

## **MINUTES OF MEETING STANDARDS COMMITTEE HELD ON THURSDAY, 23RD JANUARY, 2020, 19:04 – 21:46**

**PRESENT:** Councillors Felicia Opoku (Chair), Luke Cawley-Harrison and Mahir Demir.

**ALSO PRESENT:** Councillor Reg Rice.

*At 19:06 Cllr Rice arrived at the meeting. At this point the Chair proceeded with the meeting agenda as set out.*

### **108. FILMING AT MEETINGS**

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

### **109. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor Chiriyankandath and Councillor Weston.

Cllr Reg Rice substituted for Councillor Chiriyankandath.

### **110. URGENT BUSINESS**

There were no items of urgent business.

### **111. DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **112. MINUTES AND MATTERS ARISING**

#### **RESOLVED**

- a. To confirm and sign the minutes of the Standards Committee held on 14<sup>th</sup> October 2019.
- b. To confirm and sign the unrestricted minutes of the Standards Assessment Sub Committee held on 1<sup>st</sup> October 2019.
- c. To confirm and sign the unrestricted minutes of the Standards Assessment Sub Committee held on 17<sup>th</sup> December 2019.

## Matters arising

In discussion of the minutes of the Standards Committee held on 14<sup>th</sup> October 2019, the Committee raised the following:

- In reference to the action point at page 8 of the agenda, the Committee queried the publishing of Independent Persons details and conflicts of interest. In response the Acting Democratic Services and Scrutiny Manager explained that the details of Independent Persons would not be published prior to their appointment. The Committee were advised that there was no legal requirement for Independent Persons to complete a declaration of interest as they were non-voting members. Similarly, non-voting co-opted members were not required to complete a declaration of interest.
- Regarding the action point at page 9 of the agenda, the Principal Lawyer – Gina Clark – advised that there was no legal basis for a mechanism to be put in place to ensure Independent Persons notified the Council of any eventuality that would compromise their independence, such as joining a political party. The Committee was assured that Independent Persons would have an awareness of rules and procedures, and a robust Independent Person would have the integrity to flag any potential conflict of interest. The Acting Democratic Services and Scrutiny Manager noted that Independent Persons only had to declare any friends or relatives in the local authority and any current membership of a political party. The Principal Lawyer advised that a person would be excluded from the appointment as an Independent Person should they specify a connection with a relation or close friend within the local authority.

### **113. DRAFT REPORT ON MEMBER'S ALLOWANCE 2020/21**

Richard Penn, the Independent Advisor (IA), introduced this item, as set out at pages 1-84 of the supplementary pack, which provided the draft report on the review on the Member's Allowance scheme.

The IA highlighted that the financial implication of the recommendations, as set out at pages 29-31 of the supplementary pack, amounted to less than an additional £30,000 per annum on the current provision of £1,106,000 per annum – an increase of less than 3% per annum. It was further highlighted that there was no recommendation to reduce any of the SRAs in the Haringey Scheme; however, it was recommended that some of the SRAs required an uplift based on work commitment and responsibility involved in those respective positions. There were two key recommendations made:

1. **Recommendation 1:** The current SRA of £33,926 for the Leader of the Council was inadequate and should be increased based on the fact that it was a full-time and challenging role that represented the full source of income for the Leader. Having reviewed neighbouring comparative London Boroughs, such as Waltham Forest which paid its Leader an SRA of £51,000, the IA proposed that an appropriate SRA for the Leader of the Council should be £45,000 per annum.

2. **Recommendation 2:** A series of recommendations were outlined, as set out at pages 29-31 of the supplementary pack. The key changes noted under this recommendation was an increase to the SRA for the following roles:

- Leader of the Principal Opposition Group – proposal of an increase from Band 2B (£16,965) to a new Band 2C (£19,500)
- Chair of Overview and Scrutiny Committee – proposal of an increase from Band 3A (£23,134) to Band 3B (£25,443)
- Vice Chair of Overview and Scrutiny Committee (OSC)– proposal of an increase from Band 2A (£15,421) to Band 2B (£16,965)
- Chair of Combined Pensions Committee and Board – proposal of an increase from Band 1B (£8,482) to Band 1C (£12,500)

The Committee had praised IA for the well-evidenced and impartial report.

In discussion, the Committee raised the following:

- The Chair noted that the Deputy Leader of the Principal Opposition was listed as an option in the Questionnaire; however, the findings from the Questionnaire had not mentioned the Deputy Leader of the Principal Opposition. In reference to pages 14-15 of the supplementary pack, it was further noted by a Member that the Deputy Leader of the Principal Opposition had not been listed under the current roles receiving an SRA, as the Deputy Leader of the Principal Opposition should have been listed under Band 1B. The Committee were assured that the omission mentioned above in relation to the Deputy Leader of the Principal Opposition would be investigated, and the requested information relating to the Deputy Leader of the Principal Opposition would be included in the final report (**Action: Ayshe Simsek / Richard Penn**).
- It was suggested that the Regulatory Committee be removed to establish separate Licensing and Planning Committees, which currently came under the umbrella of the Regulatory Committee. It was highlighted that this change would eliminate the need for a Vice Chair of Regulatory Committee. It was further suggested that the Corporate Committee should also be reviewed, such as renaming the Corporate Committee to 'Audit and Risk Management Committee' and reducing the number of members within the Corporate Committee. The Acting Democratic Services and Scrutiny Manager advised that any reduction in membership of a Committee would require an assessment of proportionality and the impact of membership of other Committees. The Acting Democratic Services and Scrutiny Manager noted that the impact of the reduction of membership of the Corporate Committee could be assessed prior to the annual meeting (**Action: Ayshe Simsek**). Since the stated suggestions were outside of the scope of the current Members' Allowance Scheme Review, the Committee agreed that the current structure of the Regulatory Committee and Corporate Committee could be reviewed for the next municipal year. The Committee were advised that such a review would require consultation with members of the relevant Committees and involvement of the Monitoring Officer.
- In response to queries around the Mayoral allowance, the IA noted that the Mayoral allowance was determined by the Council. The IA informed that an in-depth comparative research was not conducted specifically around the Mayoral allowance and responsibility. The IA informed the Committee that the London Council's Independent Panel was specific in advising that Members should only

- be paid one extra allowance, but this was not specified for Mayors; therefore, technically the Mayor could be paid a Mayoral allowance and SRA allowance. However, the Acting Democratic Services and Scrutiny Manager noted that not more than 50 percent of Councillors were allowed an SRA.
- Members queried the reason for the proposed increase of SRA for the Chair of OSC to the equivalent SRA level as Cabinet members. In response, the IA explained that in terms of their position within the organisation, the Chair of OSC had a similar level of responsibility and impact as Cabinet members, thus it was appropriate to recognise the key role of the Chair of OSC within the Council structure. Furthermore, the findings of the Members Questionnaire showed that several Members suggested that the SRA for the Chair of OSC should be aligned with the SRA for Cabinet Members.
  - A Member noted that under the current Scheme that there was no SRA for other opposition groups besides the primary opposition groups, and it was suggested that this should be further explored (**Action: Ayshe Simsek / Richard Penn**).
  - In reference to the table at page 18 of the supplementary pack, the Committee requested a breakdown of average cost of Members' allowance for all London boroughs to be included in the final report (**Action: Ayshe Simsek / Richard Penn**).
  - It was suggested that the report should include index linking in relation to the overall budget and future basic allowance. The Acting Democratic Services and Scrutiny Manager informed the Committee that she would obtain finance comments in relation to index (Action: Ayshe Simsek).

The Committee were informed that the final report would be presented to the Committee at the next meeting on 2<sup>nd</sup> March.

The Chair thanked the IA for his report and contribution.

***At 20:45 the IA left the meeting.***

## **RESOLVED**

To consider and comment on the attached draft report at appendix 1.

### **114. APPOINTMENT OF INDEPENDENT PERSONS 2020 - 2024 - RECRUITMENT PROCESS**

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager, introduced this Report as set out at pages 15-18 of the agenda, which provides information on the recruitment process for the appointments of up to two persons under section 28(7) of the Localism Act 2011.

The Acting Democratic Services and Scrutiny Manager noted that since the previous Standard Committee meeting in October 2019, the Independent Persons role had been advertised in the Ham and High newspaper, the Guardian, and on Haringey Council's website. It was further noted that the deadline for the application was 2<sup>nd</sup>

February, and thus far there had not been any applications received, however it was likely that application would be closer to the deadline.

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

- In response to a query around possible eventualities should there be no applications received for the role, the Principle Lawyer advised that the contract for the current Independent Person could be extended in such eventualities, the Independent Persons current contract ends on 30<sup>th</sup> June. Subsequently, the role could be advertised for a longer period. Furthermore, the Acting Democratic Services and Scrutiny Manager mentioned that the City of London Corporation and Lambeth Council had recently appointed Independent Persons, and she could enquire whether they had any unsuccessful candidates that they could recommend. However, the Committee was assured that it was a prestigious role and should attract high calibre individuals who would be aware of local governance.

The Committee discussed dates for the shortlisting for the appointment of independent persons. The Acting Democratic Services and Scrutiny Manager proposed 4<sup>th</sup> February and 6<sup>th</sup> February as possible dates for shortlisting. The Committee agreed that the shortlisting and interview panel for the role would consist of the Chair, Cllr Cawley-Harrison, and Cllr Demir. The named Members confirmed that 6<sup>th</sup> February at 6.30pm would be suitable for shortlisting. In regard to interviewing for the role, the Acting Democratic Services and Scrutiny Manager informed that interviews would be allocated around 45 minutes each and about an hour for scoring. The named Members agreed that 17<sup>th</sup> February at 1pm would be a suitable start time for the interviews.

The Acting Democratic Services and Scrutiny Manager assured the Members that the relevant papers would be sent to them by special delivery in advance of 6<sup>th</sup> February. The Acting Democratic Services and Scrutiny Manager informed Members that she would collate interview questions based on the job description and she would circulate it to the named Members for commenting (**Action: Ayshe Simsek**).

#### **RESOLVED**

- a. To note the process set out at paragraphs 4.4 to 4.7 and provide any comments.
- b. To note that the proposed appointment will be considered by the Standards Committee at the 2<sup>nd</sup> of March meeting and will be for onward approval by full Council at their meeting on the 16<sup>th</sup> of March.

#### **115. REPORT ON CO-OPTED MEMBERS**

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager, introduced this Report as set out at pages 19-25 of the agenda, which provides information regarding the current cohort of co-opted members supporting Council Committees.

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

- In response to a query, the Acting Democratic Services and Scrutiny Manager explained that co-opted members would not get paid should they not attend meetings. However, the Committee were informed that the attendance records of co-opted members showed regular attendance to meetings by co-opted members.
- The Committee were concerned that non-voting members were not required to complete a declaration of interest form, especially as they could influence meetings. The Chair suggested that it would be good practice for non-voting members to complete a declaration of interest. Raymond Prince, Assistant Head of Legal Services, noted that the completion of a declaration of interest form by co-opted members would be good practice and promote transparency; however, co-opted members were under no legal obligation to complete a declaration of interest. In view of good practice and transparency, the completion of declaration of interest forms by co-opted members would be further explored **(Action: Ayshe Simsek)**.
- In response to a query, the Acting Democratic Services and Scrutiny Manager noted that only co-opted members with voting rights were provided with an allowance. Haringey had three Committees with voting co-opted members, which were the Overview and Scrutiny Committee (OSC), Children and Young People's Scrutiny Panel, and the Combined Pensions Committee and Board.
- Regarding voting co-opted members, a Member noted that there were two representatives from the Christian faith and raised a concern that there were no representatives from other faith groups. The Acting Democratic Services and Scrutiny Manager noted that the legislation that co-opted membership was based on was historic, and the legislation had not progressed to reflect the diverse nature of the education system. It was further noted that Barking and Dagenham Council had included representatives from different faith groups, which was a case-study that could be further investigated as a way forward **(Action: Ayshe Simsek)**.
- In response to a concern that the co-opted members for the OSC had voting rights on education matters only, the Acting Democratic Services and Scrutiny Manager informed that this matter was raised with the Chair of OSC and there would be a report to review the voting rights of co-opted members within the OSC.
- A Member queried the reason some Committees had co-opted members and other Committees had none. The Acting Democratic Services and Scrutiny Manager highlighted that the reasons behind the variation was due to the historic nature of the legislation that co-opted membership was based on; and certain Committees, such as the Combined Pensions Committee and Board, required individuals with expertise due to its complex nature.
- A Member raised a query in reference to paragraph 6.8 of the Co-opted Members report, which stated that co-opted members with voting rights were 'treated as opposition Councillors for the purposes of political proportionality.' In response, the Acting Democratic Services and Scrutiny Manager recognised that the terminology used in that paragraph was incorrect and clarified that the co-opted members were not part of any minority political party. The Acting Democratic Services and Scrutiny Manager said that she would further explore the co-opted membership process in order to ensure clarity around the role of co-opted members with voting rights **(Action: Ayshe Simsek)**.

- Regarding a query as to whether co-opted members could be removed from their post should they act inappropriately, the Principal Lawyer explained that only co-opted members with voting rights were subjected to the Code of Conduct. The Acting Democratic Services and Scrutiny Manager noted that if a Committee felt strongly about the behaviour of a co-opted member, the Committee could put forward a report for the membership of the co-opted member to be discontinued.
- A Member raised a concern that not all the co-opted members of the Combined Pensions Committee and Board had undertaken the toolkit training. The Acting Democratic Services and Scrutiny Manager informed that the Combined Pensions Committee and Board members had to undertake the toolkit training as it was part of the Terms of Reference. The Acting Democratic Services and Scrutiny Manager would further investigate the toolkit training for co-opted members **(Action: Ayshe Simsek)**.
- In response to a query regarding the recruitment of panel members, the Principal Lawyer informed that the recruitment of co-opted members was subjected to legislation. It was further noted that information around appointments should be evident in the constitution. The Principal Lawyer would investigate the appointment of co-opted members to provide further clarity **(Action: Gina Clarke)**.
- In response to a query as to whether co-opted members could be included in other committees, the Acting Democratic Services and Scrutiny Manager explained that it depended on the Committee's Terms of Reference, for example the OSC and Combined Pensions Committee and Board contained provisions for co-opted members in its Terms of Reference. The Terms of Reference are set out in the Council's Constitution, which was based on legislation.
- In reference to paragraph 6.26 of the report, the Committee requested that the word 'regime' be removed. The Acting Democratic Services and Scrutiny Manager confirmed that the word 'regime' would be **removed (Action: Ayshe Simsek)**.

The Acting Democratic Services and Scrutiny Manager that the above-mentioned comments and changes would be undertaken, and a further report on co-opted members would return to a future meeting. The Chair noted that the report was not required for the next meeting in March and could return to another future date.

## **RESOLVED**

To note the information contained in the report concerning co-opted members, selection, appointment and role.

## **116. SOCIAL MEDIA GUIDANCE**

Gina Clarke, Principal Lawyer (Employment, Education & Corporate), introduced this Report, as set out at pages 85-94 of the supplementary pack, which proposed guidance to Councillors to provide support on the use of social media.

In discussion, a Member made the following suggestions regarding the Social Media Guidance:

- A reference should be made that liking or re-tweeting content could be perceived as endorsement; and
- In reference to the 'Personal Social Media Accounts' section of the guidance as set at page 91 of the supplementary pack, the guidance should be more explicit by providing examples of content in personal accounts that could be interpreted as representation made in a professional capacity, as a Councillor, which would result in the Councillor being susceptible to the Code of Conduct.

In response to the suggestions, the Principal Lawyer informed the Committee that as the guidance was issued by the Monitoring Officer, she would be required to feed back the comments to the Monitoring Officer. The Chair asked that any amendments or inclusion of the above-mentioned suggestions be posted on the Members Portal on the Council's Intranet and also emailed to all Councillors for their reference (**Action: Gina Clarke**).

## RESOLVED

That the Committee:

- Consider the Social Media Guidance for Councillors (Appendix 1).
- Note that the Guidance will be:
  - posted on the Members Portal on the Council's intranet
  - incorporated into the Members Toolkit for new councillors

## 117. COMMITTEE WORK PLAN

Ayshe Simsek, Acting Democratic Services and Scrutiny Manager, introduced this report as set out at 25-26 of the agenda pack, which requested the Committee to note the current work programme and put forward any comments on suggested areas of work.

Regarding the 'Council report on Independent Persons for Standards Committee' referenced under item 2 of the Committee Work Plan for 2<sup>nd</sup> March 2020, the Chair noted that the time period was incorrectly recorded as '2020/2024' and should be '2020/2022' as had been previously agreed. The Acting Democratic Services and Scrutiny Manager noted that the error would be amended accordingly (**Action: Ayshe Simsek**).

A Member queried whether information based on comments made earlier in the meeting regarding co-opted members would be provided at the Standards Committee meeting on 2<sup>nd</sup> March. The Acting Democratic Services and Scrutiny Manager noted that further investigation would be required around the appointment of co-opted members before a report was presented to the Committee. The Chair requested that this matter be added as part of the Work Programme (**Action: Ayshe Simsek**).

Regarding a suggestion made under the Members Allowance Scheme item around changes to the Regulatory Committee, the Chair recommended that the suggestion be



progressed following the Members Allowance final report, which was due to be presented to the Committee in March.

**118. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

**119. DATES OF NEXT MEETINGS**

2 March 2020

**120. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that the press and public be excluded from the meeting for consideration of Items 14 and 15 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.

**121. DRAFT REPORT ON MEMBER'S ALLOWANCE 2020/21**

None.

**122. EXEMPT - RESTRICTED MINUTES OF THE STANDARDS SUB COMMITTEE**

**RESOLVED**

- a. To confirm and sign the restricted minutes of the Standards Assessment Sub Committee held on 1<sup>st</sup> October 2019.
- b. To confirm and sign the restricted minutes of the Standards Assessment Sub Committee held on 17<sup>th</sup> December 2019.

CHAIR:

Signed by Chair .....

Date .....