

MINUTES OF MEETING STANDARDS COMMITTEE HELD ON TUESDAY, 25TH JUNE, 2019, 7.00PM

PRESENT:

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

81. FILMING AT MEETINGS

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

82. APOLOGIES FOR ABSENCE

There were no apologies for absence.

83. URGENT BUSINESS

The Committee noted that the Constitution prescribes that the Standards Committee should formally establish the Standards sub assessment Committee and Standards Hearing Committee. A report seeking confirmation of the establishment of the sub-Committee prior to the Standards Sub assessment Committee meeting taking place next week was tabled.

This set out the terms of reference of the Standards sub assessment Committee and Standards Hearing Committee as prescribed in Article 9 the Council Constitution and recommended that the membership of the Standards Assessment Sub Committee and the Standards Hearing Sub mirror that of the parent Committee agreed at Annual Council given the need for Members' expertise and discretion on these matters.

RESOLVED

To agree the membership of the Standards Assessment Sub Committee and the Standards Hearing Sub Committee as set out at 5.3.

84. DECLARATIONS OF INTEREST

There were no declarations of interest put forward.

85. MINUTES AND MATTERS ARISING

The minutes of the 4th of March were agreed as a correct record.

Matters arising

The Committee noted the guidance sent out by Legal services on the issue of Councillors not including their home address on their declaration of interest form which is published on the website. The Committee discussed making representations to the Local Government Association to take this forward as a London wide issue on behalf of all Councils .

The Committee discussed what would happen if all Councillors decided to request non- inclusion of their home address and whether this would alter the situation. The report considered at the March meeting was referred to and the position of the Monitoring Officer set out. The Committee noted that the Monitoring Officer was required by legislation to publish declaration of interest forms . The mechanism for withholding an interest from the register (to include redactions) is contained within section 32 of the Localism Act, which deals with 'Sensitive Interests'. This provision is designed to cover situations where the nature of the interest is such that the member or co-opted member, and the authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation. This was also replicated in the Council Constitution at part 5, section 8.1.

The operation of section 32 required some evidence in relation to the Member whose interests are under consideration. That is, there would need to be some material on which to form a rational view as to whether disclosure could lead to the relevant individuals being subjected to violence or intimidation.

The Monitoring Officer has indicated that he is willing to consider individual representations from Councillors that their land interest should be withheld due to actual or potential risk of violence or intimidation, and will make a decision based on the information and evidence provided. However, taking forward a blanket policy of excluding home addresses would not conform to the Council Constitution nor legislation.

The Committee felt that the threshold was quite high for confirming whether section 32 applied . There was discussion about Lambeth Council who do not include the home addresses of all its Councillors. It was agreed to report back to the Monitoring Officer the significant concerns of the Committee regarding this situation and avoiding a potential unsafe situation occurring where the Council is forced to react.

It was agreed to keep this as a running item on the agenda and invite the Monitoring officer to attend the meeting in October.

86. APPOINTMENTS OF SENIOR OFFICERS - CHANGES TO CONSTITUTION SECTION K

The Standards Committee considered the attached report which contained the proposal to redefine the role of members in the appointments process to better reflect the current structure of the senior management team, whilst ensuring that the

authority continues to meet its statutory obligations. Appendix A set out the proposed changes to Part 4 Section K to reflect this change. Members would be responsible for the appointment and/or dismissal of Directors and Assistant Directors, as permitted by the Regulations, however in line with member expectations, it would no longer extend to every deputy chief officer of the Council, as some of these officers were operating below Assistant Director Level, i.e. as Heads of Service.

The Committee noted the significant changes undertaken to senior officer structure over the last year with the delayering of management to allow closer working relationships between senior officers and heads of service. This had enabled operational decision making in key strategic services to be made at the most senior level.

The Committee were advised that the amendment to Part 4 Section K was predominantly a change in language with the deletion of the term 'chief officer' and 'deputy chief' officer and inclusion of replacement term of 'Director'. This definition of senior roles was designed to better reflect the current structure of the senior management team, whilst ensuring that the authority continued to meet its statutory obligations.

The Committee noted that the proposed changes did not diminish the responsibility of Members decision making role in the appointment and dismissal of Directors and Assistant Directors, as permitted by the Regulations. Members would remain responsible for the appointment and dismissal of Directors. The definition of the term 'Director' was clarified and set out at Part 3 Section E Section 1; 2.01 of this Constitution and The Committee noted this included Corporate Board, Directors and Assistant Directors. Essentially, officers that were operating below Assistant Director Level, i.e. as Heads of Service would not be included in the Member appointments process. It was further clarified that, regardless of the role and title of a senior position, if an officer salary was intended to be over £100k, then in accordance with the Pay Policy, this would require Member appointment.

The proposed changes had been considered by the Staffing and Remuneration Committee and The Committee considered their tabled comments along with HR and legal responses to the issues they had raised. This was included at Appendix B.

The Committee considered each comment individually and had the following discussion and decisions.

1. The Committee noted that the Staffing & Remuneration Committee had commented on Part 4 section K - Paragraph 7 (a) asking if there were any provisions for investigations that may take longer than two months. The Committee noted that under the Local Authorities Standing Orders Rags 2001, Schedule 3, Paragraph 3 there was no longer a set time period prescribed. However, the Committee felt it would be prudent to keep the prescribed time period for investigation, to ensure that it was not left open - ended as this would be to the detriment of all parties concerned in such a scenario.
2. The Committee noted Staffing & Remuneration Committee's comments in relation paragraph 6 (c) at Appendix A. This paragraph did not seem to be relevant to the

Council's governance structure as it referred to an Executive Mayor. The Committee concurred with this suggestion to delete this paragraph.

3. The Committee discussed the Staffing & Remuneration Committee's comment concerning Paragraph 9 which was adding the Chief Executive to the list of Corporate Board members. The Committee noted that the Chief Executive is already defined in the Constitution under a legislative role and therefore it was felt that listing the Chief Executive, under the list of Corporate Board, for the purposes of this section, would lead to having a double definition. In conclusion, The Committee did not agree with the comment to add the Chief Executive to the definition of Directors set out at section 4 and listed in paragraph 9 as this statutory position was already covered in section 3 - Appointment and dismissal of Head of Paid Service, dismissal of Chief Finance Officer and Monitoring Officer. Therefore, for consistency purposes, this was still appropriate.
4. The Committee considered the query in relation to Paragraph 4 (b) appointment / dismissal / discipline of the CE of Alexandra Palace, and why this was not coming under the remit of the Staffing & Remuneration Committee whilst paragraph 9 includes the Chief Executive of Alexandra Palace under the definition of Director. Clarity had been sought as to the meaning of 'as appropriate' – what areas of the role were covered if Paragraph 4 (a) did not apply to the CE of Alexandra Palace? In response to this query, legal advised that for the purposes of Part 4 Section K, the CE of Alexandra Palace does not need to be included in the definition of 'Director'.

The Committee noted that Chief Executive of Alexandra Palace was listed in this section due to this role being appointed to by the Chief Executive of the Council. This was to conform to the Council's responsibilities as trustee and ensuring that the recruitment and dismissal process for such a role is streamlined and efficient. The Committee noted that Paragraph 4 (b) had always been in the Constitution as a Chief Officer and director - exercising functions as a trustee and separate from the Council. The Committee noted that there was an ongoing review of the governance arrangements for Alexandra Palace and Park and this appointment/ dismissal process could be considered. The Committee agreed, on balance, that there be no change to Paragraph 4 (b) as set out in appendix A.

5. The Committee continued to note the responses provided to the Staffing & Remuneration comments on change to the post names and the number of posts that the Committee would no longer be involved with.

RESOLVED

To recommend that full Council agree the amendment to Part Four, Section K of the Council's Constitution; Officer Employment Procedure Rules, as set out in Appendix A, for recommendation to full Council for adoption, subject to the amendment outlined at paragraph 2.

87. CHANGES TO COUNCIL STANDING ORDERS AND COUNCIL PROTOCOL

The Committee considered the attached report which sought their initial views on changes to Council and Committee standing orders, including Full Council protocol. The previous administration considered a review of standing orders but did not pursue this further as it was felt most appropriate to be taken forward by the incoming administration.

The report was considered by the Committee in April 2019 but in light of the changes to the membership, the proposals are put forward for any further remaining comments/ consideration before wider distribution to councillors and consideration at the Full Council meeting in November.

The following comments were put forward:

- Reducing the time allocated to the Mayors communications by noting the Mayors communication
- Allowing PowerPoint and visual media to accompany presentations/ deputations
- Removing the Haringey debate completely
- Allowing two consecutive supplementary questions from the political parties to the oral questions
- Adding a new section on the Leader's questions
- Increasing public participation with public questions
- Changing the start time of Full Council to 7pm with a 9.30 finish
- Receiving amendments to motions and reports sooner in advance . i.e. Friday 10am instead of Monday 10am
- Where a report is promised, this comes back as a report to the full Council as it might be relevant to all councillors.
- Including a standing item instead of a debate which allows participation from external experts/ partners/ community representatives.

RESOLVED

To consider a report back on the final changes in October.

88. SCOPE FOR THE REVIEW OF MEMBER'S ALLOWANCES 2020/21

The Committee is asked to consider the attached scope for the review of Member's Allowances in order to inform a report from the Committee to full Council on the proposed scheme for 2020/21 in March 2020.

The Committee discussed the scope of the review including deputy Cabinet members in the event that there was a future proposal to include an SRA for these positions.

The independent adviser could be asked to provide advice on an appropriate SRA and connected duties. In the past when considering deputy cabinet member positions, it was found difficult to compare remuneration levels at other councils due to the variance in the duties and responsibilities. Although, it was noted that Cabinet member roles are more generic and involve considering the time allocated to duties as well as levels of power. Therefore, it was also felt that this would be a difficult hypothetical situation to put forward to the independent adviser as generally the duties and responsibilities varied. Given the Council's limited experience of holding these positions, this would involve seeking advice on an abstract situation and in addition it would be difficult to consider what the financial impact this could have on the allowance scheme.

In considering the proposal for evidence gathering meetings with councillors, agreed that there are written depositions sought from members rather than the Committee seeking attendance of councillors at evidence sessions. Particular groups of councillors could be contacted i.e. chairs of Committees to promote submission of their evidence.

Following the above comments the scope for the reviews was agreed.

89. COMMITTEE WORK PLAN

The Committee agreed to add a report to the January meeting on co-opted members.

Agreed the Acting Democratic Services and Scrutiny manager circulate research completed on existing co-opted member and their appointments.

90. PROPOSED COMMITTEE STRUCTURE REVIEW

Members discussed the options for participating in a Committee structure review . A separate paper would be circulated to consider and comment on.

91. NEW ITEMS OF URGENT BUSINESS

As set out in item 83

92. DATES OF NEXT MEETINGS

14th October 2019

CHAIR: Councillor Felicia Opoku

Signed by Chair

Date

