

COUNCIL MEETING – 17th MAY 2005

DIRECTOR OF LAW AND PUBLIC SERVICES	Item
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REVIEW OF THE CONSTITUTION

1. The Constitution is reviewed annually and this review updates the Constitution to reflect the following main changes:
 - The revised licensing committee structure necessary to meet the requirements of the Licensing Act 2003
 - The re-allocation of functions and officer redesignations following the restructuring of the Council in the light of the Children Act 2004
 - Variations to financial levels in the Procurement Code, the introduction of insurance levels and authority to directors to waive certain provisions
 - Increases in members' allowances in line with the national officer pay award agreed by the Council in September 2003.
2. A copy of Parts 1-4 of the revised Constitution and the Procurement Code (which, with the Members' Code of Conduct and the Financial Regulations form Part 5) are attached at Appendix A showing the annotated amendments, together with the up to date Members' Allowances Scheme which forms Part 6 of the Constitution.
3. The regular monitoring and review of the Constitution is in keeping with the One Islington aim of ensuring that Council procedures and processes are up to date and meet the necessary requirements.

Recommendations

1. To adopt the revised Constitution and Procurement Code with immediate effect.
2. To agree the revised figures for members' allowances for 2005/06 with effect from 1st April 2005 as set out in Part 6 of the Constitution.

Background**Licensing Act 2003**

1. The Council has already made decisions on the form of committee structure required to implement the Licensing Act. This provided for the creation of a new Licensing Committee (and 4 sub-committees) to deal with all matters relating to that Act. The balance of licensing functions are now the responsibility of a separate Licensing Regulatory Committee.
2. The amended Constitution now includes these changes and consequential changes e.g. the abolition of Area Licensing Sub-Committees.

Children Act 2004

3. The Executive has agreed a new officer structure in response to the Children Act provisions. This provides for new posts of Director of Children's Services and Director of Adult Social Services as well as the reallocation of functions leading to new designations of the Director of Environment and Regeneration and Director of Finance.
4. The existing Constitution sets out schedules of responsibilities for the Executive broken down under the old divisions e.g. education and social services, and these have been redrafted.

Procurement Code

5. Amendments to the Procurement Code are proposed which reflect experience gained since its introduction and new developments eg the implementation of the Freedom of Information Act, increases in financial levels and a requirement for contractors to provide professional indemnity as well as performance bonds. The major changes are:
 - increasing the seal level from £300k to £500k and the performance bond level to £500k
 - giving directors authority to waive performance bonds up to £1m and professional indemnity insurance level down to £2m
 - the introduction of insurance levels
 - a section on the Freedom of Information Act
 - two new annexes J and K (forms which are to be completed in the procurement process).

Members' Allowances

6. Members' payments for basic, special responsibility and dependant carers allowances are increased automatically in line with the local government pay settlement. This year the increase is 2.95%. The only changes to the scheme from last year are the uplift in allowances, the changes to the councillors receiving SRA and the stopping of the annual BT line rental plus £180 towards telephone expenses which have been deleted as part of the budget savings exercise. The increases in allowances took effect from 1st April 2005.

General

7. No changes are proposed in Council and Committee procedures. Consideration has been given to a suggestion that the length of answers to questions should be limited, but no change is recommended.
8. The revised Constitution, including the Financial Regulations which were previously agreed by the Council in January 2005, will be circulated to all members and officers.

4. Implications

1. Financial Implications

None.

2. Legal Implications

These are incorporated within the report.

3. Equality Implications

The Constitution facilitates equal access by all to the Council's decision making structure, and the proposed changes do not affect these rights.

5. Conclusion and reason for recommendations

The Constitution and the Procurement Code need to be updated to reflect changes in the Council's structure consequent upon the introduction of new legislation and, as far as the Code is concerned, developments in the light of experience.

Background papers:

Constitution dated May 2004

Final Report Clearance

Signed by

Director of Law and Public Services

Date

Received by

Head of Scrutiny and Democratic Services

Date

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