

Report for: Standards Committee 14 September 2017
Title: **Update on Procedure and Allowances reviews**
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Ward(s) affected: N/A

**Report for Key/
Non Key Decision: Non-key**

1. Describe the issue under consideration

1.1 This report provides an update on the work commissioned at the July Standards meeting, including proposals for a revised Member-Officer Protocol and the findings of some research on Members' allowances.

2. Cabinet Member Introduction

N/A

3. Recommendations

That the Committee:

- 3.1 Give its views on the proposed contents of the Member-Officer Protocol (paragraph 4.8)
- 3.2 Note the research on Members' Allowances (section 5 and Annex A)
- 3.3 Give its views on potential changes to the allowances scheme, for development in advance of the next meeting (paragraphs 5.9, 5.15, 5.18)

4. Review of Procedures

4.1 At its last meeting, the Committee agreed a number of changes to the Council's Constitution, and that there should be further consideration of the procedures and protocols in the Council's Constitution. As a reminder, the following work streams were agreed by the Committee and Council in July:

- (i) Further amendments to the Officer Scheme of Delegation, in particular following the departure of the AD for Corporate Property and Major projects;
- (ii) A review of the Procedure Rules in Part 4 of the Constitution in order to reduce duplication and inconsistencies, and make them easier to follow;
- (iii) The inclusion of the Planning Protocol into the Constitution, after its review by the Planning Sub-Committee and Regulatory Committee;
- (iv) A wholesale review of the Member – Officer Protocol, to reflect changes to the Council structure, governance, and officer powers, and bring the document up-to-date with current practices.

- 4.2 Democratic Services and colleagues in Legal are continuing to consider the procedure rules in Part 4 of the Constitution, in particular the Council and Committee procedure rules, the Overview and Scrutiny Procedure rules and the Miscellaneous provisions. This is to remove duplication and inconsistencies, and will be reported to the Committee at its next meeting.
- 4.3 Council agreed in July that the Monitoring Officer should be able to make minor amendments to the Constitution, which will be reported to the next meeting of Council.

Member-Officer Protocol

- 4.4 Officers in Democratic Services and Legal Services have considered the current Member-Officer Protocol, and compared it with a number of other Boroughs' (including Ealing, Hackney, Islington, Kensington and Chelsea, Sutton, Tower Hamlets, Waltham Forest, Westminster).
- 4.5 At 27 pages long, Haringey's current protocol is far longer and more detailed than other boroughs' – which range from 4 pages to 12. The current Haringey protocol provides a great level of detail, which is largely out-of-date.
- 4.6 It is proposed that a new protocol be drafted for the Committee's consideration at the next meeting, which can either be put to Council with the recommendation it be adopted, revised or consulted on.
- 4.7 Based on the contents of the current protocol, and the normal practice from other boroughs, it is suggested the protocol include the following contents:

1. **Introduction** – a short paragraph explaining the purpose of the protocol, essentially to maintain mutual trust and confidence
2. **Role of Councillors and Officers** – setting out what is essentially a division of responsibilities, to distinguish that members are democratically elected, operate politically, make policy, act as advocates for their constituents; whereas officers are impartial, implement policy and are accountable to the Council. This will include the role of Communications officers, the legal framework for their work and the Members they can support.
3. **Expectations (of members and officers)** – this part will be an indicative list of the expectations around behaviours expected, such as a working partnership, mutual respect, mutual support and appropriate confidentiality etc (currently parts 5 and 6 of our protocol)
4. **Provision of Information** – this part will cover the flow of information between officers and members, both when requested by the member (covering the application of the Access to Information Rules, the 'need to know', the role of the Members Enquiry procedure) and also the provision of information more generally (updating ward councillors on issues/consultations relevant to their ward, liaising with Scrutiny, dealing

with information around emergencies, and the particular role of Cabinet members/Committee chairs)

5. **When things go wrong** – covering when relations fall short of the protocol, including complaints against officers or Members. The preamble should state that informal resolution will always be preferable, but otherwise, for officers concerned about Members the route is the Chief Executive or the Monitoring Officer for Code of Conduct complaints; for Members concerned about Officers, the route would be to raise with the relevant Strategic Director, or the Chief Executive where the employee is a Strategic Director, or where the employee is the Chief Executive, the Monitoring Officer.

4.8 Members are asked to give their views on whether this is a sound starting point for the drafting of a revised Member-Officer protocol, and whether there are any additional matters or points that should be included in the protocol.

5. **Members' Allowances**

5.1 The Standards Committee has committed to undertake a comprehensive review of the Members' Allowance Scheme by the end of the current municipal year. At its last meeting, the Committee agreed to receive some factual information at this meeting to inform a discussion of the potential changes that can be developed in advance of its next meeting, in November, at which stage the Committee can decide some draft proposals and how they are consulted on.

5.2 The table at Appendix A sets out Haringey's allowances scheme, alongside the guidance provided by the Independent Panel on the Remuneration of Councillors in London, and average values for some allowances, prepared using Councils' returns to London Councils. Attached at Annex B is an extract from the regulations, which sets out what responsibilities are intended for the attraction of allowances. The total of the basic and special responsibility allowances provided in the 2017-18 Haringey scheme total £1, 126, 517.

Guidance

5.3 As per the 2003 regulations, an extract of which is at Annex B, each council must take the guidance from the relevant independent panel on remuneration of councillors into account in the preparation of their allowances scheme. The Chair of the Independent Panel has recently contacted the Council as it commences its work for the next set of guidance. This is expected to be published soon after the council elections in May 2018, and would need to be taken into account by the Council in setting its allowances for 2019/20.

5.4 The guidance takes as a starting point the overall remuneration of a borough's leader, which it recommended be equivalent to that of a Member of Parliament (though that figure has increased markedly since 2014, largely as a consequence of MPs' pay being set by the Independent Parliamentary Standards Authority).

- 5.5 Further Special Responsibility Allowances are then set out in three bands, with a suggested allowance per band as a proportion of the leader's allowance, which can then be expressed as a range figure. The three aspects of the allowances scheme – band, proportion and figure – may not all always be matched exactly in an allowance scheme.
- 5.6 In Haringey's case, the remuneration to the leader is some way below the recommended figure, which has the consequence that other allowances are greater than the recommended proportion, though they may be within the recommended value range. Similarly, some roles may not be in the recommended band, though they fall within the recommended value range. Effectively, Haringey operates a flatter allowances scheme than the guidance suggests.
- 5.7 If the proportions were to be replicated for Haringey based on the leader's total remuneration, the SRA at Band 3 would be between £20 302 and £24 731, Band 2 between £7, 013 and £15, 873 and Band 1 up to £2, 585 (the basic allowance is above 20% of the leader's total remuneration).
- 5.8 The 2014 guidance recommended that allowances be increased by 1 per cent annually, in line with public sector pay. Haringey has not followed that recommendation since 2014 – which appears to be consistent with the approach taken in other boroughs.
- 5.9 Members may wish to consider the guidance, and in particular whether Haringey's allowances are significantly out of step with the guidance – in terms of the band, the proportion or the value of the allowance.

Comparisons

- 5.10 The table includes an average figure for some special responsibility allowances, where they have been able to identified – these should be compared with the SRA column, rather than the Total Allowance.
- 5.11 The final column sets out the average for Haringey's 'statistical neighbours', meaning the boroughs that are most similar to Haringey demographically. These are Croydon, Enfield, Greenwich, Hackney, Hammersmith & Fulham, Islington, Lambeth, Lewisham, Southwark and Waltham Forest. Some of these boroughs were omitted from the calculation of certain averages – for example, Hackney and Lewisham each have directly elected mayors, who are provided for in a different band in the guidance than the leader and therefore not directly comparable.
- 5.12 While some allowances are more readily comparable between boroughs, some bands are more difficult to compare given the different committee arrangements in boroughs. The table below draws out specific allowances to enable more easy comparison.
- 5.13 With the exception of the leader's allowance, Haringey's allowances are generally slightly larger than the average figure for London boroughs or its

statistical neighbours. The number of bands that Haringey's scheme includes is not unusual, with a number of other boroughs' schemes including sub-bands.

5.14 Some Boroughs offer variable allowances – for example on the completion of a scrutiny project. Barking and Dagenham offer a per-seat rate for political group leaders, over a set minimum, and Lewisham has different allowance levels according to the size of a political group. This point is not addressed explicitly in the guidance.

5.15 Members may wish to indicate specific issues on which they would like further research, for example whether some boroughs provide allowances for roles that are not currently included in the Haringey scheme.

Co-opted allowances

5.16 Members may wish to note that an allowance of £616.50 is provided to the Statutory Co-optees on the Overview and Scrutiny Committee (education representatives) and the Combined Pensions Committee and Board (employee and employer representatives). In addition, the independent persons that support the Standards Committee, in particular in the consideration of complaints under the Members Code of Conduct, receive an allowance outside the Members' Allowances Scheme.

5.17 Under Haringey's current Allowances Scheme, Members are also able to claim a Babysitting/Dependents Allowance, of £8.60 per hour, though this is rarely claimed in practice. The guidance recommends that this be at not less than the London Living Wage (currently £9.75 per hour).

Next Steps

5.18 Following the consideration of this research, Members may wish to discuss their views on Haringey's allowances scheme, and identify the priorities for the development of options for the allowances scheme, to be considered at the next meeting.

5.19 This could include whether certain roles should attract an allowance but do not at present, whether the overall structure of allowances is correct, whether allowances are offered at the right level, and whether the current allowances scheme can accommodate different outcomes of the May 2018 elections.

6. Contribution to strategic outcomes

N/A

7. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

There are no direct financial implications arising from the recommendations in this report. The financial implications of the Committee's work, in particular the review of Members' allowances, will be set out for Members at the relevant

time, though Members should bear in mind that there is a finite budget available to Local Democracy and Members' Services, where Members' allowances are provided from.

Legal

The Assistant Director for Corporate Governance has been consulted on the contents of this report.

Equality

There are no direct equalities implications arising from the recommendations in this report. Equalities impacts of the Committee's work, in particular the scheme of Members' Allowances, will be set out for Members at the relevant time.

8. Use of Appendices

Appendix A – Table showing Haringey's Members' Allowances Scheme, guidance and comparators

Appendix B – Extract from the Local Authorities (Members' Allowances) (England) Regulations 2003

4. Local Government (Access to Information) Act 1985

London Borough of Haringey Constitution

Report of the Independent Panel on the Remuneration of Councillors in London (2014)

Haringey				Guidance from the Independent Panel on the Remuneration of Councillors in London (2014)	London Average SRA	Statistical Neighbour Av. SRA
Band	Position	SRA	Total Allowance			
Basic	• All Councillors		£10,703	£10,703	£10,064	£10,337
Band 4	• Leader	£33,590	£44,293	Band 4: SRA of £54,769, meaning total remuneration of £65,472	£37,177	£39,760
Band 3B	<ul style="list-style-type: none"> • 9 or fewer x Cabinet Members • Opposition Leader 	£25,191	£35,894 81% of leader	Band 3 includes: <ul style="list-style-type: none"> • Cabinet member • Chair of the Health and Wellbeing Board • Chair of the main overview or scrutiny committee • Deputy leader of the council 70-80% of leader's remuneration, meaning SRA of £35,128 to £41,675	Cab Member: £20,864 Op Leader: £15,090	Cab Member: £25,289 Op Leader: £16,249
Band 3A	• Overview and Scrutiny Committee Chair	£22,905	£33,608 76% of leader			
Band 2B	<ul style="list-style-type: none"> • Corporate Committee Chair • Chief Whip • Regulatory Committee • Alexandra Palace and Park Board • Opposition Deputy Leader • Opposition Chief Whip • (also Mayor) 	£16,797	£27,500 62% of leader	Band 2 includes: <ul style="list-style-type: none"> • Lead member in scrutiny arrangements, such as chair of a scrutiny panel • Representative on key outside body • Chair of major regulatory committee e.g. planning • Chair of council business (civic mayor) • Leader of principal opposition group • Majority party chief whip (in respect of council business). 40-60% of leader's remuneration, meaning SRA of £15,486 to £28,581	Main (planning) Committee Chairs: £12,601 Mayor: £13,611	Main (planning) Committee Chairs: £11,518 Mayor: £13,865
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee (panel chairs)	£15,268	£25,971 59% of leader			

Haringey				Guidance from the Independent Panel on the Remuneration of Councillors in London (2014)	London Average SRA	Statistical Neighbour Av. SRA
Band	Position	SRA	Total Allowance			
Band 1	<ul style="list-style-type: none"> • Combined Pensions Committee & Board Chair • Staffing & Remuneration Committee Chair • Standards Committee Chair 	£8, 398	£19,101 43% of leader	Band 1 includes: <ul style="list-style-type: none"> • Vice chair of a service, regulatory or scrutiny committee • Chair of sub-committee • Leader of second or smaller opposition group • Service spokesperson for first opposition group • Group secretary (or equivalent) of majority group • First opposition group whip (in respect of council business) • Vice chair of council business • Chairs, vice chairs, area committees and forums or community leaders • Cabinet assistant • Leadership of a strategic major topic • Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods • Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods • Leadership of a specific major project. 	£6, 290	£6, 745
Deputy Mayor		£4, 196	£14, 899 34% of leader	20-30% of leader's remuneration, meaning SRA of £2, 392 to £8, 941	£4, 460	£5, 093

Extract from the Local Authorities (Members' Allowances) (England) Regulations 2003

Special responsibility allowance

5.—

(1) A scheme made under this Part may provide, in accordance with paragraph (2), for the payment for each year for which that scheme relates of an allowance (“special responsibility allowance”) to such members of the authority as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories—

- (a) acting as leader or deputy leader of a political group within the authority;
- (b) acting as a member of an executive where the authority are operating executive arrangements within the meaning of Part II of the Local Government Act 2000;
- (c) presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;
- (d) representing the authority at meetings of, or arranged by, any other body;
- (e) acting as a member of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;
- (f) acting as the spokesman of a political group on a committee or sub-committee of the authority;
- (g) acting as a member of an adoption panel within the meaning of the Adoption Agencies Regulations 1983(1);
- (h) acting as a member of any committee or sub-committee that deals with any function arising under any enactment authorising the authority to license or control the carrying on of any activity;
- (i) carrying out such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned in sub-paragraphs (a) to (h) (whether or not that activity is specified in the scheme).

(2) Any scheme making such provision as is mentioned in paragraph (1) shall—

- (a) specify the amount of each special responsibility allowance, which need not be the same;
- (b) provide that, where—
 - (i) members of an authority are divided into at least two political groups;
 - and

(ii) a majority of members of the authority belong to the same political group (“the controlling group”),

a special responsibility allowance shall be paid to at least one person who is not a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f); and

(c) provide that where a member does not have throughout the whole of a year any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

(3) The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowance payable to him in respect of the responsibility or duties from which he is suspended or partially suspended may be withheld by the authority.