

<p>Non-Executive Report of the:</p> <p>Council</p> <p>Wednesday, 27 July 2022</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Administrative Matters, Committee Chairs, Member Allowances Scheme</p>	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

This report is presented to Council to allow agreement for a couple of administrative matters relating to Council powers.

Firstly, the report asks Council to agree to the appointment of a Chair of the Audit Committee and secondly, it asks for agreement in relation to a couple of small amendments to the Member Allowances Scheme.

Recommendations:

The Council is recommended to:

1. Agree a Chair of the Audit Committee following nominations received at the meeting.
2. To agree to the following amendments to the Member Allowances Scheme:
 - a. To remove the Special Responsibility Allowance for the Chief Whip
 - b. To agree the amendment set out in Paragraph 3.7 clarifying the definition of a Co-opted Member in relation to the Member Allowances Scheme.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has responsibility for these decisions.

2. ALTERNATIVE OPTIONS

- 2.1 Council may nominate any Non-Executive Member as the Chair of the Audit Committee.

- 2.2 Council can decide not to agree the proposed changes to the Member Allowances Scheme.

3. DETAILS OF THE REPORT

- 3.1 The Council has responsibility for the matters outlined in this report and is asked to make determinations as appropriate.

Chair of the Audit Committee

- 3.2 Councillor Abdul Malik was nominated as Chair of the Audit Committee at the Annual Council meeting. However, Councillor Malik is not able to take up the position and declined the appointment.
- 3.3 Council are therefore asked to make a new appointment. At its meeting on 28 June 2022, the Audit Committee appointed Councillor Jahed Choudhury as its Chair for the meeting. This nomination will therefore be proposed to Council to agree as the permanent Chair. However, Council is free to make an appointment as it sees fit by nominating other Members.
- 3.4 If the agreed Chair is not a current Member of the Audit Committee, then they will need to be appointed by the relevant Group with one existing Member being removed.

Member Allowances Scheme

- 3.5 At the Annual Council meeting it was suggested that the Chief Whip Special Responsibility Allowance should be removed from the Member Allowances Scheme. This report therefore asks Council to make a determination on whether it should formally be removed from the Scheme.
- 3.6 Finally, the new Member Code of Conduct (which came into force on 6 May 2022) has a new specific definition of a Co-optee for the benefit of the Code of Conduct which was considered important given the increasing variety of types of Members on Committees. To avoid confusion, it is proposed to amend the Member Allowances Scheme to refer to the same definition in relation to allowances.
- 3.7 Therefore, it is proposed that the following sentence under Part C Section 39 Paragraph 32 (Interpretation):

“Co-opted Member” means any person who is not a Councillor but who sits on a Committee, Sub-Committee or Panel of the Council”

be amended to read:

“A Co-opted Member refers to persons who are not Councillors but who sit on a Committee, Sub-Committee or Panel of the Council. The exact definition to

be used in this scheme is that set out in the Member Code of Conduct (Constitution, Part C, Section 31)”

4. EQUALITIES IMPLICATIONS

4.1 None arising from this report.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Nil items.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 The 2022-23 budget for Member Allowances is £1,183k. The removal of the Chief Whip Special Responsibility Allowance would result in an expenditure saving of £12k.

7. COMMENTS OF LEGAL SERVICES

7.1 Section 101 of the Local Government Act 1972 permits a local authority to arrange for discharge of its functions by a committee. Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 require appointments to committees to reflect the representation of different groups in the authority as a whole.

7.2 The Local Authorities (Members' Allowance) (England) Regulations 2003 (“the Regulations”) require the local authority in each year to make a scheme in accordance with the Regulations. The Scheme must make provision for the payment of the basic allowance and specify the amount. The Regulations state that the local authority “may” make provision for the special responsibility allowance, but it is not obliged to do so.

7.3 In addition, Part B, Section 3 paragraph 4(a) of the Constitution gives Council authority to amend revoke or replace the Members' Allowance Scheme.

- 7.4 The matters set out in the report comply with the relevant legislation.
- 7.5 When considering the scheme, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010², the need to advance equality of opportunity and the need to foster good relations between persons who share protected characteristics and those who do not (the public sector equality duty).
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Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- None.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A