

# **MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON MONDAY, 2ND NOVEMBER, 2020, 7.00 - 8.00 PM**

**PRESENT:** Councillor Felicia Opoku (Chair), Councillor James Chiriyankandath, Councillor Makbule Gunes, Councillor Julia Ogiehor, and Councillor Elin Weston

## **1. FILMING AT MEETINGS**

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

## **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **3. URGENT BUSINESS**

There was no urgent business.

## **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **5. MINUTES AND MATTERS ARISING**

The Chair noted that, in the final paragraph of item 128 (Final Recommendations for the Members' Allowance Scheme 2020/21), the minutes should state that the increase would be payable in the 2020/21 municipal year, rather than the 2021/22 municipal year.

### **RESOLVED**

That, subject to the above amendment, the minutes of the Standards Committee meeting held on 2 March 2020 and the minutes of the Standards Assessment Sub-Committee meeting held on 21 May 2020 be confirmed and signed as a correct record.

## **6. APPOINTMENT OF THE STANDARDS ASSESSMENT AND HEARING SUB-COMMITTEES**

The Democratic Services and Scrutiny Manager introduced the report which proposed to appoint the membership of the Standards Assessment Sub-Committee and the Standards Hearing Sub-Committee.

## **RESOLVED**

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

### **7. PRELIMINARY PAPER 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**

The Democratic Services and Scrutiny Manager introduced the report which responded to comments that the Regulatory Committee should be formally reconstituted as two separate committees, a Planning Committee and Licensing Committee, which was originally suggested in the review of members' allowances for the municipal year 2020/21. It was also noted that information relating to the planning and licensing arrangements for other London boroughs was set out in Appendix 1.

It was noted that many councils tended to have separate Licensing and Planning Committees. It was explained that the Licensing Committee was a statutory requirement and that two Licensing Sub-Committees would be required to consider ordinary licensing applications. It was noted that, as there would be two Licensing Sub-Committees, there may be a need to provide two Special Responsibility Allowances to the Chairs. In relation to the Planning Committee, it was noted that issues of planning policy were currently considered by the Regulatory Committee before being considered by Cabinet and Council. It was explained that planning policy could be added to the Planning Committee's terms of reference or could be considered directly by Cabinet and Council. It was explained that the Chair of the Regulatory Committee had been consulted and considered that it was beneficial for policy issues to be considered initially by the Regulatory Committee.

The Democratic Services and Scrutiny Manager explained that the report recommended that the existing arrangements were maintained in the short term. It was added that this issue could be kept under review and that any proposals could be discussed with the Regulatory Committee in the meantime. This proposal had been recommended because there were limited staff resources available at present to facilitate further investigation and constitutional changes due to the additional work generated by the Covid-19 pandemic.

Members noted that there had been five special licensing meetings, four meetings of Licensing Sub-Committee B, and no meetings of Licensing Sub-Committee A in the last year; it was enquired why two Licensing Sub-Committees would be required if the planning and licensing functions were separated and it was noted that other London Boroughs did not appear to have this arrangement. The Democratic Services and Scrutiny Manager explained that, when there was a separate licensing function previously, there were two Licensing Sub-Committees. In addition, given the current uncertainty and the potential for additional licensing reviews if businesses were failing to adhere to restrictions relating to the Covid-19 pandemic, it was considered useful to

have an additional Licensing Sub-Committee. It was noted that the situation could be reviewed over the coming months and that Licensing and Legal officers could be consulted to determine whether there was a need for two Licensing Sub-Committees.

Members noted that it was envisaged that the Planning Committee Chair would have the same Special Responsibility Allowance as the Chair of the Regulatory Committee and the Licensing Committee Chair would have the same Special Responsibility Allowance as the Vice-Chair of the Regulatory Committee. The Committee stated that it would need to be convinced that there was a need to have two Licensing Sub-Committees. The uncertainty relating to the Covid-19 pandemic was noted but it was commented that this was unlikely to be a permanent issue. The Chair added that it would be useful to ascertain the previous arrangements in Haringey when the licensing and planning functions were considered by separate committees and to provide the Committee with this information.

It was noted that any changes to the structure of the Regulatory Committee would need to be approved at Council and that it would be best to recommend any changes to the annual meeting in May 2021. It was added that this would require the Committee to consider initial proposals at its meeting in January 2021 and to finalise any recommendations at its meeting or a special meeting in March 2021.

The Chair noted that the idea of separating the licensing and planning functions had been discussed with the Chair and Vice-Chair of the Regulatory Committee who would prefer licensing and planning policy to be considered by the Regulatory Committee before being considered by Cabinet and Council. They had explained that the Regulatory Committee members made decisions on licensing and planning applications when they sat on the Licensing Sub-Committees and the Planning Sub-Committee and that it was important for them to contribute to policy decisions. The Chair stated that any proposals would need to be discussed with the Regulatory Committee.

It was noted that there were approximately 10 Planning Sub-Committee meetings per year and that the number of meetings would likely increase if planning policy issues were included in the terms of reference for the Planning Committee. It was added that some licensing issues, such as fees and charges and the Licensing Policy, may also need to be included in the terms of reference of the Licensing Committee. Some members commented that, although there would be additional Licensing Committee and Planning Committee meetings, there would be no Regulatory Committee meetings. It was commented that it would be useful to know the projected number of meetings compared to the existing number of meetings.

The Chair summarised that the Committee would like to further consider the separation of the Regulatory Committee into separate Licensing and Planning Committees. It was agreed that a report would be presented to the next Committee meeting, including information relating to whether and why two Licensing Sub-Committees would be required, the structure used when these two functions were previously separated in Haringey, and the potential impact on the number of meetings if the functions were separated. It was also noted that any information or proposals should be circulated to the Regulatory Committee at their meeting in January 2021 for comments before being considered by the Standards Committee.

## **RESOLVED**

To note the information contained in the report. It was also agreed that a further report on the possibility of separating the Regulatory Committee into a Planning Committee and Licensing Committee would be requested for the next meeting and that the proposals would be presented to the Regulatory Committee meeting in January for comments.

### **8. CO-OPTED MEMBERS - UPDATE REPORT**

The Democratic Services and Scrutiny Manager introduced the report which provided an update on co-opted members and responded to the Committee's questions.

In relation to non-voting co-opted members, it was confirmed that, as they were not classified as members and did not have voting rights, they were not required to complete declaration of interest forms. It was also explained that the Overview and Scrutiny Protocol was currently being updated, in light of new government guidance, and that some detail about non-voting co-opted members and their roles would be included in the protocol. It was noted that a more formal approach for selecting non-voting co-opted members had been considered but it was felt to be too resource intensive. The protocol would be considered by Overview and Scrutiny over the next few months. It was clarified that any voting co-opted members were required to complete a declaration of interest form.

In relation to the appointment of religious representatives on Overview and Scrutiny Panels, it was noted that this was prescribed by legislation. It was stated that the Chair of Overview and Scrutiny wanted a membership that was representative of the community; it was noted that this had generally been achieved through the appointment of representatives over the last 10 years, particularly the parent governor representatives on the Children and Young People's Scrutiny Panel.

It was explained that additional religious representatives could be appointed by applying to the Secretary of State but that the process for this was unclear and it had not been possible to find any instances of other councils doing this. It was noted that some councils had appointed additional non-voting co-opted members and that this option was available for Haringey. However, it was highlighted that the Overview and Scrutiny Committee would need to consider this and balance the overall number of co-opted members. It was also explained that there were two expert non-voting members on the Environment and Community Safety and Adults and Health Scrutiny Panels and they were reflective of their community roles. These members had been contacted recently to ensure that they still represented the organisations and that the organisations remained relevant to supporting the work of the Scrutiny Panels. The Chair noted that this annual confirmation was welcomed.

It was enquired whether the review of the protocol could be extended to include consideration of non-voting co-opted members' party affiliations and declarations of interest. The Democratic Services and Scrutiny Manager noted that the protocol was specifically for Overview and Scrutiny and that there were only two non-voting co-

opted members; they were not defined as members in the constitution and were not required to submit a declaration of interest form.

Some members enquired whether it was possible to require or encourage non-voting co-opted members to complete a declaration of interest form, including party affiliations. The Assistant Head of Legal Services noted that there was no legal requirement for non-voting co-opted members to complete a declaration of interest form and it would have to be explained that this was discretionary.

Some members noted that, if there were concerns that interests were not being declared, it may be appropriate for the political groups to decide whether non-voting co-opted members should declare interests. The Democratic Services and Scrutiny Manager noted that party affiliation would not prevent someone from being a non-voting co-opted member. It was added that a process for non-voting co-opted members' declarations could be included in the Overview and Scrutiny protocol; investigation could be undertaken to see the processes used by other councils and this could be raised with the Chair of Overview and Scrutiny. However, it was highlighted that there were only two non-voting co-opted members, that it would be important to maintain good relationships with these members, and that data protection issues may need to be considered.

Some members noted that non-voting co-opted members did not have voting rights and it would not be necessary for them to declare interests; they expressed concerns that requiring non-voting co-opted members to declare their interests could deter people from pursuing these roles. It was added that there were usually only two non-voting co-opted members on Scrutiny Panels.

It was agreed that a report, which set out other councils' procedures for the interests of non-voting co-opted members, would be presented to the next meeting so that the Committee could formulate any recommendations.

The Chair summarised that the Committee would like to consider the processes used by other councils and the proposed wording in the revised protocol, with a view to strongly encouraging non-voting co-opted members to complete declaration of interest forms.

## **RESOLVED**

To note the information contained in the report. It was also agreed that a report, which set out other councils' procedures for the interests of non-voting co-opted members, would be presented to the next meeting so that the Committee could formulate any recommendations.

## **9. COMMITTEE WORK PLAN**

The Committee noted that it would like to receive a further report on the review of the Regulatory Committee and an update on the possibility of requiring declarations of interests from non-voting co-opted members, as discussed earlier in the meeting.

In relation to the report in January 2021 on the Draft Recommendations for the Members' Allowance Scheme 2021/22, it was suggested that councillors could speak to their political groups in the next few weeks to ascertain whether there were likely to be any key points for discussion; this was agreed by the Committee. The Chair also noted that the recent independent review had noted that there were unlikely to be any major changes to members' allowances for 2021/22.

The Chair commented that the Committee had previously considered debt management and had asked for a further report. It was explained that there had been some concerns about authorising officers to write off certain debts and about a Cabinet Member having sole responsibility for debt management. The Democratic Services and Scrutiny Manager noted that a summary position on debt write offs was reported to Cabinet in a monitoring report every three months and it could be checked whether this provided sufficient assurances.

The Chair noted that, following a recent review of non-executive committees, there had been a recommendation to change the name of the Corporate Committee. It was enquired whether the Committee wanted to receive a paper on this issue. It was agreed that the Committee would focus on the other proposed items and would review the naming of the Corporate Committee later in 2021.

It was also noted that the review of the Health and Wellbeing Board terms of reference was due to be considered at a future meeting. However, due to the Covid-19 pandemic, the Health and Wellbeing Board had been unable to undertake consultation on any proposed changes and this item would be delayed.

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

### **25 January 2021**

1. Draft Recommendations for the Members' Allowance Scheme 2021/22.
2. **Review of the Regulatory Committee and subsequent changes to the constitution, including comments from the Regulatory Committee.**
3. **Non-voting co-opted members update on declarations of interest.**

### **2 March 2021**

4. Final Recommendations for the Members' Allowance Scheme 2021/22.

### **Possible future items, to be confirmed**

5. **Review of the Corporate Committee.**
6. **Update on Debt Management.**
7. **Review of the Health and Wellbeing Board Terms of Reference.**

### **RESOLVED**

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

## **10. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

## **11. DATES OF FUTURE MEETINGS**

It was noted that the future Standards Committee meetings were scheduled for:

25 January 2021

2 March 2021

## **12. EXCLUSION OF THE PRESS AND PUBLIC**

It was noted that items 13-14 contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual and information likely to reveal the identity of an individual.

### **RESOLVED**

That the press and public be excluded from the meeting for consideration of items 13-14 as they contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual and information likely to reveal the identity of an individual.

## **13. EXEMPT MINUTES**

The Committee considered the exempt information.

The Chair asked for an update on complaint SC005/1920 which had been progressed for a full investigation. The Assistant Head of Legal Services explained that the investigation would be conducted by an external party; a company had been identified and had been sent the papers on 10 June 2020. It was anticipated that the draft report would be available imminently and would be considered by the Assistant Director of Corporate Governance. The investigation report would then be reported either to the Standards Committee, if there was no evidence of a breach, or the Hearing Sub-Committee, in the case of a suspected breach.

### **RESOLVED**

That the exempt minutes of the Standards Assessment Sub-Committee meeting held on 21 May 2020 be confirmed and signed as a correct record.

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

There were no new items of exempt urgent business.

CHAIR: Councillor Felicia Opoku

Signed by Chair .....

Date .....