

REPORT OF STANDARDS COMMITTEE 01/2023/24

FULL COUNCIL 17 July 2023

Chair: Ibrahim Ali

1. INTRODUCTION

1.1 This report arises from the Standards Committee meeting held on the 27th of June 2023 and asks Full Council to consider the following:

1.2 To approve amendments to Part Four of the Constitution, Section J Contract Procedure Rules and any other consequential amendments arising as a result of:

- Removal of relevant references to EU law and legislation, updated references to current legislation, Council policy and Officer roles.
- Formalisation of existing practices and Council Policies.
- Minor drafting amendments.

1.3 To approve the constitutional related actions arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023, namely:

- Guidance on the role of Council appointees to voluntary sector organisations, reminding them of their role as stewards of public funds.
- Guidance to councillors meeting with landowners, contractors etc when not in their capacity as ward councillors.
- Protocol for Decision Making to provide consistency and support.

1.4 To approve the changes to the Petitions Scheme and Council Standing Order section on Petitions.

1.5 To approve the addition of the Licensing Hearing protocol to the Council's Constitution.

2. Proposed changes to the Council's Contract Standing Orders

2.1 On the 27th of June we considered a report setting out changes to the Council's Constitution, in part four, section J. This included:

- Renaming the Contract Procedure Rules to Contract Standing Orders.
- That Directors to approve additional extensions or a variation to a contract that has previously been approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000) and that such decisions will not be treated as a key decision.

- Formalising existing practice that Directors are required to report any decisions valued at one hundred thousand pounds (£100,000) or more are reported to Cabinet.
- Formalising Council Policy for contracts to include the payment of London Living Wage in contracts valued £50,000 or above.
- An amendment enabling a director (or Head of Service up to their level of delegated authority) to sign or approve any contract valued below two hundred and fifty thousand pounds (£250,000), instead of both officers as presently required.
- An amendment to waiver provisions, so that waivers valued at £160,000 or above, is approved by the Head of Procurement prior to engaging the supply chain.

2.2 We welcomed the report and agreed the proposed changes were required as a result of changes to legislation and to reflect current structures within the Council. The changes supported efficiency of contract approvals and we were assured of the measures to be taken forward to ensure transparency and accountability.

3. WE RECOMMEND

Council adopts the proposed revised Part Four of the Constitution, Section J Contract Procedure Rules as attached at **Appendix 2**.

4. Responses to three of the recommendations arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions.

4.1 We noted that the Action Plan for the Independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023, included constitutional related actions that we were required to consider in accordance with our responsibilities for recommending changes to the Constitution to full Council. This included:

- Additional guidance on the role of Council appointees to voluntary sector organisations, reminding them of their role as stewards of public funds and assets. The guidance had been reviewed by the Member Constitution Working Group and included their comments on: a duty to act in the interest of the outside body, and how not to conflict between both outside body role and councillor role discussion with the Monitoring Officer, the potential need to recuse from meetings, and considering public perception. We noted that the Action Plan to Cabinet indicated that existing guidance would be reviewed, and new guidance or amendments as required would be implemented and that there was a need for training for Members and officers

relating to this area. We noted that this took place on 15th of June 2023. There was an action to look to having a signed declaration of having read new guidance and this was planned for implementation following Council approval in July 2023.

- Guidance to Councillors meeting with landowners, contractors etc when not in their capacity as ward councillors. We noted that this has been compiled by considering the seven principles of public life, the Planning Protocol of the Council and LGA guidance on ethical governance. This guidance included the Constitution Working Group's comments on outlining the difference between a proper and improper approach, declaring gifts using the Declaration of Interest form, and the circumstances of when to report participation in ward-based meetings with third parties where there could be a future potential interest.
- Response to recommendation that further information on the Leader's powers are included in the Constitution. We noted the additional wording added to the Protocol for Decision Making to provide consistency and understanding of the key principles of decision making. There would be officer training on decision making reports managed by Legal services and supported by Democratic services, Procurement Team and Policy team where these additions would be highlighted. We further noted that the Asset Management Plan action plan also identified a full review of property related processes. This review would inform any required further updates to Section D and part 5 of the Constitution, in November from a service perspective, and would be considered at our meeting on the 31 October 2023 and Full Council on the 20th of November 2023.

5. WE RECOMMEND

- 5.1 Adoption of **Appendix 5** – Advice on Outside Bodies
- 5.2 Adoption of **Appendix 6** -- Guidance for Councillors on contact with third parties and stakeholders.
- 5.3 Adoption of **Appendix 8**(final version) of updates to the Part 5 Section D, Protocol for Decision Making.

6. Haringey Petitions Scheme Update

- 6.1.1 We noted that The Council's Petitions Scheme was implemented in 2010 and updated in 2011 to meet the requirements of the Local Democracy, Economic Development and Construction Act 2009 which imposed a duty on local authorities to respond to petitions. We noted that the requirements of the Act in relation to petitions had been repealed but the majority of local authorities, processes for dealing with petitions were already in place and petitions submitted to a local authority by a body of its citizens were usually presented

to the full Council. Some Councils had removed or amended the provisions regarding petitions from their Constitutions following the repeal of the statutory requirements, while others have retained the schemes.

- 6.1.2 We noted the need to update the petitions scheme to improve accessibility and understanding of the scheme and to set out the distinction between e- petitions and paper petitions. We considered the proposed changes and the reasons for them, which were set out in the attached report at **Appendix 9**. There was also included a proposed change to the Council Standing Orders to reflect the provision of a council debate for petitions supported by 1% of the borough population (2643 signatures).
- 6.1.3 We discussed petitions with signatures of less than 2643 and noted that the separate Committee Standing Order provision remained unchanged. Residents were still able to put forward a petition with less than 2643 signatories to a Committee meeting and it would be received and responded to at the next meeting.
- 6.1.4 We discussed the provision for residents to put forward questions to Cabinet Members at full Council meetings and were advised that this provision was contained in Council Standing Orders and residents were able to submit questions to full Council, 8 clear days in advance of the meeting, and could attend and present them. We noted that this provision could be better highlighted in on the Council web pages.
- 6.1.5 We discussed the submission and hearing of petitions at full Council where the number of signatures was over 2643, and how similar issues could be raised but with some minor differences in wording. We noted that a petition that was heard at a meeting could subsequently be slightly updated and then submitted straight after being heard. There was a need to ensure that the Full Council meetings heard petitions on a range of local issues and from a range of community voices. We continued to agree the updated Petitions Scheme, subject to changes to the wording relating to the submission and hearing of petitions. This updated wording would be sent out to the Committee to consider and agree prior to submission to the full Council.

- 6.1.6 We subsequently considered the following updated wording:

Additionally:

Raising similar issues as a petition submitted and response received in writing within the last 6 months.

A paper petition or e- petition considered at an Overview and Scrutiny Committee or Full Council raising similar issues heard at these meetings in the last 6 months. This is to allow as many voices in the community to be heard as possible.

Once a petition has been heard at a Full Council or Overview and Scrutiny Meeting, a petition on the same topic cannot be submitted until a further 6 months has elapsed from the meeting date.

6.1.7 This was agreed and incorporated in the petitions scheme attached at **Appendix 12.**

7. WE RECOMMEND

Adoption of the updated Petitions Scheme attached at **Appendix 12.**

Adoption of the Updated Council Standing Orders attached at **Appendix 13.**

8. Licensing Protocol

8.1 We noted that the local Licensing procedure protocol, would replace the Committee procedure rules in the Constitution under part four, Section B of the Constitution, in relation to Licensing Sub Committee meetings and therefore were required to be formally incorporated within the Council's constitution.

8.2 We noted that the amendments had been considered by the Constitution Working Group and also by the Licensing Committee, who had to approve them before they come to the Standards Committee.

8.3 We noted that the procedures had not been updated since 2014 and therefore needed to be updated to reflect three main changes:

- That the Licensing Sub Committee hearings under the Licensing Act 2003 were now being held remotely.
- Introducing a time limit for initial representations to make sure that they were concise and that the meetings were completed by 10pm where possible.
- A change in the order of the speakers so that the applicant, whether it's an application, or a review of an application, the applicant would go first as it was felt that this would be more efficient in terms of the procedure for the hearings.

8.4 We noted that the Licensing Committee that met on the 22nd of June had made a number of recommendations for amendments which had been incorporated and put forward to us for consideration in the supplementary pack.

8.5 We queried the time limitation of 5 minutes proposed in terms of equity and fairness for considering presentations. We noted that there still remained a discretion for the Chair to extend this time, taking account where the facts being considered were complex or where the matter might be controversial. It was accepted that there could be meetings with a number of objectors attending and there was provision to extend that time limit if appropriate. It was further explained that this time limit was being introduced to mitigate against repetition and provide a length of time to follow by presenters. This was in line with other boroughs, and this regularised the procedure and supported the chairing of the meeting.

8.6 We discussed the proposed change to the protocol of not starting consideration of applications after 9.30pm as this would mean that the meeting would finish much after 10pm. We were concerned about how the 9.30pm timing had been

arrived at. We felt that this change may delay consideration of applications that may be time limited or community sensitive and may need to be considered on that evening. It was accepted that although this may not be a common occurrence, it was prudent to include discretion in the hearing protocol for the Sub Committee to start to consider applications/ review of applications after 9.30pm, in these situations. We agreed the recommendations, subject to this change which is now included in **Appendix 15**. Rule 63 is amended to read that *Hearings shall not normally continue later than 10.00 p.m. and no new hearing shall be commenced after 9.30 p.m. unless the chair determines that it is urgent*".

WE RECOMMEND

Adoption of the updated Licensing Protocol attached at **Appendix 15** and addition to the Council Constitution.

Appendices

Appendix 1 - Standards Committee Cover report outlining summary of changes

Appendix 2 Contract Standing Orders Part 4 Section J - to be Published

Appendix 3 Contract Standing orders - Part 4 Section J - Track changes

Appendix 4 Cover report on Response to Recommendations from Independent Review

Appendix 5 Advice on Outside Bodies

Appendix 6 Guidance on meeting with Third parties and stakeholders

Appendix 7 track changes to Part 5 Section D Protocol for Decision Making

Appendix 8 Published Part 5 Section D Protocol on Decision Making

Appendix 9 Petitions scheme Cover report summarising changes

Appendix 10 Petitions scheme track changes considered by Standards Committee 27 June 2023

Appendix 11 - Petitions scheme without track changes considered by Standards Committee on 27 June

Appendix 12 Petitions scheme updated by Standards Committee for approval

Appendix 13 Part4 Section A Council Procedure Rules_ petitions update for approval

Appendix 14 Licensing Protocol Addendum considered by Standards Committee 27 June 2023

Appendix 15 Local Licensing Rules (Licensing Protocol) updated by Standards for approval