

## **REPORT OF STANDARDS COMMITTEE**

**FULL COUNCIL 26 November 2019**

**Chair of Standards Committee – Cllr Felicia Opoku**

### **INTRODUCTION**

The Committee met on the 14<sup>th</sup> of October 2019 and considered three reports outlining proposed changes to the Council Constitution. These were concerning:

1. The Council's Financial Regulations - Part 4 Section I
2. Associated amendment at Part 4, Section E, Budget and Policy Framework
3. Part 5 Section A – Members' Code of Conduct – Part 1
4. Part 5 Section A – Members' Code of Conduct – Part 2
5. Council Procedure rules - Part 4 Section A
6. Committee Procedure Rules – Part 4 Section B

### **SUMMARY OF CONSIDERATIONS**

#### **FINANCIAL REGULATIONS UPDATE**

We considered this report which proposed updates to the Council's Financial Regulations, and the Budget and Policy Framework Procedure Rules. We noted that it was good practice to regularly review and update the constitution generally, the financial regulations section of the constitution was last reviewed in 2014. The changes proposed were made to ensure that:

- the rules and processes by which decisions are made governing the management the Council's financial affairs are clearly set out;
- effective financial controls are maintained;
- Procedures enable efficient open, accountable and decision making.

We carefully considered each individual proposed change to the financial regulations section of the Constitution.

In response to our questions we were provided the following information:

- Regarding the raising of limits for debt write offs at the ALMO (Homes for Haringey), the Council had not consulted the ALMO or its Director in the reviewing of the proposed figures but had instead researched other boroughs constitutions to ensure the Council was in line with practice at other authorities. It was noted the working group that proposed the new limits involved the Head of Finance who has operational dealings with the ALMO.
- Officers confirmed '*to take ownership for*' at paragraph 5.24 would be amended to state '*to take responsibility for*'. We considered this would better reflect the requirement for managers.

- Only budget adjustments over £250,000 were reported to Cabinet, this was due to a clause in the Haringey Constitution. However, it was noted that other Councils had different limits for this, with some differing greatly to Haringey.
- Any '*other housing income*' referenced in 8.14 included any income of any sort.
- We raised concern regarding Cabinet Member involvement in debts that were written off due to the potential personalised nature of these decisions and the difficult position this could place a councillor in who had both interaction with the community due to their ward role and then with officers in taking forward their policy decision making role . We were advised this would only take place upon the advice of the Chief Executive of the ALMO and the Section 151 Officer. When Officers reviewed other councils' practice in write offs, it was found some did not include councillors in this process. We requested information on how many of the debts owed to the ALMO were over £25,000 were written off. Going forward, Officers suggested this could be kept under review and the issue returned to in 12 months, with the role of councillors in the process also considered.
- The Cabinet Member responsible for the ALMO write offs was the Cabinet Member responsible for Finance as they were responsible for the finance portfolio and had regular dealings with the Section 151 Officer, who would advise, (alongside the Chief Executive of the ALMO) whether any debts should be written off.
- We expressed concern that the specific reference to '*Cabinet Member for Finance*' could cause difficulties if there was to be any change in the name of the Cabinet Member responsible for finance. Officers confirmed this could be amended to reflect whoever was responsible for the finance portfolio, rather than listing a specific title. We were reassured by the Legal Officer that the Monitoring Officer had the authority to make minor amendments to the Constitution, which could be used to reflect title changes.

We agreed to:

- Change '*to take ownership for*' at paragraph 5.24 to state '*to take responsibility for*'.
- Change '*Cabinet Member for Finance*' at 8.14 to read "*cabinet member responsible for the finance portfolio*".
- Keep the debt write off under review with Officers to bring an update report in approximately 12 months' time, to include information on the total number of debt write offs over £25,000, and to consider the role of councillors in debt write off, in light of the Committees concerns above.

## **REVIEW OF ETHICAL STANDARDS**

We considered proposed changes to the Council's Constitution, in relation to the Member code of Conduct. These were in accordance with recommendations made by the national Committee on Standards in Public Life in its report on Local Government Ethical Standards. We noted the following

- The report included changes that could be made by the Committee which did not require legislation changes.

- There were recommendations to include a more detailed prohibition on bullying and harassment in the Members Code of Conduct, and to regularly review the Code of Conduct each year.
- A recommendation that the Monitoring Officer meet regularly with political group leaders or group whips to discuss standard issues, the Labour Chief Whip had suggested this be formalised as a quarterly meeting and this had been communicated to the Monitoring Officer. We further recommended this meeting takes place.

At 'Part 5, Section A, Protocol - Complaints against Members, Paragraph 3', the Council currently had two independent persons. We agreed that a reference be included to the Council having two Independent Persons.

The Independent Person had also suggested in an email to amend the wording of 3.2 (ii) to remove '*decided to*' so that it read '*the Hearing Sub-Committee before it makes its decision on an allegation which it was investigating*'. We agreed to this change but requested this be checked with the Independent Person to ensure it reflected the change they sought.

We made the following observations and agreed changes to the report:

- Where reference was made to the Monitoring Officer in 'Part 5, Section A, Protocol - Complaints against Members', Officers would look for suitable wording to include reference to the Deputy Monitoring Officer, who would deputise when the Monitoring Officer had recused themselves.
- In reference to the definition of bullying and harassment at 'Part 5, Section A, Member Code of Conduct, Paragraph 3.2 (b) (i) and (ii)' this was likely referenced from previous best practice guidance. The Committee agreed '*may be*' be removed after both bullying and harassment and reworded to state "*...includes conduct such as...*"
- Rewording 3.2 (b) to state "*bully or harass any person through any means*"
- Revising 3.2 (b) (iii) to read '*examples of bullying or harassment include, but not limited to*'.
- It was suggested including reference to social media and electronic communications at 3.2 (b) (iii), as there was concern this section could be considered too generic. We consequently agreed the wording was broad enough to cover social media and electronic communications without specifically stating so. We agreed to add '*including*' before touching at bullet point 7, and to include '*making lewd or sexual remarks*' to the list under '*unwelcome sexual advances*'.
- With regards to the understanding the value of a gift and whether it met the threshold of £25, the Chair suggested that, if councillors were unsure, they should declare any gift or hospitality. This would avoid any later confusion.
- It was suggested 'Part 5, Section A, Member Code of Conduct' be consistent where reference was made to Members and co-opted members. We asked officers to explore the option to add co-opted members declarations on the same page as Members on the Council's website and would also clarify the Council's position on publishing Independent Persons details and any conflicts of interest

- We suggested adding a clear definition of what specifically 'Independent' meant in relation to the Independent Person.

## **CHANGES TO COUNCIL STANDING ORDERS AND COUNCIL PROTOCOL**

We considered proposed changes to the Council and Committee standing orders, including Full Council protocol.

We noted the updates were mainly concerned with strengthening existing procedural rules and encouraging public participation in the democratic process.

Regarding Full Council Protocol and the debate item, we noted the following suggestions:

- Removing the Haringey Debate
- Keeping the debate item and reducing the time allocated to 45 minutes in total.
- The Mayor and Leaders of both political groups choosing and advertising a proposed debate item to community groups/ organisations in the borough and inviting representations to the meetings on the chosen item.

We discussed the option of community groups being given the choice to put forward deputations for Full Council and how this would work in practice. We further considered the suggested change to the start time of Full Council, with the option of finishing at 21:30 suggested.

We agreed that any suggested changes to the Full Council Protocol be considered by the Leaders of the Political Groups and be reported back to our next meeting in January.

We agreed adding to the Standing Orders for Full Council at 10.7 '*...relevant to the original question*'.

We asked that where written responses were agreed in relation to the Oral questions, they could be included at that following meeting's report pack or minutes, to resolve the issue.

## **WE RECOMMEND TO FULL COUNCIL:**

1. To approve the changes to the Financial Regulations Part 4 Section I and associated amendment at Part 4, Section E, Budget and Policy Framework Procedure Rules set out in track changes at Appendix 2 and Appendix 3.
2. To note the best practice points and recommendations in the report on Local Government Ethical Standards from the Committee on Standards in Public Life set out at Appendix 5.

3. To approve the amendments to the Constitution - Part 5 Section A – Members' Code of Conduct – Part 1 set out in track changes Appendix 6.
4. Part 5 Section A – Members' Code of Conduct – Part 2 – Process for handling complaints set out in track changes Appendix 7.
5. To approve amendments and additions to Council Procedure Rules as set out in track changes at Appendix 9.
6. To approve amendments to the Committee Procedure rules as set out in track changes at Appendix 10.