

NOTICE OF MEETING

STANDARDS COMMITTEE

Monday, 2nd November, 2020, 7.00 pm - MS Teams (watch it [here](#))

Members: Councillors Felicia Opoku (Chair), James Chiriyankandath, Makbule Gunes, Julia Ogiehor, and Elin Weston

Quorum: 3

1. **FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. 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', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. **APOLOGIES FOR ABSENCE**

3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 10 below).

4. **DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

5. MINUTES AND MATTERS ARISING (PAGES 1 - 8)

To confirm and sign the minutes of the Standards Committee meeting held on 2 March 2020 and Standards Sub Assessment Committee on 21 May 2020

6. APPOINTMENT OF THE STANDARDS ASSESSMENT AND HEARING SUB-COMMITTEES (PAGES 9 - 12)

This report seeks confirmation on the appointment of members to the Standards Assessment and Hearing Sub-Committees.

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 (PAGES 13 - 20)

This report provides a preliminary response to member comments in the Review of Member Allowances that the Regulatory Committee should be formally reconstituted as two separate Committees: a Planning Committee and a Licensing Committee.

8. CO-OPTED MEMBERS - UPDATE REPORT (PAGES 21 - 24)

This report provides an update on co-opted member appointments and responds to questions from the previous report on co-opted members.

9. COMMITTEE WORK PLAN (PAGES 25 - 26)

The purpose of the paper is to identify topics that will come to the attention of the Committee and to seek members' input.

10. NEW ITEMS OF URGENT BUSINESS

11. DATES OF FUTURE MEETINGS

To note the dates of future meetings:

25 January 2021
2 March 2021

12. EXCLUSION OF THE PRESS AND PUBLIC

Items 13-14 are likely to be subject of a motion to exclude the press and public from the meeting as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual and information likely to reveal the identity of an individual.

13. EXEMPT MINUTES (PAGES 27 - 28)

To confirm and sign the exempt minutes of the Assessment Sub-Committee meeting held on 21 May 2020.

14. NEW ITEMS OF EXEMPT URGENT BUSINESS

Fiona Rae, Principal Committee Co-ordinator
Tel – 020 8489 3541
Email: Fiona.Rae@haringey.gov.uk

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

Friday, 23 October 2020

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MINUTES OF MEETING STANDARDS COMMITTEE HELD ON MONDAY, 2ND MARCH, 2020, 19:00 – 20:40

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

123. FILMING AT MEETINGS

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

124. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Demir.

125. URGENT BUSINESS

There were no items of urgent business.

126. DECLARATIONS OF INTEREST

No declarations of interest were made.

127. MINUTES AND MATTERS ARISING

It was noted Councillor Rice was present as a substitute and should therefore be moved from 'Also present' to 'Present'.

The Committee were advised of the completed actions from the previous meeting. Additionally, it was noted that:

- Regarding Pension Committee and Board Member training, this was constantly reviewed by that Committee in an item on its agenda at every meeting. It was noted that training was provided before every Pensions Committee and Board meeting.
- There was to be a report prepared for the Committee in June on co-opted members which would address concerns raised at the previous meeting. The Acting Democratic Services and Scrutiny Manager would provide an update on the co-opted membership process by April (**Action: Ayshe Simsek**).
- Regarding the recruitment of co-opted members, it was noted this was subject to legislation and, further, that information on co-opted member appointments should be evident in the constitution. The principal lawyer was going to investigate the role of co-opted members to provide further clarity.
- Regarding the involvement of different faith groups at Scrutiny meetings, this was being explored by the relevant legal officer at the Council.
- Amendments to the Social Media Guidance had been made.

RESOLVED

To confirm and sign the minutes of the Standards Committee held on 23rd January 2020.

128. FINAL RECOMMENDATIONS FOR MEMBERS ALLOWANCE SCHEME 2020/21

Richard Penn, Independent Advisor (IA), introduced this item to the Committee. It was noted that the draft 'Review of the Members Allowance Scheme' ('the Review') had been presented to the Committee on 23rd January 2020. The Review had since been adapted to include the proposed amendments by the Committee. The Review included in the documentation was the final report.

The Committee were referred to paragraphs 8.2 to 8.5 which outlined the financial impact to the Council if the recommendations of the IA were to be approved.

The Acting Democratic Services and Scrutiny Officer noted that the missing information on Southwark Council at page 31 was £1,324,831 for '*Total cost of Members' Scheme from budget*', 63 for '*Total number of councillors*' and £21,029 for '*Average cost per councillor*'.

The Chair invited Member questions and/or comments on the Review. The following was noted:

- The Committee praised the Review for its thoroughness and the IA for all the work he had done.
- The IA noted there had been previous efforts to introduce a national scheme for all councillors in England in the early 2000s, however, this ceased following a change of Government.
- London Councils had commissioned a report by an independent panel on 'Remuneration of Councillors in London Report 2018'. The IA considered the recommendations contained within helpful and would have created consistency across the London Councils, however, they had not been adopted.
- The IA noted the structure of a council was a political choice and that it was up to individual councils to decide which committees they had and how to remunerate chairs. For this reason, it was accepted that comparisons between councils was difficult.
- The IA noted that in Wales, there was a separate body which oversaw Members Allowance Schemes and took decisions on behalf of Councils. For example, it had capped the number of committee chairs a council was able to remunerate and had also capped the total expenditure a council was able to budget for their Member Allowance Scheme. The Member Allowance Schemes for councils in Wales were therefore consistent with one another.
- The IA considered any committee which had a 'terms of reference' warranted a SRA.
- The option to allocate any changes to the Member Allowance Scheme to a London wide body was considered helpful and would create consistency. However, it was recognised that it would be difficult to amalgamate a Member Allowance Scheme across all the London councils, as all had different structures with different political agendas.

- The Acting Democratic Services and Scrutiny Officer advised that reducing the number of committees would not be practical as that would then result in fewer committees available to cover necessary work.

The Committee then went on to discuss the recommendations.

The Committee were against Recommendation 1 and 2 as set out at pages 42 and 43. In discussion, it was noted:

- It was noted that the two recommendations were separated as Recommendation 1 presented various options for the Leaders remuneration (which Members would have to choose from) whereas Recommendation 2 proposed fixed figures for other SRAs. The IA suggested the Leader's SRA should be fixed at £45,000.
- There was concern that it would not be appropriate to raise existing SRAs beyond an index linked rise to the basic allowance, in light of the difficult financial situation of the Council.
- It was suggested that part of recommendation 2, 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*" should be adopted.
- There was concern that there would be confusion as to why the Committee commissioned the report at a cost in the first place, if it then argued that it was too costly to adopt the proposed recommendations. The Chair noted that it was considered important that there be an independent review of the Members Allowance Scheme but that it had not been possible to foresee what the outcome of the review would be. The Chair had anticipated there would be proposals to decrease SRAs as well as increase them. However, no decreases had been proposed, which would mean all proposed increases would incur extra costs.
- Regarding a suggestion that the Committee could have included in the terms of reference a restriction on the total amount that the SRAs could equal, the Acting Democratic Services and Scrutiny Manager noted that would not have been possible. This was an independent, evidence-based review which would have been compromised were there to have been any restrictions on what the total SRAs equalled. It was noted there had been significant evidence gathered with a multitude of responses to the questionnaires sent to councillors and there had also been interviews held with councillors. The IA noted there had been few calls for a decrease in any SRA.
- The IA was satisfied that the proposed changes to SRAs were right but accepted that it was a difficult political decision for the Committee to make.
- The Committee praised the Review as providing a good basis for future decision making on remuneration of SRAs but noted that the national and economic context must be considered.
- It was suggested that the Committee had not bound itself to the outcome of the review just because it had commissioned it. The Review contained valuable information but there was concern that it was not appropriate at the current time to adopt the proposed increases to certain SRAs.

- There was a difference of opinion in what the evidence showed with a member considering there was enough evidence to suggest that the existing Member Allowance Scheme was fair and should therefore continue without any change.
- It was suggested that any increase to the Basic Allowance should be pegged to inflation increases or pay offers to local government staff.
- A member noted frustration that the issue of cost had not been previously discussed, despite a draft version of the Review having been presented to the Committee in January 2020. It was felt the issues raised at this meeting could have been addressed in advance. The IA noted that there was more to the Review than SRA changes. It provided educational aspects such as on the role of councillors and the role of chairs.

The Chair thanked the IA and complimented the Review and the significant responses provided by councillors. However, it was noted that the Committee must be conscious of the difficult political and economic climate and also the view of colleagues, who had not widely supported the two proposed recommendations. For those reasons and the above, the Chair and the Committee did not support adopting the recommendations, as set out in the Review.

The Committee was aware that it needed to decide on the Members Allowance Scheme. The Committee considered whether to increase the Basic Allowance earlier for 2020/21, pending the outcome to the local government staff pay award. As the budget allocation for 2020/21 had already been set, if the Committee decided to increase the Basic Allowance earlier, that would lead to an increase of £24,450 (based on an assumed 2% increase) which had not been factored into the budget. The IA had suggested that the increase to the Basic Allowance take place from 2021/22.

The Acting Democratic Services and Scrutiny Manager noted that Appendix 6 outlined what the changes to the Constitution would be if the Council had adopted the recommendations proposed by the IA. Appendix 6 did not have an increase to Basic Allowance for 2020/21 factored in.

The Committee considered what increase, if any, it should apply to the Basic Allowance. It was advised that previously, the Committee had agreed for the Basic Allowance to be increased in line with local government staff pay award. However, that figure had yet to be determined for 2020.

The Committee supported the Basic Allowance payable in 2020/21 remaining at £11,026 per annum. It also supported any increase to that payment being index linked to local government staff pay award for 2020, once it had been finalised. That increase would be capped at 2% increase, should the local government staff pay award be greater than 2%. That increase would be payable in the 2021/22 municipal year.

RESOLVED

The Committee approved the Basic Allowance payable in 2020/21 remaining at £11,026 per annum. This payment would be index linked to any local government staff

pay award for 2020, once finalised, and capped at 2%, should there be a greater increase. That increase would be payable in the 2020/21 municipal year.

129. COMMITTEE WORK PLAN

Disbanding the Regulatory Committee and separating the Planning Committee and Licensing Committee

Regarding the proposal to disband the Regulatory Committee and have a Planning Committee and Licensing Committee only, the IA had proposed two new SRA for chairs of these committees, to reflect the extra responsibilities. However, the Acting Democratic Services and Scrutiny Manager advised it would not be possible for the Regulatory Committee to be disbanded before the next Annual General Meeting (AGM). A report would need to be prepared with comments provided from legal on whether such an option was possible and also from planning and legal officers for their views on separating the Planning Committee and Licensing Committee. As this would require a change to the amendment, the report would need to be approved by Full Council, however, there was not enough time for that report to be prepared before the next AGM.

The Committee were supportive of separating the two committees but, in light of the Member Allowance Review, considered it appropriate to allow time for a thorough report to be prepared on the matter, and also for the views of the respective chairs to be sought to ensure they were satisfied with the proposal.

It was suggested that, in line with the Work Programme, the Committee have a preliminary discussion on the separation of the Planning Committee and Licensing Committee further at its next meeting in June. The Committee sought a brief report on the potential separation which outlined:

- what the desired outcome would be;
- what the potential issues would be; and
- what the potential timescale was for this to be achieved (**Action: Ayshe Simsek**).

Name Change for Corporate Committee

The Acting Democratic Services and Scrutiny Manager would bring the terms of reference for Corporate Committee to the next meeting. That would enable the Committee to consider any appropriate alternative name for Corporate Committee. It was noted the terms of reference included a varied and substantive remit.

The Chair noted that membership of the Corporate Committee would continue as it was until the Standards Committee had an opportunity to review the terms of reference and explore and potential name change.

It was suggested that this matter be included in the report which was to be prepared for the Committee in June, alongside the exploration of separating the Planning Committee and Licensing Committee (**Action: Ayshe Simsek**)

The Acting Democratic Services and Scrutiny Manager noted the Terms of Reference for the Health and Wellbeing Board was likely to be revised and presented to the Committee in June. As this was in the Constitution, it would need to be brought before the Standards Committee. The Health and Wellbeing Board was a Council body which included members of the Cabinet and also partner organisations. The work of the Health and Wellbeing Board was Haringey specific.

The Acting Democratic Services and Scrutiny Manager would amend the Work Programme to read 'Draft Recommendations for Member Allowance Scheme 2021/2022'.

130. NEW ITEMS OF URGENT BUSINESS

N/A.

131. DATES OF NEXT MEETINGS

2nd March 2020.

Date

**Public MINUTES OF MEETING STANDARDS Assessment Sub Committee
HELD ON Thursday, 21st May, 2020, 6.30 - 8.00 pm**

PRESENT:

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

ALSO ATTENDING:

27. ELECTION OF CHAIR FOR THE DURATION OF THE PROCEEDINGS

Cllr Opoku was proposed and seconded as chair of the proceedings by Cllr Weston and Cllr Cawley- Harrison.

28. APOLOGIES FOR ABSENCE

None

29. DECLARATIONS OF INTEREST

As set out in the exempt minutes

30. ARRANGEMENTS FOR THE HANDLING OF COMPLAINTS

Noted

31. NEW ITEMS OF URGENT BUSINESS

None

32. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting for consideration of Items 7-9 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.

33. STANDARDS COMPLAINT SC004/1920

As set out in the exempt minutes

34. STANDARDS COMPLAINT SC005/1920

As set out in the exempt minutes

35. NEW ITEMS OF EXEMPT URGENT BUSINESS

None

CHAIR: Councillor Felicia Opoku

Signed by Chair

Date

Report for: Standards Committee – 2 November 2020

Title: Confirmation of the Membership of the Standards Assessment and Hearing Sub-Committees

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

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
ayshe.simsek@haringey.gov.uk, 020 8489 2929

Ward(s) affected: N/A

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

1. Describe the issue under consideration

- 1.1 This report seeks confirmation of the Membership of the Standards Assessment and Hearing Sub-Committees.

2. Cabinet Member Introduction

N/A

3. Recommendations

That the Committee:

- 3.1 Agree the membership of the Standards Assessment Sub Committee and the Standards Hearing Sub Committee as set out at 5.3

4. Remit of Standards Committee

- 4.1 The Articles of the Council's Constitution set out the remit of the Standards Committee at Article 9:

9.01 Standards Committee

The Council meeting will establish a Standards Committee to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.

9.02 Composition

The Standards Committee will be composed of Councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members.

Quorum. The quorum of the Standards Committee is three.

9.03 Role and Function

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 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;*
- (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*

9.04 Assessment Sub-Committee

The Standards Committee will establish an Assessment Sub-Committee to assess allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, as referred by the Monitoring Officer.

9.05 Composition

The Assessment Sub-Committee will be composed of Councillors appointed on the basis of political balance.

9.06 Role and Function

The Assessment Sub-Committee will have the following roles and functions: To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) merits no further investigation and is dismissed, or*
- (b) merits further investigation.*

9.07 Hearing Sub-Committee

The Standards Committee will establish a Hearing Sub-Committee to conduct hearings into allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine such allegations.

9.08 Composition

The Hearing Sub-Committee will be composed of Councillors appointed on the basis of political balance.

9.09 Role and Function

The Hearing Sub-Committee will have the following roles and functions:

(a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.

(b) To determine whether or not the member or co-opted member did/did not fail to comply with the Members' Code of Conduct.

(c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.

(d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

5. Memberships of the Standards Assessment Sub-Committee and Hearing Sub-Committees

5.1 In addition to the above, there is more detail given in the Members' Code of Conduct and the Protocol on Complaints against Members on how the sub-committees of the Standards Committees fulfil their role.

5.2 In Part 4 Section B of the Council's Constitution, the requirement that Members undertake training before participating in the work of the Assessment and Hearing Sub Committees:

In the case of meetings of Committees/Sub-Committees where prior member training is required, only those members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees.... Reserve members will be trained for the relevant body as soon as possible after their appointment.

5.3 It is suggested that the Standards Committee agree that the membership of the parent committee agreed at Annual Council also be the membership of the two sub-committees, given the need for Members' expertise and discretion on these matters.

5.4 It is customary for meetings of the Standards Assessment Sub-Committee to begin with the election of the Chair, which allows flexibility in case the Chair of the parent committee is unable to attend or has recused his- or herself from consideration of a complaint without giving a misleading impression for the reason for the election. It is proposed that that tradition is continued.

6. Contribution to strategic outcomes

N/A

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

Finance and Procurement

There are no direct financial implications arising from the recommendations in this report. The financial implications of the Committee's work programme, in particular the review of Members' allowances, will be set out for Members at the relevant time.

Legal

The Assistant Director for Corporate Governance has been consulted on the contents of this report.

Equality

There are no direct equalities implications arising from the recommendations in this report. Equalities impacts of the work programme, in particular the scheme of Members' Allowances, will be set out for Members at the relevant time.

8. Use of Appendices

N/A

9. Local Government (Access to Information) Act 1985

Council Constitution

Report for: Standards Committee – 2 November 2020

Title: 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

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

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
ayshe.simsek@haringey.gov.uk, 020 8489 2929

Ward(s) affected: N/A

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

1. Describe the issue under consideration

- 1.1 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 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. It was also suggested that the SRA [Special Responsibility Allowance] 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.
- 1.2 In light of the work on the Review of Members' Allowances being welcomed but not all the recommendations accepted for implementation, the Standards Committee agreed to have a preliminary discussion on the separation of the Planning Committee and Licensing Committee duties from the Regulatory Committee. The Committee requested a brief report on the potential separation which outlined:
- what the desired outcome would be.
 - what the potential issues would be; and
 - what the potential timescale was for this to be achieved

The information in this report responds to this request.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 To note the information contained in the report and recommended way forward at paragraph 6.13.

4. Reasons for decision

As outlined in paragraph 1.2.

The Standards Committee has responsibility for considering amendments to the Constitution and recommending proposals to Full Council for approval.

5. Alternative options considered

These are set out at paragraph 6.11.

6. Background information

- 6.1 Generally, most functions of the Council are 'executive' and the responsibility of the Executive [Cabinet]. In law some functions are prevented from being exercised by the Executive. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) set out which functions are non-executive. Regulation 2 Schedule 1 of the Act sets out the functions which cannot be the responsibility of Cabinet and these have been allocated to Regulatory Committee, Corporate Committee, Pensions and Staffing and Remuneration Committee.
- 6.2 The two main bodies of the Council dealing with non – executive functions as part of Regulation 2 Schedule 1 of the Act are the Regulatory Committee and Corporate Committee.
- 6.3 Regulatory Committee was established in 2011, following a governance review, led by the principle of reducing the number of non- executive committees together with a reduction in the number of SRAs.
- 6.4 The Regulatory Committee functions as set out in the Constitution, at Part Three Section B, take forward the following functions:
- The Council's Statutory Licensing Committee under the Licensing Act 2003. [Meaning that there is a need to have 10 to 15 Members to comply with the legislation as a Statutory Licensing Committee].
 - Exercising Council's functions under the Gambling Act 2005
 - Acting as a Non statutory Committee for Licensing, Town Planning, and other general regulatory matters.
- 6.5 The Regulatory Committee, delegates its functions relating to Town Planning (development management planning applications) to the Planning Sub - Committee which it establishes on an annual basis and further delegates its statutory Licensing and Gambling Act 2005 functions to Licensing Sub - Committee A and Licensing Sub- Committee B.

6.6 Therefore, the Regulatory Committee is left to consider Licensing policy issues, procedures and standard terms and conditions. In relation to Planning, the Regulatory Committee will make recommendations on Planning Policy and related matters to Cabinet and Full Council.

The merits of the current arrangements are:

- The Planning Committee can concentrate on Town Planning (development management planning applications) and there are several applications to consider monthly linked to the significant regeneration in the borough. Members will participate in site visits, consider pre- applications and then decision making on Planning Applications.
- There are 13 members of Regulatory Committee and this allows a wider pool of councillors to be trained and participate in Licensing Committees. If members of Licensing Subcommittee A or B are unable to participate then other members on Regulatory Committee can substitute.
- Members of Regulatory Committee can sit on both Planning Sub Committee and Licensing Sub Committees and allows wider knowledge of these regulatory areas to be developed. This then allows them to be able to contribute to the policy discussions on Licensing and Planning and make recommendations to the Cabinet or Full Council.

Disadvantages

6.7 The workload for councillors sitting on Regulatory Committee, Planning Sub Committee and Licensing sub committees can be intensive, especially if there are additional meetings added. This has been an issue highlighted by the Standards Committee and commented on in the Member's Allowances Review.

6.8 Most other boroughs in London have a parent Planning Committee and parent Licensing Committee with Licensing Sub Committees to consider functions under the Licensing Act 2003 and Gambling Act 2005. This is set out in Appendix A.

In the Municipal year 2019/20

- There were 10 Planning Committee meetings
- There were 7 Regulatory Committee meetings [2 of these were short meetings, related to membership changes and considering an urgent decision which was Covid related on pavement licensing]
- There were 5 special Licensing committee meetings [membership is chosen from whole of the Regulatory Committee]
- There were no meetings of Licensing subcommittee A
- There were 4 meetings of licensing subcommittee B

Legal, Governance and Resource Implications

- 6.9 Deleting Regulatory Committee and replacing this with a Licensing Committee would mean that licensing policy issues, procedures and standard terms and conditions together would be considered by the parent Licensing Committee with recommendations on planning policy and related planning matters that would normally proceed to Cabinet and Full Council added to the Planning Committee terms of reference. Some borough's Planning Committees do not consider Planning Policy issues and this could also be considered as a way forward with policy reports progressing directly to Cabinet and then Full Council . There would continue to need to be 2 licensing sub committees. Although, one could be chaired by the Licensing Chair, the second committee would require an additional SRA. There would be an additional cost to the Council and the Member's Allowance scheme would need to be updated.
- 6.10 This type of change to the Committee structure could not be considered in isolation and there would need to be a wider consideration of the impact on the Constitution and the officer scheme of delegation. The 4 scheduled meetings of Regulatory Committee could be allocated to Planning Committee, if it had planning policy added to its remit. As set out above, it could be agreed to have planning policy matters go directly to Cabinet and Full Council, therefore not requiring additional meetings. There would likely need to be 3 parent Licensing Committees scheduled to consider licensing policy issues. There is a current capacity issue with taking this action forward for Corporate Governance. In this current period we are running online meetings which require additional technical and officer support, facilitating increased decision making in the Council as a result of Covid 19, and are also entering the budget making period which will end in late February. The likely next available period to take forward this work would be in March 2021.
- 6.11 Another option considered from looking at other boroughs is keeping Regulatory Committee and establishing 2 Planning Committees A and B with the same terms of references to allow a wider pool of councillors to be trained and participate in decision making. Some boroughs have separate Planning Committees for major/strategic developments and for other developments. This would have an additional call on resources as there would need to be co-ordination of site visits, pre – application consideration and final planning application consideration by the same cohort of members. There would be impact on the Constitution, officer scheme of delegation and Planning Protocol that would require consideration. This would also require an additional SRA to be allocated. This option seems more complicated and it is considered that the existing scheme of delegation and Planning Protocol works generally well in terms of the Committee dealing with the right level of applications.
- 6.12 The Local Plan is a key document which will over the coming years involve detailed consideration by the Council. Regulatory Committee membership will have 13 members with 11 on Planning Committee and the remainder 2 members are still invited to planning training. Therefore, there are a good number of potential planning members available to allow expertise and experience in planning applications be put forward in this consultation process.

Conclusion

- 6.13 It is recommended that no changes are taken forward at this time, and the situation kept under review. Instead focus is given to monitoring the number of Planning and Licensing meetings taking place and if there is an increase of more than one a month, to further review the situation. This would also allow political consideration of the impact of taking forward an additional SRA, before this issue is re- considered in March.

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, Head of Procurement), Assistant Director of Corporate Governance, Equalities)

The financial impact of an additional SRA would need to be factored in the Corporate Governance budget for 2021/22 and considered in the context of assigned savings

Assistant Director of Corporate Governance

The legal comments are contained in the report.

9. Use of Appendices

Appendix A - Information on other London Borough Regulatory arrangements

10. Local Government (Access to Information) Act 1985

Member Allowances review 2020/21

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Borough	Parent Body	Number of members	Special Responsibility Allowance	Sub Committee	Comment
Barking and Dagenham	Licensing & Regulatory Committee	10	Chair - £5000 / Vice Chair - £2500	Licensing Sub Committee	
	Planning Committee	10	Chair - £8000 / Vice Chair - £4000		
Bexley	Planning Committee	9	Chair - £9159 / Vice-Chair £2769		
	Licensing Committee	12	Chair - £3051		
Brent	Licensing Committee	10	Chair - £3234 / Members of Cttee - £1000	Alcohol & Entertainment Licensing Sub Committee (LA 2003 functions), Regulatory Sub Committee (Gambling Act functions)	
	Planning Committee	8	Chair - £14281 / Members of Cttee - £2177		
Bromley	General Purposes & Licensing Committee	15	Chair - £9087 / Vice-Chair - £2064	Licensing Sub Committee	3 Members per Committee. Members of committee paid £53 per meeting
	Development Control Committee	17	Chair - £9087 / Vice-Chair - £2064	Plans Sub Committee x4	9 Members per Committee. Chair paid £2903 p.a. / Members of committee paid £53 per meeting
Camden	Planning Committee	16	Chair - £11065		
	Licensing Committee	15	Chair - £9180	Licensing Sub Committee x5 Licensing (Sexual Entertainment Venues) Sub Committee	
Croydon	Planning Committee (high level development / policy)	10	Chair - £16531	Planning Sub Committee x4	
	Licensing Committee (policy)	12	Chair - £10308	Licensing Sub Committee	
Enfield	Planning Committee (high level development / policy)	12	Chair - £7608		
	Licensing Committee (policy)	13	Chair - £7608	Licensing Sub Committee	
Greenwich	Licensing Committee	15	Chair - £1553	Licensing Sub Committee x4	
	Planning Board	12	Chair - £18540	Planning Committee x6	
Hackney	Licensing Committee			Licensing Sub Committee x5	*website down - can't access constitution or committee pages
	Planning Committee				
Hammersmith and Fulham	Planning & Development Control Committee	8	Chair - £5564.70		
	Licensing Committee	12	Chair - £5564.70	Licensing Sub Committee	
Haringey	Regulatory Committee	13	Chair - £16965 / Vice-Chair £8482	Planning Sub Committee Licensing Sub Committee x2	
Harrow	Licensing & General Purposes Committee	15	Chair - £2142	Licensing Panel	
	Planning Committee (policy and applications)	7			
Havering	Licensing Committee	10	Chair - £14706 / Vice-Chair £119 (per meeting chaired)	Licensing Sub Committee	3x Vice-Chairs
	Strategic Planning Committee	8	Chair - £14706 / Vice Chair - £7803		
	Planning Committee	8	Chair - £14706 / Vice-Chair £2040		
Hillingdon	Planning Committee x3	9 per committee	Chair - £23090.28		North Planning Committee, Central & South Planning Committee, Major Applications Committee - 3 sep Chairs, unclear if they all get allowance
	Licensing Committee	10	Chair - £9761.87 / Vice-Chair £6507.96	Licensing Sub Committee	
Hounslow	Licensing Committee	14	Chair - £6400	Licensing Panel	
	Planning Committee	15	Chair - £6400		
Islington	Planning Committee (major apps)	10	Chair - £3255	Planning Sub Committee x2	2x Chairs - £3255
	Licensing Committee	15	Chair - £3255	Licensing Regulatory Committee Licensing Sub Committee x4	
Kensington and Chelsea	Licensing Committee	15	Chair - £20909	Licensing Sub Committee	
	Planning Applications Committee	15	Chair - £30909 / 2x Vice-Chair £7728	Planning Committee	
Kingston upon Thames	Licensing Committee	15	Chair - £6344.36	Licensing Sub Committee x4	
	Development Control Committee	11	Chair - £12688.74	Neighbourhood Planning Sub Committee x4	
Lambeth	Licensing Committee	10	Chair £10000	Licensing Sub Committee	
	Planning Applications Committee	7	Chair £16194 / Vice-Chair £5556		
Lewisham	Licensing Committee	10	Chair - £6130	Licensing Sub Committee	
	Strategic Planning Committee	10	Chair - £9195	Planning Committee x3	2x Chairs - £6130
Merton	Planning Applications Committee	10	Chair - £8694		
	Licensing Committee	12	Chair - £8694	Licensing Sub Committee	Chairs £246 per meeting attended
Newham	Strategic Development Committee	13	Chair - £18727	Local Development Committee	Chair £7283, 12 Members
	Licensing (2003 Act) Committee	11	Chair - £18727	Licensing (2003 Act) Sub Committee	

Redbridge	Licensing Committee	14	Chair - £5650	Licensing Sub Committee
	Planning Committee	11	Chair - £5650	
Richmond upon Thames	Regulatory Committee	15	Chair - £2800 / Vice-Chair - £1200	Licensing Sub Committee
	Planning Committee	19	Chair - £10000 / Vice-Chair - £1650 (up to 2 VCs)	
Southwark	Planning Committee	8	Chair - £15065	Planning Sub Committee
	Licensing Committee	15	Chair - £15065	Licensing Sub Committee
Sutton	Planning Committee	10	Chair - £13147 / Vice-Chair - £9700	
	Licensing Committee	15	Chair - £11377	Licensing Sub Committee
Tower Hamlets	Development Committee	6	Chair - £11444	
	Strategic Development Committee	8	Chair - £11444	
	Licensing Committee	15	Chair - £6242	Licensing Sub Committee
Wandsworth	Licensing Committee	13	Chair - £10907.64	Licensing Sub Committee
	Planning Applications Committee	10	Chair - £28516.41 / Vice-Chair - £2804.88	

Report for: Standards Committee – 2 November 2020

Title: Co-opted Members – Update Report

Report

Authorised by: Ayshe Simsek – Democratic Services and Scrutiny Manager

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
ayshe.simsek@haringey.gov.uk, 020 8489 2929

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Non Key Decision

1. Describe the issue under consideration

To consider an update on co-opted member appointments and respond to questions in the previous report on co-opted members on:

- 1.1 Non – voting co-opted members on scrutiny panels and the completion of a declaration of interest form.
- 1.2 Appointment of religious representatives on Overview and Scrutiny.
- 1.3 Exploring the the co-opted membership process in order to ensure clarity around the role of co-opted members with voting rights.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

- 3.1 To note the information contained in the report and comment on any further actions.

4. Reasons for decision

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

5. Alternative options considered

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

6. Background information

- 6.1 Standards Committee, terms of reference includes promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives; assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct.
- 6.2 In response to the question highlighted at paragraph 1.1, non – voting co-opted members that have no voting rights are usually appointed for their expert / experienced advice in supporting a particular scrutiny panel. The Constitution at Part 5 , Member Code of Conduct, classifies a "member" as meaning an elected member and a co-opted member. It explains that "a co-opted member is a person who is not an elected member of the Council but who has been appointed to a committee or subcommittee of the Council or represents the Council on a joint committee or joint sub-committee of the Council and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee." According to this , a non – voting co-opted member is not a 'Member' and is not required to complete a declaration of interest form. This is in keeping with the past practice.
- 6.3 In relation to scrutiny, the Local Government Act 2000 made provision for the co- option of non-elected members to Overview and Scrutiny to bring additional expertise and skills to scrutiny work and to increase public engagement with scrutiny. This is also covered within the Council's Constitution under the Section G (3.1) of the Overview and Scrutiny Procedure Rules. These meetings are not decision making meetings and will usually be compiling scrutiny reviews for agreement by Overview and scrutiny and then for onward approval by the Cabinet. Agreement on issues in scrutiny panel is reached by consensus and there has not been an occasion where a vote was required on a matter. As a way forward the Democratic Services team can consider having in place an annual review of these panel appointments to ensure that the co-opted member's expertise is still relevant to the work plan and whether additional co-opted member time limited support is required for a particular review. The current non – voting co-opted members on Environment and Community Safety and Adults and Health Scrutiny panel representatives provide expertise in their community support roles in Neighbourhood Watch and as Chair of the Link Network. These are established and recognised community groups in the borough which represent residents that the council works with. We will write to these non – voting co-opted members on an annual basis to establish that they still represent these organisations and want to continue on the scrutiny panel.
- 6.4 With regards to the issues at 1.2 and 1.3, voting Co-opted Members of Overview and Scrutiny, the principles (a) , (b) and (d) of the Local Government and Housing Act 1989 on political proportionality apply to the Overview and Scrutiny Committee by virtue of section 9FA(6)(b) of the Local Government Act 2000. However, because the Committee is established under the Local Government Act 2000, it is not an ordinary

committee appointed under section 102 of the Local Government Act 1972 and so it is not included in the political balance calculations for the total number of seats on ordinary committees (principle c). As such, the Overview and Scrutiny Committee must be balanced, but on an individual basis.

- 6.5 It should be emphasised that Overview and scrutiny strives to agree on recommendations by consensus and voting is rare and generally avoided where possible. There have nevertheless been votes from time-to-time at the Overview and Scrutiny Committee but only a very small number of these have related to education issues and normally only in the course of considering a Call-in.
- 6.6 To outline further, Scrutiny bodies whose terms of reference relate wholly or partly any education functions that are the responsibility of a local authority's Executive are statutorily required to include a number of voting co-opted Members within their membership. The scrutiny bodies that this applies to in Haringey are the Overview and Scrutiny Committee and the Children and Young People's Scrutiny Panel. Such voting co-optees are entitled to vote on any question that relates to any education functions that are the responsibility of the Cabinet.

Voting co-opted Members fall into two categories:

- Parent governor representatives; and
- Diocesan representatives.

- 6.7 Each local authority is required is required to appoint at least two but not more than five parent governor representatives. They are elected by all parent governors within the area. The process for this is outlined in the Parent Governor Representatives (England) Regulations 2001 and is carried out by the authority wishing to co-opt them. Haringey currently has two Parent Governor representatives and they were both elected in October 2018. Their term of office is two years ended in October 2020 and following an election process we have two new parent governors starting in November Priya Kanu and Anita Jaku.
- 6.8 The current system in respect of diocesan representatives was inherited by overview and scrutiny from education committees (Education Act 1996). These were required to appoint diocesan representatives with voting rights from the Church of England and the Roman Catholic church. The rationale for this was the role that the dioceses played in education through voluntary aided schools. When overview and scrutiny was established, these rights transferred over (Local Government Act 2000). In Haringey, there are currently two diocesan representatives - one Church of England and one Catholic. Representatives are appointed by the relevant Diocese and the Council has no role in this process.
- 6.9 Overview and scrutiny committees can appoint co-optees from other faiths groups on a non-voting basis and the Chair of Overview and Scrutiny has asked the team to take this forward and we are exploring a fair, equal and vetted process to allow this. The Act also makes provision for the

Secretary of State to make directions obliging an authority to have voting representatives of other faith groups. This could, in theory, be considered by the Secretary of State where there were schools run by other faiths that were maintained by the authority. However, there are currently no examples of such directions having been made.

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

Legal

- 8.2 Legal comments are contained within the report

Equality

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

9. Use of Appendices

None

10. Local Government (Access to Information) Act 1985

Council Constitution

1972 Local Government Act

Report for: Standards Committee – 2 November 2020

Title: Committee Work Programme

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

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
ayshe.simsek@haringey.gov.uk, 020 8489 2929

Ward(s) affected: N/A

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

1. Describe the issue under consideration

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

2 November 2020

1. Co-opted members – report responding to actions from the January meeting.
2. Establishing Standards Assessment and Hearings Sub-Committees.
3. Potential Review of Regulatory Committee and subsequent changes to the Constitution.

25 January 2021

4. Draft Recommendations for Members Allowance Scheme 2021/2022

2 March 2021

5. Final Recommendations for Members Allowance Scheme 2021/22

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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