

# **MINUTES OF MEETING Standards Committee HELD ON Tuesday, 21st March, 2023, 7pm**

## **PRESENT:**

**Councillors: Felicia Opoku (Chair), Ibrahim Ali, Barbara Blake,  
Scott Emery and Reg Rice**

### **41. FILMING AT MEETINGS**

The Chair referred to the notice of filming at meetings and members noted this information.

### **42. APOLOGIES FOR ABSENCE**

There were apologies for lateness from Cllr Ali.

### **43. URGENT BUSINESS**

Considering s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting agreed that the item 5 should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were that the report was considered by the Constitution Working Group after the dispatch of papers and there was a need to research and compile responses to details concerning the proposed Sub Committees.

The report needed to be considered at the Standards Committee on the 21st of March to enable the report to progress to Full Council on the 27th of March 2023 and have implementation of the new committees in May 2023.

Cllr Emery stated that the papers on the changes to Committees had been sent out late to the Constitution Working Group on each consideration. In response, it was noted that there were many technical issues to consider which had required external legal advice and this summarised in an accessible language, meaning delays in the despatch of papers. This feedback would be provided to the Constitution Working Group.

### **44. DECLARATIONS OF INTEREST**

None

### **45. MINUTES**

## RESOLVED

To approve the minutes of the meeting held on the 24 January 2023.

### 46. CONSTITUTIONAL CHANGES AND COMMITTEE CHANGES 2022/23 2023/24

*Cllr Ali entered the room at 7.15pm*

The Committee considered a report setting out proposed changes to the Council's Committee Structure and resultant changes to the Constitution. The emphasis of the report was on meeting good governance requirements and ensuring that the non-executive functions were effectively assigned and also responded to recent changes in terms and conditions of statutory officers.

The Standards Committee noted that establishing a Committee which focused on Audit, independent of any executive council operations, would provide an independent and high-level focus on the adequacy of governance, risk and control arrangements, and give greater confidence to all those charged with governance that those arrangements would be effective.

The Committee discussed the following:

- The proposed 2 Independent Advisors and their appointment process. The Committee noted that the Director of Finance, Head of Audit and Risk along with the Monitoring Officer would be part of the recruitment panel and the Chair of the Audit Committee would be consulted on the appointments. The recruitment process would start as soon as possible and it was hoped to attract local residents with the appropriate experience to be recruited by July 2023, if these Committee proposals were agreed. They would be non-voting and would not have a political affiliation. Their term of office was expected to be 4 years, and they would receive the same remuneration as the Independent Persons on Standards Committee.
- The training of Audit Committee members and ensuring they had the skills needed to participate and making this mandatory requirement. The Committee noted it was likely that training would take place before the first meeting in July and continue thereafter.
- The need for Audit Committee Members to be only part of the Audit Committee and not on scrutiny. It was clarified that the expectation was for Overview and Scrutiny members to not be a member of the Audit Committee, but that a Scrutiny Panel members [not the Chair] could participate in both Audit and Scrutiny Panel meetings. There was a concern raised about the democratic accountability of Audit Committee members if they were members of both Committees, but members noted the learning and preparation that would be involved in this Audit role.
- The membership number of the Audit Committee was expected to be 7 plus 2 Independent Advisors. This was a proportionate number and the Committee

would cover treasury management functions. These were areas concerning non-executive financial management and involved similar officers with linked expertise.

The Committee considered information from the Constitution Working Group on the remaining powers for Corporate Committee which would be non-executive functions, including the legislation on non-executive functions set out in section Reg. 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853 and the proposals for managing Director appointments, dismissals, disciplinarys and grievance to ensure the Council met updated legislation related to statutory officers. The Committee received updates to part 5 Section D of the Constitution, Decision Making protocol, to include consideration of climate change mitigation in decision making reports.

The Committee continued to discuss the following:

- The need to have Cabinet Members involved in Director and Statutory Officer Appointments, Dismissals, Disciplinarys even though there was a right of Cabinet Members to call in a decision on the appointment of a Director. The Committee were advised that this was a legislative requirement and there was no way around this.
- The request to have a separate Appointments body and a separate Disciplinary, Grievance and Dismissals body by the Constitution Working Group was noted
- The attendance reporting issues. Current arrangements meant that some Members of S&R were marked as having given apologies for special meetings which they could not attend as they had not been involved in the recruitment process and did not have a vote. Democratic services agreed to look into this matter and could mark S&R members as not required to attend.
- The current Staffing and Remuneration arrangements were referred to and compared to the proposals. It was proposed that the Leader of the Council chair these bodies, with the Chair of General Purposes Committee as Vice Chair of these bodies. In addition, the membership would comprise of a member from the GP Committee, a Cabinet Member, and a Member of the Opposition to ensure political proportionality.

The Committee were advised at the meeting that late external legal advice had been received and indicated a legislative legal issue with establishing the Appointments body and Disciplinary, Grievance and Dismissals body as planned sub-Committees of the General Purposes Committee as it had been proposed that these Sub-Committees had a different membership to the parent Committee. Due to the Leader and Cabinet Member not being members of the GP Committee, it meant that they would not qualify to be a member of the Sub-Committees. However, they would be required to be a member of the Sub-Committees to meet legislative requirements. The Committee noted that if the General Purposes Committee was expanded from 5 to 7 members to include the Leader and a Cabinet member, this would no longer be an issue. The Committee had a discussion on this and indicated that General Purposes

Committee should have a non- executive membership. The Committee also noted that some Councils had these Appointments and Disciplinary bodies as Committees of the Council.

The Committee were advised that questions had been raised with the external legal advisor, shortly before the meeting, to understand if there could be a change in reference. This would be with the Sub Committee reference removed and instead the term 'Panel' used as a way forward and were awaiting a response.

The Standards Committee agreed the recommendations in the report, subject to clarification in the reports on whether the 2 bodies would be Sub-Committees or Panels. The Committee agreed to provide a delegation to the Monitoring Officer in consultation with the Chair [who would in turn consult with the Standards members] following urgent legal external legal advice being sought, to clarify the report and either amend the number of members on General Purposes from 5 to 7 to include the executive members and meet the requirements of the Sub Committee or amend the references to the Sub Committee and use the term 'Panel'.

**RESOLVED, subject to clarification in the reports on whether the 2 bodies would be Sub-Committees or Panels.**

1. To recommend to Full Council on the 27<sup>th</sup> of March 2023 the agreement of the establishment of an Audit Committee as an Ordinary Committee of the Council at the Full Council on the 27<sup>th</sup> of March and to take effect from the Annual Meeting of the Council in May.
2. To recommend to Full Council on the 27<sup>th</sup> of March 2023 agreement of the establishment of a General Purposes Committee as an Ordinary Committee of the Council at the Full Council on the 27<sup>th</sup> of March and to take effect on from the Annual Meeting of the Council in May.
3. To recommend to Full Council on the 27<sup>th</sup> of March 2023 agreement of the establishment of an Appointments Sub Committee. This is to be a Sub Committee of the General Purposes Committee and to take effect from the Annual Meeting of the Council in May
4. To recommend to Full Council on the 27<sup>th</sup> of March agreement of the establishment of a Disciplinary Grievance and Dismissal Sub Committee. This is to be a Sub Committee of the General Purposes Committee and to take effect from the Annual Meeting of the Council in May.
5. To recommend to Full Council the deletion of the Corporate Committee and Staffing Remuneration Committee from the Council's Committee Structure and to take effect from the Annual Meeting of the Council in May.

6. To agree to recommend to Full Council on the 27th of March 2023, and update part 5 Section D of the Constitution to include consideration of climate change mitigation in decision making reports. This will be in line with the adopted policy position, set out in the Council's Climate Change Action Plan, and will require all key decision-making reports, to consider and report on whether or how the proposals delivers Climate Change Mitigation (reducing carbon and energy impacts) and Climate Change Adaptation (minimising the risks and impacts in a changing climate).
7. To agree to recommend the full Council, the subsequent administrative changes to the Member Allowance scheme with the Chair of General Purposes Committee allocated the SRA banding 1B for the Staffing and Remuneration Chair and the Audit Committee Chair allocated the SRA 1B for the Corporate Committee Chair.
8. To agree to recommend to full Council the subsequent changes to the Council's Constitution set out Appendices 1 and 2 and noting the final versions set out in Appendices 3 and 4.
9. To agree to recommend to full Council on the 27<sup>th</sup> of March 2023 to provide delegation to the Council's Monitoring Officer to update the subsequent required administrative and technical amendments (grammatical, formatting, and consistency) necessary to finalise the revised constitution for publication. To note that these will be reported up to the Annual Council meeting in May as part of the Monitoring Officer report and shown in track changes.

## **Reasons for decision**

CIPFA is the Chartered Institute of Public Finance and Accountancy (CIPFA) and a UK-based international accountancy membership and standard-setting body. This is a global body dedicated to public financial management.

CIPFA believes that improving public services is the key to changing lives for the better and that good public financial management is central to achieving this ambition. CIPFA Guidance outlines that the Audit Committee should be an independent and to be effective, provide the following:

- Be independent of executive decision making and scrutiny;
- Able to provide objective oversight with sufficient importance in the authority so that its recommendations and opinions carry weight and have influence with the leadership team and those charged with governance;
- Have rights of access to and constructive engagement with other Committees/functions, for example scrutiny and service Committees, corporate risk management boards and other strategic Groups;
- Have rights to request reports and seek assurances from relevant officers;
- be of an appropriate size to operate as a cadre of experienced, trained Committee Members. Large Committees should be avoided;
- include at least two co-opted independent Members to provide appropriate technical expertise;

- meet regularly, at least four times a year, and have a clear policy on those items to be considered in private and those to be considered in public; and be able to meet privately and separately with the external auditor and with the head of internal audit.

In accordance with paragraphs 6.3 to 6.23 The Section 151 Officer and statutory Officers of the Council strongly recommend that an Audit Committee is established in keeping with good governance practices.

Reasons for establishing a General Purposes Committee together with an Appointments Sub Committee and Disciplinary Grievance and Dismissal Sub Committee. are further set out in paragraphs 7 to 7.23.

Reasons for updating the Decision-making Protocol are set out in paragraphs 7.24 to 7.27.

### **Alternative Options**

To continue with current arrangements which would not be in full accordance with CIPFA guidance on good governance principals.

To continue with the Staffing and Remuneration Committee and separate Corporate Committee and include an additional SRA in the Member Allowance Scheme for 2023/24.

Adding Regulatory functions to the Corporate Committee as these non-executive functions have only recently been added to the Strategic Planning Committee and Licensing Committee in May 2021.

*In line with the resolutions and delegations, the Committee subsequently received legal advice that the Sub Committee membership of the 2 proposed subcommittees should be drawn from the main Committee and this was a matter concerning the way delegations worked. According to legislation, Full Council delegates the function to a Committee and the Committee can only work within the terms of reference and membership approved by Full Council. If they wish to create a Sub-Committee then they are bound to the remit set by Council .Therefore, there would be a legal issue if the Council set up these bodies as Sub Committees of General Purposes with additional members who were not members of the main Committee and would mean that the bodies were not constituted properly.*

*Further to consultation, it was agreed to update the Council report and assign the Appointments body and Disciplinary, Grievance and Dismissals body as Committees of the Council, calling these bodies: The Appointments Panel and Disciplinary, Grievance and Dismissals Panel. This would allow the involvement of Leader to chair meetings and the Cabinet Member with responsibility for the portfolio area to be on this Committee to meet legislative requirements. The Committee members agreed the following to be added to the terms of reference to allow this body to have a working relationship with General Purposes Committee:*

- *Specify the membership in the Constitution: The Leader of the Council, Cabinet Member responsible for HR, Chair of General Purposes, Member of General Purposes Committee and member of the Opposition. This would still allow the substitution of members for meetings if required. However, we would clearly set out the potential substitutes (which would be Cabinet Members) within the Annual report on Committees and could include a note on this within the Terms of Reference.*
- *Specify that the Leader of the Council would be Chair of these bodies, with the Chair of General Purposes as Vice-Chair.*
- *The minutes of the Panels would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council and this would be added to their Terms of Reference to make this clear.*
- *These meetings would not be listed in the Council's calendar of meetings as they would take place on an ad hoc basis.*

*In addition, the administrative details proposed to be completed were:*

- *Adding information to the published Members Allowance scheme, in the SRA banding 1b, alongside the listing of chair of General Purposes, Vice chair of Appointments Board/Panel and Disciplinary, Grievance and Dismissals.*

#### **47. MEMBERS ALLOWANCES SCHEME FOR 2023- 2024**

Following the discussion on Member's Allowance Scheme at the Standards meeting on 24 January 2023 and further to dialogue with councillor colleagues, the Standards Committee Members indicated that a 2% increase to the Basic Allowance for the 2023/24 municipal year was required. This was in alignment with the review completed in 2019/20 which indicated that the Members Basic Allowance percentage increase be index linked to the local government officer pay percentage increase, capped at 2% to be reduced if a lesser percentage is agreed.

The Committee considered that there had been a local government officer pay percentage increase, and proposed that the current Basic Allowance be increased from £11,247 to £11,471.94 [rounded to 11,472] from the 1 April 2023 to 31 March 2024.

#### **RESOLVED**

1. To consider the changes to the Members' Allowances Scheme set out at paragraph 6.13 and reflected at Appendix 1 to the report.

2. To recommend that the Members' Allowances Scheme 2023/24 attached at Appendix 1 be adopted by Full Council on 27 March 2023.

### **Reasons for decision**

The Council has a legal duty to approve 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.

### **Alternative options considered.**

No alternative options were considered as there is a duty to adopt a members' allowance scheme annually.

#### **48. NEW ITEMS OF URGENT BUSINESS**

None

#### **49. DATES OF FUTURE MEETINGS**

Noted

#### **50. EXCLUSION OF THE PRESS AND PUBLIC**

##### **RESOLVED**

To exclude the press and public from the meeting 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.

#### **51. EXEMPT MINUTES**

None

#### **52. NEW ITEMS OF EXEMPT URGENT BUSINESS**

None

#### **53. COMMITTEE WORK PROGRAMME**

Noted



CHAIR: Councillor Felicia Opoku

Signed by Chair .....

Date .....