

Report for: Standards Committee 8 March 2018

Title: Update on the Work Programme - Procedure Rules, Member-Officer Protocol and Members' Allowances

Report

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

Lead Officer: Michael Kay | 020 8489 2920 | michael.kay@haringey.gov.uk

Ward(s) affected: N/A

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

1. Describe the issue under consideration

1.1 Following the Committee's work on the Members' Allowances Scheme and the Member-Officer Protocol, and the presentation to all Members on the work, to formally agree that the attached documents be recommended to Full Council for agreement.

2. Cabinet Member Introduction

N/A.

3. Recommendations

3.1 The Committee is asked:

- A. To recommend the Members' Allowances Scheme at Appendix A to Full Council.
- B. To recommend the Member-Officer Protocol at Appendix C to Full Council.
- C. To agree and recommend to Full Council the recommendation that the Council's progress on reducing carbon emissions be considered by the Full Council each year.

4. Reasons for decision

4.1 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.

4.2 As set out in previous reports to the Standards Committee (of July, September and November), the Council's existing Protocol on Member-Officer relations required significant amendment to be fit for purpose and regularly referred to.

The Committee has overseen the preparation of a refreshed protocol to ensure relations between Members and Officers are under-pinned by an helpful guide.

- 4.3 It has become custom and practice for the Council to consider annually its progress toward reducing carbon emissions. Inclusion of this in the Constitution would ensure that the practice continues into the future.

5. Alternative options considered

- 5.1 No alternative options were considered as there is a duty to adopt a Members' allowances scheme annually.
- 5.2 The existing protocol could have been retained, but as it is not well-updated and is over-long and poorly used, that would not be a helpful alternative.
- 5.3 The requirement to consider the progress on carbon reduction could not be included in the Constitution and instead depend on the commitment of Members at the time. This could damage confidence in the Council's commitment to carbon reduction, if it is seen that not reporting on the progress reflects a lack of progress.

6. Background information

Allowances Review

- 6.1 The Committee has considered the Members' Allowances review at each of its meetings since the review was announced to Council in March 2017. Those papers set out the rationale for the Committee's views, in particular the report to the February Committee. This report asks Standards Committee to consider the scheme proposed for 2018-19 and recommend it for approval by full Council, in accordance with Article 14.03 of the Council's Constitution. The changes to the Scheme for 2018-19 are shown in italics and underlined.
- 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 June 2014 and is attached as Appendix B. Although the IRP makes recommendations, it is for each individual council to decide the level of remuneration and for which roles. The 2018 recommendations have been considered in the preparation of the proposals at Appendix A, and were considered by the Committee in its previous discussions on this matter.
- 6.4 Following the Committee's agreement in February on the outline propositions, the proposals were presented to all members at a briefing on 28 February. Around a third of Members were in attendance, and the proposals were welcomed as a way of remedying some historic inconsistencies with the Allowances Scheme.

Member-Officer Protocol

- 6.5 The Committee considered a full draft of the protocol at its November meeting, and the draft at appendix C reflects the Committee's comments, as well as those of the Senior Leadership Team of the Council's officers.
- 6.6 This draft protocol was also presented to Members at the briefing on 28 February, and Members welcomed the proposals, and had some additional suggestions for inclusion. The Chair invited any Member to make suggestions to her in advance of the meeting, where they could be tabled for consideration prior to agreement of a draft to be presented to Full Council on 19 March.

Carbon Reduction Update

- 6.7 At the February meeting of the Committee, the Chair mentioned that she had received a request that the annual update to Members on progress to reducing Carbon Emissions, normally taken at the Autumn Council meeting, be included in the Constitution. It has not been requested that this comprise part of the Council's Policy Framework, but rather as a routine item for the Council's consideration.
- 6.8 This request could be accommodated by updating the Council's Procedure Rules, to the effect of including the Carbon Reduction report as issue for the Council to consider on an annual basis. This would be achieved with the following insertion of a new paragraph xiv under paragraph 3, Ordinary Council Meetings, of Part 4 Section A – Council Procedure Rules:

3. ORDINARY MEETINGS

3.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence
- (iii) Deal with any business required by statute to be considered before any other business
- (iv) Receive any declarations of interest from members;
- (v) Approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) Hold a Haringey Debate, on the agreed theme for that meeting. The form of the debate may include holding the debate as an Open Session under paragraph 30. Arrangements for how the debate will function are outlined in the full Council Protocol;
- (vii) Receive any announcements from the Mayor, the Leader, members of the Cabinet, the Head of Paid Service or the Monitoring Officer;
- (viii) To make appointments to Council committees and outside bodies;
- (ix) Hear deputations and receive petitions accepted under rules 11 & 12;

- (x) Receive questions from and provide answers to the public on matters notified under Rule 8;
- (xi) Provide answers to written questions from Members. Receive oral questions from Members, and provide oral answers;
- (xii) Deal with any business held over from the previous Council meeting;
- (xiii) Receive reports from the Cabinet and the Council's Committees when a decision or resolution of Council is required, and receive questions and answers at the meeting on any of those reports;
- (xiv) Receive an annual update from the relevant Cabinet Member on the progress toward reducing carbon emissions in the borough;
- ~~(xiv)~~ xv) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xvi) Consider motions; and
- (xvii) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate.

7. Contribution to strategic outcomes

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)

Finance and Procurement

The proposals contained in this paper are contained within the available budget.

Legal

Legal implications are contained within the body of this report.

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 A: Draft Members' Allowances Scheme 2018-19

Appendix B: 2018 report of the Independent Panel on the Remuneration of Councillors in London

Appendix C: Member Officer Protocol

10. Local Government (Access to Information) Act 1985

N/A

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 ~~2017/18~~ 2018/19 (i.e. ~~1 April 2017 to 31 March 2018~~ 1 April 2018 to 31 March 2019).

2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of £10,810 by way of Basic Allowance.

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, 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 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.

3.02 Telephones and I.T.

The Basic Allowance includes Councillors' telephone call charges, both mobile and landline, for which Councillors are billed individually. The Council meets the rental for apparatus, including broadband, and all datacharges.

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 ~~16,797~~.

(b) The Deputy Mayor is entitled to an additional allowance of £4,238 ~~4,196~~.

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 For the period ~~1 April 2017 to 31 March 2018~~ *1 April 2018 to 31 March 2019*, 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 disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor.

Table A

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> • Leader 	<u>£33,926</u> £33,590	<u>£44,746</u> £44,293
Band 3B	<ul style="list-style-type: none"> • 9 or fewer x Cabinet Members • Opposition Leader 	<u>£25,443</u> £25,194	<u>£36,253</u> £35,894
Band 3A	<ul style="list-style-type: none"> • Chair of Overview and Scrutiny Committee 	<u>£23,134</u> £22,905	<u>£36,944</u> £33,608
Band 2B	<ul style="list-style-type: none"> • Chair of Corporate Committee • Chief Whip • Chair of Regulatory Committee • Chair of Alexandra Palace and Park Board • <u>Leader of the Principal Opposition</u> • Opposition Deputy Leader • Opposition Chief Whip 	<u>£16,965</u> £16,797	<u>£27,775</u> £27,500
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	<u>£15,421</u> £15,268	<u>£26,231</u> £25,974
Band 1	<ul style="list-style-type: none"> • Chair of Combined Pensions Committee and Board • Chair of Staffing and Remuneration Committee • Chair of Standards Committee • <u>Chair of Corporate Committee</u> • <u>Vice Chair of Regulatory</u> • <u>Leader of the second Opposition Group or Deputy Leader of the Principal Opposition</u> • <u>Chief Whip of the Principal Opposition</u> 	<u>£8,482</u> £8,298	<u>£19,292</u> £19,104

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-OPTEES' 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 £616.50. 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 ~~a maximum rate of £8.60 per hour~~. 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.

Appendix A

- (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 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.