grant aid, commissioning and procurement matters when these involve or relate to regulatory issues.

Licensing Sub-Committee

3.10 The Licensing Sub-Committees shall act as:

- (a) **statutory licensing bodies;**
- (b) **non-statutory licensing bodies.**

- 3.11 At the appropriate stage during the meeting, the Chair of the Licensing Sub-Committee shall announce whether the Sub-Committee is acting in its statutory or non-statutory role.
- 3.12 As **statutory bodies** under the Licensing Act 2003 and the Gambling Act 2005, the Licensing Sub-Committee shall undertake hearings on individual licensing applications (as detailed in Part 3 Section C of the Council's Constitution), and has the power to make final decisions on those matters. The authority to agree minor variations to premises licenses under the Licensing Act 2003 is delegated to officers. All licence reviews will be undertaken by the Licensing Sub-Committee.
- 3.13 As **non-statutory bodies**, the Licensing Sub-Committee shall undertake hearings on individual licensing applications that fall outside the Licensing Act 2003 and Gambling Act 2005, where they have been objected to and require a Member level hearing. Examples include the licensing of street trading, special treatment premises, sex establishments, pet shops and dog breeding establishments. All licence reviews will be undertaken by the Licensing Sub-Committee.

4 MEETING FREQUENCY AND FORMAT

Main Licensing Committee Meetings

- 4.1 The Licensing Committee will have 2 scheduled meetings, however the Chair of the Licensing Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).

The work programme for the Licensing Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year.

Sub-Committee Meetings

- 4.2 Licensing Sub-Committee meetings shall be scheduled on a twice monthly basis. It is necessary to schedule on this frequency given the need to convene such meetings at a relatively short notice due to statutory deadlines for licensing applications. In practice it is envisaged that a number of the Licensing Sub-Committee meetings will be cancelled if the volume and timing of applications do not require them.

1. The Terms of Reference for the Strategic Planning Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.
2. This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

MEMBERSHIP AND CHAIR

3. A Planning Sub-Committee shall sit under the Strategic Planning Committee.
4. The members and chair of the Strategic Planning Committee shall be elected and ratified each year at the Annual Council Meeting.
5. The Strategic Planning Committee shall comprise 11 members. The Planning Sub-Committee shall comprise the same 11 members.
6. The Chair of the Strategic Planning Committee shall also act as the Chair of the Planning Sub-Committee.
7. Where one or more members of the Planning Sub-Committee are unable to participate in a hearing for some reason, they may give notice to arrange a substitute member in their place (as detailed in Paragraph 49, Part 4 Section B of the Council's Constitution), provided they have requisite training on planning matters.
8. There will be a reserve list of members who have received the required training to participate in Planning Sub Committee meetings if needed. This list will be updated on an annual basis by the Political Chief Whips.

Be consulted on planning policy

9. The Committee shall make informal recommendations in relation to planning plans and policy, including local development documents and development plan documents and service delivery to Cabinet and Full Council.

Planning Sub-Committee

10. The Planning Sub-Committee shall be established on an annual basis and determine complex (including for reasons of scale) or contested applications for:
 - Planning Permission;
 - Listed Building consent;
 - Advertisements consent;
 - Entering into Planning Agreements;
 - Permission in Principle and Technical Details Consents
 - Creation, stopping up, diversion of highways, footpaths or bridleways;
 - Preservation of trees.

MEETING FREQUENCY AND FORMAT

Strategic Planning Committee Meetings

11. The Strategic Planning Committee will have 3 scheduled meetings, however the Chair of the Strategic Planning Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).

12. The work programme for the Strategic Planning Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year and will include:

- Planning Performance
- Planning guidance

Sub-Committee Meetings

13. It is intended that the Planning Sub-Committee shall meet on a monthly basis.

Appendix 5

Regulatory Committee Working Group 11th of February 2021

Introduction

1. This briefing note responds to the issues raised at Regulatory Committee on the 14th of January 2021 when options were considered for separating out the Planning and Licensing functions of the Regulatory Committee. There were 4 options considered along with their implications. These were as follows:

Option 1 – Adding the non-executive Planning related functions of Regulatory Committee, including making informal recommendations, to Cabinet and Council, to the current Planning Sub Committee terms of reference and making this a Committee of the Council.

Option 2 – Regulatory Committee deleted and Planning Committee established as a Committee of the Council, with the current Sub-Committee terms of reference. This would mean Policy reports progressing directly to Cabinet and then Full Council without any informal recommendations from a non -executive Committee. Planning service performance reports and other reports which were not related to applications could be considered by the relevant Scrutiny Panel.

Option 3. Regulatory Committee remains as a Committee of the Council keeping only Planning related functions and Regulatory functions which are not licensing related.

Option 4 – To keep current Regulatory Committee without establishing a Licensing Committee and only having one Licensing Sub Committee.

- 1.1 The discussion at Regulatory Committee raised a number of important points and It was suggested that some members of the Regulatory Committee could meet informally as a smaller group to consider their views and the potential options in greater detail. It was noted that any conclusions and proposals would need to be considered by the Regulatory Committee and the Standards Committee before any proposals were recommended for adoption at the Annual Council meeting on 24 May 2021. A reminder of the discussion is included at section 2.

- 1.2 It was noted that Option 1 and Option 3 seemed to be the favoured options and these have been developed further in this paper with an understanding of the how they could work within existing resources and without significant impact on the existing governance arrangement whilst also responding to the issues raised by Members. These developed options are at section 3 and the previous report considered by Regulatory committee is also attached as appendix 1 for reference to options 2 and option 4 if needed.

2. Background

The Regulatory Committee met on 14 January 2021 and their comments were as follows:

- a. The Regulatory Committee currently discussed more planning issues than Licensing issues; it would be useful either to receive service updates at the Regulatory Committee or to have a separate Licensing Committee that could focus on licensing issues.
- b. The Regulatory Committee provided important feedback on planning and licensing issues and this had resulted in positive changes, such as the introduction of apprentices in Building Control; there were concerns that this role would be lost if the Regulatory Committee was divided into a Planning Committee and a Licensing Committee.
- c. It was considered that any changes should aim to reduce the workload of councillors who were currently attending a lot of meetings of the Regulatory Committee, Planning Sub-Committee, and Licensing Sub-Committee.
- d. It was noted that Regulatory Committee was the only committee where a Vice-Chair received a Special Responsibility Allowance (SRA) and that it was useful to have consistency. It was also noted that, if the Regulatory Committee was divided, there would still be the same number of SRAs – the Planning Committee Chair would receive the same SRA as the Regulatory Committee Chair and the Licensing Committee Chair would receive the same SRA as the Regulatory Committee Vice-Chair.
- e. Generally, the Committee believed that it would be easier to have one Planning Committee that considered planning applications and matters of

planning policy and one Licensing Committee that considered licensing applications, matters of licensing policy, and the statutory licensing functions. It was suggested that policy and statutory issues could be considered quarterly by each committee. Some members expressed concerns that this may not result in a reduced workload for councillors.

- f. It was considered that it would be inconvenient for Council to be the parent committee for the Planning Committee as this would require all Council members to be trained in planning matters. Although, it was noted that it was very unlikely that the Planning Committee would refer any applications to the parent committee.

- g. It was noted that, under the Licensing Act 2003, a Licensing Committee must have at least 13 members. Some members considered that this would involve an increase in the number of councillors sitting on committees for planning and licensing compared to the current arrangements for the Regulatory Committee. Other members considered that some councillors could sit on the Planning Committee and the Licensing Committee and that there may not be an increase in workload. It was also noted that, if there was a parent Planning Committee and Licensing Committee, these would meet infrequently.

- h. It was commented that some existing committees could benefit from a reduction in size and it would be useful to consider the impact of splitting the Regulatory Committee on committee memberships and meeting frequency, including the impact on other committees, such as the Corporate Committee.

- i. Some members noted that the planning and licensing functions had been joined about 10 years' ago, creating the Regulatory Committee, and this was designed to reduce costs. It had been considered that one, core committee for planning and licensing was a better approach.

3 - Option 1 - Adding the non-executive Planning related functions of Regulatory Committee, including making informal recommendations, to Cabinet and Council, to the current Planning Sub Committee terms of reference and making this a Committee of the Council.

Additional Information

3.1 If Option 1 is taken forward and Planning Committee is established as a Committee of the Council along with the Licensing Committee at the Annual Council meeting, there would need to be 4 additional meetings of Planning added and in practice the Licensing Committee would replace the Regulatory meeting dates. This would lead to a net increase in 4 meetings for Members. To mitigate this net increase, it is proposed that there are 2 main Licensing Committees added to the calendar one in May to establish the sub committees and one in January to consider policies and agree required fee charges. It is also proposed to only add 3 additional Planning meetings to cover the quarterly updates and reports set out in 6.11. This would mean a net increase of only 1 meeting.

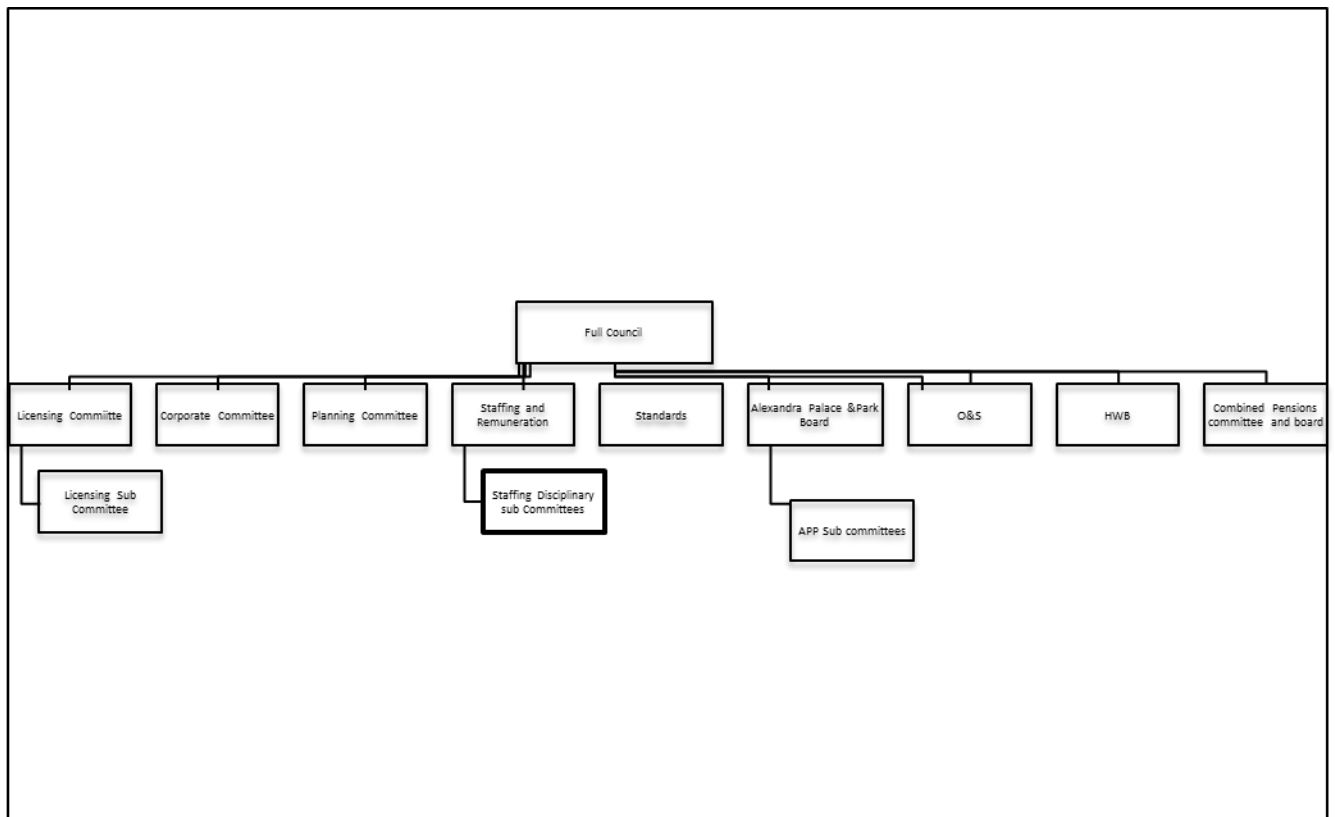
3.2 The number of licensing related items likely to come forward in 2021/22 are as follows.

- The years various licences issued under delegated authority
- Any Licensing Court cases summed up
- Any sub committee cases summary
- Points of learning.

In the years that the Statement of Licensing Policy or Gambling Policy needed to be considered (Gambling every 3 years, Licensing every 5 years) we would need to have special meetings. The Gambling Policy is normally considered by Reg Committee in July whilst it is out to consultation, so that the Committee can feedback to Cabinet in October and it can be recommended to Full Council in November. That work will be happening this year, therefore a Special Licensing Committee meeting is likely to be required in July 2021. The Statement of Licensing Policy will be reviewed during 2025. It is normally considered by the Regulatory Committee before and after it goes out to consultation, usually in September and November before recommending to Full Council in November.

If there was only one Licensing Sub Committee, ideally it should meet twice a month due to the timescales for hearing applications and reviews and the fact that the committee can only realistically deal with a maximum of 2 hearings in one evening. Where necessary, special meetings will need to be called e.g. to deal with TENS applications.

The Committee structure would look as follows:



Note

3.3 Overview and Scrutiny is not an ordinary Committee under section 102 of the Local Government Act 1972. Although we would still apply political proportionality rules we would not count these seats in the overall allocation

The political balance rules are disapplied by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218). The membership of the Health and Wellbeing Board is prescribed at section 194 of the Health and Social Care Act 2012.

These Committees are included above for ease of reference.

Impact on Seat Numbers would be as follows:

3.4 The Annual Meeting of the Council appoints Committees of the Council in accordance with Article 4.02(k) of the Constitution. The Council is required to comply with the provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 in terms of political balance when appointing 'ordinary' committees – that is, committees appointed under section 102(1)(a) of the Local Government Act 1972.

- 3.5 These rules provide that seats on 'ordinary' committees must be allocated in line with the following principles, so far as reasonably practicable:
- (a) that not all the seats on a body are allocated to the same political group;
 - (b) that the majority of the seats on the body are allocated to the political group which has the majority of the Council's membership;
 - (c) that, subject to principles (a) and (b) above, the proportion of seats allocated to each political group out of the total number of seats across all the ordinary committees of the Council shall be in the same proportion as their share of membership of the Council as a whole; and
 - (d) that, subject to paragraphs (a) to (c) above, the number of seats on each individual body shall be allocated to each political group in the same proportion as their share of membership of the Council as a whole.
- 3.6 The number of seats currently available on ordinary committees is 47 . The Independent Member indicated in October 2020 that she did not want a council seat and in consequence, Labour received 34 committee seats (72.3% of the total number of seats available) and Liberal Democrats 13 seats (27.65% of the total number). Both the Labour and Liberal Democrat groups have a percentage of committee seats that is slightly higher than their percentage share of the total number of Councillors.
- 3.7 According to the above, it is a legislative requirement to have between 10 and 15 members on the main Licensing Committee. Therefore, according to principles of allocation as set out above, the main Licensing committee could have 11 seats and Planning committee could have 11 seats.
- 3.8 The number of seats available on ordinary committees increases to **56**. There would be 40 seats available to Labour and 16 seats available to the Liberal Democrat Group.

Implications

- 3.9 In practice, the political chief whips can choose the same members to sit on both Planning Committee and Main Licensing Committee if they want to maintain the close connection between these functions. The more frequent meetings are likely to be Planning Committee meetings. Licensing would have a one Sub Committee and be able to substitute members on the Licensing Sub Committee where appropriate or be able to hold special Licensing sub committees from the pool of Members sitting on the Main Licensing Committee. This model also provides the choice of distributing Licensing and Planning Committee memberships in the political groups so that the same members are not having to attend both Licensing and Planning Committees. The Chair of the Main Licensing committee could be the Member of the

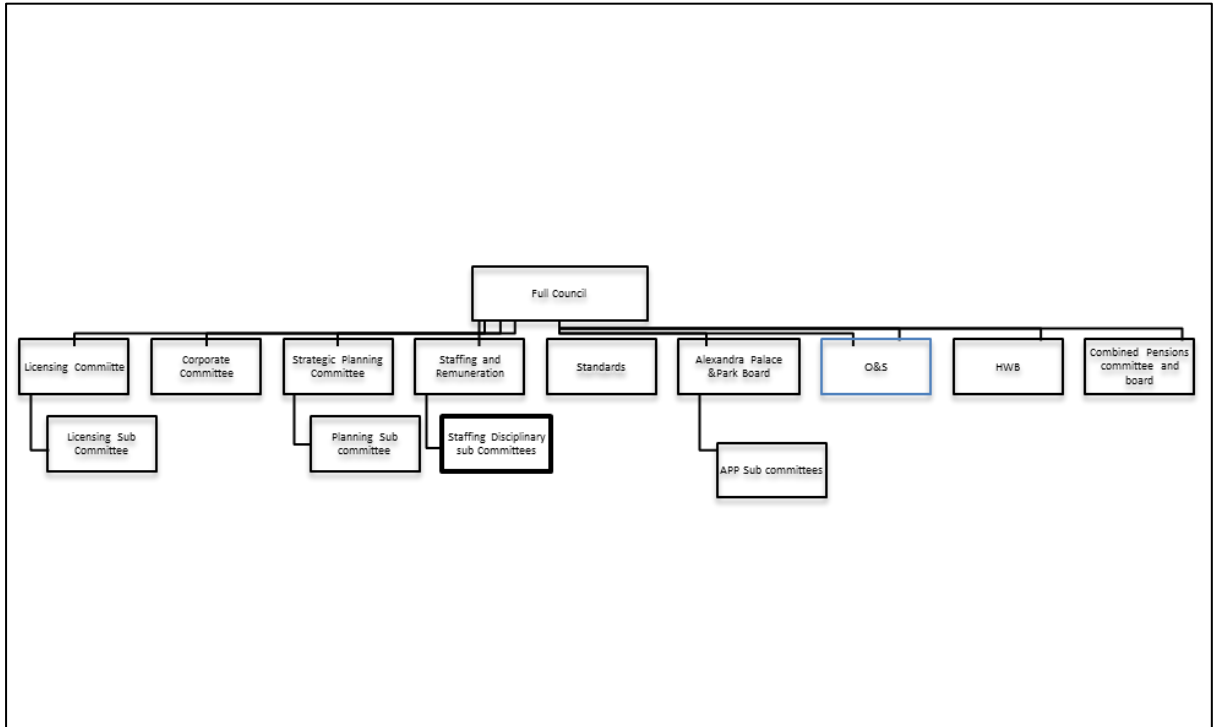
Planning committee and maintain the role of vice chair in line with previous SRA requirements.

- 3.10 There could be a query on reducing Corporate Committee to a lesser number of seats [i.e. 5 seats] as the Chief Whips will need to ensure members are available to fill the additional seats - this would mean total number of seats available is 51. This would mean 37 seats to Labour and 14 seats available to the Liberal Democrats. There would need to be a wider consultation with Finance, Audit, elections and health and safety officers about this and all Members to understand if any implications.
- 3.11 The risk set out at Paragraph 6.15 would remain. The public will be accustomed to Planning committee meeting to consider applications and it would need to be clearly set out in the agenda when the Committee are taking forward the requirements of their terms of references related to making informal recommendations to Cabinet or considering Planning service performance. There would unlikely be enough time of the agenda to consider both Planning Applications and reports relating to paragraph 6.11.
- 3.12 The terms of reference would as set out at Annex 1.

Additional Information for Option 3 Regulatory Committee remains as a Committee of the Council keeping only Planning related functions and Regulatory functions which are not licensing related.

- 3.13 A Strategic Planning Committee is created as a Committee of the Council with a Planning Sub Committee along with the main Licensing Committee. There would need to be 4 additional meetings of Strategic Planning added to the Council Committee Calendar and Licensing Committee would replace the Regulatory meeting dates. There could be a net increase in 4 meetings for members. To mitigate this net increase, it is proposed that there are 2 main Licensing Committees added to the calendar one in **May** to establish the sub committees and one in **January** to consider policies and agree required fee charges. It is also proposed to only add 3 additional Strategic Planning meetings to cover the quarterly updates and reports set out in 6.11. This would mean a net increase of only 1 meeting.
- 3.14 The number of Licensing related items likely to come forward in 2021/22 are as set out at paragraph 3.2.
- 3.15 The Committee structure would look as follows: [The Regulatory Committee name has been replaced with a new name strategic Planning Committee - Members can comment on this new

name]



Note

3.16 As set out in paragraph 3.3.

Impact on Seat Numbers would be as follows:

- 3.17 As set out in paragraphs 3.4 to 3.6 and according to principles of allocation as set out above, the main Licensing committee could have 11 seats and Strategic Planning committee could have 13 seats with the Planning Sub Committee having 11 seats.
- 3.18 The number of seats available on ordinary committees increases to 56. There would be 40 seats available to Labour and 16 seats available to the Liberal Democrat Group.
- 3.19 In practice, the political chief whips can choose the same members to sit on both Strategic Planning Committee and Main Licensing Committee if they want to maintain the close connection between these functions. The Strategic Planning Committee would have 2 extra members to the Planning Sub Committee, similar to the current structure with Regulatory Committee and the Chief Whips may want these 2 additional members to be members of the main Licensing committee to maintain the regulatory expertise on the main strategic Committee. The Chair of the Main Licensing Committee could be the Member of the Strategic Planning Committee and vice chair and also be a member of the Planning Sub Committee and Vice Chair.

- 3.20 Again, there could be a query on reducing Corporate Committee to a lesser number of seats [i.e 5 seats] as the Chief Whips would need to ensure members are available to fill the additional seats - this would mean total number of seats available is 51. This would mean 37 seats to Labour and 14 seats available to the Liberal Democrats. There would need to be a wider consultation with Finance, Audit, Elections and Health and safety Officers about this and all Members to understand if any implications.
- 3.21 A potential terms of reference for this Option is set out in Annex 2.
- 3.22 Members are asked to comment on the information above and recommend an option for Regulatory Committee for the meeting on the 25th of February and Standards committee on the 2nd of March 2021.

Annex 1

Option 1 - Terms of Reference Planning Committee

Red -Current Regulatory Committee Terms of reference for Planning functions

(d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;

(e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

Red - Planning Terms of reference 2020

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Director, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the Director is authorised after a Planning sub-committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the sub-committee.

Purple - Proposed terms of reference

There is a Protocol setting out how members of the Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Committee and which the Director, in consultation with the Chair of the Planning Committee, considers to constitute a major or significant change;

(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Committee considers should be referred to the Planning Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the Director is authorised after a Planning committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the committee.

The Committee shall also:

(i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, ~~the local development framework, the statement of community involvement~~ and any other planning policy matter;

(ii) Review all Council plans and policies on any ~~licensing~~, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(iii) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to ~~licensing~~, planning, and conservation or regulatory issues.

Option 1 – Regulatory Committee terms of reference with proposed changes to change this to main Licensing Committee

The Licensing Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, and **other regulatory matters generally**. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

Membership

The Regulatory Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

Protocol

There is a Protocol outside this Constitution setting out how the Licensing Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

(1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:

(a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;

(b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;

(c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;

(d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;

(e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;

(f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

(2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:

(a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;

(b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;

(c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;

(e) Reviewing all Council plans and policies on any licensing, or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, conservation or regulatory issues.

Annex 2 - Option 3 Terms of Reference for Strategic Planning Committee

There is a Protocol setting out how members of the Strategic Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations.

To establish the Planning Sub-Committees and to agree the delegation of functions to that Sub-Committee;

The Committee shall:

- (i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, ~~the local development framework, the statement of community involvement~~ and any other planning policy matter;
- (ii) Review all Council plans and policies on any ~~licensing, planning or regulatory~~ matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to ~~licensing, planning, and conservation or regulatory~~ issues.

Licensing Committee Terms of reference would be the same as set out in Annex 1.

Appendix 5.1 – Additional Minor Officer Amendments to Terms of References and Protocols for Strategic Planning Committee and Licensing Committee and their Sub Committees following Regulatory Committee Comments and further final review.

7. The Licensing Committee

The Licensing Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

Membership

The Licensing Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

Protocol

There is a Protocol outside this Constitution setting out how the Licensing Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To establish the Licensing Sub-Committee and to agree the delegation of functions to the Sub-Committee and to officers;
 - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committee and to officers. To call for a report on any individual case;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;

- (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.
- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
- (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;
 - (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
 - (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
 - (d) Reviewing all Council plans and policies on any licensing, or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
 - (e) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, or regulatory issues.

4. Under The Licensing Committee

4.1 Licensing Sub-Committee

Introduction

The Licensing Sub-Committee has functions either (1) as Sub-Committee of the Licensing Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committee of the Licensing Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of the Sub-Committee shall be drawn from the Licensing Committee. When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

- (1) General Provisions Relating to the Statutory Licensing Sub-Committee
 - (a) The Licensing Sub-Committee has the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences where relevant representations have been made;
- (e) To decide on any other matter where it is necessary or desirable for members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following

police objections;

- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;

- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Licensing Committee considers that there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committee
 - a) The Sub-Committee has all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committee makes decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committee has the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committee's' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Licensing Committee.

New terms of reference for Strategic Planning Committee -Addition to the Constitution

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution. The Strategic Planning Committee has all the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations. This includes Planning related Regulatory matters

The Strategic Planning Committee will establish the Planning Sub-Committee and agree the delegation of functions to that Sub-Committee.

The Committee shall also:

- (i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, and any other planning policy matter;
- (ii) Review all Council plans and policies on any planning matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to ; planning, conservation or regulatory issues.

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

- (l) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Assistant Director or Head of Development Management in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;
- (b) paragraph B - Power to amend;

For the avoidance of doubt, the Assistant Director or Head of Development Management is authorised after a Planning Sub-Committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the Sub-Committee.

- 1.1 The Terms of Reference for the Licensing Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.
- 1.2 This Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 of the constitution. Any issue on procedure at the meeting shall be subject to the ruling of the Chair.
- 1.3 This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

2 MEMBERSHIP AND CHAIR

- 2.1 The members and chair of the Licensing Committee shall be elected and ratified each year at the Annual Council Meeting.
- 2.2 The Licensing Committee shall comprise 11 members. The members of the Licensing Sub-Committee may comprise any three members of the Licensing Committee.
- 2.3 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub Committee meeting is required.
- 2.4 From responses received three Members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (**Note:** All efforts will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis)
- 2.5 The Chair of the Licensing Committee shall chair the Licensing Sub Committee
In their absence, a member of the Licensing Committee who is trained to chair licensing meetings will be proposed and seconded as chair of the meeting.

3 RESPONSIBILITIES

Main Licensing Committee

- 3.1 The Licensing Committee shall act as:
 - (a) a **statutory licensing body**;
 - (b) a **non-statutory body**.
- 3.2 At the appropriate stage during the meeting, the Chair of the Licensing Committee shall announce whether the Committee is acting in its statutory or non-statutory role.

3.3 The main responsibilities of the Licensing Committee will be in regard to determining and being consulted on Licensing and Regulatory policy issues, evaluating decisions and identifying learning points and informing Member and Officer development and training. These responsibilities are explained further in paragraphs 3.4 to 3.10 below. Decision making responsibilities in relation to individual complex or contested licensing applications will be devolved to a the Licensing Sub-Committee. Uncontested or non-complex applications, or those that comply with the Scheme of Delegation, are determined by Officers.

3.4 As the **statutory licensing body** under the Licensing Act 2003 and Gambling Act 2005, the Licensing Committee shall:

Establish the Licensing Sub-Committee

The Committee shall establish the Licensing Sub-Committee, and determine the procedures for handling applications, notices and representations, including the fees payable for applications under the Gambling Act 2005. The Committee shall retain overall responsibility for the hearings carried out by the Sub-Committee. The Committee shall be able to call for a report on any individual case from the Licensing Sub-Committee.

3.5 As the **non-statutory body** the Licensing Committee's functions are to:

3.6 Determine policy issues relating to non-executive licensing functions

The Committee may determine policy for licensing functions that are not required to be made by Cabinet. Examples include policy to regulate street trading, sex establishments, special treatment premises and dog-breeding establishments.

3.7 Formulate, review and approve the Statement of Licensing Policy

The Committee shall formulate, review and approve for consultation the Statement of Licensing Policy, and any revisions to it, to full Council for adoption.

3.8 Be consulted on the Statement of Gambling Policy

The Committee can be consulted and provide recommendations on the Statement of Gambling Policy, for a decision by the Cabinet.

3.9 Be consulted on Council plans and services relating to regulatory issues

The Committee may make informal recommendations to the Cabinet and other bodies on Council plans, service delivery, grant aid, commissioning and procurement matters when these involve or relate to regulatory issues.

Licensing Sub-Committee

3.10 The Licensing Sub-Committees shall act as:

- (a) **statutory licensing body;**
- (b) **non-statutory licensing body.**

3.11 At the appropriate stage during the meeting, the Chair of the Licensing Sub-Committee shall announce whether the Sub-Committee is acting in its statutory or non-statutory role.

3.12 As a **statutory body** under the Licensing Act 2003 and the Gambling Act 2005, the Licensing Sub-Committee shall undertake hearings on individual licensing applications (as detailed in Part 3 Section C of the Council's Constitution), and has the power to make final decisions on those matters. The authority to agree minor variations to premises licenses under the Licensing Act 2003 is delegated to officers. All licence reviews will be undertaken by the Licensing Sub-Committee.

3.13 As a **non-statutory body**, the Licensing Sub-Committee shall undertake hearings on individual licensing applications that fall outside the Licensing Act 2003 and Gambling Act 2005, where they have been objected to and require a Member level hearing. Examples include the licensing of street trading, special treatment premises, sex establishments, pet shops and dog breeding establishments. All licence reviews will be undertaken by the Licensing Sub-Committee.

4 MEETING FREQUENCY AND FORMAT

Main Licensing Committee Meetings

4.1 The Licensing Committee will have 2 scheduled meetings, however the Chair of the Licensing Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).
The work programme for the Licensing Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year.

Sub-Committee Meetings

4.2 Licensing Sub-Committee meetings shall be scheduled on a twice monthly basis. It is necessary to schedule on this frequency given the need to convene such meetings at a relatively short notice due to statutory deadlines for licensing applications. In practice it is envisaged that a number of the Licensing Sub-Committee meetings will be cancelled if the volume and timing of applications do not require them.

Strategic Planning Committee Protocol

1. The Terms of Reference for the Strategic Planning Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set

out in detail the process by which the Strategic Planning Committee will function.

2. This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

MEMBERSHIP AND CHAIR

3. A Planning Sub-Committee shall sit under the Strategic Planning Committee.
4. The members and chair of the Strategic Planning Committee shall be elected and ratified each year at the Annual Council Meeting.
5. The Strategic Planning Committee shall comprise 11 members. The Planning Sub-Committee shall comprise the same 11 members.
6. The Chair of the Strategic Planning Committee shall also act as the Chair of the Planning Sub-Committee.
7. Where one or more members of the Planning Sub-Committee are unable to participate in a hearing for some reason, they may give notice to arrange a substitute member in their place (as detailed in Paragraph 49, Part 4 Section B of the Council's Constitution), provided they have requisite training on planning matters.
8. There will be a reserve list of members who have received the required training to participate in Planning Sub Committee meetings if needed. This list will be updated on an annual basis by the Political Chief Whips.

Be consulted on Planning policy

9. The Committee shall make informal recommendations in relation to planning policy, including local development documents and development plan documents and service delivery to Cabinet and full Council.

Planning Sub-Committee

10. The Planning Sub-Committee shall be established on an annual basis and determine complex (including for reasons of scale) or contested applications for:
 - Planning Permission;
 - Listed Building consent;
 - Advertisements consent;
 - Entering into Planning Agreements;
 - Permission in Principle and Technical Details Consents

- Creation, stopping up, diversion of highways, footpaths or bridleways;
- Preservation of trees.

MEETING FREQUENCY AND FORMAT

Strategic Planning Committee Meetings

11. The Strategic Planning Committee will have 3 scheduled meetings, however the Chair of the Strategic Planning Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).

12. The Strategic Planning Committee will consider

- Planning Performance
- Planning guidance
- Planning related regulatory matters

Sub-Committee Meetings

13. It is intended that the Planning Sub-Committee shall meet on a monthly basis.

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Article 8 - Non-Executive Committees

- 8.01** A number of functions such as planning control, licensing, health and safety regulation, electoral matters, local act powers, employee terms and conditions and pensions matters are not Executive functions for which the Cabinet is responsible. These matters are excluded from the Executive functions by law, regulations or the provisions of this Constitution.
- 8.02** The Council shall appoint the Committees set out in Part 3 Section B of this Constitution to discharge the functions described. These include ~~a Committee to be called the Regulatory Committee to be responsible for planning control and licensing matters and~~ **the Strategic Planning Committee and Licensing Committee** and a Committee to be called the Corporate Committee to be responsible for other non-executive functions as specified under legislation that are not reserved to full Council or delegated to any other Committee, Sub-Committee, Panel or other body described in Part 3 of this Constitution or an appendix to it. The Council's functions as statutory trustee of the Alexandra Palace and Park charitable trust are discharged by the Alexandra Palace and Park Board.
- 8.03** The Council's non-executive functions are currently set out in Statutory Instrument 2000 No. 2853, and subsequent amending Regulations.
- 8.04** The Committees described above will be established at the Annual Meeting of the Council.
- 8.05** The Committees described above will establish appropriate sub-committees, whose terms of reference are set out in Part 3 of this Constitution or an appendix to it.
- 8.06** Proceedings of the Committees and their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

Report for: Standards Committee – 2 March 2021

Title: Members' Allowances Scheme 2021-22

Report authorised by : Interim Monitoring Officer – John Jones

Lead Officer: Ayshe Simsek – Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

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

1. Describe the issue under consideration

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

2. Cabinet Member Introduction

N/A

3. Recommendations

3.1 To comment on any changes required to the Members' Allowances Scheme, attached as Appendix 1 to the report.

3.2 To recommend that the Members' Allowances Scheme be adopted by Full Council on 18 March 2021.

4. Reasons for decision

4.1 The Council has a legal duty to approve a Members' Allowances Scheme before the end of each year to cover the following year. The Council can amend a scheme any time during the year but can only revoke a scheme with effect from the beginning of the year. The scheme must make provision for basic allowances and, if they are to be paid, special responsibility, dependents' carers, travelling and subsistence and co-optees allowances.

5. Alternative options considered

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

6. Background information

- 6.1 This report asks Standards Committee to consider the scheme proposed for 2021- 22 and comment on any changes required prior to approval by full Council, in accordance with Article 14.03 of the Council's Constitution.
- 6.2 Before it can adopt a Members' Allowances Scheme, the Council has a duty to consider the recommendations of an Independent Remuneration Panel in relation to the payment of Members' Allowances.
- 6.3 The Local Authorities (Members Allowances) (England) Regulations 2003 allow London Boroughs to use an independent remuneration panel set up for the purpose of making recommendations across London. London Councils set up a panel for this purpose in 2001 and its most recent report was published in 2018 and is attached as Appendix 2. Although the IRP makes recommendations, it is for each individual council to decide the level of remuneration and for which roles. The 2018 recommendations were also considered in the 2019/20 review . In March 2020, when making the Members' Allowances Scheme the Council gave due regard to the recommendations of the report of an Independent Adviser to the Standards Committee who had completed a review of the current scheme. The Adviser put forward proposals for increases to certain SRA's as well as recommending index linking the Basic Allowance to the local government staff pay award with increases taken forward in the proceeding financial year. In March 2020, it was not felt appropriate to adopt the proposed increases to SRAs in the current economic climate and it was agreed that the SRA's remained at current levels. At the Council meeting on the 19 March 2020, it was agreed, that the Members Basic Allowance percentage increase be index linked to the local government officer pay percentage increase, capped at 2% to be reduced if a lesser percentage is agreed, and to be paid in the 2020/21 municipal year once the staff pay award had been finalised. The Independent Adviser report is attached for information and comment is sought on continuing to index link Basic Member Allowance increases to the local government Officer pay percentage. Current indications are that local government officers are unlikely to get a pay rise in 2021/22.
- 6.4 The changes to the Scheme for 2021-22 are shown in italics and comments provided for proposed changes. There is a minor clarification relating to the extension of non attendance at a council meeting of 6 months.

7. Contribution to strategic outcomes

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

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

8.1 Finance

The cost of the scheme is within the agreed budget provision for 2021/22.

8.2 Assistant Director of Corporate Governance

Legal implications are contained within the body of this report.

8.3 Equality

The decision to approve allowances to members does not have a direct impact on the equality duty of the council, other than that the scheme includes provision for payment for parent/carers allowances to facilitate the attendance of parents and carers at meetings and in relation to carrying out the general responsibilities of councillors.

9. Use of Appendices

Appendix 1: Members' Allowances Scheme 2021-22.

Appendix 2: The remuneration of Councillors in London 2018 – report of the Independent Panel.

Appendix 3: Haringey Review of Member's Allowances 2019-20.

10. Local Government (Access to Information) Act 1985

None.

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Part 6

Members' Allowances Scheme

1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

1.01 Made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and in force for the municipal year 1 April 2021 ~~2020~~ to 31 March 2022 ~~2024~~).

2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of ~~£11,026~~ £11,247 by way of Basic Allowance.

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes suspended or partially suspended, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle also applies to education representatives on scrutiny bodies and employee and employer representatives on the Combined Pensions Committee and Board (co-optees).

3. INCLUDED EXPENSES

3.01 Travel Expenses.
The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.

4. MAYORAL ALLOWANCES

4.01 The additional allowances for the Mayor and Deputy Mayor are:

- (a) The Mayor is entitled to an additional allowance of £16,965.
- (b) The Deputy Mayor is entitled to an additional allowance of £4,238.

Commented [SA1]: Full Council agreed in March 2020 to apply a maximum 2% uplift if Local government officers received a pay rise. This was applied in September 2020 and arrears paid to Members.

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 For the period 1 April ~~2020~~2021 to 31 March ~~2021~~2022, Haringey Council will allocate Special Responsibility Allowances in six bands, to Councillors who take on certain additional roles, in accordance with Table A below. If a Councillor does not serve as such for the whole period or becomes suspended or partially suspended, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor and had the special responsibilities .

Table A

Commented [SA2]: The Total Allowance is the Special Allowance +£11,247

Band	Position	Special Allowance	Total Allowance (including Basic Allowance)
Band 4	•Leader	£33,926	£45,173
Band 3B	9 or fewer x Cabinet Members	£25,443	£36,690
Band 3A	• Chair of Overview and Scrutiny Committee	£23,134	£34,381
Band 2B	•Chief Whip •Chair of Regulatory Committee •Chair of Alexandra Palace and Park Board •Leader of the Principal Opposition	£16, 965	£28,212
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	£15, 421	£26,668
Band 1B	•Chair of Combined Pensions Committee and Board •Chair of Staffing and Remuneration Committee •Chair of Standards Committee •Chair of Corporate Committee •Vice Chair of Regulatory Committee •Leader of the second Opposition Group or Deputy Leader of the Principal Opposition	£8, 482	£19,729

• Chief Whip of the Principal Opposition		
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6. MULTIPLE RESPONSIBILITIES

6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

7. CO-OPTEEES' ALLOWANCES

7.01 Each education representative on scrutiny bodies, and each employee and employer representative on the Combined Pensions Committee and Board, is entitled to an allowance of £154 per meeting attended, to a maximum of £616. No allowances are payable to others who are not elected Councillors.

8. BABYSITTING AND DEPENDANTS ALLOWANCE

8.01 Councillors and non-elected members can claim this allowance based on the following:

- (a) That reimbursement be made at the London Living Wage. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.
- (b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

9. TRAVELLING AND SUBSISTENCE ALLOWANCE

9.01 Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following:

- (a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.
- (b) The mileage rate for travel by solo motor cycle is :

Not exceeding	150 cc	8.5 pence per mile
Over	150 cc but not over 500 cc	12.3 pence per mile
Over	500 cc	16.5 pence per mile

- (c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available.
- (d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available.
- (e) The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00	£4.92
For an absence of more than 4 hours including lunchtime between 12.00 and 14.00	£6.77
For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
For an absence of more than 4 hours ending after 19.00	£8.38

10. CLAIMS AND PAYMENTS

- 10.01 Where a Councillor is also a Councillor of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.
- 10.02 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.
- 10.03 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.05 below.
- 10.04 All claims for Travelling and Subsistence Allowance and Babysitting and Dependants Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.05 below.
- 10.05 If any Allowance under paragraphs 10.03 or 10.04 is not claimed within the prescribed time limit, the Democratic Services Manager shall have a discretion to make the payment nonetheless.
- 10.06 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Democratic Services Manager.

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

- 11.01 Subject to this paragraph 11, all Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave, as long as they remain a Councillor. This includes Members becoming parents through surrogacy arrangements.
- 11.02 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek approval from full Council before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act. The Council (or Leader in case of Cabinet Members) may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA pro rata for the period of the temporary appointment.
- 11.03 The Democratic and Scrutiny Services Manager will write to the Member to confirm the continuation of allowances and until what date they will continue.
- 11.04 Leave arrangements are unaffected by the number of children born from a single pregnancy or placed as part of a single adoption.

Maternity Leave

- 11.05 A Member is entitled to take up to 52 weeks' maternity leave starting no earlier than the 11th week before the expected week of childbirth, except following a premature birth, and no later than the day following the actual date of birth.
- 11.06 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take maternity leave in writing no later than 4 weeks before the date they wish the period of maternity leave to start and:
- i) Confirm the expected week of childbirth;
 - ii) Provide a copy of the MATB1 (available from a doctor or midwife);
 - iii) Confirm the date on which the Member intends her maternity leave to start.

Adoption Leave

- 11.07 A Member is entitled to take up to 52 weeks of adoption leave starting no earlier than 14 days before the child is expected to be placed and no later than the expected placement date, or if the child is adopted from overseas, no later than 28 days after the date on which the child enters Great Britain,
- 11.08 The Member must notify the Democratic Services and Scrutiny Manager in the case of a UK adoption of their intention to take adoption leave in writing no more than seven days after the date on which the Member is notified of having

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

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

Shared Parental Leave

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

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

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

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

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

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

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

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

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

Paternity Leave

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

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

11.15 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take paternity leave in writing no later than 4 weeks before they wish the period of paternity leave to start (childbirth) or no more than seven days after the date on which the adopter is notified of having been matched with the

child or, where that is not reasonably practicable, as soon as is reasonably practicable; and:

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

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

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

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

Sickness Leave

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

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

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

Commented [SA3]: Although it is the long-established practice of most local authorities to treat this as a non-executive function, following leading Counsel advice in April 2020, it was advised that Under section 9D Local Government Act 2000 all functions of a local authority are executive functions unless the contrary is specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Additional Note

~~In making the Members' Allowances Scheme the Council gave due regard to the recommendations of the report of an Independent Adviser to the Standards Committee who had completed a review of the current scheme. The Adviser put forward proposals for increases to certain SRA's as well as recommending index linking the Basic Allowance to the local government staff pay award with increases taken forward in the proceeding financial year. It was not felt appropriate to adopt the proposed increases to SRAs in the current economic climate and it was agreed that the SRA's remained at current levels.~~

~~At the Council meeting on the 19th of March 2020, it was agreed, that the Members Basic Allowance percentage increase be index linked to the local government officer pay percentage increase, capped at 2% to be reduced if a lesser percentage is agreed, and to be paid in the 2020/21 municipal year once the staff pay award had been finalised.~~

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Part 6

Members' Allowances Scheme

1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

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The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.

4. MAYORAL ALLOWANCES

- 4.01 The additional allowances for the Mayor and Deputy Mayor are:
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 - (b) The Deputy Mayor is entitled to an additional allowance of £4,238.

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Table A

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	• Chief Whip of the Principal Opposition		
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6. MULTIPLE RESPONSIBILITIES

6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

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- (c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available.
- (d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available.
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For an absence of more than 4 hours including the period 15.00 to 18.00 £2.67

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10. CLAIMS AND PAYMENTS

- 10.01 Where a Councillor is also a Councillor of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.
- 10.02 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.
- 10.03 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.05 below.
- 10.04 All claims for Travelling and Subsistence Allowance and Babysitting and Dependents Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.05 below.
- 10.05 If any Allowance under paragraphs 10.03 or 10.04 is not claimed within the prescribed time limit, the Democratic Services Manager shall have a discretion to make the payment nonetheless.
- 10.06 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Democratic Services Manager.

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

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- 11.02 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek approval from full Council before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act. The Council (or Leader in case of Cabinet Members) may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA pro rata for the period of the temporary appointment.
- 11.03 The Democratic and Scrutiny Services Manager will write to the Member to confirm the continuation of allowances and until what date they will continue.
- 11.04 Leave arrangements are unaffected by the number of children born from a single pregnancy or placed as part of a single adoption.

Maternity Leave

- 11.05 A Member is entitled to take up to 52 weeks' maternity leave starting no earlier than the 11th week before the expected week of childbirth, except following a premature birth, and no later than the day following the actual date of birth.
- 11.06 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take maternity leave in writing no later than 4 weeks before the date they wish the period of maternity leave to start and:
- i) Confirm the expected week of childbirth;
 - ii) Provide a copy of the MATB1 (available from a doctor or midwife);
 - iii) Confirm the date on which the Member intends her maternity leave to start.

Adoption Leave

- 11.07 A Member is entitled to take up to 52 weeks of adoption leave starting no earlier than 14 days before the child is expected to be placed and no later than the expected placement date, or if the child is adopted from overseas, no later than 28 days after the date on which the child enters Great Britain,
- 11.08 The Member must notify the Democratic Services and Scrutiny Manager in the case of a UK adoption of their intention to take adoption leave in writing no more than seven days after the date on which the Member is notified of having

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

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

Shared Parental Leave

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

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

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

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

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

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

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

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

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

Paternity Leave

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

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

11.15 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take paternity leave in writing no later than 4 weeks before they wish the period of paternity leave to start (childbirth) or no more than seven days after the date on which the adopter is notified of having been matched with the

child or, where that is not reasonably practicable, as soon as is reasonably practicable; and:

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

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

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

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

Sickness Leave

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

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

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

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The Remuneration of Councillors in London 2018

Report of the Independent Panel



Contents

Introduction	p3
The role of elected members	p3
Recruitment of councillors	p4
The current financial and political climate	p4
Level of Basic Allowance	p4
Special Responsibility Allowances	p5
Interpretation of the scheme	p5
Training and support	p6
Barriers to being a councillor	p6
Travel and Subsistence Allowances	p6
Allowances for Mayor or Civic Head	p6
Update for Inflation	p6
Appendix A	p7
Special responsibilities – beyond the basic allowance	
Appendix B	p10
On behalf of the community – a job profile for councillors	
Appendix C	p11
The independent panel members	

Introduction

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the Panel') was established and reported in 2001, 2003, 2006, 2010 and 2014. It now comprises Sir Rodney Brooke CBE DL (Chair), Steve Bundred and Anne Watts CBE.

The Regulations require a review of the scheme every four years as a minimum. The current Panel has therefore completed a review of remuneration for councillors in London. We present our findings and recommendations in this report.

As a preparation for our work, we invited all London boroughs to give their views on the operation of the existing scheme. We are grateful for the feedback, which confirms that the existing London scheme of members' allowances is still fit for purpose. We make recommendations accordingly (**recommendations throughout the report are in bold type**). However, where issues have arisen from the comments we received, we have addressed them in this report.

The role of elected members

In our previous reports we reflected on the importance of the role of elected members. We repeat at Appendix B the job profile for councillors which we originally included in our 2010 report. The feedback we have received is that it continues to be appropriate.

The Local Governance Research Unit, based at Leicester Business School, recently launched a Councillor Commission as an independent review of the role and work of the councillor. The Commission's report points out that councillors oversee million-pound budgets, balancing complex financial pressures at a time of severe cutbacks in local authority spending, making decisions which will affect their areas for decades to come. In London each Borough Council is responsible for services crucial to its residents. Each has a revenue budget of up to £1.4bn as well as a substantial capital programme. The scale of their turnover and other financial activities are in many instances comparable with those of large publicly quoted companies.

Councillors are faced with unenviable choices. Demand for local authority services continues to grow. In particular, there is rapid growth in the number of old people with a corresponding increase in demand for social care. London itself faces acute housing problems. Councillors have an increased responsibility for health. Thus the strain on and competition for resources increase the demands made on elected members. The responsibilities and accountabilities are made clear after a tragedy like the Grenfell Tower fire.

The evidence we received confirms that the workload and responsibilities of councillors continue to increase and that their role has become more complex, and not only in the areas of social care, housing and health. There has been growth in the number of sub-regional meetings, partnerships and joint bodies (such as Boards for Health & Wellbeing and Safer Neighbourhoods) which require the commitment and time of leaders, cabinet members and front-line councillors. Partnership engagement makes great demands on councillors. There has been a marked increase in informal meetings, such as working groups, forums and community gatherings as well as formal meetings like local authority companies. The expectations of the public continue to rise.

While valuable to democracy, the use of social media adds to the pressure on councillors by increasing demands from their constituents in several different ways. Communication with councillors is not only easier but immediate. The public expects a speedy response, so that it is now more difficult for councillors in employment to deal with concerns as quickly as voters expect. Not only do social media make it easier for their constituents to get hold of councillors, but they also enable an isolated concern to become an organised campaign.

Recruitment of councillors

We received evidence that it is increasingly difficult to recruit people of quality who are prepared to stand for office as councillors. Though the low level of allowances was mentioned as a reason for this, a major disincentive is the time commitment required of a councillor. That time commitment (as well as finance) can make it difficult to combine the role with a job and a family life. As one councillor commented to the Leicester Business School Commission, 'Serving on outside bodies means that I am working every day of the week, weekends too'. As was pointed out in responses we received, the problem is exacerbated in London, where councillors are on the whole younger than in other parts of the country and often in employment. They also face substantially higher costs of living.

Though the time commitment may be the main disincentive to service as a councillor, it is important that, as far as reasonably possible, financial loss does not prevent people from becoming councillors. Allowances are not shown by polls to be something which influences councillors to take on the role, though they are instrumental in making it possible for some people to do so. Allowances should be set at a level that enables people to undertake the role of councillor, while not acting as an incentive to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive. It is clearly desirable that service as a councillor is not confined to those with independent means.

Since our last report the Government has removed the possibility of councillors joining the local government pension scheme. We believe that access to the pension scheme can be an important factor in making service as a councillor financially possible for a wider range of people. It is particularly significant for those who, like elected mayors, leaders and portfolio holders, give most or all of their time to service in local government and lose the opportunity to contribute to a pension scheme elsewhere. Loss of access to a pension scheme imposes a further financial penalty on councillors.

We do not repeat the arguments for appropriate remuneration for councillors which we have set out in our previous reports. We believe them to be self-evident. But we do repeat our belief in the importance of local democracy and the role of councillors within it.

The current financial and political climate

Because of the current financial climate, the local government pay settlement in recent years has been severely limited. Since our last report there have been three awards of 1%. Acutely sensitive to the current financial austerity, some boroughs have frozen members' allowances and failed to apply the pay awards to them. Indeed some boroughs have even reduced members' allowances.

Our recent reports have made no recommendations for increasing the levels of members' allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement. As the Government-appointed Councillors' Commission pointed out in their 2007 report, the recommendations of the London Panel has led to some convergence of members' allowances across London. Indeed, the Councillors' Commission recommended a similar system for the country as a whole. Following our recommendations, there is now considerable congruity in the basic allowance made by London boroughs.

However, most London boroughs have not adopted our recommendations in their entirety and there remain substantial differences in the amount of special responsibility allowances. We fully recognise that now is not the time to contemplate a general increase in councillors' allowances. Nevertheless we hope that in the longer term the financial situation will permit further convergence of members' allowances around our recommendations.

Level of Basic Allowance

In our last report we recommended that there should be a Basic Allowance paid to every councillor of £10,703. Updated for the local government staff pay awards since then, the figure is now £11,045. Given the loss of pension rights; growth in the volume and complexity of the work of councillors; and the limited increase in the Basic Allowance since our last report, we believe that there is a strong case for considering a larger increase. The basic allowance is now less than the allowances paid by many similar authorities outside London. In Wales, for example, the government-

appointed commission sets the basic allowance at £13,400 for members of local authorities with populations which are generally substantially lower than those of London boroughs.

However we reluctantly accept that, in the current financial climate, it would be inappropriate to recommend a general increase in members' allowances (beyond the annual updating). Pegging an annual increase to staff pay awards will ensure that councillors can receive annual increases which are in line with those received by staff. **We therefore recommend that the Basic Allowance be set at £11,045.** We believe that it remains sensible to frame recommendations which are common across London.

Special Responsibility Allowances

Given the extent of the responsibilities of leaders of London boroughs, the Panel's first report in 2001 recommended that their remuneration should equate to that of a Member of Parliament. [Our recommendations for other special responsibility allowances are related to that recommended for leaders.]

Since then the increase in the remuneration of Members of Parliament has substantially exceeded the annual local government pay increase to which we tied the special responsibility allowance for the leader of a London borough. At the time of our last report an MP received a salary of £67,060 while our recommendation for a borough leader (increases having been restricted to the local government staff pay increases) was for total remuneration of £65,472, a difference of £1,588. Updated for the local government pay awards, our recommendation for the current total remuneration of a London borough leader would be £68,130. Meanwhile the salary of MPs has increased to £76,011, a difference of £7,881. Moreover MPs continue to be entitled to a pension as well as to sundry other benefits (such as termination payments) which are not available to leaders.

In our current consultation we enquired whether the remuneration of an MP remains a sound comparator to fix the remuneration of a borough leader. In general the responses agreed that the comparator was appropriate and, if anything, that the Leaders of London boroughs warranted a higher remuneration than an MP, because they had greater financial responsibility and legal burdens, and especially given the differential pension arrangements. Indeed one respondent authority suggested that the direct responsibilities of a Leader should command the salary of a Junior Minister.

We sympathise with the responses. Certainly the way in which MPs' remuneration has outpaced that of leaders would prompt a review of the Leaders' allowances had the Panel not had regard to the current stringent economic circumstances. For the same reasons which prompt us to peg the Basic Allowance, **we recommend that the special responsibility allowance for a Leader should be in accordance with our former recommendation, plus the subsequent local government staff pay awards, ie £57,085. We recommend the maintenance of its relation to other special responsibility allowances, as set out in the Appendix to this report.** Nevertheless we hope that parity of the remuneration of the Borough leaders with the remuneration of Members of Parliament will be restored when the economic situation eases and that the other Special Responsibility Allowances will then be adjusted accordingly.

Interpretation of the Scheme

The responses from the boroughs generally indicated no problems with interpretation of our recommendations, though many had adopted lower figures, especially for special responsibility allowances. We continue to believe that the scheme we propose is sufficiently flexible to accommodate the varying political management arrangements of different London boroughs. Specifically, we were asked for guidance on what percentage of councillors should receive a special responsibility allowance. **We reiterate our view that no more than 50% of councillors should receive a special responsibility allowance. We also continue to believe that no member should receive more than one special responsibility allowance though we accept that there might exceptionally be special circumstances where allocation of more than one Special Responsibility Allowance might be justified, eg where members undertake a number of different time-consuming roles such as sitting on licensing hearings.**

We were asked to give more detailed guidance on the roles allocated to different bands and whether these could be tied to the time commitment required of a role, expressed as a percentage of the time commitment of the Leader. However, we believe that the percentages we identify should be tied not only to time commitment but also to levels of responsibility.

Training and Support

The responsibilities of councillors are substantial, extensive and complex. We have mentioned the Grenfell Tower tragedy as a chilling instance of those responsibilities. **We believe that every borough should have an ongoing programme of member training and development and that members should be expected to participate. We believe that members should be provided with logistical and clerical support to help them deal with their workload.**

Barriers to being a councillor

It is important that obstacles to becoming a councillor should be removed wherever possible. Child care costs can be a significant deterrent to service as a councillor. **We repeat our strong view that in appropriate cases when they undertake their council duties, councillors should be entitled to claim an allowance for care of dependents. The dependents' carers' allowance should be set at the London living wage but (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required.**

We also repeat our belief that members' allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies).

Travel and Subsistence allowances

We continue to believe that the Basic Allowance should cover basic out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses. The members' allowances scheme should, however, provide for special circumstances, such as travel after late meetings or travel by councillors with disabilities. The scheme should enable councillors to claim travel expenses when their duties take them out of their home borough, including a bicycle allowance.

Allowances for Mayor or Civic Head

Many councils include the allowances for the mayor (or civic head) and deputy in their members' allowance scheme. However these allowances do serve a rather different purpose from the 'ordinary' members' allowances, since they are intended to enable the civic heads to perform a ceremonial role. There are separate statutory provisions (ss 3 and 5 of the Local Government Act 1972) for such allowances and councils may find it convenient to use those provisions rather than to include the allowances in the members' allowance scheme.

Update for inflation

We continue to recommend that for a period of four years the allowances we recommend should be updated annually in accordance with the headline figure in the annual local government pay settlement.

We have been asked whether it is necessary for the annual updating to be formally authorised by the council each year. The Regulations do seem to make this obligatory.

Sir Rodney Brooke CBE DL

Steve Bundred

Anne Watts CBE

London, January 2018

Appendix A

Basic allowance £11,045

Special responsibilities – beyond the basic allowance

The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

Calculation of special allowances

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below. We believe that the SRA, which the previous panel recommended for the leader of a London council (updated), continues to be appropriate.

Categories of special allowances

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

Local discretion

It is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

BAND ONE

The posts we envisage falling within band one include:

- Vice chair of a service, regulatory or scrutiny committee
- Chair of sub-committee
- Leader of second or smaller opposition group
- Service spokesperson for first opposition group
- Group secretary (or equivalent) of majority group
- First opposition group whip (in respect of council business)
- Vice chair of council business
- Chairs, vice chairs, area committees and forums or community leaders
- Cabinet assistant
- Leadership of a strategic major topic
- Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods
- Leadership of a specific major project.

Remuneration

We propose that band one special responsibility allowances should be on a sliding scale of between 20 – 30 per cent of the remuneration package for a council leader.

This would be made up as follows:

Basic allowance: £11,045

Band One allowance: £2,582 to £9,397

Total: £13,627 to £20,442

BAND TWO

The types of office we contemplate being within band two are:

- Lead member in scrutiny arrangements, such as chair of a scrutiny panel
- Representative on key outside body
- Chair of major regulatory committee e.g. planning
- Chair of council business (civic mayor)
- Leader of principal opposition group
- Majority party chief whip (in respect of council business).

Remuneration:

We propose that band two allowances should be on a sliding scale between 40 – 60 per cent, pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance £11,045

Band two allowances: £16,207 to £29,797

Total: £27,252 to £40,842

BAND THREE

We see this band as appropriate to the following posts:

- Cabinet member
- Chair of the Health and Wellbeing Board
- Chair of the main overview or scrutiny committee
- Deputy leader of the council

Remuneration:

We propose that band three allowances should be between 70 – 80 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance: £11,045

Band three allowance: £36,917 to £43,460

Total: £47,962 to £54,505

BAND FOUR

Leader of cabinet

This is a full-time job, involving a high level of responsibility and includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service.

Remuneration:

We propose that the remuneration package for a council leader under band four of our scheme should be £68,130.

This is made up as follows:

Basic allowance: £11,045

Band four allowance: £57,085.

Total: £68,130

BAND FIVE

Directly elected mayor

A directly elected mayor has a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. However we believe this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount and this should be reflected in the salary level.

Remuneration:

We propose that a directly elected mayor should receive a remuneration package of 25 per cent higher than that recommended for a council leader and that it should be a salary set at **£85,162**.

Appendix B

On behalf of the community – a job profile for councillors

Purposes:

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

Key Tasks:

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (for example, setting budgets, overall priorities, strategy).
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various forums available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.
11. To undertake necessary training and development programmes as agreed by the authority.
12. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

Appendix C

The independent panel members

Sir Rodney Brooke CBE DL had a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities. He was knighted in 2007 for his contribution to public service.

Steve Bundred was chairman of Monitor, chief executive of the Audit Commission and chief executive of the London Borough of Camden.

Anne Watts CBE has an extensive career in equality and diversity and governance that spans the private, voluntary and public sectors with organisations including the Open University, the University of Surrey, the Commission for Equality and Human Rights and Business in the Community. She chaired the Appointments Commission.

Review of the Members Allowances Scheme

London Borough of Haringey

**Richard Penn
Senior LGA Associate**

January 2020

1 Introduction

- 1.1 I was commissioned in September 2019 by LB Haringey through the Local Government Association to review the Council's Members Allowance Scheme. The Council has a legal duty under the Local Authorities (Members Allowances) (England) Regulations 2003 to adopt a Members' Allowances Scheme before the end of each year to cover the following year. The Council can amend a scheme any time during the year but can only revoke a scheme with effect from the beginning of the year. The Scheme must make provision for Basic Allowances and, if they are to be paid, Special Responsibility, Dependents' Carers, Travelling and Subsistence and Co-optees' Allowances.
- 1.2 The Standards Committee at LB Haringey has the responsibility for considering and recommending changes to the Members Allowance Scheme to full Council for adoption. The Standards Committee agreed in January 2019 that an independent review of the Members Allowance Scheme should be carried out, focusing on the functions and responsibilities of Council Committees together with the volume and complexity of their decision making to ascertain whether the SRAs currently provided to the Leader, Cabinet Members, Committee Chairs, Vice-Chairs and Scrutiny Panel Chairs reflected the responsibilities and demands placed on the SRA holders. It was agreed that the review would be supported by an independent adviser to the Committee and, as a Senior LGA Associate, I have provided independent advice and support to the review. I have undertaken a number of reviews of Members Allowances in the recent past and I also chair the Independent Remuneration Panel for South Derbyshire Council. In January 2008 I was appointed by the Minister for Local Government as the Chair of the Independent Remuneration Panel for Wales, a post held until the end of 2015. That Panel is responsible for setting the remuneration arrangements for all 22 unitary councils in Wales, for also the four Fire and Rescue Authorities and the three National Parks in Wales. It is also responsible for setting remuneration for the 750 plus Town and Community Councils in Wales.

2 Terms of reference for the review

2.1 The Standards Committee commissioned the review of the current Members Allowance Scheme with the following terms of reference:

- an independent review of the Members Allowance Scheme to be undertaken between July 2019 and March 2020 for implementation in the 2020/21 municipal year
- the review should include an analysis of roles and responsibilities with a 'benchmarking exercise' to ensure that the Borough is in line with comparator Boroughs in its provision of SRAs
- the key purpose of the review was to ensure that members are appropriately remunerated and to address any inequalities and disparities in the allocation of SRAs. Differences had been noted in the Leader's allowance in proportion to Cabinet Member allowances, the perceived higher number of Committee meetings chaired and attended by some members in comparison to other committees where an SRA was payable
- whether an annual percentage uplift of Allowances to correlate with the equivalent annual cost of living award for local government staff should be introduced
- whether the Mayoral Allowances should remain as separate statutory provisions in the Members Allowance Scheme (under Section 3 and 5 of the Local Government Act 1972)
- the review should have regard to the recommendations of the Independent Remuneration Panel. The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London Boroughs. The Regulations require a review of the scheme every four years as a minimum and the Panel published its most recent report in 2018
- the review would operate under the principle that any changes proposed must be evidence based.

2.2 The Standards Committee required a draft report on the review to be considered at its meeting in January 2020, and a final report to its March 2020 meeting with recommendations for any changes to the current Scheme to be made to the full Council at its meeting in March 2020 for implementation in the 2020/21 municipal year.

2.3 The review was to be publicised in the 'Members Area' web page and the Members Newsletter. The outcome of the review will be published on the Council's website once completed.

3 Process and methodology for the review

3.1 It was made clear when I was commissioned to undertake the review that the review had to be genuinely independent with no presumptions about the outcome. It was also clear that any findings and resulting recommendations for any changes to the current Scheme had to be evidence based and that all members of the Council needed to be given the opportunity to contribute their own views in the review process.

3.2 The evidence sources used for the review included:

- data on the number of meetings attended by members
- the Council's submission to the Boundary Commission setting out the business case for maintaining 57 councillors
- the recent review of Scrutiny Functions
- the Independent Panel Report 2018 – '*The Remuneration of Councillors in London*'
- the review of Members Allowances carried out in 2017-18
- the responses to an all member questionnaire. Democratic Services produced a questionnaire (Appendix 3) that was distributed to all Councillors. The purpose of the questionnaire was to obtain the views of Councillors regarding the Council's current Members Allowance Scheme, particularly in relation to SRAs. Councillors were able to indicate the level of appropriateness of the SRAs for each of the roles under the current Scheme, and also set out their views on the current scheme. The first two questions were designed to give a quantifiable summary of the roles, duties and workload of Councillors to assess the appropriateness of the current Allowance Scheme. 30 members of the Council completed and returned the questionnaire, a participation rate of over 50%. Appendix 4 provides a summary of the key results of the questionnaire survey.
- I attended a meeting of the Standards Committee on 14 October 2019 to discuss the review and to obtain the views of Standards Committee members on the draft questionnaire of members
- I held one to one meetings with the Chair of Standards Committee, the Leader of the Council and the Leader of the Opposition
- all members of the Council were offered the opportunity to meet with me on a one to one and confidential basis. A range of alternative times including in the evening period was offered for these meetings and in the event I met with a further 12 members additional to my meetings with the Chair of Standards Committee, the Leader of the Council and the Leader of the Opposition. A number of members also sent emails setting out their views.

4 The Haringey context

- Haringey is a Borough in the north of metropolitan London and has a total resident population of 270,600 residents
- 22.3% of the population are aged under 18, and 10.1% of the population are aged 65 and over. In England overall, 21.4% of the population are aged under 18 and 18.2% are aged 65 and over
- 39.5 % of the population are from a black or minority ethnic (BME) population, and 65.3% of the population described themselves as non-white UK (i.e. not white British, English, Northern Irish, Scottish, or Welsh) at the last Census (2011). This compares to a BME population of 14.6% and a non-white UK population of 20.3% for England as a whole. 7.2% of the population report that they cannot speak English well or at all
- the Indices of Deprivation (IMD, 2015) combine a range of economic, social and housing indicators to provide a measure of relative deprivation, i.e. they measure the position of areas against each other within different domains. A rank of 1 indicates highest deprivation. Haringey is ranked 24 out of 152 local authorities in England on overall deprivation and is ranked 25 out of 152 local authorities on income deprivation
- Haringey has an Income Deprivation Affecting Children Index (IDACI) score of 0.287 (2015). This measures the proportion of all children aged 0 to 15 living in income deprived families. The average for All London Boroughs (excluding the City) is 0.241
- Furthermore, Haringey has an Income Deprivation Affecting Older People Index (IDAOPI) score of 0.318 (2015). This measures the proportion of all those aged 60 or
- the median gross weekly wage for employees living in Haringey is £654.1. This compares with an England wage of £574.9. Furthermore, 5.5% of working age people in Haringey are unemployed, compared with 4.2% nationally
- 3.6% of 16 to 18 year olds in Haringey are not in education, employment or training. This compares to an average of 3.0% for All London Boroughs (excluding the City)
- 59% of children in Haringey achieved 5 or more GCSEs at grades A* to C in 2014/15 including English and Maths. This compares with 57.7% for England. Among pupils eligible for free school meals, 41.5% achieved 5 or more GCSEs at grades A* to C including English and Maths in 2013/14, compared to 33.3% nationally. 75.6% of pupils in Haringey achieve a good level of development at the end of the academic year in which they turn five years old. This compares with 71.5% for England
- there are 98.30 total recorded offences (excluding fraud) per 1,000 population in over who experience income deprivation. The average for All London Boroughs (excluding the City) is 0.240

- 16.4 % of pupils attending nursery and primary schools and 20.3% of pupils attending secondary school in Haringey are eligible for and claiming free school meals. This compares with 15.7% of pupils attending nursery and primary schools and 14.1% of pupils attending secondary school for England as a whole
- there are 98.30 total recorded offences (excluding fraud) per 1,000 population in Haringey. This compares to an average of 82.32 for All London Boroughs (excluding the City).

5 Principles and purpose of a Members Allowances Scheme

5.1 The principles of a remuneration scheme

'Upholding trust and confidence'

Citizens rightly expect that all those who choose to serve in public authorities uphold the public trust by embracing the values and ethics implicit in such public service. The Principles underpin the contribution that the Scheme makes towards upholding public trust and confidence.

'Simplicity'

The Scheme should be clear and understandable. This is essential for all those who are affected by, or who have an interest in, the Scheme as well as the wider community

'Remuneration'

The Scheme provides for payment to members of the local authority who carry a responsibility for serving their identified communities of geography and of interest. The level of remuneration should not act as a barrier to taking up or continuing in post. There should be no requirement that resources necessary to enable the discharge of duties are funded from the payment. The Scheme should provide additional recompense for those who are given greater levels of responsibility.

'Diversity'

Democracy is strengthened when the membership of public authorities adequately reflects the demographic and cultural make-up of the communities served. The Scheme should encourage the participation of those who are significantly under-represented.

'Accountability'

Taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest. The Council should make information readily available about the Scheme and the activities of its members.

'Fairness'

As an essential test of the framework's fairness, the Scheme for the remuneration of members should have regard to the earnings of the electorate in the community. The Scheme should be capable of being applied consistently as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.

'Quality'

The complex mix of governance, scrutiny and regulatory duties incumbent upon members requires them to engage with a process of continuous quality improvement. Members should be prepared to undertake such training and personal development opportunities as are required by the Council to properly discharge the duties for which they are remunerated.

'Transparency'

Transparency of members' remuneration is in the public interest. The Scheme serves to ensure that knowledge of members' remuneration is made easily available to the public.

5.2 **The purpose of a Members Allowances Scheme**

The policy intention behind the requirement for a bespoke Members' Allowances scheme for each local authority is to enable and facilitate members' roles and responsibilities as far as practically possible while taking into account such factors as the nature of the Council, local economic conditions and good practice. The Scheme should seek to minimise financial barriers to public service so as to enable a wide range of people to become a councillor without incurring undue personal financial cost, and the Scheme should as far as possible recompense members for the time they devote to their role and to the responsibilities they carry.

5.3 **The role and work of councillors**

The Report in 2018 by the Independent Panel – *'Remuneration of Councillors in London'* referred to the independent review by the Local Governance Research Unit based at Leicester Business School of the role and work of councillors. That review pointed out that councillors oversee multi million pound budgets, balancing complex financial pressures at a time of severe cutbacks in local authority spending, making decisions which will affect their areas for decades to come. In London each Borough Council is responsible for services crucial to its residents. Each has a revenue budget of up to £1.4bn as well as a substantial capital programme. The scale of their turnover and other financial activities are in many instances comparable with those of large publicly quoted companies. Councillors are faced with unenviable choices. Demand for local authority services continues to grow. In particular, there is rapid growth in the number of old people with a corresponding increase in demand for social care. London itself faces acute housing problems. Councillors have an increased responsibility for health. Thus the strain on and competition for resources increase the demands made on elected members. The responsibilities and accountabilities are made clear after a tragedy like the Grenfell Tower fire. The Independent Panel commented in its report that the evidence confirms that the workload and responsibilities of councillors continue to increase and that their role has become more complex, and not only in the areas of social care, housing and health. There has been growth in the number of sub-regional meetings, partnerships and joint bodies (such as Boards for Health & Wellbeing and Safer Neighbourhoods) which require the commitment and time of leaders, cabinet members and front-line councillors. Partnership engagement makes great demands on councillors. There has been a marked increase in informal meetings, such as working groups, forums and community gatherings as well as

formal meetings like local authority companies. The expectations of the public continue to rise. While valuable to democracy, the use of social media adds to the pressure on councillors by increasing demands from their constituents in several different ways. Communication with councillors is not only easier but immediate. The public expects a speedy response, so that it is now more difficult for councillors in employment to deal with concerns as quickly as voters expect. Not only do social media make it easier for their constituents to get hold of councillors, but they also enable an isolated concern to become an organised campaign. Appendix 4 to this report is a 'profile' for a Councillor in London produced by the Independent Panel and included as an Appendix to its 2018 Report. It is a concise summary of the purposes and key tasks that are part of the role of the elected member in a London Borough.

5.4 During my meetings with members as part of this Review it was mentioned on more than one occasion that the allowances payable under the current Members Allowance Scheme are insufficient to encourage a wider range of people to stand for Council. Allowance Schemes are not designed for this purpose as they would need to be at levels so high that this would not be publically acceptable. Some interviewees were not comfortable with the concept of the Allowances scheme having this objective as it would be contrary to the public service ethos if individuals were standing for and remaining on the Council for income reasons. The desire to serve local communities and residents should be the prime motivation for being a councillor. However, it is increasingly difficult to recruit people representative of the local demography with the necessary experience who are prepared to stand for office as councillors. Though the low level of allowances was mentioned as a reason for this, a major disincentive is the time commitment required of a councillor. That time commitment (as well as finance) can make it difficult to combine the role with a job and a family life. As one councillor commented '*Serving on outside bodies means that I am working every day of the week, weekends too*'. The problem is exacerbated in London, where councillors are on the whole younger than in other parts of the country and often in employment. They also face substantially higher costs of living. Though the time commitment may be the main disincentive to service as a councillor, it is important that, as far as reasonably possible, financial loss does not prevent people from becoming councillors. Member allowances are not shown by polls to be something which influences councillors to take on the role, though they are instrumental in making it possible for some people to do so. Allowances should be set at a level that enables people to undertake the role of councillor, while not acting as an incentive to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive. It is clearly desirable that service as a councillor is not confined to those with independent means.

5.5 **The consequences of taking on additional responsibilities**

For those who take on the responsibilities for which a Special Responsibility Allowance is paid the additional time commitment is significant. The time commitment for what is sometimes described as a 'backbench' role is generally agreed to be the equivalent of up to 2 days a week. For those who accept roles as Chairs of Council Committees and Panels the additional time commitment is at least one day a week. Cabinet Members are required to commit at least an additional two days a week to manage their Cabinet and portfolio responsibilities, while the role of Leader of a Council like Haringey requires a full time commitment. The reality is that for Cabinet Members and the Leader of the Council

the role is more of less full-time and it would be impossible for the Leader in particular to have paid employment. So the allowances that are paid represent for many elected members the only source of income during the time they serve as councillors. Apart from the impact that the commitment to a senior Council role has on career development and lost opportunities for promotion for those who are in paid employment, there is no provision for 'parachute payments' to soften the financial blow for those who lose their paid positions, either as a result of losing their Council seat in a local election, a change of political control or because for one reason or another an SRA is no longer available to them. For many, there is also the loss of occupational pension during the time they are not able to have paid employment outside their Council role. The Local Government Pension Scheme is no longer available to elected members.

5.6 The Haringey Members Allowance Scheme

The current Scheme was approved by full Council on 18 March 2019. As well as an increase of 2% in the Basic Allowance in line with the anticipated pay settlement to council staff there were a number of amendments to the previous Scheme. There are now explicit provisions for maternity, paternity and sickness leave, and also express provision for adoption and shared parental leave. There were no changes to the SRA provisions in the Scheme as it had been agreed previously that there was to be a review of SRAs during the ensuing municipal year.

The current Scheme is set out in full at Appendix 1 of this report. The Scheme provides for a Basic Allowance of £11,026 per annum (including all travel within the M25) to be paid to all members of the Council to fulfil those duties for which the Basic Allowance is predicated, including preparing for and attending meetings, addressing constituents concerns, engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with officers.

The Scheme provides for annual Special Responsibility Allowances (SRAs) in six 'Bands' to be paid to those Councillors who take on certain additional roles. These SRAs are paid in addition to the Basic Allowance. The Scheme also provides for the allowances for the Mayor and the Deputy Mayor to be paid under separate statutory provisions (Section 3 and 5 of the Local Government Act 1972)

Band 4	-	Leader of the Council	-	£33,926
Band 3B	-	Cabinet Members (9)	-	£25,443
Band 3A	-	Chair of Overview and Scrutiny Committee	-	£23,134
Band 2B	-	Chief Whip, Chair of Regulatory Committee, Chair of Alexandra Palace and Park Board, Leader of the Principal Opposition	-	£16,965
Band 2A	-	Chairs, Scrutiny Panels (4)	-	£15,421
Band 1B	-	Chair of Combined Pensions Committee & Board	-	£8,482

Chair of Staffing & Remuneration Committee
 Chair of Standards Committee
 Chair of Corporate Committee
 Vice Chair of Regulatory Committee
 Leader of the second Opposition Group
 or Deputy Leader of the Principal Opposition
 Chief Whip of the Principal Opposition

Mayoral allowance	-	£16,965
Deputy Mayoral allowance	-	£4,328

As part of this Review the Council's Democratic Services team carried out research on Members Allowances Schemes at a number of London Boroughs. The sources for this research included the Local Government Association website and the local authority websites, and in particular the Constitution of each of the local authorities and the information on Members' Allowances Schemes and committees structure. The local authorities selected for the review had similar demographics to Haringey. And included Conservative controlled and Liberal Democrat controlled councils to ensure that there was a wide range of different types of councils for comparison. Additionally, a mixture of Leader & Cabinet and Committee forms of governance systems was chosen to ensure a wider comparison for the research.

Democratic Services compiled a comparative data table for allowances paid by the following London Boroughs:

- Leader and Cabinet governance model
 - Haringey Council (Labour majority)
 - Enfield Council (Labour majority)
 - Islington Council (Labour majority)
 - Camden Council (Labour majority)
 - Waltham Forest Council (Labour majority)
 - Southwark Council (Labour majority)
 - Westminster Council (Conservative majority)
- Committees governance model
 - Barnet Council (Conservative majority)
 - Richmond upon Thames Council (Liberal Democrat majority)
 - Sutton Council (Liberal Democrat majority)

The key findings of the research were:

- **Basic Allowance**
 - The current Haringey Scheme provides for a Basic Allowance of £11,026 per annum following an uplift of 2% in March 2019. The Independent Panel recommended a Basic Allowance of £11,045 in its 2018 Report and that this

should be pegged to the annual increase for local government employees. The views of most of those members that I interviewed and/or who completed the questionnaire is that the Basic Allowance should be index linked either to a relevant annual inflation figure or to the annual 'cost of living' award for local government employees, but that this is not the time for a major increase in Basic Allowance.

- **Leader of the Council**

- The Leader and Deputy Leader of Southwark Council have the highest SRAs in comparison to the other local authorities. The Leader of Southwark Council receives an SRA of £54,303, and the Deputy Leader of Southwark Council receives an SRA of £36,448.
- Waltham Forest Council provides the second highest SRA in comparison to the local authorities examined. The Leader of Waltham Forest Council receives an SRA of £51,000, and the Deputy Leader of Waltham Forest Council receives an SRA of £32,640.
- The Leader of Haringey Council receives an SRA of £33,926.
- Enfield Council provided the lowest SRA to the Leader (£26,364). However, Enfield Council provides the Deputy Leader an SRA of £15,828, whereas Haringey, Islington and Camden Council do not provide SRAs to the Deputy Leader.

- **Cabinet Members**

- Southwark Council has 9 Cabinet Members (similar to Haringey Council), and its Cabinet Members receive the highest SRA in comparison to the other local authorities examined as part of the review. The Cabinet Members at Southwark Council each receive an SRA of £36,448. Cabinet Members at Haringey each receive an SRA of £25,443
- In relation to the local authorities reviewed that follow the Leader and Cabinet model, the Cabinet Members of Westminster Council receive the lowest SRA of £11,000 for each of the 8 Cabinet members (excluding the Deputy Leader, who receives a higher SRA of £19,000).

- **Other SRAs**

- the Chief Whip of the Majority Group at Haringey Council receives the highest SRA (£16,965) in comparison to the local authorities selected. Not all of the comparator London Boroughs pay an SRA to the Chief Whip of the Opposition, and Haringey pays the highest (£8,482).
- the Chair of the Regulatory Committee at Haringey Council receives the highest SRA (£16,965) in comparison to the local authorities selected although any comparison is complicated as the majority of comparator Boroughs have

Chairs of both Planning Committee and Licensing Committee. Of the selected Labour majority Councils, only Haringey Council and Waltham Forest Council provide SRAs to the Regulatory Committee Vice-Chairs. However, Haringey Council provides almost double the SRA to the Regulatory Vice-Chair (£8,482) in comparison to Waltham Forest Council (£4,590)

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- Haringey Council's Overview and Scrutiny Chair receives the second highest SRA (£23,134). The Overview and Scrutiny Chair at Southwark Council receives the highest SRA at £24,547, and Richmond upon Thames Council provides the OSC Chair equivalent (Chair of Policy & Performance Review Board) the lowest SRA at £5,100.
- Only Islington (£3,255) and Southwark (£9,064) pay SRAs to those other than the Chair of the O&S Committee for scrutiny involvement so Haringey (£15,421) pays the highest SRAs to Scrutiny Panel Chairs.
- The Leader of the Principal Opposition Group at Haringey receives the third highest SRA (£16,965) with the highest SRA paid to the Leader of the Opposition at Waltham Forest (£18,035) and the lowest (£9,000) at Westminster City Council.
- The Deputy Leader of the Principal Opposition Group at Haringey receives an SRA of £8,482. None of the comparator Boroughs appears to remunerate a similar role.
- The Chair of the Combined Pensions Committee and Board at Haringey receives an SRA of £8,482. Not every comparator Borough has a Pension Committee but of the 7 Boroughs that pay an SRA in connection with pension responsibilities only LB Barnet pays a higher SRA (£15,333) than Haringey with most paying significantly less.
- The Chair of the Staffing and Remuneration Committee at Haringey receives an SRA of £8,482. None of the other comparator Boroughs pays an SRA to the Chair of a Staffing and Remuneration Committee as they do not have such a Committee or equivalent.
- The Chair of the Standards Committee at Haringey receives an SRA of £8,482. Of the comparator Boroughs only Westminster (£3,060) other than Haringey has a stand-alone Standards Committee for which an SRA is paid.
- The Chair of the Corporate Committee at Haringey receives an SRA of £8,482. Nearly all of the comparator Boroughs has a Committee with similar terms of reference to Haringey's Corporate Committee but this is normally described as an Audit/Risk Management Committee. Enfield (£8,442) and Westminster (£8,160) pay similar SRAs to Haringey while Sutton (£9,700), Waltham Forest (£10,200) and Barnet (£15,333) pay more.

- **Civic allowances**

- The Scheme provides for an allowance of £16,965 to the Mayor of the Borough. This is the third highest mayoral allowance paid by the comparator authorities with only Southwark (£24,547) and Enfield (£17,788) paying more.
- The Scheme provides for an allowance of £4,328 for the Deputy Mayor. Again, this is the third highest mayoral allowance paid by the comparator authorities and only Southwark (£9,064) and Enfield (£5,876) pay more.

5.7 Research was also commissioned into the average cost of the Members Allowance Schemes in a number of neighbouring London Boroughs:

- the total Members Allowances paid in 2018/19 in Haringey was £1,106 million. There are 57 councillors so the average cost per councillor in Haringey was £19,403
- the total Members Allowances paid in 2018/19 in Waltham Forest was £1,205 million. There are 60 councillors so the average cost per councillor in Waltham Forest was £20,083.
- the total Members Allowances paid in 2018/19 in Islington was £889,000. There are 48 councillors so the average cost per councillor in Islington was £18,520
- the total Members Allowances paid in 2018/19 in Enfield was £1,000,000. There are 63 councillors so the average cost per councillor in Enfield was £15,873
- the total Members Allowances paid in 2018/19 in Camden was £832,000. There are 53 councillors so the average cost per councillor in Camden was £15,698

The table below sets out the average cost of Members Allowances in London Local Authorities for 2018-19

AVERAGE COST OF MEMBERS' ALLOWANCE IN LONDON LOCAL AUTHORITIES (period 2018-19)			
London Boroughs	Total cost of Members' Scheme from budget	Total number of Councillors	Average cost per councillor
Barking and Dagenham	£856,000	51	£16,784
Barnet	£1,010,000	63	16,031
Bexley	£662,000	45	£14,711
Brent	£1,160,000	63	£18,412
Bromley	£1,090,000	60	£18,166
Camden	£832,000	53	£15,698
Croydon	£1,225,075	70	£17,501
Ealing	£1,020,000	69	£14,782.
Enfield	£1,000,000	63	£15,873
Greenwich	£771,762	51	£15,132
Hackney	£1272,000	57	£22,315
Hammersmith and Fulham	£820,000	46	£17,826
Haringey	£1,106,000	57	£19,403
Harrow	£827,000	63	£13,126
Havering	£929,598	54	£17,214
Hillingdon	£1,134,000	65	£17,044
Hounslow	£901,000	60	£15,016
Islington	£889,000	48	£18,520
Kensington and Chelsea	£1,137,000	50	£22,740
Kingston upon Thames	£668,000	48	£14,333
Lambeth	£1,215,000	63	£19,285
Lewisham	£1,023,000	54	£18,944
Merton	£728,000	57	£12,771
Newham	£1,191,000	63	£18,904
Redbridge	£922,000	63	£14,634
Richmond upon Thames	£676,000	54	£12,518
Southwark	£1,324,831	63	£21,029
Sutton	£898,000	54	£16,629
Tower Hamlets	£804,373	46	£17,486
Waltham Forest	£1,205,000	60	£20,083
Wandsworth	£1,066,00	60	£17,766

Westminster	£964,000	60	£16,066
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6 The findings from the review

- 6.1 It is widely accepted that the role and work of a councillor anywhere in England can be challenging and demanding, and that this is undeniably the case in London as the report of the Independent Panel referred to at paragraph 4.3 above makes clear. The evidence I have collected as part of this Review also shows that the role and work of a councillor in Haringey is particularly challenging and demanding given the demographics of the Borough as set out in paragraph 3 above.
- 6.2 It is undeniable that there is a strong case that councillors generally and in Haringey in particular deserve better remuneration to reflect both the workload and responsibilities that many of them carry for relatively little reward. However, it is also accepted that whilst the case may be strong there is insufficient justification for a major uplift of allowances across the board, not least at a time of continuing austerity and in a Borough which is ranked 24 out of 152 local authorities in England on overall deprivation and 25 out of 152 local authorities on income deprivation. It is also a relevant fact that Haringey already spends more per councillor on member allowances than most of the neighbouring London Boroughs.
- 6.3 Nevertheless, although it is not the right moment to revise the Member Allowance Scheme with a general uplift across the Board, it is clear from the review that there are a number of inequalities and disparities in the allocation of SRAs in the Haringey Scheme that need to be addressed. My conclusions and any recommendations for increasing specific SRAs in Section 7 of my report are based on all the evidence that I have collected including the comparator information from other Boroughs, interviews with members, the questionnaire survey results, the information about the roles and responsibilities of SRA holders and my judgements as the independent expert. They are also a reflection of the particular circumstances that apply in Haringey. I am also very conscious of the financial situation and the acceptability of increasing expenditure on members allowances at a time of continuing financial constraint, but the financial implications of my recommendations are very modest amounting to less than an additional £21,500 per annum on the current provision of £1,106,000 per annum – an increase of less than 2% per annum:

- **Basic Allowance**

The current Scheme provides for a Basic Allowance of £11,026 per annum following an uplift of 2% in March 2019. Three comparator London Boroughs pay a higher Basic Allowance – Southwark pays a Basic Allowance of £11,496, Waltham Forest pays £11,266 and Sutton pays £11,164. The Independent Panel recommended a Basic Allowance of £11,045 in its 2018 Report and that this should be pegged to the annual increase for local government employees. The views of most of those members that I interviewed and/or who completed the questionnaire is that the Basic Allowance should be index linked either to a relevant annual inflation figure or to the annual ‘cost of living’ award for local government employees, but I have concluded that this is not the right time for an

increase in the Basic Allowance.

- **The SRA for the Leader of the Council**

The current Scheme provides for a Band 4 SRA of £33,926 for the Leader of the Council. A majority of those members (16) who completed the questionnaire considered this to be *'too low'* with 11 considering it to be *'fair'* - only one councillor considered the current SRA to be *'too high'*. The Leader of Southwark Council has the highest SRA - £54,303 - of the comparator local authorities, while Waltham Forest Council provides the second highest SRA of £51,000.

The Independent Panel in its 2018 Report commented that *'if anything, the Leaders of London boroughs warranted a higher remuneration than an MP, because they had greater financial responsibility and legal burdens, and especially given the differential pension arrangements. Indeed one respondent authority suggested that the direct responsibilities of a Leader should command the salary of a Junior Minister'*. The Report recognised that *'the current stringent economic circumstances made such remuneration impossible at the present time'* but that *'this is a full-time job, involving a high level of responsibility and includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service'*. The Panel recommended an SRA for Leaders of London Boroughs of £57,085, significantly greater than the current payment of £33,926 to the Leader in Haringey.

As was highlighted earlier in this report (paragraph 5.5) the reality is that for the Leader of a Council like Haringey a full time commitment is required. It would be impossible for the Leader to have paid employment, so the Basic Allowance and SRA that is paid is the only source of income. I am proposing a significant uplift in the SRA currently paid to the Leader of the Council.

For information, Appendix 6 to this report provides details of the role, workload and portfolio of responsibilities for the Leader of the Council.

- **The SRA for Cabinet Members**

The current Scheme provides for a Band 3B SRA of £25,4543 for each Cabinet Member. A majority of those members who completed the questionnaire considered this to be *'fair'* (17) , with 4 considering the payment to be *'too high'*, and 6 *'too low'*. There are a number of comparator London Boroughs that pay a higher SRA to Cabinet Members with an equal number that pay a lower SRA. The recommendation in the Independent Panel Report of 2018 is that the SRA for a Cabinet Member should be between £36,917 to £43,460, significantly greater than the current payment to Cabinet Members in Haringey.

A number of members commented to me about the variable workloads that Cabinet Members carried depending on their portfolio, and some suggested that the SRAs should be reduced for those Cabinet members with the least demanding portfolios. It is apparent that such comments are based on misunderstandings about the commitments required of Cabinet members. As was highlighted earlier in this report (paragraph 5.5) Cabinet Members are required to commit at least an additional two days a week to manage their Cabinet and portfolio responsibilities. The reality is that for Cabinet Members this means that the role is more or less full-time and it would be difficult if not impossible for a Cabinet Member to have paid employment, so the Basic Allowance and SRA that is paid are for many the only source of income. Council's Constitution that describes the work of the Cabinet, and Appendix 6 provides details of the role, workload and portfolio of responsibilities for the members of Haringey Council's Cabinet.

However, I am not proposing any change in the SRA for Cabinet members.

(Appendix 7 to this report provides details of the roles and responsibilities of SRA holders other than members of the Cabinet)

- **The SRA for the Chair of the Overview and Scrutiny Committee**

The current Scheme provides for a Band 3A SRA of £23,134 for the Chair of the Overview and Scrutiny Committee. The SRA paid at Haringey is the second highest of the payments in the comparator Boroughs and most pay significantly less for this role. Of those members who completed the questionnaire 9 said the payment was '*too high*', 18 said '*fair*' and 2 said '*too low*'. A number of members pointed to the demanding role of the Chair of the O & S Committee and suggested that the SRA should be aligned with that of Cabinet members to reflect the workload and the responsibility of the role.

I agree that the current SRA does not reflect the considerable workload and responsibilities involved in chairing the Committee the post and I am proposing that the SRA for this role is increased accordingly.

- **The SRA for the Vice Chair of Overview and Scrutiny Committee**

The current Scheme provides for a Band 2A SRA of £15,421 for this role, the same as the SRA for the other three Chairs of the Scrutiny Panels. As well as chairing one of the Panels this postholder also acts as Vice Chair of the Overview and Scrutiny Committee with the additional responsibility that this entails. I am therefore recommending a small increase in the SRA for this role.

- **The SRA for the Chairs of Scrutiny Panels**

The current Scheme provides for a Band 2A SRA of £15,421 for the Chairs of Scrutiny Panels. Only Islington (£3,255) and Southwark (£9,064) pay SRAs to those other than the Chair of the O&S Committee for scrutiny involvement so Haringey pays the highest SRAs for this role. Of those members who completed the questionnaire 11 said the payment was 'too high', 15 said it was 'fair' and 3 said it was 'too low'.

I am not proposing any change in the SRA for this role.

- **The SRA for the Chief Whip of the Majority Group**

The current Scheme provides for a Band 2B SRA of £16,965 for the Chief Whip. The Chief Whip of the Majority Group at Haringey Council receives the highest SRA for this role in comparison to the local authorities selected for comparison purposes. Of those members who completed the questionnaire 16 considered this payment to be '*fair*', with 10 considering the payment to be '*too high*', and 3. A number of members commented to me about the importance of this role in an authority like Haringey where there is an effective and active Opposition Group, and that, although the role is essentially political rather than functional in nature, it was very demanding with a significant time commitment.

I am not proposing any change in the SRA for this role.

- **The SRA for the Chair of the Regulatory Committee**

The current Scheme provides for a Band 2B SRA of £16,695 for the Chair of the Regulatory Committee. The Regulatory Committee Chair at Haringey Council receives the highest SRA in comparison to the local authorities selected although any comparison is complicated as the majority of comparator Boroughs have Chairs of both Planning Committee and Licensing Committee. Of those members who completed the questionnaire 5 said the payment was '*too high*', 17 said it was '*fair*' and 4 said it was '*too low*'.

I am not proposing any change in the SRA for this role.

- **The SRA for the Vice Chair of the Regulatory Committee**

- The current Scheme provides for a Band 1B SRA of £8,482 for the Vice Chair of the Regulatory Committee. Of the selected Labour majority Councils, only Haringey Council and Waltham Forest Council provide SRAs to the Regulatory Committee Vice-Chairs, and, Haringey Council provides almost double the SRA to the Regulatory Vice-Chair (£8,482) in comparison to Waltham Forest Council (£4,590) Of those members who completed the questionnaire 11 said the payment was '*too high*', 14 said it was '*fair*' and 2 said it was '*too low*'.

I am not proposing any change in the SRA for this role.

There seems to be consensus around the proposition that the Regulatory Committee should be formally reconstituted as two separate Committees – a Planning Committee and a Licensing Committee. It was also suggested that the SRA for the Planning Committee Chair should be in line with the current SRA for the Regulatory Committee and that the SRA for the Licensing Committee Chair should be in line with the SRA currently paid to the Vice Chair of the Regulatory Committee.

- **The SRA for the Chair of the Alexandra Palace and Park Board**

The current Scheme provides for a Band 2B SRA of £16,965 for the Chair of the Alexandra Palace and Park Board. There are no comparable Committees at any of the comparator Boroughs. Of those members who completed the questionnaire 13 Councillors said it was *'too high'*, 14 said it was *'fair'* and 2 said it was *'too low'*.

Even though a number of members both in their interviews with me and through the questionnaire survey indicated that they considered that the SRA paid for this role was too high, those directly involved with this Committee currently and historically are of the view that the workload and responsibility for this role is significant and that the current SRA reflects this appropriately. Appendix 7 to this report sets out the role of the Chair and supports the view that the role carries a significant workload and responsibility.

I am not proposing any change in the SRA for this role.

- **The SRA for the Leader of the Principal Opposition Group**

The current Scheme provides for a Band 2B SRA of £16,965 for the Leader of the Principal Opposition Group. A number of comparator London Boroughs pay a higher SRA to the Leader of the Opposition with Haringey paying the third highest SRA (£16,965) and the highest SRA is paid to the Leader of the Opposition at Waltham Forest (£18,035) and the lowest (£9,000) at Westminster City Council. Of those members who completed the questionnaire the majority consider the payment to be *'fair'* (20), with 5 considering the payment to be *'too high'*, and 5 *'too low'*. There is no doubt that this is a demanding role in a local authority like Haringey where the Leader of the Opposition is expected to constantly scrutinise and challenge the work of the Majority Group and also to propose alternative policies and financial strategies particularly during the budgetary process. The SRA paid for this role was reduced from Band 3A to Band 2B in 2017.

I am proposing an increase in the SRA for this role to recognise the demands and responsibilities that are involved.

- **The SRA for the Deputy Leader of the Principal Opposition Group**

The current Scheme provides for a Band 1B SRA of £8,482 for the Deputy Leader of the Principal Opposition Group (or for the Leader of the second Opposition Group). None of the comparator Boroughs appears to pay an SRA for this role. Of those members who completed the questionnaire: 7 indicated that this was too high, 19 indicated that this was fair and 3 advised that it was too low.

I am not proposing any change in the SRA for this role.

- **The SRA for the Chair of the Combined Pensions Committee & Board**

The current Scheme provides for a Band 1B SRA of £8,482 for the Chair of the Combined Pensions Committee and Board. Not every comparator Borough has a Pension Committee but of the 7 Boroughs that pay an SRA in connection with pension responsibilities only LB Barnet pays a higher SRA (£15,333) than Haringey with most paying significantly less. A majority (20) of those members who completed the questionnaire consider the payment to be '*fair*', 3 said it was '*too high*', and 5 said it was '*too low*'. There is a considerable workload for the postholder as well as significant financial responsibility and my conclusion is that the current SRA does not reflect this adequately.

I therefore propose an increased SRA for this post.

- **The SRA for the Chair of the Staffing & Remuneration Committee**

The current Scheme provides for a Band 1B SRA of £8,482 for the Chair of the Staffing and Remuneration Committee. None of the other comparator Boroughs pays an SRA for this role as they do not have a Staffing and Remuneration Committee or equivalent. Of those members who completed the questionnaire 3 said the payment was '*too high*', 21 said it was '*fair*' and 5 said it was '*too low*'.

I am not proposing any change in the SRA for this role.

- **The SRA for the Chair of the Standards Committee**

The current Scheme provides for a Band 1B SRA of £8,482 for the Chair of the Standards Committee. Of the Comparator Boroughs only Westminster (£3,060) has a stand- alone Standards Committee for which an SRA is paid. Of those members who completed the questionnaire 4 said the payment was '*too high*', 19 said it was '*fair*' and 6 said it was '*too low*'

I am not proposing any change in the SRA for this role.

- **The SRA for the Chair of the Corporate Committee**

The current Scheme provides for a Band 1B SRA of £8,482 for the Chair of the Corporate Committee. Nearly all of the comparator Boroughs has a Committee

with similar terms of reference but normally described as an Audit/Risk Management Committee. Enfield (£8,442) and Westminster (£8,160) pay similar SRAs to Haringey while Sutton (£9,700), Waltham Forest (£10,200) and Barnet (£15,333) pay more. Of those members who completed the questionnaire 4 Councillors said the payment was *'too high'*, 17 said it was *'fair'* and 8 said it was *'too low'*.

I am not proposing any change in the SRA for this role.

- **The SRA for the Vice Chair of the Regulatory Committee**

The current Scheme provides for a Band 1B SRA of £8,482 for the Vice Chair of the Regulatory Committee. Of the selected Labour majority Councils, only Haringey Council and Waltham Forest Council provide SRAs to the Regulatory Committee Vice-Chairs. Haringey Council pays almost double the SRA to the Regulatory Committee Vice-Chair in comparison to Waltham Forest Council (£4,590). Of those members who completed the questionnaire 10 said the payment was *'too high'*, 14 said *'fair'* and 4 said *'too low'*.

I am not proposing any change in the SRA for this role.

- **The SRA for the Chief Whip of the Principal Opposition**

The current Scheme provides for a Band 1B SRA of £8,482 for the Chief Whip of the Principal Opposition. Not all of the comparator London Boroughs pay an SRA to the Chief Whip of the Opposition, and Haringey pays the highest. Of those members who completed the questionnaire 7 said the payment was *'too high'*, 19 said *'fair'* and 1 said *'too low'*

I am not proposing any change in the SRA for this role.

- **The Mayoral Allowance**

The current Scheme provides for an allowance of £16,965 to the Mayor of the Borough. This is the third highest mayoral allowance paid by the comparator authorities and only Southwark (£24,547) and Enfield (£17,788) pay more. Of those members who completed the questionnaire 5 said the payment was *'too high'*, 21 said it was *'fair'* and 3 said it was *'too low'*.

I am not proposing any change in the allowance for this role

- **The Deputy Mayoral Allowance**

The current Scheme provides for an allowance of £4,328 for the Deputy Mayor. Again, this is the third highest mayoral allowance paid by the comparator authorities and only Southwark (£9,064) and Enfield (£5,876) pay more. Of those members who completed the questionnaire 3 said the payment was 'too high', 17 said it was 'fair' and 8 said it was 'too low'.

I am not proposing any change in the SRA for this role.

- **Other matters**

A number of members made comments about the current Scheme:

- *"In general, the allowances should be reflective of the amount of work expected. Some committee chairs have relatively small workload for a large remuneration. It would be better if the rates were set at least on a London wide basis"*
- *"The SRAs may be fair but those holding them need to do work commensurate with receiving an SRA. That means work between meetings and putting the time in. That is an issue"*
- *"The council should review the regulatory committee. The committee should be split into two, planning and licensing, with two chairs (chair of planning committee and chair of licensing committee). The vice chair position will therefore not require an SRA. This will reduce the volume of meetings the respective chairs attend. The SRA for the overview and scrutiny chair should be in line with the scrutiny chairs as they appear to have similar number of meetings & responsibilities"*
- *"When setting SRAs, consideration should be given as to whether a Councillor can reasonably do the role, and maintain a full-time job as well. Councillors giving up full-time, or moving to part-time work, lose seniority in their day jobs, and it costs them (and hence their families) financially in the medium and long term. Furthermore, since Council allowances do not merit any payment towards pensions, SRA payments should seek to recompense recipients for this as well"*
- *"SRA should reflect time and commitment and not just responsibility"*
- *"Cabinet member and Leader are, by virtue of the level of work, almost required to be full-time. For those without external incomes or who are of working age - this is a huge risk if the positions only guaranteed for one year. I think we should move to full-time cabinet members appointed for four years if we're requiring full-time work. If it was for less, they should on leaving their office be given a golden goodbye like they do in Southwark to tie them over till they get a new job"*
- *"We need to ensure adequate and fair allowances are paid do that we can ensure a diverse range of councillors"*

- *“There is no justification for rises for the vast majority of roles”*
- *“I believe that many of these roles require work outside the set meetings that are not recognised hence the SRA”*
- *“Should be able to justify allowances by reference to other similar local authorities or London wide recommendations”*
- *“Concerns are how these all are used for political patronage”*
- *“The Chair of the Adults and Health Scrutiny sits on several other committees including JHOSC so they have a very heavy meeting schedule which should be reflected in a larger SRA”*
- Claiming for child care, babysitting etc
- A number of members raised the possibility of ‘parachute payments’ being included in the Scheme as a way of compensating for the immediate loss of income for those who lose their seats at a local election or who no longer are awarded an SRA. Although this has been discussed in the past and was proposed by the Councillor Commission for introduction some years ago there is no provision for such payments in local government legislation.

7 Recommendations

7.1 The Standards Committee commissioned this review of the current Members Allowance Scheme with the following terms of reference:

- an independent Review of the Members Allowance Scheme to be undertaken between July 2019 and March 2020 for implementation in the 2020/21 municipal year
- the Review should include an analysis of roles and responsibilities with a 'benchmarking exercise' to ensure that the Borough is in line with comparator Boroughs in its provision of SRAs
- the key purpose of the Review was to ensure that members are appropriately remunerated and to address any inequalities and disparities in the allocation of SRAs. Differences had had been noted in the Leader's allowance in proportion to Cabinet Member allowances, the perceived higher number of Committee meetings chaired and attended by some members in comparison to other committees where an SRA was payable
- whether an annual percentage uplift of all Allowances to correlate with the equivalent annual cost of living award for local government staff should be introduced
- whether the Mayoral Allowances should remain as separate statutory provisions in the Members Allowance Scheme (under Section 3 and 5 of the Local Government Act 1972)
- the Review should have regard to the recommendations of the Independent Remuneration Panel. The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London Boroughs. The Regulations require a review of the scheme every four years as a minimum and the Panel published its most recent report in 2018
- the Review would operate under the principle that any changes proposed must be evidence based.

7.2 Based both on the research into the arrangements in comparator London Boroughs and on the results of the member questionnaire survey, the current London Borough of Haringey Member Allowance Scheme appears to be generally fit for purpose and an effective mechanism for remunerating those members of the Council who take on additional responsibilities through the allocation of Special Responsibility Allowances.

7.3 It is undeniable that there is a strong case that councillors generally and in Haringey in particular deserve better remuneration to reflect both the workload and responsibilities that many of them carry for relatively little reward. However, it is also accepted by most of those who participated in the Review that whilst the case may be strong there is insufficient justification for a major uplift of allowances across the board, not least at a time of continuing austerity and in a Borough which is ranked 24 out of 152 local authorities in England on overall deprivation and 25 out of 152 local authorities on income deprivation. It

is also a relevant fact that Haringey Council already spends more per councillor on member allowances than most of the neighbouring London Boroughs.

- 7.4 However, it is clear from the review that there are a number of inequalities and disparities in the allocation of SRAs in the Haringey Scheme that need to be addressed. My recommendations for increasing specific SRAs result from the findings of my review as set out in Section 6 of this report which summarises all the evidence that I have collected. The financial implication of my recommendations if they are all agreed is very modest amounting to less than an additional £21,500 per annum on the current provision of £1,106,000 per annum - an increase of less than 2% per annum.

Recommendation 1

- **The SRA for the Leader of the Council:**

It is generally accepted that the current SRA of £33,926 for the Leader of the Council is not adequate and should be increased. Based on the fact that this is a full-time and challenging role that inevitably represents the sole source of income for whoever takes on this role **my proposal is that the payment should either be at the level of £57,085 recommended in the 2018 Independent Panel Report, or should be aligned to the SRA paid to a neighbouring comparator London Borough with a similar demographic and political profile - for example, LB Waltham Forest pays its Leader an SRA of £51,000 - or it should be at a level that is appropriate, defensible and affordable of £45,000 per annum.**

Recommendation 2

- **Basic Allowance:**

I propose that the Basic Allowance payable in 2020/21 remains at £11,026 per annum, and that this payment is index linked to the local government staff pay award for 2020 when it is finalised later this year. The increase will be payable in the 2021/22 municipal year.

- **The SRA for Cabinet Members:**

Despite the significant workload and responsibilities of Cabinet members I **propose that the SRA for Cabinet members remains at Band 3B (£25,443)**

- **The SRA for the Leader of the Principal Opposition Group:**

This is a demanding role in a local authority like Haringey where the Leader of the Opposition is expected to constantly scrutinise and challenge the work of the Majority Group and also to propose alternative policies and financial strategies particularly during the budgetary process and **I propose that the SRA for the Leader of the Principal Opposition Group is increased from Band 2B (£16,965) to a new Band 2C (£19,500)**

- **The SRA for the Deputy Leader of the Principal Opposition Group:**

I propose that that the SRA for the Deputy Leader of the Principal Opposition Group remains at Band 1B (£8,482)

- **The SRA for the Chair of Overview and Scrutiny Committee:**

This is a demanding role and a number of members suggested that the SRA should be aligned with that of Cabinet members to reflect both the workload and the responsibility of the role. I agree with that view having reviewed the evidence about the workload and responsibilities of the post and **I propose that the SRA for the Chair of Overview and Scrutiny Committee is increased from Band 2B (£23,134) to Band 3B (£25,443)**

- **The SRA for the Vice Chair of the Overview and Scrutiny Committee**

To recognise the additional responsibility of acting as Vice Chair of the Committee as well as chairing one of the Scrutiny Panels **I propose that the SRA for the Vice Chair of Overview and Scrutiny Committee is increased from Band 2A (£15,421) to Band 2B (£16,965)**

- **The SRA for Chairs of Scrutiny Panels**

I propose that the SRA for the other Chairs of Scrutiny Panels remains at Band 2A (£15,421)

- **The SRA for the Chair of Regulatory Committee:**

I propose that the SRA for the Chair of Regulatory Committee remains at Band 2B (£16,965)

(Following the views expressed in interviews and in the questionnaire, if consideration is given in the coming municipal year for a review of the Regulatory Committee and it is reconstituted as separate Planning and Licensing Committees, the SRA for the Chair of the Planning Committee should be Band 2B (£16,965))

- **The SRA for the Vice Chair of Regulatory Committee:**

I propose that the SRA for the Vice Chair of Regulatory Committee remains at Band 1B (£8,482)

- **The SRA for the Chair of Licensing Committee**

(Following the views expressed in the interviews and the questionnaire, if consideration is given in the coming municipal year for a review of the Regulatory Committee and it is reconstituted as separate Planning and Licensing Committees, the SRA for the Chair of the Licensing Committee should be Band 1B (£8,482))

- **The SRA for the Chair of the Combined Pensions Committee and Board**

To recognise the considerable workload and the significant financial responsibilities involved in this role **I propose that the SRA for the Chair of the Combined Pensions Committee and Board is increased from a Band 1B (£8,482) to a new Band 1C (£12,500)**

- **The SRA for the Chair of Alexandra Park Committee:**

I propose that the SRA for the Chair of Alexandra Park Committee remains at Band 2B (£16,965)

- **The SRAs for the Chairs of Corporate, Standards, Staffing and Remuneration Committees**

I propose that the SRAs for the Chairs of these Committee remains at Band 1B (£8,482)

- **The Allowances for the Mayor and Deputy Mayor:**

I propose that the Mayoral Allowances should remain at their current levels as separate statutory provisions in the Members Allowance Scheme (under Section 3 and 5 of the Local Government Act 1972)

- **Index linking:**

I propose that the Basic Allowance, SRAs and Civic Allowances be increased annually by the same percentage applied to the pay of local government staff and that any increases become payable in each following municipal year.

- **Implementation:**

I propose that that the recommendations contained in this report (with any amendments) be implemented from the date of the Council meeting at which the revised Allowances Scheme is adopted

Richard Penn

**Senior LGA Associate
January 2020**

Appendix 1

The LB Haringey Members Allowance Scheme

1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

1.01 Made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and in force for the municipal year 2019/20 1 April 2019 to 31 March 2020).

2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of £11,026 by way of Basic Allowance.

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes suspended or partially suspended, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle also applies to education representatives on scrutiny bodies and employee and employer representatives on the Combined Pensions Committee and Board (co-optees).

3. INCLUDED EXPENSES

3.01 Travel Expenses

The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.

4. MAYORAL ALLOWANCES

4.01 The additional allowances for the Mayor and Deputy Mayor are:

(a) The Mayor is entitled to an additional allowance of £16,965.

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

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 For the period 1 April 2019 to 31 March 2020, Haringey Council will allocate Special Responsibility Allowances in six bands, to Councillors who take on certain additional roles, in accordance with Table A below. If a Councillor does not serve as such for the whole period or becomes suspended or partially suspended, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor and had the special responsibilities.

Table A

Band	Position	Special Allowance	Total Allowance (including Basic Allowance)
Band 4	• □ Leader	£33,926	£44,952
Band 3B	9 or fewer x Cabinet Members	£25,443	£36,469
Band 3A	• □ Chair of Overview and Scrutiny Committee	£23,134	£34,160
Band 2B	<ul style="list-style-type: none"> • □ □ Chief Whip • □ □ Chair of Regulatory Committee • □ □ Chair of Alexandra Palace and Park Board • □ □ Leader of the Principal Opposition 	£16,965	£27,991
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	£15,421	£26,447
Band 1B	<ul style="list-style-type: none"> • □ □ Chair of Combined Pensions Committee and Board • □ □ Chair of Staffing and Remuneration Committee • □ □ Chair of Standards Committee • □ □ Chair of Corporate Committee • □ □ Vice Chair of Regulatory Committee • □ □ Leader of the second Opposition Group or Deputy Leader of the Principal Opposition • □ Chief Whip of the Principal Opposition 	£8,482	£19,508

6. MULTIPLE RESPONSIBILITIES

6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post

of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

7. CO-OPTEE'S ALLOWANCES

7.01 Each education representative on scrutiny bodies, and each employee and employer representative on the Combined Pensions Committee and Board, is entitled to an allowance of £154 per meeting attended, to a maximum of £616. No allowances are payable to others who are not elected Councillors.

8. BABYSITTING AND DEPENDANTS ALLOWANCE

8.01 Councillors and non-elected members can claim this allowance based on the following:

(a) That reimbursement be made at the London Living Wage. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.

(b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

9. TRAVELLING AND SUBSISTENCE ALLOWANCE

9.01 Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following:

(a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.

(b) The mileage rate for travel by solo motor cycle is:

Not exceeding 150 cc 8.5 pence per mile

(c) 150 cc but not over 500 cc 12.3 pence per mile 500 cc 16.5 pence per mile

(d) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available

(e) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available.

The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00 - £2.67

For an absence of more than 4 hours including lunchtime between 12.00 and 14.00 - £4.92

For an absence of more than 4 hours including the period 15.00 to 18.00 - £6.77

For an absence of more than 4 hours ending after 19.00 - £8.38

10. CLAIMS AND PAYMENTS

10.01 Where a Councillor is also a Councillor of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.

10.02 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.

10.03 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.05 below.

10.04 All claims for Travelling and Subsistence Allowance and Babysitting and Dependants Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.05 below.

10.05 If any Allowance under paragraphs 10.03 or 10.04 is not claimed within the prescribed time limit, the Democratic Services Manager shall have a discretion to make the payment nonetheless.

10.06 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Democratic Services Manager.

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

11.01 Subject to this paragraph 11, all Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave, as long as they remain a Councillor. This includes Members becoming parents through surrogacy arrangements.

11.02 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek approval from full Council before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act. The Council (or Leader in case of Cabinet Members) may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA pro rata for the period of the temporary appointment.

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

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

Maternity Leave

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

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

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

Adoption Leave

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

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

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

(iii) in the case of an overseas adoption, the date of entry of the child into Great Britain

iv) Confirm the date which the Member has chosen his/her adoption leave to start.

Shared Parental Leave

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

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

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

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

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

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

- the names of the mother and of the father/spouse/civil partner/partner,
- the start and end dates of any period of maternity leave to be taken by the Member,
- the total amount of Shared Parental Leave available,
- the expected week of birth
- the date of birth (where the child is not yet born, this information must be provided as soon as reasonably practicable after the birth and, in any event,

before the first period of Shared Parental Leave to be taken by the Member)

- how much Shared Parental Leave the mother and the father/spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave. Including the start and end dates for each period of leave.

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

- the names of the adopter and of the spouse/civil partner/partner,
- the date that the adopter was notified of having been matched for adoption with the child
- the date that the child is expected to be placed for adoption
- the date of the placement (where the child has yet to be placed for adoption,

this information must be provided as soon as reasonably practicable after the placement and, in any event, before the first period of Shared Parental Leave to be taken by the Member)

- the start and end dates of any period of adoption leave to be taken by the adopter,
- the total amount of Shared Parental Leave available,
- how much Shared Parental Leave the adopter and the spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave.

Including the start and end dates for each period of leave.

Paternity Leave

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

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

- 11.15 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take paternity leave in writing no later than 4 weeks before they wish the period of paternity leave to start (childbirth) or no more than seven days after the date on which the adopter is notified of having been matched with the child or, where that is not reasonably practicable, as soon as is reasonably practicable; and:
- i) Confirm the expected week of childbirth; or the dates on which the adopter was notified that s/he had been matched with the child and on which the child is expected to be placed for adoption with the adopter (UK Adoption); or the dates on which the adopter received official notification and on which the child is expected to enter Great Britain (Overseas Adoption);
 - ii) or matching certificate/official notification;
 - iii) Confirm the length of the absence and the date on which the Member has chosen to begin his/her leave
- 11.16 If the Member wishes to change the start date of a period of leave, they should write to the Democratic Services and Scrutiny Manager no later than 4 weeks before either the original start date 'or' the new start date (whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.
- 11.17 If the Member wishes to change the end date of a period of leave they should write to the Democratic Services and Scrutiny Manager at least 4 weeks before either the original end date or the new end date (whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.
- 11.18 HR Services will provide confirmation that the information on revised dates has been received and that relevant re-instatement or adjustment of any SRA has taken place, with a copy to Democratic Services, within 10 working days.

Sickness Leave

- 11.19 A Member who is sick will continue to receive the basic allowance as long as they remain a Councillor. They will also continue to receive any SRA for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek approval from full Council, before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act.
- 11.20 If a Member decides not to return to office following either during or on their expiry of maternity, adoption, shared parental, paternity or sickness leave, the Chief Executive must be notified. HR Services must then be informed within two working days of receiving notification. Allowances will cease from the resignation date.

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

Appendix 2

Members’ Allowance Scheme Questionnaire

An independent external review of the Members Allowance Scheme has been commissioned by the Standards Committee focussed on Special Responsibility Allowances (SRAs). The views of all Council members will be very important in informing the review, so please take a few minutes to complete this short questionnaire.

For more information about the Council’s current Members’ Allowances Scheme, please see [Haringey Council Members' Allowances Scheme](#)

Please return the completed questionnaire to Ajda Ovat, Principal Committee Co-ordinator) (by hard copy or via the SNAP surveys web link by no later than [14 Nov 2019]

Full name: *(optional)*

Q1 Please tick your (if any) and/or your membership:

Councillor

relevant responsibility Committee(s)

A. Leadership

Leader of the Council Leader of the Principal Opposition
 Deputy Leader Deputy Leader of the Principal Opposition

B. Cabinet Member:
If so, what portfolio?:

.....

C. Committee/Boards:

- i. Planning: Chair Vice-Chair Member
- ii. Licensing: Chair Vice-Chair Member
- iii. Regulatory: Chair Vice-Chair Member
- iv. Pensions: Chair Vice-Chair Member
- v. Corporate: Chair Vice-Chair Member
- vi. Staffing and Remuneration: Chair Vice-Chair Member
- vii. Standards: Chair Vice-Chair Member
- viii. Health and Wellbeing Board: Chair Member
- ix. Alexandra Palace and Park Board: Chair Vice-Chair Member
- x. Alexandra Park and Palace Advisory Committee: Chair Vice-Chair Member
- xi. Alexandra Park and Palace Consultative Committee: Chair Vice-Chair Member

xii. Corporate Parenting Advisory Committee: Chair Member

D. Scrutiny:

- i. Overview & Scrutiny: Chair Vice-Chair Member
- ii. Adults & Health: Chair Vice-Chair Member
- iii. Children and Young People: Chair Vice-Chair Member
- iv. Environment and Community Safety: Chair Vice-Chair Member
- v. N Central London Joint Health Overview and Scrutiny: Chair Vice-Chair Member
- vi. Housing and Regeneration: Chair Vice-Chair Member

E. Partnership Body:

- i. Community Safety Partnership: Member

F. Chief Whip:

Chief Whip of Majority Party Chief Whip of Principal Opposition Party

G. Mayoral:

Mayor Deputy-Mayor

Q2 Please indicate how many hours on average you spend each week on the following activities:

A. Ward and political duties as a Councillor

- Less than 1 hour
- Between 1 and 3 hours
- Between 4 and 6 hours
- Between 6 and 8 hours
- 8 hours or more

B. Decision-making duties as a Councillor (including Cabinet, Committee, Chairing)

- Less than 1 hour
- Between 1 and 3 hours
- Between 4 and 6 hours
- Between 6 and 8 hours
- 8 hours or more
- N/A

C. External duties (including Partnership bodies, Community group and external meetings)

- Less than 1 hour
- Between 1 and 3 hours
- Between 4 and 6 hours
- Between 6 and 8 hours
- 8 hours or more
- N/A

Q3 Special Responsibility Allowance (SRAs):

The current Members Allowances Scheme provides for Special Responsibility Allowances (SRAs) to be paid to those Councillors who take on certain additional roles. These payments are additional to the Basic Allowance and are designed to reflect the additional responsibilities involved for each post holder in six Bands.

If a Councillor does not serve as such for the whole period or becomes suspended or partially suspended, he/she will only be entitled to receive pro-rata additional payment for the period(s) during which he/she actually was a serving Councillor and had any special responsibility.

Please indicate whether you consider that the different SRAs are appropriate or not in each case:

	'Too High'	'Fair'	'Too Low'
Leader (Band 4 - £33,926)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cabinet Members (Band 3B - £25,443)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chair of Overview and Scrutiny Committee (Band 3A - £23,134)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chief Whip (Band 2B - £16,965)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chair of Regulatory Committee (Band 2B - £16,965)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chair of Alexandra Palace and Park Board (Band 2B - £16,965)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Leader of the Principal Opposition (Band 2B - £16,965)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4 x Councillors serving on Overview and Scrutiny Committee (Band 2A - £15,421)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chair of Combined Pensions Committee and Board (Band 1B - £8,482)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chair of Staffing and Remuneration Committee (Band 1B - £8,482)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chair of Standards Committee (Band 1B - £8,482)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chair of Corporate Committee (Band 1B - £8,482)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vice Chair of Regulatory Committee (Band 1B - £8,482)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Leader of the second Opposition Group or Deputy Leader of the Principal Opposition (Band 1B - £8,482)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chief Whip of the Principal Opposition (Band 1B - £8,482)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mayor (£16,965)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deputy Mayor (£4,238)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4 Do you consider that there are any posts or responsibilities held by any Councillor which are not recognised in the current Scheme, i.e. any that you consider should attract an SRA?

- Yes
No

If yes, please specify which other posts/responsibilities you consider should attract an SRA

.....
...

Q5 Do you consider that there are any posts or responsibilities held by any Councillor which presently attracts an SRA but which you consider should no longer do so?

- Yes
- No

If yes, please specify which other posts/responsibilities you consider should no longer attract an SRA

.....
...

Q6 Other comments

Please set out below details of any other aspects of the Members' Allowances Scheme which you would like to bring to our attention and/or any specific issues you want to raise:

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Thank you for completing this survey. All the responses will be combined, and no responses will be attributable to any individual Member.

Appendix 3

Members' Allowance Scheme questionnaire summary of key results

Q6 - Indicate how many hours on average you spend each week on ward and political duties:

19 councillors worked 8 hours or more

5 councillors worked between 4 and 6 hours

4 councillors worked between 6 and 8 hours per week

Q6A - Additional information duties/responsibilities for consideration in relation to Q6 from councillors include the following comments:

Answering emails, reading papers/attending meetings

Ward Member role - attending local meetings including local groups and residents associations, walkabouts

Ward Organiser/ political group meetings

Leafleting

Surgeries

Comments:

"I work for 3.5 days and use 1.5 days for councillor duties. When I held a Chair position I worked fewer hours to accommodate the extra time required"

"This varies on a weekly basis. Some weeks I can spend 10 - 15 hours a week on councillor duties; this excludes reading committee/council papers. On quieter weeks I spend on average 4-8 hours a week on councillor duties again excluding reading committee papers"

Q6B - Time spent on decision making duties as a councillor including Cabinet, Committee and Charing:

12 councillors spend 8 hours or more per week

7 councillors spend between 1 and 3 hours per week

7 councillors spent between 4 and 6 hours per week

3 councillors spent between 6 and 8 hours per week.

Q6C - time spent on external duties including partnership bodies, community group and external meetings:

5 councillors spent more than 8 hours per week,

9 councillors spent between 1 and 3 hours

9 councillors spent between 4 and 6 hours

3 councillors spent between 6 and 8 hours

And 1 councillor spent less than 1 hour per week

Q7 - Of the councillors who replied to this survey:

16 hold or have previously held a political group executive position.

11 councillors have not previously held a political group executive position and

2 councillors did not reply

Q8 - Please indicate if you agree that there should be increases to the Basic Allowance according to:

a) Inflation. 18 councillors agreed, 7 councillors did not agree

b) Council Staff pay increases. 16 councillors agreed, 5 councillors did not agree

c) Set rate of 1% pa. 4 councillors agreed, 7 councillors did not agree

Q8D - Other reasons to consider an increase or if you feel there should not be any increase, comments include:

“Set rate of 1% that is the maximum I suggest. We need to recognise the financial pressures so I am not convinced any rise is in order”

“Whilst the community suffers at the hands of austerity, I do not believe we should award ourselves pay rises”

“I think any increase would cause political damage and would in any case represent a negligible cash sum which anybody seeking public office should be able to forgo. Basic Allowance does not reflect the workload and responsibilities”

“I would like to see a fairer distribution of allowances, reducing the SRA but allowing for an increase in line with Council staff for the Basic Allowance”

“The work we do is much more involved and time-consuming - people have more pressing needs - austerity has caused more people to have more problems”

“The Basic Allowance should increase on an annual basis by the rate of inflation or in line with council staff increase”

“Amount of time answering e-mails, attending community groups invitations, case work, meetings”

Q9 - Please indicate whether you consider that the different SRAs are appropriate or not in each case:

Leader: 1 Councillor said *‘too high’*, 11 said *‘fair’* and 16 said *‘too low’*

Cabinet Members: 4 Councillors said *‘too high’*, 17 said *‘fair’* and 6 said *‘too low’*

Chair of Overview and Scrutiny: 9 Councillors said *‘too high’*, 18 said *‘fair’* and 2 said *‘too low’*

Chief Whip: 10 Councillors said *‘too high’*, 16 said *‘fair’* and 3 said *‘too low’*

Chair of Regulatory Committee: 5 Councillors said *‘too high’*, 17 said *‘fair’* and 4 said *‘too low’*

Chair of Alexandra Palace and Park Board: 13 Councillors said *‘too high’*, 14 said *‘fair’* and 2 said *‘too low’*

Leader of the Opposition Group: 5 Councillors said *‘too high’*, 20 said *‘fair’* and 5 said *‘too low’*

4 Councillors serving on Overview and Scrutiny: 11 Councillors said *‘too high’*, 15 said *‘fair’* and 3 said *‘too low’*

Chair of Pensions Committee and Board: 3 Councillors said *‘too high’*, 20 said *‘fair’* and 5 said *‘too low’*

Chair of Staffing and Remuneration Committee: 3 Councillors said *‘too high’*, 21 said *‘fair’* and 5 said *‘too low’*

Chair of Standards Committee: 4 Councillors said *‘too high’*, 19 said *‘fair’* and 6 said *‘too low’*

Chair of Corporate Committee: 4 Councillors said *‘too high’*, 17 said *‘fair’* and 8 said *‘too low’*

VC of Regulatory Committee: 10 Councillors said *‘too high’*, 14 said *‘fair’* and 4 said *‘too low’*

Chief Whip of the Opposition Group: 7 Councillors said *‘too high’*, 19 said *‘fair’* and 1 said *‘too low’*

Mayor: 5 Councillors said *‘too high’*, 21 said *‘fair’* and 3 said *‘too low’*

Deputy Mayor: 3 Councillors said *‘too high’*, 17 said *‘fair’* and 8 said *‘too low’*

Deputy Leader of the Principal Opposition and Leader of the second Opposition Group :7 councillors said 'too high', 19 said 'fair' and 3 said 'too low'.

Q10 - other appointments that councillors thought were not recognised in the current scheme that should attract an SRA:

- 2 councillors said Chair of Group
- Assistant Cabinet Members for Women's and Equalities. Suggested SRA £8000
- Chair of Budget Scrutiny
- Deputy Cabinet Member
- Reinstate Chair of Licensing

Q11 - appointments which presently attracts a SRA that should no longer exist:

- Deputy Mayor
- Vice Chair Regulatory Committee - mentioned by 3 councillors
- Chair Alexandra Palace
- Meeting with the elderly community?

Comment: *"I would like a thorough overhaul of all SRA's following collection of evidence"*

Comment: *"Opposition SRA's reduced in 2018 - don't believe this should have been voted on in Standards Committee as opposition is out voted by Labour Councillors"*

Other Comments:

- *"In general, the allowances should be reflective of the amount of work expected. Some committee chairs have relatively small workload for a large remuneration. It would be better if the rates were set at least on a London wide basis"*
- *"The SRAs may be fair but those holding them need to do work commensurate with receiving an SRA. That means work between meetings and putting the time in. That is an issue"*
- *"The council should review the regulatory committee. The committee should be split into two, planning and licensing, with two chairs (chair of planning committee and chair of licensing committee). The vice chair position will therefore not require an SRA. This will reduce the volume*

of meetings the respective chairs attend. The SRA for the overview and scrutiny chair should be in line with the scrutiny chairs as they appear to have similar number of meetings & responsibilities”

- *“When setting SRAs, consideration should be given as to whether a Councillor can reasonably do the role, and maintain a full-time job as well. Councillors giving up full-time, or moving to part-time work, lose seniority in their day jobs, and it costs them (and hence their families) financially in the medium and long term. Furthermore, since Council allowances do not merit any payment towards pensions, SRA payments should seek to recompense recipients for this as well”*
- *“SRA should reflect time and commitment and not just responsibility”*
- *“Cabinet member and Leader are, by virtue of the level of work, almost required to be full-time. For those without external incomes or who are of working age - this is a huge risk if the positions only guaranteed for one year. I think we should move to full-time cabinet members appointed for four years if we're requiring full-time work. If it was for less, they should on leaving their office be given a golden goodbye like they do in Southwark to tie them over till they get a new job”*
- *“We need to ensure adequate and fair allowances are paid do that we can ensure a diverse range of councillors”*
- *“There is no justification for rises for the vast majority of roles”*
- *“I believe that many of these roles require work outside the set meetings that are not recognised hence the SRA”*
- *“Should be able to justify allowances by reference to other similar local authorities or London wide recommendations”*
- *“Concerns are how these all are used for political patronage”*
- *“The Chair of the Adults and Health Scrutiny sits on several other committees including JHOSC so they have a very heavy meeting schedule which should be reflected in a larger SRA”*

Appendix 4

‘On behalf of the community – a job profile for councillors’

Purposes:

1. To participate constructively in the good governance of the area
2. To contribute actively to the formation and scrutiny of the authority’s policies, budget, strategies and service delivery
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents’ enquiries and representations
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

Key Tasks:

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (for example, setting budgets, overall priorities, strategy)
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee’s (or panel’s) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority’s policies and practices in relation to that body and of the community’s needs and aspirations in respect of that body’s role and functions
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations
6. To represent the authority to the community, and the community to the authority, through the various forums available

7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/ duties, and constraints, and to develop good working relationships with relevant officers of the authority
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity
9. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area
10. To participate in the activities of any political group of which the councillor is a member
11. To undertake necessary training and development programmes as agreed by the authority
12. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

Appendix 5

Article 7 - The Leader and the Cabinet

7.01 The Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader may exercise any “executive” functions of the local authority even if delegated elsewhere in this Constitution except those functions which by law must be discharged by an officer. Unless the context indicates otherwise, where there is a reference in this Constitution to a decision which may be taken by the Cabinet meeting, by a Cabinet Committee or subordinate body or by an individual Cabinet member, that decision may be taken by the Leader personally, or the Leader may choose to allocate that decision to an individual Cabinet member or to a Committee of the Cabinet.

7.02 The Leader will hold office until:

1. (a) He/she resigns from the office; or
2. (b) He/she is disqualified from being a councillor by order of a court;
3. (c) He/she is no longer a councillor; or
4. (d) He/she is removed from office by resolution of the Council under Article 7.06; or
5. (e) The Annual Meeting following the Council Elections after his/her election as Leader.

7.03 The Cabinet

The Cabinet will carry out all of the local authority's “executive” functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally or allocate them to an individual Cabinet member or a Committee of the Cabinet.

7.04 Form and Composition

The Cabinet will consist of the Cabinet Leader together with between 2 and 9 other councillors (“Cabinet Members”) appointed to the Cabinet by the Leader but may not include the Mayor or Deputy Mayor.

7.05 Other Cabinet members

- (i) The Leader will determine the number of Cabinet members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet member must hold the specific statutory portfolio responsibility for Children’s Services and a separate portfolio responsibility for Adult Services.

(iii) One Cabinet member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.

(iv) Individual Cabinet members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.

(v) Cabinet members shall hold office until one of the events (a) to (e) below:

(a) They resign from office; or

(b) They are disqualified from being councillors by order of a court;

(c) They are no longer councillors; or

(d) They are removed from office, either individually or collectively, by the Leader; or

(e) The Annual Meeting following the Council Elections after their appointment.

7.06 Votes of No Confidence

The Leader shall cease to hold office if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of the full Council by a majority of the members of the whole Council then present. The responsibilities of the Leader shall then be carried out by the Deputy Leader until such time as the election of a replacement Leader, or the re-election of the previous Leader, by full Council. The election of the new Leader may take place at the meeting when the vote of no confidence was carried or at a subsequent meeting.

7.07 Default Provisions

(i) In the event that Leader is unable to act or the office of Leader is vacant and, at the same time, the Deputy Leader is unable to act or the office of Deputy Leader is vacant, then the other Cabinet members shall act collectively in place of the Leader until such time as a new Leader is elected by the full Council.

(ii) In the event that no Cabinet members are able to act or remain in office then all functions of the Leader and Cabinet members shall be exercised by the Chief Executive acting so far as is practicable in consultation with the remaining Cabinet members or the Mayor, if no Cabinet members remain in office (or Deputy Mayor if the Mayor is unable to act), until such time as a new Leader is elected by the full Council.

7.08 Proceedings of the Cabinet

Proceedings of the Cabinet, Cabinet Committees and decisions by individual Cabinet members shall take place in accordance with the Cabinet Procedure Rules set out in Part 4.

7.09 Responsibility for Functions

- (i) The Leader may discharge all the Council's "executive" functions or may arrange for the discharge of any of those functions by:
 - (a) The Cabinet;
 - (b) A Cabinet member;
 - (c) A Committee of the Cabinet; or
 - (d) An officer

- (ii) The Leader will maintain a list in this Constitution or the appendices to it setting out which individual Cabinet members, Committees of the Cabinet or officers are responsible for the exercise of particular Cabinet functions.

Appendix 6

Haringey Council's Cabinet Members and their portfolios of responsibilities

The Cabinet is the group of Councillors who take most of the decisions about what the Council does. It is made up of a Leader and nine other Councillors. Each Cabinet Member looks after an individual area of responsibility or portfolio. They make decisions on how the Council's policies and services are delivered.

The workload of the Council's Cabinet is intense and multifaceted with increased responsibilities over the last 15 years for Public health, community safety, commissioning, and co-ordinator of public services. This has been coupled with decreasing budget, significant cuts in funding, a severe housing shortage, an increase in demand for Adults and Children's services. With increased pressure for Councils to deliver services and outcomes with a much smaller budget; the engagement with statutory partners and key stakeholders in the borough to ensure that the available resources and opportunities are co-ordinated are maximised has become significant part of the cabinet member role. This often means working closely with health partners in social care to pool funds and with partners to increase housing provision in the borough. The additional meetings attended by the leader and cabinet members below demonstrate the above points

Officer meetings on Alexandra Palace – 1 hour per month

Neighbouring North London Leader's - monthly meeting 2 hours.

Meetings with representatives of key religious groups in the borough - 1 hour per month

MP's meetings

The meetings attended by the Leader and Cabinet Members below demonstrate the above points:

London Councils – Leader's committee - 3 hour meeting once a month

Deputy Mayor of London meetings – 1 hour meetings per month

Central London Forward - 2.5 hours meeting per month

Quarterly Local Government Association meetings

Haringey Business Alliance - bi-monthly meetings

Required meetings with external partners for regeneration monthly meetings

Voluntary Sector and Charities /community organisations meeting - monthly meetings

MOPAC quarterly meetings

Working group member meetings on health

Working group meeting on Finance –weekly

North London Waste Association – monthly meetings more than 2 hours

Borough Commander - monthly meeting

Weekly meetings on Youth and Risk

Housing and regeneration delivery meetings – 6 weekly

Separate additional Leader's advice surgery

Adhoc meetings with organisations / community groups in the borough

With less money and resources and more partnership working, comes more accountability to the electorate. Community engagement and establishing good community relations becomes a more paramount part of the Cabinet and Councillor role. This means ensuring that key decisions taken by the Cabinet are well researched and consulted with communities and stakeholders. This will also mean Councillors taking an active role in the compilation of reports and meeting with officers to ensure that the reports accord with the Corporate Plan and manifesto commitments. The Cabinet has 10 scheduled meetings per year.

The Cabinet Member and Councillor leadership and decision-making role in the community has become more recognised over the last few years with the development in social media and a 24 hour communications culture. There is now an expectation for Councillors to immediately communicate their decisions and the reasons for them. There are regular communication and policy development sessions to also be attended to ensure that clear information is provided to the community on policies and agreed key decisions. Therefore, although a Council meeting can be completed in 3 hours, the role of the Councillor as a communicator in the community continues with regular tweeting of Council decisions expected in today's 24 hour culture.

Below is a summary of the portfolio (areas of responsibility) of each Cabinet Member who are expected to spend 1 full day in the office and a further 7 hours across the week in the Council offices :

Cabinet Member for Children and Families

- Adoption and Fostering
- Early Years and Childcare
- Looked After Children and Care Leavers
- Safeguarding Children
- Schools and Education
- Services For Children with Disabilities and Additional Needs
- 16-19 Education

Duties/responsibilities

- Deputy Leader
 - Cabinet (Vice-Chair)
 - Chair of Corporate Parenting Advisory Committee - this meets 4 times a year and reports to cabinet
 - Member of: Community Safety Partnership which meets 4 times in a municipal year, Haringey Schools Forum - meets 4 times in a municipal year and voting member of Health and Wellbeing Board which meets 4 time in the municipal year.
 - Member of the Council employee Joint Board as the portfolio area includes a high number of staff than other portfolio holders.
 - Attending 10 Cabinet meetings
 - Attending Scrutiny meetings on a quarterly basis for cabinet member questions
- London Government Association General Assembly
London Councils, Leaders Committee (Deputy)

Cabinet Member for Adults and Health

- Adult Social Care
- Chair - Health and Wellbeing Board
- Connected Communities
- Health and Social Care Integration
- Mental Health and Wellbeing
- Public Health
- Refugee and Migrant Support
- Safeguarding Adults
- Services For Adults with Disabilities and Additional Needs
- Violence Against Women and Girls (VAWG) Prevention
- Women's Equalities

Duties/responsibilities

- Cabinet Member for Adults and Health
- Chair of Health & Wellbeing Board
- Co – chair of Joint Health and wellbeing Board with Islington Council – meets once a year.
- Appointments to outside bodies: -Finsbury Park Trust (Deputy)
- Member of the Council employee Joint Board as the portfolio area includes a high number of staff than other portfolio holders.
- Attending Scrutiny meetings on a quarterly basis for cabinet member questions
- Attending 10 Cabinet meetings
- Attending Scrutiny meetings on a quarterly basis for cabinet member questions

Cabinet Member for Communities and Equalities

- Chair - Community Safety Partnership – meets 4 times per year and has an executive sub group also meeting 4 times per year.
- Community Buildings
- Community Safety and Community Cohesion
- Equalities - including Black History Month
- Prevent Programme
- Police Engagement
- Tackling Anti-Social behavior
- Voluntary and Community Sector
- Youth Justice
- Youth Services

Duties/responsibilities

- Appointments to outside bodies:

London Councils, Grants Committee

Cabinet Member for Finance and Regeneration

- Accommodation Strategy
- Budget and MTFS
- Capital Strategy
- Commercial Partnerships
- Council Finances
- Council Tax Reform Agenda
- Property - including Commercial Portfolio
- Tottenham Regeneration
- Wood Green Regeneration
- Attending 10 Cabinet meetings
- Outside bodies
- CAB finance sub group meetings
- Regeneration sub group meetings
- Attending Scrutiny meetings on a quarterly basis for cabinet member questions
- NLWA member attending finance sub group meetings - 6 times per year

Cabinet Member for Housing and Estate Renewal

- Building Regulations
- Estate Renewal and Resident Engagement
- Health and Safety Issues Related to Housing Stock - including implementation of the Hackitt Review

- High Road West and Love Lane redevelopment
- Homelessness and Rough Sleeping
- Housing Investment Programme
- Housing Strategy and Development
- Landlord Licensing and Enforcement
- Partnerships with Homes for Haringey and Social Landlords
- Private Rented Sector Engagement
- Attending 10 Cabinet meetings
- Outside bodies
- Regeneration sub group meetings
- Weekly meetings with Housing officers
- Attending Scrutiny meetings on a quarterly basis for cabinet member questions

Cabinet Member for Civic and Corporate services

- Council HR and Staff Wellbeing
- Culture (including Bruce Castle)
- Emergency Planning
- Fairness Commission
- Information Management
- IT and Digital
- Libraries
- Leisure
- Licensing, Regulatory Services and Enforcement
- Attending 10 Cabinet meetings
- Outside bodies
- Weekly meetings with IT, Libraries and officers
- Attending Scrutiny meetings on a 6 monthly basis for cabinet member questions

Cabinet Member for Neighbourhoods

- Customer Services
- Customer Transformation Programme
- Fly-tipping and Civic Pride
- Highways
- North London Waste Authority Board Member
- Parking and Parking Transformation
- Recycling, Waste Management and Street Cleaning
- Attending 10 Cabinet meetings
- Outside bodies
- Weekly meetings with IT, Libraries and officers
- Attending Scrutiny meetings on a quarterly basis for cabinet member questions
- Voting NLWA partnership member 4 meetings per year

Cabinet Member for Climate Change and Sustainability

- Air Quality
- Biodiversity and Trees
- Carbon Management and Zero 50
- Liveable Neighbourhoods
- London Plan and NPPF Consultation
- Parks and Open Spaces
- Planning Enforcement
- Planning Policy and Delivery
- Renewable Energy
- S106 / CIL policy
- Sustainability
- Strategic Transport
- Attending 10 Cabinet meetings
- Outside bodies
- Weekly meetings with IT, Libraries and officers
- Attending Scrutiny meetings on a Quarterly basis for cabinet member questions

Cabinet Member for local investment and Economic Growth

- Adult Learning, Training and Skills
- Business Engagement
- Community Wealth Building
- Growth and Inward Investment
- Procurement
- SME Business Development
- Tackling Unemployment and Worklessness
- Town Centre Management
- Attending 10 Cabinet meetings
- Outside bodies
- Weekly meetings with officers
- Attending scrutiny on a 6 monthly basis for Cabinet Questions
- Voting member of S&R committee and attends 4 meetings per municipal year

Appendix 7

The roles and responsibilities of SRA holders other than members of the Cabinet:

Chair of Alexandra Palace and Park Board

To fulfil the functions, powers and duties of the Council as Trustee of Alexandra Palace and Park under the Alexandra Park and Palace Acts and Order 1900 to 1985. This responsibility is taken forward by the Alexandra Park and Palace Board, in an important transformation period for the Palace which serves both the local and regional population. This includes being responsible for maintenance of the Palace and Park, acting as the employing body for the Trust, and developing and monitoring the implementation of policies.

The functions include:

- (a) The duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes.
- (b) Acting as the employing body for employees engaged in the working of the Trust at Alexandra Palace, and to be responsible for the setting of staffing policies, conditions of service and terms of employment of those employees.
- (c) In relation to the Trust, being responsible for developing and monitoring the implementation of effective policies and practices to achieve equality of opportunity both for employment and service delivery.

Committee meetings take place 5 times a year:

- Agenda setting/report clearance 5 times a year
- Charing Board meetings 5 times a year
- Chair/Vice-Chair of the Alexandra Palace trading company meetings – APTL and FRRAC [5 meetings of APTL and 5 meetings of FRACC] -10 meetings
- Regular update meetings with the CE of Alexandra Palace
- Keeping up to date with financial information on Alexandra Palace and Park Board to carry out chair duties.
- Attending the statutory Advisory Committee meetings of the Alexandra Park and palace board. This is a meeting of the residents and stakeholders involved with Alexandra Park and Palace and a Consultative Forum for the Board. This takes place 4 times a year. This is a voluntary role and not statutorily required.

The Chair of the Regulatory Committee

The Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, Town Planning and

other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

Membership

The Regulatory Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

Protocol

There is a Protocol setting out how the Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

(1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:

(a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;

(b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;

(c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;

(d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;

(e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;

(f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

(2) In its capacity as the non-statutory Committee exercising other non- executive functions the Committee has the following functions:

(a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub- Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;

(b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;

(c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;

(d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;

(e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

- Chairing of Regulatory Committee - 4 times a year
- Significant detailed work on the local plan review to be taken forward in 2020

The Chair of the Regulatory Committee also chairs the Planning Sub Committee and the Licensing Sub Committee established under the Regulatory Committee.

Planning Sub-Committee

The Committee is responsible for taking decisions on town planning functions. This includes erection of buildings with over 10 dwellings, planning applications for erection of buildings over 1000 square metres, extensions of non-residential buildings of over 1000 square metres.

Meetings take place on a monthly basis apart from August, so 11 meetings annually.

- Up to 12 site visits per year (3 hours each)
- 3 training events / learning visits (3 hours each)
- Up to 10 officers briefings on strategic sites (2 hours each)
- Up to 10 delegated decisions meetings/telecoms with Head of DM (1 hour each)

Licensing Sub Committee A

- Considers premises, personal and club certificate applications relating to Licensing Act 2003.
- Consider premises license applications under the Gambling Act 2005

There are 2 licensing meetings scheduled per month and although, at the moment, there is usually one meeting per month. There can be a spate of meetings should applications come forward and licensing Committee Chairs need to be available at short notice to attend and chair these meetings.

Licensing Sub Committees meet on a monthly basis. The Vice Chair of Regulatory Committee will chair a Licensing Committee B or a special licensing meeting. So far this year there have been 6 scheduled meetings but only 3 have taken place chaired by the Vice Chair.

Chair of Staffing and Remuneration Committee

The Staffing & Remuneration Committee has the following functions and responsibilities:

(a) To exercise the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 paragraphs H and I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations as follows:

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

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

(b) To make recommendations to Council on the appointment and dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and

Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

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

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

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

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

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

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

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

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

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

Membership

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

Functions include appointing Chief and Deputy Chief Officers, agreeing the terms and conditions of employment and policies and procedures and schemes relating to employment and Human Resources, approving remuneration levels for the Head of Paid Service and Chief and Deputy Chief Officers, approving procedures for the appointment and dismissal of staff.

- Chairing 4 meetings per year and average of 4 additional special meetings used to appoint Chief and Deputy Chief Officers
- Shortlisting applications for senior officer appointments
- Participating in the interview panel for senior officer appointments
- Although there have not been any over the last few years, the Chair of this Committee would be responsible for taking forward disciplinary action against senior officers.
- In addition there are 4 agenda clearing meetings per municipal year to review the reports planned for the Committee meetings.
- Report to full Council on the Pay Policy statement
- Co -Chairing CEJCB - Trade Unions and Council joint meeting - 4 times a year

Chair of Corporate Committee

This Committee has responsibilities that include Elections, Health and Safety, Audit, Risk Management and Treasury Management.

- For the current year, there are 5 meetings of Corporate Committee and as part of the report clearing process for these meetings there have been 5 agenda setting meetings and 5 report clearing meeting

In addition to this, there were 4 additional meetings where the Chair has met with officers to go through particular issues, such as the issue around discounted disposal of buildings/land and the final statement of accounts.

There are three reports that go to Full Council every year – the Treasury Management Strategy Statement in February and the Treasury Management Outturn report.

The Corporate Committee has: -

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

(b) the following Schedule 1 functions:

- (i) Paragraph C - Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.

(ii) Paragraph D – Elections; all functions relating to Elections except the approval of pilot schemes for local elections which is reserved to full Council.

(iii) Paragraph I – Miscellaneous; all functions except those retained by full Council in Article 4 or reserved to the Staffing and Remuneration Committee.

The Committee's functions include:

(A) all functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Sub-Committee;

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

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

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

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

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

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

(i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;

(ii) the determination of an appeal against any decision made by or on behalf of the authority;

(iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers).

(d) the Committee has the following Audit functions:

(i) providing assurance about the adequacy of the Council's Risk Management Framework and Policy and monitoring the effectiveness of systems for the management of risk across the Council and compliance with them;

(ii) Maintaining an overview of the Council's Local Code of Corporate Governance;

(iii) Monitoring the effectiveness of Council policies on "Whistleblowing" and Anti-Fraud and Corruption;

iv) Considering and recommending for adoption the Council's Annual Governance Statement;

(v) Approving the Annual Internal Audit Plan and the Strategic Audit Plan and arrangements for the provision of internal audit services to the Council and considering reports on internal audit activity;

(vi) Receiving the Annual Audit Plan and the Annual Audit Letter from the external auditor and making recommendations on the latter. Considering arrangements for the appointment of the external auditor;

(vii) Commissioning work from the internal and external auditors and receiving reports from the Head of Audit & Risk Management on any matter; and

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

(ix) The Head of Audit's Annual Report

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

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

Chair of Standards Committee

This Committee has responsibilities that include promoting and maintaining high standards of conduct (by Councillors, co-opted members and representatives of religious organisations and parent governor representatives), granting dispensations to members from the requirements of the Members' Code of Conduct, advising on the Council's

ethical framework and governance arrangements, considering amendments to the Constitution and assessing, hearing and determining allegations of breaches of the Code of Conduct.

- There are 4 meetings per municipal year
- There are 4 agenda clearing meetings per municipal year
- There can be additional Standards Sub Assessment Committees called to consider complaints and there have been 3 complaints considered so far in this municipal year and 2 in the last municipal year.
- There have been additional informal meetings to consider changes to the Constitution.
- The Chair will be involved with the interviews for the Independent members of the Standards Committee who are due to be appointed by May 2020.

The Standards Committee will have the following roles and functions:

(a) Promoting and maintaining high standards of conduct by councillors, co-opted members and representatives of religious organisations and parent governor representatives;

(b) Assisting the Leader, councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;

(c) Advising the Council on the adoption or revision of the Members' Code of Conduct;

(d) Monitoring the operation of the Members Code of Conduct;

(e) Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;

(f) Granting dispensations to the Mayor, councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

(g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;

(h) Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by councillors and co-opted members.

(i) Responding to national reviews and consultations on standards related issues;

(j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;

(k) Advising the Council on the appointment of independent persons and taking steps to select them;

- (l) Considering amendments to the Constitution and recommending proposals to full Council for approval.

Chair of Combined Pensions Committee and Board

The Public Sector Pensions Act 2013 included a requirement that Pension Boards be established to assist pension administering authorities with the effective and efficient management of the Pension Scheme. The Regulations approved in relation to the local government pension scheme (regulation 106(2) of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015) allow for pension committees and boards to be separate or combined. A combined committee and board has to be individually approved by the Secretary of State. Haringey applied for authority for a combined board and committee in 2015 and this was approved by the Secretary of State by letter, dated 6th January 2016.

In July 2016, the full Council approved the establishment of a combined Pensions Committee and Board. This was following consideration of the benefits of a combined committee and board to offer wider involvement and expertise of co-opted members.

This Committee has various functions to do with managing and monitoring the Council's pension fund and approving all relevant policies and statements. The Board element incorporates the scrutiny element of the Committee's responsibilities. This is a significant financial role undertaken by the chair who is responsible for leading the Committee and board, which contains both elected councillors and 4 voting co-opted members. They are responsible for exercising all the Council's functions as "Administering Authority" and being responsible for the management and monitoring of the Council's Pension Fund and the approval of all relevant policies and statements.

Every member of the Committee and Board must be conversant with

- The rules of the LGPS
- Any document recording policy about the administration of the LGPS which is for the time being adopted by the LB Haringey Pension Fund
- 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
- 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

There are 5 meetings per municipal year of this Committee.

There are 5 agenda clearing meetings held with Officers.

- There is a significant training requirement for the Chair, they will attend numerous training/conferences. The Chair is Haringey's representative on the London CIV, which holds formal shareholder meetings twice per annum, in addition to other less formal meetings, of which there are several per year. The Chair is also the representative of the fund for the Local Authority Pensions Fund Forum (LAPFF), and they often attend LAPFF meetings/events too.
- Besides the formal Committee meetings the Chair will often hold informal pensions meetings in between Committees, e.g. if we are doing a procurement exercise, or working on a change to the investment strategy.
- The Chair also spends time networking with his counterparts as Chairs of Pensions Committees at other London Boroughs which is obviously less formal but important to mention as building relationships with other boroughs is key now that the government has mandated pooling of investments.

The Committee Procedure Rules and Access to Information Rules apply to this Committee and Board except where this would be inconsistent with either these Terms of Reference or the legislation relating to the Committee and Board.

1. Responsibilities

The Pensions Committee and Board has the following functions and responsibilities:

(a) all the functions which are stated not to be the responsibility of The Executive in Regulation 2 and Schedule 1 paragraph H of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations relating to those matters concerning the Local Government Pension Scheme.

(b) Exercising all the Council's functions as "Administering Authority" and being responsible for the management and monitoring of the Council's Pension Fund and the approval of all relevant policies and statements. This includes:

(i) Selection, appointment and performance monitoring of investment managers, AVC scheme providers, custodians and other specialist external advisers;

(ii) Formulation of investment, socially responsible investment and governance policies and maintaining a statement of investment principles and funding strategy statement;

(iii) Determining the allocation of investments between each asset class;

- (iv) Reviewing specialist external advisers performance;
- (v) Publicising statements and policy documents as required by legislation, government directives and best practice.
- (c) Monitoring and as appropriate to decide upon Pensions Administration issues.
- (d) Monitoring the Pension Fund Budget including Fund expenditure and actuarial valuations; and to receive the Pension Fund Budget annually.
- (e) Agreeing the admission of bodies into the Council's Pension scheme.
- (f) Receiving actuarial valuations.
- (g) Ensuring that members of the Committee and Board receive appropriate training to undertake their responsibilities.
- (h) Approving the Annual Accounts of the Local Government Pension Scheme and consider recommendations from the Auditor.
- (i) To secure, and to assist in securing compliance with:
 - i) the Regulations,
 - ii) and any other legislation relating to the governance and administration of the Scheme and any connected scheme,
 - iii) any requirements imposed by the Pensions Regulator in relation to the Scheme and any connected scheme, and
- (j) To ensure, and to assist in securing the effective and efficient governance and administration of the Scheme and any connected scheme.

For the avoidance of doubt, none of the functions set out above entail the committee in regulating or controlling the finances of the Council or its area.

2. Membership

2.1 The Committee and Board shall consist of 10 members and be constituted as follows:

Councillors

- (a) Six Councillors appointed by the administering authority

Employer Representatives (co-optees)

- (b) Two representatives from scheduled and admitted employers,

Employee Representatives (co-optees)

(c) Two scheme membership representatives, one being appointed by local trade unions and the other selected from scheme member nominations.

2.2 The Chair and vice chair of the Committee and Board will be Council representatives. The Chair will be appointed by full Council, and the vice chair will be appointed by the Joint Committee and Board.

2.3 The Chair will ensure that meetings are properly conducted, decision making is clear and professional advice is followed. The Chair will monitor the performance and attendance of Committee and Board members and if appropriate make recommendation to terminate appointments in accordance with Section 3 below.

2.4 All members of the Committee and Board will have equal voting rights. The Chair will have a casting vote.

2.5 The Committee and Board may nominate advisers to support them. These nominees are not Committee and Board members and do not have voting rights.

Appointment and removal of Committee and Board Members

a) Council members:

The administering authority will appoint and replace as it sees fit, the six councillor members of the Committee.

b) Employer representatives:

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.

Employer representatives will serve for a period of four years and will be eligible to be re-appointed in accordance with the above processes, subject to compliance with the conditions of appointment.

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.

c) Employee representatives:

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.

3.6. 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 to the Council will select the representatives to be appointed.

3.7 Employee representatives will serve for a period of four years and will be eligible to be re-appointed in accordance with the above processes, subject to compliance with the conditions of appointment.

3.8 Employee 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 appointment process will commence for the remainder of the term.

All appointed members:

3.9 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.

3.10 Each Committee and Board member should endeavour to attend all meetings during the year.

3.11 Other than by ceasing to be eligible as set out above, a Committee and Board member may only be removed from office during a term of appointment by full Council on a recommendation from the panel.

4. Quorum, voting and substitutes

4.1 The Committee and Board shall have a formal quorum of five comprising at least three Council and two employer or employee representatives. Advisers and other nominees do not count towards the quorum. All decisions will be taken by majority of votes, with the Chair having a casting vote when the votes are initially tied unless stated otherwise in these terms, although it is expected that the Committee and Board will, as far as possible, reach a consensus.

4.2 No substitutes shall be permitted for employer and employee representatives.

5. Meetings

5.1 The Committee and Board shall meet sufficiently regularly to discharge its duties and responsibilities. There will be at least four meetings a year, with additional meetings if the Committee and Board so agrees.

5.2 Notice of all meetings will be provided to Committee and Board members at least 30 days in advance, unless agreed otherwise by Committee and Board members.

5.3 The agenda for each meeting will be agreed by the Chair and all papers will be circulated to members in accordance with the Access to Information Procedure Rules.

5.4 A formal record of Committee and Board proceedings will be maintained.

Following the approval of the minutes by the Chair, they shall be circulated to all members and published in accordance with the Access to Information Procedure Rules.

The Committee and Board has the power to set up working groups on whatever terms that it determines and will prepare terms of reference for these entities.

Standards of Conduct and Conflicts of Interest

All members of the Committee and Board, councillors and others, are expected to act at all times within these terms of reference and will be required to comply with both the Members' Code of Conduct and the provisions of the Localism Act relating to Standards. In accordance with section 108 of the Regulations, Committee and Board members must not have a financial or other interest that could prejudice them in carrying out their duties. This does not include a financial or other interest arising merely by virtue of membership of the LGPS.

Each Committee and Board member must provide the Council with such information as is reasonably required for the purpose of complying with the Members' Code of Conduct and demonstrating that there is no conflict of interest.

Budget and Business Plan

The Committee and Board will prepare a Business Plan and Budget each year.

Committee and Board Review Process

The Committee and Board will undertake each year a formal review process to assess how well it and the members are performing with a view to seeking continuous improvement in performance.

Advisers to the Committee and Board

The Committee and Board may be supported in its role and responsibilities through the appointment of advisers, and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers on such terms as it shall see fit to help better perform its duties. Advisers may include:

- i) Officers from the Council's Finance, Human Resources, Legal and other teams as needed;
- ii) An independent Advisor;

- iii) The Fund's Actuary;
- iv) The Fund's Investment Managers and Custodian;
- v) The Fund's Investment Consultant; and
- vi) Any other appointed advisers.

9.2 Any remuneration to advisors appointed by the Committee and Board must be in accordance with the Budget.

9.3 The Committee and Board shall ensure that the performances of the advisors are reviewed on a regular basis.

10. Knowledge and Skills

10.1 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.

10.2 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.

10.3 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.

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

11. Expense Reimbursement

11.1 Remuneration for Employee and Employer Representatives who are not councillors will be limited to a refund of actual expenses incurred in attending meetings and training. Remuneration for councillors will be via the Members Allowances Scheme.

11.2 The expenses of the Committee and Board are a part of the costs of administering the Pension Fund.

12. Publication of Committee and Board Information

12.1 The Council will publish up to date information on the Council's website including:

- The names and information of the Committee and Board members.

- The Committee and Board's terms of reference.
- Papers, agendas and minutes of meetings.

Chair of Overview & Scrutiny Committee

This Committee reviews or scrutinises decisions made and actions taken in connection with the discharge of any of the Executive's or Council's functions. It also makes reports and recommendations to Full Council, the Cabinet or relevant non-Cabinet Committees in connection with the discharge of any functions. Additionally, it exercises the right to call-in any decisions made but not yet implemented by the Cabinet.

There are 5 meetings per municipal year of this Committee and there has been an additional meeting to consider some budget savings proposals as well as 2 'Call In' meetings to scrutinise 2 key decisions which have been called in. Therefore, 8 meetings in total. There have also been an additional 8 evidence gathering meetings for the reviews on Wards Corner, Fire Safety and Business Support.

Work outside Overview and Scrutiny Committee meetings for the Chair includes:

- Compiling the scrutiny work plan and liaising with councillors, stakeholders and community representatives on the topics of review.
- Leading on a scrutiny survey which informs the Scrutiny Work Plan
- Instigating a review of the Scrutiny function to improve working and collaboration with scrutiny within the Council
- Agenda clearing meetings – 5 meetings per municipal year
- Weekly meetings with the lead Scrutiny Officer to discuss work plan, progress on scrutiny function review and call in
- Evidence gathering sessions for the main Committee which undertook a review on Fire Safety in tower blocks and continued the work of the Scrutiny Sub panel on wards corner a community sensitive review of a long running regeneration project - 8 additional meetings
- Annual report about scrutiny to full Council
- Attending and voting member of the 5 meetings of the Joint Health Overview and Scrutiny body including the north London Boroughs of Islington, Barnet, and Hackney.
- Annual scrutiny training sessions on performance data, functions of the Scrutiny and Treasury Management and budget
- Considering information in the Forward Plan on urgent decisions and general exception notices
- Being consulted on any in year changes to the budget and policy framework

The Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;

- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the area or its inhabitants;
- (e) exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Cabinet;
- (f) receive the reports and recommendations of its Scrutiny Review Panels;
- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service and all NHS funded services within the Authority's area and to make reports and recommendations thereon to local NHS and NHS funded bodies;
- (h) enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
- (i) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;
- (j) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities;
- (k) make arrangements which enable any councillor who is not a Committee member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure; and
- (l) make arrangements which enable any councillor who is not a Committee member to refer to the Committee any local government matter which is relevant to the functions of the Committee under the Councillor Call for Action procedure.
- (m) there is a Protocol outside this Constitution setting out how the Overview and Scrutiny Committee is to operate. The Protocol shall be applied in a manner consistent with the Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.
- (n) appoint two representatives to the standing Joint Health Overview and Scrutiny Committee for North Central London. (Since this appointment is for only two members to the Joint Committee, the "political proportionality" rules in the Local Government and Housing Act 1989 do not apply.)

The Health and Wellbeing Board

Health and Wellbeing Board functions

The Health and Wellbeing Board will have the following functions:

(a) To carry out the Board's statutory duties as set out in the Health and Social Care Act 2012, in particular:

(i) for the purpose of advancing the health and wellbeing of the people in its area, to encourage persons who arrange for the provision of any health or social care

(e) To promote prevention and early help. services in its area to work in an integrated manner;

(ii) to provide advice, assistance or other support as it thinks appropriate for the purpose of encouraging arrangements under section 75 of the NHS Act 2006. These are arrangements under which, for example, NHS Bodies and local authorities agree to exercise specified functions of each other or pool funds;

(iii) to encourage persons who arrange for the provision of any health-related services in its area to work to closely with the Health and Wellbeing Board;

(iv) to encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together;

(v) to discharge the functions of CCGs and local authorities in preparing joint strategic needs assessments (JSNA) and joint Health Wellbeing Strategy (HWB strategy);

(vi) to inform the local authority of its views on whether the authority is discharging its duty to have regard to the JSNA and joint HWS in discharging its functions;

(vii) to discharge any other function as the Council may from time to time choose to delegate to the Board;

(viii) to collaborate across borough boundaries and with other London HWBs in respect of its responsibilities and to secure better health outcomes, quality of services, use of resources and value for money for the local population;

(ix) to arrange for any of its functions to be exercised by the joint sub-committee of the Haringey and Islington HWBs;

(x) to enter into joint arrangements including formal joint sub- committees with other London HWBs and delegate any of its functions to those joint sub committees.

Health and Wellbeing Board operating principles

The Health and Wellbeing Board will have the following operating principles:

- (a) To provide collective leadership and enable shared decision-making, ownership and accountability;
- (b) To achieve democratic legitimacy and accountability, and empower local people to take part in decision-making in an open and transparent way;
- (c) To ensure the delivery of the Health and Wellbeing Strategy;
- (d) To reduce health inequalities;

8.3 Health and Wellbeing Board roles and responsibilities

The Health and Wellbeing Board will have the following roles and responsibilities:

1. (a) The Board will set a strategic framework for the authority's statutory duties and have a key role in promoting and coordinating joint commissioning and integrated provision between the NHS, social care and related children's and public health services in Haringey;
2. (b) The Board has a duty to develop, update and publish the JSNA and related needs assessments, and the HWB Strategy;
3. (c) The Board has a duty to develop, update and publish the local pharmaceutical needs assessment as set out in section 128A of the NHS (d) The Board will advise on effective evidence based strategic commissioning and decommissioning intentions for children and adults based on the JSNA's robust analysis of their needs. It will ensure that commissioning plans are in place to address local need and priorities, in line with the HWB Strategy, and will deliver an integrated approach to the planning and delivery of services;
4. (e) The Board expects, and seeks assurance from, partners that the views of children, adults and their carers about the services they receive are taken into account in the commissioning, decommissioning and delivery of those services;
5. (f) The Board expects, and seeks assurance from, partners that the views of patients and the public have a voice through Healthwatch in the commissioning, decommissioning and delivery of those services;
6. (g) The Board will collaborate with and involve local stakeholders to secure better health outcomes, quality of services, a more focussed use of resources and value for money for the local population;
7. (h) The Board will promote the strengthening of working relationships between professionals and organisations which support people in Haringey, ensuring effective sharing and use of information and best practice; including collaborating with the CCG in the development of its plan;
8. (i) The Board will lead commissioning for particular services with pooled budgets and joint commissioning arrangements where commissioning plans are delegated to them;

9. (j) The Board will oversee the delivery of the authority's strategic outcomes for local health and wellbeing targets, holding those responsible to account;
- 10.(k) The Board will work with the local health scrutiny process and the local Healthwatch to improve outcomes for communities and people who use services.

8.4 Membership of the Board

Meetings of the Board will be chaired by a member of the local authority:

- Local authority councillor(s), who will be (as nominated by the Leader of the Council):

- (i) The Leader of the Council
- (ii) The Cabinet Member for Children and Families
- (iii) The Cabinet Member for Adults and Health

- Chair, Clinical Commissioning Group (Vice Chair of HWB)
- Chair of Healthwatch
- Director of Adults and Health
- Director of Children's Services
- Director of Public Health
- Chief Officer, Clinical Commissioning Group
- Lay Board Member, Clinical Commissioning Group
- GP Board Member, Clinical Commissioning Group
- Bridge Renewal Trust representative
- Representative for the NHSCB (as required)
- Chair - Haringey Local Safeguarding Children Board (when appropriate)
- Chair - Haringey Safeguarding Adult Board (when appropriate)

The local authority may appoint others to the Board as it deems appropriate, following consultation with the Board. The Board may itself also appoint such additional members to the Board as it deems appropriate.

The Board may invite additional officers to attend on an ex-officio basis, who will not be voting members of the Board, to advise and guide on specific issues when appropriate. Attendance by non-members is at the invitation of the Chair.

8.5 Public Meetings

(a) A minimum of four formal public decision-making business meetings a year will be held. The Board will have the ability to call special meetings as and when required.

(b) A meeting of the Board will be considered quorate when at least three voting members are in attendance, including one local authority elected representative and one of either the Chair, Clinical Commissioning Group or the Chair, Healthwatch (or their substitutes).

(c) The Chair of the meeting will have a casting vote.

(d) All voting members of the Board, (to include any substitutes), will be required to comply both with the Members' Code of Conduct and the provisions of the Localism Act 2011 relating to Standards. In particular, voting members will be required to complete a register of interests which must be kept up to date. Voting members must also declare any disclosable pecuniary interest or prejudicial interest in any matter being considered and must not take part in any discussion or decision with respect to these items.

(e) Board members will agree protocols for the conduct of members and meetings.

(f) The Board will determine its sub groups/committees.

(g) Only the following members of the Board will have voting rights:

- Local authority councillor(s), who will be (as nominated by the Leader of the Council):

- (i) The Leader of the Council

- (ii) The Cabinet Member for Children and Families

- (iii) The Cabinet Member for Adults and Health

- Chair, Clinical Commissioning Group (Vice Chair of HWB)

- Chair, Healthwatch

- Lay Member Haringey Clinical Commissioning Group

(h) Any additional persons appointed to the Board either by the local authority or the Board will be appointed on a non-voting basis.

(i) The full Council may at any time make a direction to alter the voting right of Board members, following consultation with the Board.

8.6 Committee procedures

(a) The Board will be accountable to full Council in its capacity as a committee of the local authority. The Board will be subject to health scrutiny as set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

(b) The Access to Information Procedure Rules in Part 4 of this Constitution apply to the Board. The Committee Procedure Rules in Part 4 apply to the Board except where this would be inconsistent with either these Terms of Reference or the legislation governing this board.

8.7 Facilitating the work of the Health and Wellbeing Board

(a) Workshop meetings will be held to cement links with partners including the Community Safety Partnership, the Children's Trust, and regeneration partners, to facilitate co-ordination and focus on priority issues relevant to all parties.

(b) In addition to formal board meetings, the Board will hold informal, non- decision making seminars as and when required with attendees specifically invited by the Board. These seminars will be held in private in order to ensure the ongoing organisational development of the Board and to provide a forum in which complex and sensitive issues can be fully aired and discussed to manage potential blockages to effective delivery of the strategy.

8.8 Representatives and substitutes

(a) Representatives will provide a link with their own organisation, reporting back and instigating partner action, being responsible for disseminating decisions and actions within their own organisation, ensuring compliance with any actions required and reporting back progress.

(b) Partner bodies are responsible for ensuring that they are represented at an appropriate level (either equivalent to the core member they are representing and no more than one tier below).

(c) If a representative is absent for three consecutive meetings the organisation/sector will be asked to re-appoint/confirm its commitment to the Board.

(d) Substitutes for voting members will not be permitted with the exception the Chair of the CCG and the Chair of Healthwatch. In their absence, the Deputy Chair of the CCG and the Deputy Chair of Healthwatch may attend in their place. All substitutes must be declared in name at the beginning of each municipal year.

Chair of Scrutiny Panel

There are 4 Scrutiny Panels which are sub committees of the main Overview and Scrutiny Committee. They are as follows:

- Adults and Health
- Housing and Regeneration
- Children and Young People
- Environment and Community Safety

Overview and Scrutiny Committee member - attending 5 Committee meetings plus 'call in' meetings and other special meetings that will be called.

Report for: Standards Committee – 2 March 2021

Title: Proposed Amendments to the Constitution (Part Five, Section A – Protocol for Complaints Against Members)

Report authorised by: John Jones, Interim Monitoring Officer

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

Ward(s) affected: Not applicable

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

1. Describe the issue under consideration

- 1.1 The Council constitution governs the organisation of Council decision making. It is kept under review and, when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to Full Council, in accordance with Article 14.03 (Changes to the Constitution).
- 1.2 This report seeks 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. To provide assurance, it was agreed that the Monitoring Officer could provide an annual report on complaints, including details of the number of complaints that were dismissed at an earlier stage.
- 1.3 In response to the comments of the Standards Committee, additional wording has been added in tracked changes to section 5.3 of Part Five, Section A of the constitution (Protocol for Complaints Against Members) for consideration and agreement; this is included as Appendix 1 to the report.
- 1.4 If this proposal is agreed by the Standards Committee, it will be recommended for approval at the Full Council meeting on 18 March 2021.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Standards Committee is asked:

- 3.1 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.
- 3.2 To recommend that this change to the constitution is adopted by Full Council at its meeting on 18 March 2021.

4. Reasons for decision

To respond to Committee comments and ensure that the Council constitution includes all the necessary information.

5. Alternative options considered.

To not agree the changes to the Council constitution and/ or defer consideration. This option is not recommended as it would be contrary to the request made by the Committee.

6. Background information

- 6.1 The Standards Assessment Sub-Committee, in its recent meetings, had considered that there were a number of minor complaints reaching the Sub-Committee and sought understanding on whether the Monitoring Officer could use their discretion to deal with minor complaints at an earlier stage. They noted that the constitution did allow the Monitoring Officer to dismiss complaints in various circumstances, including where the allegation did not demonstrate a breach of the Member Code of Conduct, if the person was no longer a councillor or co-opted member, there was insufficient evidence, the same or a similar allegation had been investigated and determined, an informal resolution was facilitated, or the complaint was considered to be vexatious. This criterion is set out at section 5.3 of Part Five, Section A Protocol for Complaints Against Members. It was explained that the Committee could recommend certain additions to the Monitoring Officer's remit; this would involve an amendment of the constitution which would need to be agreed by Full Council.
- 6.2 The Committee noted that, for all other circumstances, only the Assessment Sub-Committee could decide whether the allegation was dismissed. It was explained that the constitution set out, at section 5.6 of Part Five, Section A (Protocol for Complaints Against Members), the circumstances where a complaint might be dismissed, including where it was not considered sufficiently serious to warrant investigation, it appeared to be motivated by malice, it appeared to be politically motivated, or the allegation took place more than three months prior to the complaint unless there were exceptional circumstances.
- 6.3 The Committee agreed that it would be appropriate to consider additional circumstances where the Monitoring Officer could dismiss a complaint at an earlier stage. It was noted that it would not be appropriate for the Monitoring Officer to consider whether a complaint was politically motivated but that there

were other situations, such as where an allegation took place more than three months prior to the complaint, which was currently in section 5.6 but could be included in the Monitoring Officer's remit at section 5.3. It was considered that this would be more efficient in terms of time and resources and it was noted that the Monitoring Officer could provide an annual report on complaints, including details of the number of complaints that were dismissed at an earlier stage. This would further assist the Committee in reaching an understanding if there was a theme or pattern to these complaints that would warrant further update of the criteria at section 5.3. This has been added into the constitution to ensure that this consideration is not overlooked.

- 6.4 There was consideration given to neighbouring borough complaint protocols, and these had broadly similar criteria for the Monitoring Officer's initial consideration of complaints. There was one borough which had additional criteria mainly focused on the complaint being already subject to an existing legal process. Another Council had criteria including considering whether there was potential for evidence which supports the complaint to be obtained, and whether the conduct is something which it is practically possible to investigate.
- 6.5 Committee Members are asked to note that the name of the Monitoring Officer is included instead of the role, to ensure that there is not a delay in complaint emails being considered in a separate email inbox.
- 6.6 Members are asked to comment on the report and to agree any changes and recommendations.

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)

Finance and Procurement

- 8.1 There are no financial implications arising from this report.

Legal

- 8.2 The proposed changes to the Council constitution were taken forward with Legal Service assistance.

Equality

- 8.3 There are no equality matters in this report.

9. Use of Appendices

Appendix 1: Section 5.3 of Part Five, Section A of the constitution (Protocol for Complaints Against Members).

10. Local Government (Access to Information) Act 1985

The Council constitution can be found at: <http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>.

PART 5, SECTION A
 PROTOCOL – COMPLAINTS AGAINST MEMBERS

Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.

Standards Committee

A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.

Assessment Sub-Committee

A Sub-Committee of Standards Committee established to decide, whether allegations against members are worthy of being investigated.

Hearing Sub-Committee

A Sub-Committee of Standards Committee established to conduct hearings into allegations against members and to determine such allegations following a hearing.

2. The Members' Code of Conduct

2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person. Additional wording as follows A person may not be appointed (i) if they are currently a Member or co-opted Member or employee of the Council, or they are a relative or close friend of such a person and or, (ii) they have been a Member, co-opted Member or employee of the Council in the five years prior to appointment,

3.2 The Council appoints two Independent Persons. The persons appointed shall have responded to a public advertisement for the vacancies and submitted an application for the posts. The appointment of the successful applicants shall be approved by a majority of the members of the Council.

3.3 The views of an Independent Person shall be sought and taken into account by:

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

- (i) the Monitoring Officer when deciding whether to undertake a formal investigation on an allegation.
- (ii) the Hearing Sub-Committee before it makes its decision on an allegation it has been asked to investigate.

3.4 The views of an Independent Person may be sought:

- (i) by the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
- (ii) by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct should be made in writing, wherever possible, using the Complaint Form on the Council's website to:

[Bernie Ryan](#)
Monitoring Officer
Haringey Council
7th Floor
Alexandra House
10 Station Road
London
N22 7TR

Tel: 0208 489 3974

or email:

bernie.ryan@haringey.gov.uk john.jones@haringey.gov.uk

4.2 The Monitoring Officer plays a key role in promoting and maintaining ethical standards and standards investigations. The role is broad and is particularly varied. Paragraph 12 below sets out the procedure in place to address any conflicts of interest when undertaking a standards investigation, including the Deputy Monitoring Officer or a Monitoring Officer from another Council to oversee and undertake the investigation as set out in these arrangements.

4.3 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.

- 4.4 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.5 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 4.6 The Monitoring officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in his opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

5. Assessment of an allegation

- 5.1 The Monitoring Officer will review every allegation received and will consult an Independent Person before taking a decision as to whether or not it merits reference to the Assessment Sub-Committee of the Standards Committee.
- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.
- 5.3 The Monitoring Officer will use a number of criteria for assessing complaints, and will consult with an Independent Person and if necessary the appropriate party group whips and party leaders. The decision whether to investigate a complaint will be a proportionate response to the issues raised and likely outcomes. The Monitoring Officer may determine that an allegation does not merit any further action, where:
 - (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or
 - (b) It is about someone who is no longer a member or a co-opted member of the Council, or

PART 5, SECTION A
 PROTOCOL – COMPLAINTS AGAINST MEMBERS

- (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or
- (d) The same or a similar allegation has been investigated and determined, or
- (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
- (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or
- (g) the complainant is considered to be frivolous or vexatious, or

-(h) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation;

5.4 If the complaint is dealt with under 5.3 above, the Monitoring Officer will promptly notify the complainant and the member of the outcome, giving reasons for the decision. The Monitoring Officer will also provide an annual report to the Standards Committee on complaints dealt with under 5.3 above, to help provide a view to expanding the powers available to the Monitoring Officer as appropriate. Except as provided for in Paragraph 5.3 above, the Monitoring Officer shall refer all allegations to the Assessment Sub-Committee for consideration.

5.5 The Assessment Sub-Committee shall determine whether the allegation:

- (a) merits no further investigation and is dismissed, or
- (b) merits further investigation.

5.6 The Assessment Sub-Committee will take into account the view of the Independent Person as provided to the Monitoring Officer under 5.1 and/or 5.3 above. It may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 5.3 above and to the following additional criteria:

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

- (a) The allegation is not considered sufficiently serious to warrant investigation, or
- (b) The allegation appears to be motivated by malice or is ‘tit-for-tat’, or
- (c) The allegation appears to be politically motivated, ~~or~~
- ~~(d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.~~

5.7 Where the Assessment Sub-Committee considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation.

5.8 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially,

6. The Investigation

6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.

6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

6.3 The Monitoring Officer/Investigating Officer will normally write to the member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person’s name and address from the papers given to the member. Where disclosure of details of the allegation to the member might prejudice the investigation, the Monitoring

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

Officer/Investigating Officer may delay notifying the member until the investigation has progressed sufficiently.

- 6.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Hearing Sub-Committee where appropriate. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Hearing Sub-Committee and an Independent Person.
7. **Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.**
- 7.1 In these circumstances the Monitoring Officer will refer the matter to the Standards Committee. When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:
- (a) accept the recommendation resolve that no further action is required and dismiss the allegation, or
 - (b) remit the report to the Monitoring Officer for further consideration, or

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

- (b) remit the complaint to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.
- 7.2 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of an Independent Person.
- 8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.
 - 8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult an Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.
 - 8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

9. The Pre Hearing Process and Hearing

- 9.1 In advance of the Hearing the Monitoring Officer (and/or his nominees) will:
 - (a) agree a date for the hearing with all the relevant parties;
 - (b) provide a timetable for the member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;
 - (c) establish whether the member will be represented or accompanied at the hearing;
 - (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

- (e) provide information about the procedure to be used at the hearing;
 - (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
 - (g) establish whether the Investigating Officer intends to call any witnesses.
- 9.2 Wherever possible hearings conducted by the Hearing Sub-Committee shall take place within three calendar months of the referral to the Hearing Sub-Committee.
- 9.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.
- 9.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.5 If a member fails to attend the hearing, the Hearing Sub-Committee may decide to proceed in the member's absence and make a determination, or to adjourn the hearing to a later date
- 9.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.7 The Hearing Sub-Committee, having sought and taken into account the views of an Independent Person may conclude:
- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of an Independent

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

Person. It will then decide what action, if any, to take in respect of the matter.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee may:

- (a) Publish its findings in respect of the member's conduct;
- (b) Report its findings to Council for information;
- (c) Issue the member with a formal censure or be reprimanded, a report of which may be submitted to Council
- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to arrange training for the member;
- (g) Recommend to Council or Cabinet (as appropriate) that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet
- (h) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (i) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.
- (j) Take no further action

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

- (k) Any other appropriate sanction which may be available to the Sub-Committee.
- 10.2 The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.
- 10.3 At the end of the hearing, the Chair shall state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any action which the Sub-Committee has resolved to take.
- 10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Sub-Committee.
- 10.5 The decision notice shall include a brief statement of facts, the provision of the Code of Conduct engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.
- 10.6 As soon as reasonably practicable, the decision will be communicated as follows:
 - (a) a copy of the decision notice will be sent to the person making the allegation and to the member concerned.
 - (b) the decision notice will be made available for public inspection at the Council's offices and on the Council's website.
 - (c) the decision will be reported to the next convenient meeting of the Council.

11. Appeals

- 11.1 There is no right of appeal for either the person making the allegation or for the member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee
- 11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

12. Conflicts of Interest

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

- 12.1 No member or officer of the Council will participate at any stage of this protocol if he or she has a conflict of interest in the matter.
- 12.2 Any member or officer with a potential conflict of interest must disclose it to the Monitoring Officer/Investigating Officer as soon as reasonably practicable.
- 12.3 The Monitoring Officer/Investigating Officer shall consider the appropriate steps to be taken in the event of a potential conflict of interest and may consult an Independent Person. Where appropriate, the deputy monitoring officer or a monitoring officer from a different authority may undertake the investigation.

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Hearing Sub-Committee and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Sub-Committee may question the Member and any witnesses.
9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.
11. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon the allegation. Prior to reaching a determination the

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

Sub-Committee shall seek and take into account the views of an Independent Person.

12. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision in the following terms:-

- (a) The Sub-Committee has determined that the Member has failed to comply with the Code of Conduct, or
- (b) The Sub-Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Sub-Committee will give reasons for its decision.

13. If the Sub-Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.

14. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of an Independent Person.

15. In addition to any action upon the current matter, the Sub-Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.

16. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision

17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.