



ISLINGTON

Law and Public Services
Town Hall, Upper Street, London N1 2UD

Report of : Leader of the Council

Meeting of	Date	Agenda Item	Ward(s)
Annual Council	11 th May 2004		

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Subject: REVISIONS TO THE CONSTITUTION

1. Synopsis

- 1.1 The Constitution is reviewed annually and this paper makes recommendations for a number of changes.
- 1.2 Many of the changes are of a minor, procedural nature, but the major difference is in the delegation of environmental and transport functions to Area Committees and the introduction of new procedures for dealing with the new licensing provisions. This is very much in line with the Council's One Islington vision of enabling local communities an enhanced role in the direct provision of services.
- 1.3 This paper summarises the key variations. A copy of Parts 1-4 of the revised Constitution is attached at Appendix A showing the annotated amendments.

2. Recommendations

- 2.1 That the Council adopt the revised Constitution with immediate effect.
- 2.2 That, insofar as the membership of Area Licensing Sub-Committees are concerned, the Council unanimously agree that the proportionality rules shall not apply, on the basis that, so far as is practicable, membership of these bodies, shall constitute Council members representing the wards in those Areas.

3. Background

- 3.1 The Council has been operating new democratic procedures since May 2002. The Constitution regulates the way the Council is structured and how it conducts its business within that structure. There is a requirement that the operation of the Constitution is reviewed to ensure that its aims and principles are given full effect. This is the second such review and the opportunity has been taken to recommend some procedural changes in the light of experience and to make more significant changes in relation to Area Committees and licensing arrangements.

Area Committees

- 3.2 Following consultation with Area Committees, it is recommended that the responsibilities set out below are delegated to those Committees:
- determining traffic and transportation systems within their areas, including CPZs but subject to the latter being in accordance with an overall programme agreed by the Executive
 - administering a budget of £50,000 to be spent on minor environmental improvements
 - determining greenspace projects where expenditure is estimated to be in excess of £75,000 or which, in the opinion of the Director of Environment & Conservation, will have a significant impact on the area.
- 3.3 Area Committees are able to make decisions on the above, subject to the delegation being exercised within the policy framework agreed by the Executive. Where they do not, they shall be referred to the Executive for approval.
- 3.4 All such decisions are subject to call-in, but members of Area Committees may attend Overview Committee only for the purpose of answering questions thereafter they must leave the meeting.

Licensing

- 3.5 The Government is making local authorities responsible for all matters relating to the licensing of premises. Although the Licensing Act 2003 will not become effective until the autumn of this year, Members have stated that they wish the provisions to be implemented in advance i.e. from the start of the new municipal year, rather than change to the necessary arrangements later on. This will enable the Council to become familiar with the administration of the new powers before they become mandatory.
- 3.6 The Council will be required to establish a separate Licensing Committee of no more than 15 members to exercise the functions concerned. The proposal is that there should be a central committee of that number, dealing with policy and charging issues, but that area sub-committees will be responsible for considering local licence applications covering licensed premises, entertainments and late night refreshments.

- 3.7 The central Licensing Committee (or a central sub-committee) will deal with street trading, sex establishments, door supervisors.
- 3.8 The composition of the Area Sub-Committees will comprise, so far as possible, relevant Area members from the main Licensing Committee, so that Area members determine Area applications. The issue is complicated by the fact that ward members cannot consider applications in their wards, and if there are not enough members left from that Area on the membership of the Licensing Committee, other members i.e. outside the Area will need to make up the number. This will be done on a strict rota basis, with two lists operating – one for majority party and one for minority party members.
- 3.9 These changes will mean that the present Central Licensing Sub-Committee of the Corporate Services Committee will cease to exist and the Constitution amended accordingly. Area Licensing Sub-Committees as at present will also disappear.

Financial Delegations

- 3.10 The Procurement Code, which the Council has already adopted, raised the levels of key decision to £1m capital and £500,000 revenue. These figures have been incorporated in the amended Constitution.

Member Consultation

- 3.11 All the proposed changes have been considered at a joint meeting of Leaders and Whips of both parties.
- 3.12 As a consequence of that meeting a number of changes were agreed which are reflected in the revised Constitution. Particular issues raised are referred to in the following paragraphs.

Audit Arrangements

- 3.13 Opposition Members sought to provide for the establishment of a separate Audit Committee, rather than audit matters being dealt with by the Corporate Services Committee. By agreement, a separate constitutional amendment on this will be submitted to, and debated at, the Council on 15th June. In the meantime, it was noted that the Director of Law & Public Services had been asked to prepare draft terms of reference for such a committee.

Legal Proceedings

- 3.14 One of the changes relates to the schedule of matters reserved for Executive decision where, under clause 4. Finance and Property (h) the authority to settle legal proceedings to which the Council is party has been increased from £200,000 to £500,000 or more. This is in line with the figures for key decisions.
- 3.15 We have agreed that details of payments in connection with legal proceedings in excess of £200,000 will be supplied to the Opposition Party.

Annual Accounts

- 3.16 There was concern at the arrangements for the annual approval of the Council's accounts. The Government has stipulated that for 2004 the accounts must be agreed by the end of August; for 2005 by the end of July; and for 2006 by the end of June.

- 3.17 In previous years, the deadline for approval was the end of September, and a Council meeting was programmed for that purpose. However, for this and successive years, we have taken the view that it is not practicable to convene a full Council meeting in August, and we have delegated this function to the Corporate Services Committee. Approval of accounts is not an executive function and therefore can be delegated to a committee. By this means only a few members will be required to attend a meeting in August.
- 3.18 However, to meet the concerns of Opposition members, whilst the Corporate Services Committee is given delegated power to agree the accounts, we will ensure that there is a full debate on the accounts at the first meeting of the Council after recess.

4. Implications

4.1 Financial Implications

None.

4.2 Legal Implications

These are incorporated within the report.

4.3 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 needs to be updated to reflect changes in the way in which the Council has operated, to introduce delegation to Area Committees and to enable the early introduction of licensing arrangements.

Background papers:

Constitution dated May 2003

Final Report Clearance

Signed by

Leader of the Council

Date

Received by

Head of Scrutiny and Democratic Services

Date

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