

MINUTES OF MEETING STANDARDS COMMITTEE HELD ON MONDAY, 14TH OCTOBER, 2019, 19:00 – 21:45

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

ALSO PRESENT: Councillor Reg Rice.

93. FILMING AT MEETINGS

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

94. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Demir.

95. URGENT BUSINESS

There were no items of urgent business.

96. DECLARATIONS OF INTEREST

No declarations of interest were made.

97. MINUTES

RESOLVED

To approve the minutes of the cabinet meetings held on the 25th June 2019 as a correct record.

98. FINANCIAL REGULATIONS UPDATE

Thomas Skeen, Head of Pensions, introduced this report, as set out, which informed Members of the update to the Council's Financial Regulations, and the Budget and Policy Framework Procedure Rules, which formed a part of the Council's constitution.

The Committee were taken through the proposed substantial changes to the financial regulations section of the Constitution, highlighted at pages 13 to 17 (6.5.1 to 6.5.10) of the Officers report.

In response to questions from Members, Officers provided the following information:

- Regarding the raising of limits for debt write offs at the ALMO (Homes for Haringey), the Council had not consulted the ALMO or its Chief Executive in the reviewing of the proposed figures but had instead researched other boroughs constitutions to ensure the Council was in line with practice at other

- authorities. It was noted the working group that proposed the new limits involved the Head of Finance who has operational dealings with the ALMO.
- Officers confirmed *'to take ownership for'* at paragraph 5.24 would be amended to state *'to take responsibility for'*. It was considered this would better reflect the requirement for managers.
 - Only budget adjustments over £250,000 were reported to Cabinet, this was due to a clause in the Haringey Constitution. However, it was noted that councils had different limits for this, with some differing greatly to Haringey.
 - Any *'other housing income'* referenced in 8.14 included any income of any sort.
 - There was concern amongst the Committee at Cabinet Member involvement in debts written off. Officers noted this would only take place upon the advice of the Chief Executive of the ALMO and the Section 151 Officer. When Officers reviewed other councils' practice in write offs, it was found some did not include councillors in this process. The Committee requested to know how many of the debts involving the ALMO over £25,000 were written off. The Committee was mindful that an abundance of caution should be taken when including councillors in any personalised individual decisions such as debt write offs. Moving forward, Officers suggested this could be kept under review and the issue returned to in 12 months, with the role of councillors in the process also looked at.
 - The Cabinet Member responsible for the ALMO write offs was the Cabinet Member for Finance because they were responsible for the finance portfolio and had regular dealings with the Section 151 Officer, who would advise, (alongside the Chief Executive of the ALMO) whether any debts should be written off.
 - The Committee expressed concern that the specific reference to *'Cabinet Member for Finance'* could cause difficulties if there was to be any change in the name of the Cabinet Member responsible for finance. Officers confirmed this could be amended to reflect whoever was responsible for the finance portfolio, rather than listing a specific title. The Committee was reassured by the Legal Officer that the Monitoring Officer had the authority to make minor amendments to the Constitution, which could be used to reflect title changes.

The Committee agreed to:

- Change *'to take ownership for'* at paragraph 5.24 to state *'to take responsibility for'*.
- Change *'Cabinet Member for Finance'* at 8.14 to read *"cabinet member responsible for the finance portfolio"*.
- Keep the debt write off under review with Officers to bring an update report in approximately 12 months time, to include information on the total number of debt write offs over £25,000, and to consider the role of councillors in debt write off, in light of the Committees concerns above.

RESOLVED

That Standards Committee recommend to November's Full Council meeting, subject to the additional changes above, that the changes to the Financial Regulations Part 4 Section I (Appendix 2) and associated amendment at Part 4, Section E, Budget and Policy Framework Procedure Rules at paragraph 7.1 (Appendix 3), be approved subject to the changes agreed by the Standards Committee.

99. INITIAL FINDINGS FOR THE REVIEW OF MEMBER'S ALLOWANCES 2020/21

Richard Penn, the Independent Advisor (IA), introduced this item which provided an update on the progress of the review for the Member's Allowance scheme.

The IA was a specialist in member allowances and detailed his working career to the Committee, which included being:

- Chair of Independent Remuneration Panel for Wales;
- CEO of unitary authorities in England, including Merseyside; and
- CEO of City of Bradford Metropolitan District Council for 10 years.

The IA informed there had been a considerable amount of information gathered by the Democratic Services Team on comparatives between Haringey Council's member allowances and comparator boroughs member allowances which shared similar demographics and were also councils in London.

The next stage was to gather more information from Haringey Councillors' directly through a questionnaire that had been prepared by the Democratic Services Team. The IA also suggested it would be helpful if he were to have direct conversations with as many Councillors as possible about their work and the Special Responsibility Allowance (SRA). The intention was to bring a report back to the Standards Committee with recommendations before agreement of the next member allowance scheme.

In discussion, the Committee raised the following:

- It was recommended the IA meet with the Chief Whips to discuss the member allowances. The IA suggested drop in sessions with other councillors to allow them the option to contribute their views on the Council's member allowance scheme. This would allow the IA to develop a better understanding of the role of councillors, particularly those in receipt of SRAs. The Chair reminded the Committee there would be budget implications for any day drop in sessions.
- The information gathered so far highlighted discrepancies between the pay for the same SRAs between London boroughs and so it was important the IA gathered as much information as possible about the particular roles performed by councillors in receipt of SRAs to confirm if the pay supported the extra duties required. The information gathered would allow the Council to form a view about the appropriate level of pay was for particular SRAs.
- Members recognised certain committees were held more frequently than others, however, did not feel a special allowance for membership of particular committees a helpful area to explore. The Committee was mindful of the basic allowance which it considered should not be viewed in isolation of the SRA. The IA noted the questionnaire would provide helpful insight into the particular demands of committees and encouraged there to be a written section to allow any further comments.
- Changing the SRA might allow councillors to leave their full-time jobs and take up their council duties on a permanent basis.
- There was a concern that those in receipt of SRAs would be more likely to provide feedback over those not in receipt of SRAs. The Committee felt strongly that all councillors should be encouraged, so far as possible, to fill out

- the questionnaires and/or meet with the IA. That would ensure backbench councillors had their views taken into consideration.
- The Committee felt it would be helpful to know how many SRAs were given for the comparator boroughs looked at as part of this review.
 - The review should not be restricted to a monetary perspective but also contain a breakdown of what an SRA was and why it was paid, to fully inform the public about why certain councillors received more public money. This should include the expectations of those in receipt of any SRA, and what a particular SRA covered (such as additional delegated responsibility, chairing of meetings, etc).
 - It was suggested the questionnaire contain an additional question which asked if the councillor had ever been in receipt of an SRA.
 - It was suggested the questionnaire contain an additional question which asked what political party the councillor belonged to, as those in opposition might have a different understanding of SRAs to the administering party. The Committee agreed to include this as an optional question.
 - Question 2 was considered too restrictive therefore it was suggested there be an option underneath for councillors to provide a written response to clarify if the hours worked differed week to week.
 - Under Section C – Committee/Boards, the Committee suggested taking out the option of Chair for both the Health and Wellbeing Board and Corporate Parenting Advisory Committee, as these were the responsibility of Cabinet Members, whom would already be in receipt of an SRA. It was also noted that the Regulatory Chair was the Chair for Planning and Licensing Committees.
 - The Committee suggested the review should look at the background to how other councils paid their SRAs as, for example, Cabinet Members at Haringey Council were previously expected to be at the Council two days a week. The Committee considered it would be helpful to see how that expectation compared to other councils.
 - The Chair noted efforts would be made to find out why the SRAs at Southwark were as high as they were.
 - A question would be added to the questionnaire which asked if councillors were satisfied with the current level of the basic allowance.
 - The Committee suggested the review explore the vice-chairs and deputy roles to understand any extra work they undertook.
 - It was suggested the Committee have a recommendation that introduce a set principle position to the basic allowance by either increasing it 1% each year, having it rise in line with inflation, or in line with the pay settlement increase expected for staff which, would be ratified by the Standards Committee.
 - The Chair requested the Banding for the Regulatory Chair and Vice-Chair in Question 3 be corrected before the questionnaire be issued.

The Committee agreed to:

- Request the Chief whips meet with the IA to discuss the member allowance scheme review.
- Approve the arrangement of drop in sessions for councillors to meet with the IA to discuss the member allowance scheme review.
- Introduce questions on the questionnaire regarding: previous SRA recipient; satisfaction with basic allowance; political party (optional); a written response under Q2.

- Remove Health and Wellbeing/corporate Parenting 'Chair' options in the questionnaire.

The Committee requested the updated questionnaire be circulated to Members through email (**Action: Ayshe Simsek**).

RESOLVED

1. To note the update on progress with the review.
2. To approve/comment on the attached questionnaire for distribution to Members on the 15th of October and completion by the 21st of November.
3. To comment on the attached comparative data at appendix 3.

100. REVIEW OF ETHICAL STANDARDS

Gina Clarke, Principal Lawyer (Employment, Education & Corporate), introduced this report, as set out, which proposed changes to the Council's Constitution in accordance with recommendations made by the national Committee on Standards in Public Life in its report on Local Government Ethical Standards. The following was highlighted:

- The report included changes that could be made by the Committee which did not require legislation changes.
- There were recommendations to include a more detailed prohibition on bullying and harassment in the Members Code of Conduct, and to regularly review the Code of Conduct each year.
- Regarding the recommendation that the Monitoring Officer meet regularly with political group leaders or group whips to discuss standard issues, the Labour Chief Whip suggested this be formalised as a quarterly meeting. The Legal Officer had communicated that request to the Monitoring Officer. (**Post meeting note** – *Dates have been set for the quarterly meeting between the Chief Whips and the Monitoring Officer*).

One of the Council's two Independent Persons had written an email in response to the report and its recommendations. It was queried whether this might be a missed opportunity to codify in the Haringey Constitution at 'Part 5, Section A, Protocol - Complaints Against Members, Paragraph 3', that the Council currently had two independent persons. Officers suggested reference to the Council having two Independent Persons could be included in this section, if the Committee agreed.

The Independent Person had also suggested in that email to amend the wording of 3.2 (ii) to remove '*decided to*' so that it read '*the Hearing Sub-Committee before it makes its decision on an allegation which it was investigating*'. The Committee agreed to this but requested this be checked with the Independent Person to ensure it reflected the change sought.

In discussion, the Committee raised the following:

- Where reference was made to the Monitoring Officer in 'Part 5, Section A, Protocol - Complaints Against Members', Officers would look for suitable

- wording to include reference to the Deputy Monitoring Officer, who would deputise when the Monitoring Officer had recused themselves.
- Officers noted the definition of bullying and harassment at 'Part 5, Section A, Member Code of Conduct, Paragraph 3.2 (b) (i) and (ii)' was likely from previous guidance. The Committee agreed '*may be*' be removed after both bullying and harassment and reworded to state "...includes conduct such as...".
 - The Committee agreed rewording 3.2 (b) to state "bully or harass any person through any means'
 - The Committee agreed rewording 3.2 (b) (iii) to read '*examples of bullying or harassment include, but not limited to*'.
 - It was suggested including reference to social media and electronic communications at 3.2 (b) (iii), as there was concern this section could be considered too generic. However, the Committee decided the wording was broad enough to cover social media and electronic communications without specifically stating so. The Committee agreed to add 'including' before touching at bullet point 7, and to include 'making lewd or sexual remarks' to the list under '*unwelcome sexual advances*.'
 - The Chair suggested that, if any councillor was unsure, they should declare any gift or hospitality. That would avoid any potential issues at a later date.
 - It was suggested 'Part 5, Section A, Member Code of Conduct' be consistent where reference was made to Members and co-opted members. Officers would explore the option to add co-opted members declarations on the same page as Members on the Council's website and would also clarify the Council's position on publishing Independent Persons details and any conflicts of interest (**Action: Ayshe Simsek**).
 - The Committee suggested adding a clear definition of what specifically 'Independent' meant in relation to the Independent Person.

The Committee requested a revised version of Part 5 Section A – Members' Code of Conduct with the above changes incorporated be circulated to them for approval.

RESOLVED

That the Committee recommend to Full Council:

- a) Note the best practice points and recommendations in the report on Local Government Ethical Standards from the Committee on Standards in Public Life (Appendix 3).
- b) Agree the following amended versions of the Constitution, subject to the above changes being incorporated:
 - I. Part 5 Section A – Members' Code of Conduct – pt 1 (Appendix 1).
 - II. Part 5 Section A – Members' Code of Conduct – pt 2 – Process for handling complaints (Appendix 2).

101. RECRUITMENT OF INDEPENDENT MEMBERS FOR STANDARDS COMMITTEE AND STAFFING REMUNERATION COMMITTEE

Gina Clarke, Principal Lawyer (Employment, Education & Corporate), introduced this report which sought the Committee's approval to commence the recruitment of Independent Persons to support the Standards Committee in relation to allegations that members or co-opted members had failed to comply with the Member's Code of Conduct, and to be considered for appointment to the Staffing and Remuneration Committee when considering the dismissal of either the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

The Principal Lawyer informed the Committee that the current Independent Persons were on a 4-year cycle, with the current term ending in 2020. The Council therefore needed to recruit two new Independent Persons. The current primary Independent Person was remunerated at a rate of £1,250 per annum, with the secondary Independent Person at a rate of £250 per annum. It was noted the '*Local Government Ethical Standards: A Review by the Committee on Standards in Public Life*' recommended that Independent Persons should be appointed for a period of two years, with the option to extend for a further two years.

In response to questions from the Committee, the following information was noted:

- The Standards Committee recommended up to Full Council the remuneration package for the Independent Persons.
- The Committee agreed reducing the term of the Independent Persons to two years, with the option to extend for a further two years.
- The Committee agreed to include section 6.4 of the report in the Constitution, specifically the passage that read "*the law provides that a person may not be an IP if they are a Member, a co-opted member or an officer of the Council, or a relative of close friend thereof*". The Chair noted this would tie in with the final bullet point under Item 100 above, in addition to adding that the Independent Person may not be a member of a political party.
- It was suggested that a mechanism be incorporated into the Constitution that dealt with the eventuality where an Independent Persons independence might be compromised, i.e. joining a political party. Officers confirmed they would look into that suggestion (**Action: Gina Clarke**).

RESOLVED

That the Standards Committee:

- a) Approve the commencement of the recruitment exercise for two Independent Persons.
- b) Propose the annual allowance for Independent Persons of £1,250 for the primary member and £250 for the secondary member (subject to Council approval).
- c) Propose that the Independent Persons appointed shall also be available to be considered for appointment to the relevant committee appointed by the Council (currently Staffing and Remuneration Committee) which is responsible for advising the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (subject to Council approval).

102. CHANGES TO COUNCIL STANDING ORDERS AND COUNCIL PROTOCOL

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager, introduced this report which sought Member's initial views on the proposed changes to the Council and Committee standing orders, including Full Council protocol, attached at Appendix 1.

The Acting Democratic Services and Scrutiny Manager noted the updated standing orders tightened up the existing procedural rules. The changes included those that had been suggested by the Standards Committee previously. The Committee was being asked to recommend to Full Council in November changes to the Council Standing orders and Committee Standing Orders.

Regarding Full Council Protocol and the debate item, the following suggestions were made to the Committee:

- Removing the Haringey Debate;
- Keeping the debate item and reducing the time allocated to 45 minutes in total; and
- The Mayor and Leaders of both political groups choosing and advertising a proposed debate item to community groups/ organisations in the borough and inviting representations to the meetings on the chosen item.

The following was noted in discussion:

- The Committee discussed the option of community groups being given the choice to put forward deputations for Full Council.
- The Committee considered the end time of Full Council, with the option of finishing earlier suggested.
- The Committee agreed that any suggested changes to the Full Council Protocol by the Leaders of the Political Groups be reverted back to the Standards Committee's before its next meeting (January 2020).
- The Committee suggested adding to the Standing Orders for Full Council at 10.7 '...relevant to the original question'.
- It was raised that written responses to questions were not being provided following Full Council and Cabinet meetings, as they were meant to. The Committee suggested that written responses could be included at that following meetings report pack or minutes, to resolve the issue.

RESOLVED

1. To recommend the attached changes, set out appendix 2, to the Council Standing orders and Committee Standing Orders set out at appendix 3 for approval at the Full Council meeting in November.
2. To refer changes to the Full Council Protocol and other suggested changes to Council standing orders to the Leaders of the Political Groups as set out in Council procedure rule for implementation in May 2020.

103. COMMITTEE WORK PLAN

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager, introduced this report which requested the Committee note the current work programme and put forward any comments on suggested areas of work.

Regarding the report on co-opted Members to be brought before the Standards Committee in January 2020, the Committee requested the following information be provided:

- How long they had been appointed for;
- How long each term should be (and has been, if served more than one term);
- All declarations of interest made by each co-optees; and
- Any affiliations to political parties or community groups.

The Committee suggested the co-opted members be sent an adapted version of the Members declarations of interest form, with the address section removed, to complete.

104. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

105. DATES OF NEXT MEETINGS

23 January 2020
2 March 2020

106. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the remainder of the meeting as the remaining items contained exempt information, as defined under paragraph 3, Part 1 schedule 12A of the Local Government Act 1972.

107. EXEMPT - RESTRICTED MINUTES OF THE STANDARDS SUB COMMITTEE

RESOLVED

To confirm and sign the restricted minutes of the Standards Assessment Sub Committee held on 4th July 2019.

CHAIR:

Signed by Chair

Date