

MINUTES OF MEETING Standards Committee HELD ON Tuesday, 27th June, 2023, 7pm

PRESENT:

Councillors: Erdal Dogan, Ibrahim Ali (Chair), Scott Emery, Simmons-Safo and Barbara Blake

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were apologies from Cllr Opoku and Cllr Barbara Blake substituted in accordance with Committee Standing Orders.

3. URGENT BUSINESS

The Standards Committee has been asked to consider a report on the new Licensing Protocol which has been published and was attached to item 9. The Committee were now further asked to consider an addendum which contained the minutes of the Licensing Committee held on the 22nd of June which considered this Protocol as the parent committee and put forward some minor changes which were attached at appendix 1 of the addendum. This addendum sought onward recommendation of the adoption of the Protocol by the Full Council on 17 July 2023, with the changes outlined in appendix 1.

The Protocol would be added to the Constitution and required the agreement of the Standards Committee in line with their terms of reference requirement of considering amendments to the Constitution and recommending proposals to the full Council for approval.

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances are so that the proposal, including the comments of the Licensing Committee which met on the 22nd of June, can be considered by the Standards Committee in a timely manner at the meeting on the 27th of June 2023 and if approved can progress to the next Full Council on the 17th of July 2023. This would allow the protocol to be added to the Constitution and allow clarity and understanding on the process for holding online Licensing Subcommittee hearings. This was agreed as a late paper due to these circumstances by the Chair on the 19th of June 2023.

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that Councillor complaints that had been assessed as no further action should be considered at the meeting as a matter and ensure the Committee consider this information in a timely way, in June, rather than the next meeting in October. This was agreed as a late paper due to these circumstances by the Chair on the 19th of June 2023

4. DECLARATIONS OF INTEREST

There were no declarations of interest put forward.

5. MINUTES

RESOLVED

To approve the minutes of the meeting held on 21 March 2023 as a correct record.

6. CONFIRMATION OF THE MEMBERSHIP OF THE STANDARDS ASSESSMENT AND HEARING SUB-COMMITTEES

This report sought confirmation of the Membership of the Standards Assessment and Hearing Sub-Committees.

RESOLVED

To agree that, given the need for members' expertise and discretion, the membership of the Standards Assessment Sub-Committee and the Standards Hearing Sub-Committee be the same as the membership of the Standards Committee.

7. PROPOSED CHANGES TO THE COUNCIL'S CONTRACT STANDING ORDERS

The Committee 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 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.

The Committee noted that 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 the Committee were assured of the measures to be taken forward to ensure transparency and accountability.

RESOLVED

1. To recommend that the Council adopt the proposed revised Part Four of the Constitution, Section J Contract Procedure Rules as attached at Appendix 1.

To note the following key amendments:

2. Part Four of the Constitution, Section J Contract Procedure Rules is renamed to Part Four of the Constitution, Section J Contract Standing Orders;
3. Directors to approve additional extensions or a variations 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;
4. 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;
5. Formalising Council Policy for contracts to include the payment of London Living Wage in contracts valued £50,000 or above;
6. 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;
7. 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.

Reasons for decision

The CSO's have not been updated since 2016 and need updating to reflect changes in legislation, improve processes and to reflect current Council Policies.

The title has been amended from 'Contract Procedure Rules' to 'Contract Standing Orders' as all officers and decision reports refer to Contract Standing Orders and not Contract Procedure Rules, therefore the title has been amended to what is commonly referred to throughout the Council.

References to officer roles have been updated to reflect current structures within the Council. Definitions of the roles have been updated to ensure the CSO's remain current going forward by referring to 'or the most senior officer'. This avoids the need to keep amending the roles referenced in the CSO's when job titles change.

New legislation has replaced out of date legislation referenced in the current CSOs; therefore various amendments have been made throughout the document to remove references to old legislation, including those references to the EU brought about by Brexit, so as to ensure the CSOs remain aligned to legislative changes.

Definitions have been updated to ensure references in the CSOs remain consistent throughout the document.

To improve process efficiency by removing the need for matters to return to Cabinet (or member signings) of any amendments to contracts with relatively low values. (i.e. currently a contract for £1m previously approved by Cabinet would need to return to Cabinet for any additional variation, even if this was just £1). Directors will therefore be able to approve contract extensions and variations on contracts previously approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000). This is consistent with Directors delegated authority of up to £500,000 throughout the constitution.

To ensure transparency and visibility of any variations or extensions agreed by Directors under CSO 3.01 d), Directors are required to report these as part of the quarterly finance report to Cabinet. In continuing the theme of transparency, the formalisation of Directors to report all decisions exceeding one hundred thousand pounds (£100,000) to Cabinet each month is incorporated into the CSOs (CSO 3.02 p)).

Reference to the use of Constructionline as a compliant process has been removed throughout the CSO's. This is because Constructionline has been privatised and no longer remains compliant with the Public Contract Regulations (PCRs).

Formalisation of the use of purchase cards (P cards) needing to comply with the CSO's to ensure the Council remains compliant with the PCRs and the Councils procurement policies and procedures (CSO 8.09).

Removal of reference to postal bids from the CSOs, as legislation now requires all tenders to be conducted electronically.

To re-enforce the Procurement Strategy previously approved by Cabinet and ensure officers comply with the delegated authority thresholds for Directors and Cabinet as stated in the constitution, CSO 9.04 drafting has been strengthened to re-enforce the use of corporate Dynamic Purchasing Systems (DPS) established by the Council. To use a non-Haringey DPS, will require the consent of the Head of Procurement to ensure compliance with the Public Contract Regulations.

Council has already approved a policy to pay London Living Wage (LLW) through contractual provisions, this amendment formalises this within the constitution for contracts valued at fifty thousand pounds (£50,000) or more (CSO 9.08.9). This a practical threshold for applying such conditions and ensures the Council remains eligible for LLW accreditation. The Payment of LLW can still apply to contracts below £50,000 where it is appropriate and viable to do so.

To ensure consistency with other delegated powers in the constitution, improve efficiency, reduce administrative burden and be more operationally practical, it is proposed that either a Director or Head of Service (with appropriate delegated authority) can approve and sign contracts valued below two hundred and fifty thousand pounds (£250,000). Currently both a Director and a Head of Service is required to sign or approve contracts (that do not require sealing) valued at two hundred and fifty thousand pounds (£250,000) or below; even if the contract was only valued at £1,000. The constitution already makes provision for a Director to award contracts up to £500,000, which is further supported by a scheme of delegation to other officers.

To enable contracts to be more accessible to small and medium sized enterprises who are unable to provide the Parent Company guarantees or bonds which may be cost prohibitive, the Director of finance can consider alternate forms of surety on contracts over two hundred and fifty thousand pounds (£250,000), which will also provide more commercially viable options for both the Council and the supply chain.

To ensure officers remain compliant with the Councils CSOs and relevant legislation, officers will require approval by the Head of Procurement of any waivers above one hundred and sixty thousand pounds (£160,000) prior to engaging the supply chain.

Alternative options considered

Do Nothing – This option would mean the Council would be referencing outdated legislation in its constitution.

8. RESPONSES TO THREE RECOMMENDATIONS ARISING FROM THE INDEPENDENT REVIEW OF THE COUNCIL'S ARRANGEMENTS FOR PROPERTY NEGOTIATIONS, AQUISITIONS AND DISPOSALS OR INTENDED TRANSACTIONS

The Committee considered 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, which included constitutional related actions that were required to consider in accordance with the

Committee's 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. 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. 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. The Committee noted that this had 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. The Committee 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. The Committee 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 the next Committee meeting on the 31 October 2023 and Full Council on the 20th of November 2023.

RESOLVED

1. To recommend the adoption of Appendix 1 – Advice on Outside Bodies to full Council on the 17th of July 2023.

2. To recommend the adoption of Appendix 2 -- Guidance for Councillors on contact with third parties and stakeholders to full Council on the 17th of July 2023.
3. To recommend the adoption of Appendix 3(track changes) and Appendix 4(final version) of updates to the Part 5 Section D, Protocol for Decision Making, to full Council on the 17th of July 2023.

Reason for recommendations

To respond to 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 indicated that constitutional related actions would be going forward to the Standards Committee in June/ October 2023 & Full Council in July/November 2023.

Alternative Options

None - As this report and appendices are a requirement of the Action Plan 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.

9. LICENSING PROTOCOL

The Chair had accepted this as a late item of business, for the reasons set out at item 3.

The Committee 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 this protocol was required to be formally incorporated within the Council's Constitution.

The Committee noted the following:

- The amendments had been considered by the Constitution Working Group and also by the Licensing Committee, who had to approved them before this meeting.
- The procedures had not been updated since 2014 and therefore needed to be updated to reflect three main changes:
 - 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.

- 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 the Committee for consideration in the supplementary pack.

The Committee queried the time limitation of 5 minutes proposed in terms of equity and fairness for considering presentations. The Committee 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.

The Committee 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. There was some concern about how the 9.30pm timing had been arrived at. It was 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.

RESOLVED

To approve that the attached Licensing Protocol be put forward to full Council for adoption on 17 July 2023 ,subject to the change to rule 63 to reflect that Hearings shall not normally continue later than 10.00 p.m. and no new hearing shall be commenced after 9.30 pm *unless the chair determines that it is urgent.*

10. PETITIONS SCHEME UPDATE

The Committee 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.

The Committee further 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.

There was a 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. The Committee considered the proposed changes and the reasons for them, which were set out in the attached report. 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).

The Committee 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.

The Committee further 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. It was agreed that this provision be better highlighted in on the Council web pages.

There were comments on 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. It was 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. The Committee 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.

Following the meeting, the Committee 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.

RESOLVED

1. To recommend that Full Council approve the updated Petitions Scheme attached, with the above change.

2. To recommend that Full Council approve the updated Council Standing Orders attached.
3. To agree the changes to the Petitions Scheme set out at Appendices 1 to 3 and recommend adoption to Full Council on the 17th of July 2023.

11. NO FURTHER ACTION CODE OF CONDUCT COMPLAINTS - MONITORING OFFICER ANNUAL REPORT:

The Committee noted that the Protocol for Complaints Against Members required the Monitoring Officer to review every allegation of breach of the code of conduct received and to decide on whether it merits reference to the Assessment Sub-Committee of the Standards Committee. The Monitoring Officer must consult with the Independent Person before making her decision. The Protocol sets out the criteria by which the Monitoring Officer may make the decision,

In the period 1 May 2022 – 31 April 2023, the Monitoring Officer determined that 25 complaints of alleged breach of the code of conduct by councillors did not merit any further action. The rationale for the Monitoring Officer decisions were mostly that the conduct complained about did not demonstrate a breach of the code. The Independent Person was consulted in making these decisions and agreed with the Monitoring Officer's conclusion. A table of the complaints was attached in the Exempt Report.

RESOLVED

To note the report.

12. COMMITTEE WORK PROGRAMME

RESOLVED

To note the report.

13. NEW ITEMS OF URGENT BUSINESS

As per item 3.

14. DATES OF FUTURE MEETINGS

As set out in the agenda pack.

15. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

To exclude the press and public from the meeting as the remaining items contained 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.

16. EXEMPT NO FURTHER ACTION CODE OF CONDUCT COMPLAINTS - MONITORING OFFICER ANNUAL REPORT

As set out in the exempt minutes.

17. NEW ITEMS OF EXEMPT URGENT BUSINESS

None

CHAIR: Councillor Ibrahim Ali

Signed by Chair

Date