

Meeting of: Council

Meeting Date: 12 December 2024

Publication: Open

Council Priority: All

Ward(s): All

Report of: Director of Law and Governance and Monitoring Officer

Subject: Constitution Update

1. Recommendations

The Council is recommended to:

- 1.1. Approve the amendments to the Constitution as set out in the appendices to the report;
- 1.2. Note that amendments to the Members Code of Conduct, the Members Allowances Scheme and Financial Regulations are effective from the date of the Council meeting;
- 1.3. Note that amendments to the Procurement Rules will be effective from 24 February 2025, to comply with the Procurement Act 2023 and Procurement Regulations 2024.

2. Report Summary

- 2.1. This report proposes an amendment to the Council's Constitution to ensure it reflects changes in legislation and council policy and remains fit for purpose.

3. Details

Proposed amendments to the Constitution are described below and set out in the appendices to this report. Amendments are marked by crossing through in the case of deletions and by underlining in the case of additions.

- 3.1 Amendment to Part 6 – Members Code of Conduct.
This paragraph is proposed for removal as the wording is not consistent with the wording in the Localism Act 2011 relating to member standards. The intention of this paragraph, that

councillors should not bring their role or the local authority into disrepute, is already covered in greater detail in Paragraph 5.1 of the Member Code of Conduct

3.2 Amendment to Part 7 – Members Allowances

Following the confirmation of the Local Government Pay settlement for 2024/25, amendments are proposed to the Members' Allowance Scheme to implement a 2.5% increase across all allowances payable under the scheme. It is the policy of the council that basic and special responsibility allowances are upgraded in line with the annual Local Government Pay settlement.

3.3 Amendment to Part 6 – Procurement Rules

To update the procurement rules to ensure alignment with The Procurement Act (2023) and the Procurement Regulations (2024) which comes into effect on 24 February 2024. Due to the scale of the amendments a whole new document is presented to the Council for approval. The new rules have been produced following consultation with the Constitution Working Group and the Audit and Risk Committee.

3.4 Amendment to Part 6 – Financial Regulations

The main changes to the regulations include updating job titles and references to legislation and statutory guidance throughout; inclusion of a section on journals; streamlining and updating the regulations for capital processes; inclusion of a glossary to aid understanding of technical jargon and the inclusion of the Scheme of Authorisation which sets standardized limits for officer approvals. There are additional minor amendments around opening bank accounts, the process for appointing external auditors, adding a description of the role of the Corporate Resources and Economy Scrutiny Committee, and rewording text for clarity. The new regulations have been produced following consultation with the Constitution Working Group and the Audit and Risk Committee.

4. Implications

4.1. **Financial Implications**

The financial implications associated with the increase to the Members' Allowances Scheme are set out in the appendix.

4.2. **Legal Implications**

The Council must keep its Constitution up to date (section 9P Local Government Act 2000).

4.2.1. Further to Section 18 Local Government and Housing Act 1989, the Secretary of State may make regulations authorising or requiring Councils to make a scheme providing for the payment of allowances to members. The relevant regulations are the Local Authorities (Members Allowances) (England) Regulations 2003 as amended. The Council must publish its' Scheme of Members Allowances, dealing with basic and special responsibility allowances. Payment of allowances may only be made to members in accordance with this scheme.

4.3. **Climate Change and Environmental Implications**

There are no direct environmental implications resulting as a result of this report.

4.4. **Equalities Impact Assessment**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

An Equalities Impact Assessment is not required in relation to this report.

Appendices:

Appendix 1 - Amendment to Part 6 – Code of Conduct

Appendix 2 – Amendments to Part 7 – Members Allowances Scheme

Appendix 3 – Amendments to Part 6 – Procurement Rules

Appendix 4 – Amendments to Part 6 – Financial Regulations

Background papers: None

Related papers: None

Report approval:

Authorised by: **Alison Stuart, Director of Law and Governance and Monitoring Officer**

Date: 3 December 2024

Report Author: Samineh Richardson, Committee Services Team Leader

Email: democracy@islington.gov.uk

Appendix 1

Part 6 – Members Code of Conduct

1. You must comply with this Code whenever:
 - (a) you conduct the business of Islington Council (including the business of the office to which you are elected or appointed); or
 - (b) you act, claim to act, or give the impression you are acting as a representative of Islington Council, or
 - (c) your actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that you are acting as a councillor
- ~~2. You must not, at any time, even when not conducting or giving the impression you are conducting the business of Islington Council, conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute~~

(note: the following paragraphs will be re-numbered accordingly)-

3. Where you act as a representative of Islington Council:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

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