



ISLINGTON

COUNCIL

25 February 2021

ADDITIONAL DESPATCH

Please find enclosed the following items:

Item 10	Constitution Report	1 - 10
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Report of: Acting Director of Law and Governance and Monitoring Officer

Meeting of:	Date:	Ward(s):
Council	25 February 2021	All

Delete as appropriate:	Exempt	Non-exempt
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SUBJECT: Constitution Update

1. Synopsis

- 1.1 This report proposes a number of changes to the council's Constitution to ensure it reflects changes in legislation and changes in the council's arrangements and remains fit for purpose.

2. Recommendations

- 2.1 To approve the amendments to the Constitution set out in the appendices.

3. Background

- 3.1 Appendix A contains extracts from the Constitution in which proposed changes are marked, by crossing through in the case of deletions and by underlining in the case of additions. The main changes proposed are described below.

4. Main proposed changes

Appendix A:

- 4.1 With effect from 1 March 2021, Registration Services for Islington & the City of London will relocate from the Resources Department to the Environment Department, requiring a change in the designation of the Proper Officer in any enactment relating to registration of births, death or marriages to the Service Director Public Protection.

4.2 The Recordable Decision definition in Part 2, Article 13 – Decision Making, has been updated to provide more clarity.

5. Implications

5.1 Financial implications:

There are no direct material financial implications associated with the amendments to the Constitution as set out in this report.

5.2 Legal Implications:

The Council is required to maintain an up to date Constitution in accordance with Section 9P(1) of the Local Government Act 2000.

5.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:

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

5.4 Resident 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 initial assessment has been undertaken and it has been concluded that a full assessment is not required as there are no direct impacts on residents.

5. Reason for recommendations

5.1 This report proposes a number of changes to the Constitution to ensure that the document remains up to date and fit for purpose.

Appendices: Appendix A – Proposed Amendments to the Constitution

Background papers: None

Final report clearance:

Signed by:



Peter Fehler,
Acting Director of Law and Governance
Monitoring Officer

23 February 2021

Date

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Appendix A – Proposed Amendments to the Constitution

Proposed change to the Proper Officer for the Registration service, effective from 1 March 2021:

APPENDIX 4

Proper Officers

The following officers shall be the proper officer for the purposes of the specified legislation.

PROPER OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000

<i>(1) statutory provision</i>	<i>(2) Function</i>	<i>(3) Proper Officer</i>
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Director of Law and Governance

Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Director of Law and Governance
Section 100 LGA 1972	All references to proper officer in connection with the access to information provisions of the Local Government Act.	Director of Law and Governance
Section 115 LGA 1972	Receipt of monies from accountable officers.	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Director of Law and Governance
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Director of Law and Governance
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Director of Law and Governance
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Director of Law and Governance
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	The Chief Executive, Corporate Directors, Monitoring Officer or Chief Finance Officer.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Director of Law and Governance
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the Council.	Director of Law and Governance
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive

Section 8 RPA 1983	The Electoral Registration Officer of any constituency in the borough.	Chief Executive
Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Trading Standards Manager
Section 2 LGHA 1989	Deposit of list of “politically restricted posts” under LGHA 1989.	Corporate Director of Resources
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Chief Finance Officer
Accounts and Audit Regulations 2015	The responsible financial officer.	Chief Finance Officer
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	Service Director Public Protection Assistant Director of Financial Operations and Customer Service
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Director of Law and Governance
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Director of Law and Governance
Local Authorities (Referendums) (Petitions and Directions) Regulations	Functions relating to verification and publicity of petitions.	Director of Law and Governance
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	All references to the proper officer.	Director of Law and Governance

Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Corporate Director of Environment and Regeneration
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Director of Law and Governance
Local Democracy, Economic Development and Construction Act 2009	Designated Proper officer for scrutiny role	Head of Democratic Services and Governance

Part 2, Article 13 – Decision Making

It is proposed that the following text describing the definition of a Recordable Decision, replace the existing text (inserted below):

(c) Recordable Decisions

This definition only applies to non-Key Decisions.

If the decision meets the criteria for a Key Decision, in paragraph (b) above, the Key Decision procedures must be followed.

A Recordable Decision is any non-Key decision made by an officer, regardless of how they are authorised to make it, which:

- i. Grants a licence or a permission;
- ii. Affects the rights of an individual;
- iii. Is likely to result in the local authority incurring expenditure of an amount in excess of £250,000 for revenue expenditure or £500,000 for capital expenditure, including by award of a contract;
- iv. Would have a significant impact on communities in a single ward;
- v. Would result in the setting up of a company or entering into a partnership arrangement with any other body;

vi. Relates to major individual service reorganisation decisions likely to involve 20 or more redundancies;

vii. Waives the procurement rules in respect of contracts between the value of £100,000 to £500,000 revenue spend and £100,000 to £1M capital spend;

A decision which relates to the placement of an individual, be that an adult or child, is not a recordable decision.

~~(c) — **Recordable Decisions**~~

~~Those officer decisions, which if not delegated by the constitution or at a member meeting would be required to be taken by the Council, a committee or the Executive, and which fall within the following criteria:~~

~~i. Decisions to grant a licence or a permission;~~

~~ii. Decisions which affects the rights of an individual~~

~~iii. Decisions likely to result in the local authority incurring expenditure of an amount in excess of £500,000 for capital expenditure or £250,000 for revenue expenditure including by award of a contract;~~

~~iv. Decision specifically delegated to an officer at a Council or Committee meeting.~~

~~and decisions by an Executive member or an officer which are or the following non key decisions:~~

~~a) Decisions likely to result in the local authority incurring expenditure, obtaining a receipt or making savings of an amount in excess of £500,000 for capital expenditure or £250,000 for revenue expenditure;~~

~~b) Decisions that would have a significant impact on communities in a single ward~~

~~c) Decisions that would or would be likely to conflict with or result in a change or departure from any decision or policy agreed by the Executive~~

~~d) Decisions that would result in the setting up of a company or entering into a partnership arrangement with any other body~~

~~e) Major individual service reorganisation decisions likely to involve 20 or more redundancies~~

~~f) Decisions to waive the procurement rules in respect of contracts over the value of £100,000.~~

~~g) Any decision specifically delegated to an officer at an Executive meeting~~

~~h) Urgent decisions on matters that are otherwise reserved to the Executive~~

~~A decision which relates to the placement of an individual, be that an adult or child, is not a recordable decision.~~



ISLINGTON

COUNCIL MEETING – 25 FEBRUARY 2021

REPORT OF THE CHIEF WHIP

EXECUTIVE APPOINTMENT

1. EXECUTIVE MEMBER FOR CHILDREN, YOUNG PEOPLE & FAMILIES

- (i) To note the appointment of Cllr Ngongo as the Executive Member for Children, Young People and Families.

RECOMMENDED:

- (i) That the appointment of Cllr Ngongo as Executive Member for Children, Young People and Families be noted.

COMMITTEE APPOINTMENTS

1. CHILDREN'S SERVICES SCRUTINY COMMITTEE

- (i) To note that Cllr Ngongo has stepped down from the Children's Services Scrutiny Committee and to appoint Cllr Burgess to the Committee for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (i) That Cllr Burgess be appointed to the Children's Services Scrutiny Committee for the remainder of the municipal year or until a successor is appointed.

2. HEALTH AND WELLBEING BOARD

- (i) To note that Cllr Comer-Schwartz has stepped down from the Health and Wellbeing Board and to appoint Cllr Ngongo to the Board and its Sub-Committee for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (i) That Cllr Ngongo be appointed to the Health and Wellbeing Board, and the Haringey & Islington Health and Wellbeing Boards Joint Sub-Committee, for the remainder of the municipal year or until a successor is appointed.

3. DISCIPLINARY APPEAL COMMITTEE

- (i) To note that Cllr Comer-Schwartz has stepped down from Disciplinary Appeal Committee and to appoint Cllr Ngongo to the Committee, as Executive Member for Children, Young People and Families, for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (ii) That Cllr Ngongo be appointed to the Disciplinary Appeal Committee for the remainder of the municipal year or until a successor is appointed.

OUTSIDE BODIES:

1. LONDON COUNCILS LEADERS COMMITTEE

- (i) To note that Cllr Smith has resigned from the Council and to appoint Cllr Champion as his successor as a deputy representative on the London Councils Leaders Committee for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (i) That Cllr Champion be appointed to the London Councils Leaders Committee for the remainder of the municipal year or until a successor is appointed.

2. LGA GENERAL ASSEMBLY

- (i) To note that Cllr Smith has resigned from the Council and to appoint Cllr Ward as his successor as a council representative to the LGA General Assembly for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (i) That Cllr Ward be appointed as a council representative to the LGA General Assembly for the remainder of the municipal year or until a successor is appointed.

3. DAME ALICE OWENS SCHOOL FOUNDATION ADVISORY COMMITTEE

- (i) To note that Cllr Comer-Schwartz has stepped down from the Dame Alice Owens School Foundation Advisory Committee and to appoint Cllr Ngongo to the Committee until the end of the term of office in May 2022 or until a successor is appointed.

RECOMMENDED:

- (i) That Cllr Ngongo be appointed to the Dame Alice Owens School Foundation Advisory Committee until the end of the term of office in May 2022 or until a successor is appointed.

4. ARCHWAY TOWN CENTRE MANAGEMENT BOARD

- (i) To note that Cllr Comer-Schwartz has stepped down from the Archway Town Centre Management Board and to appoint Cllr Burgess to the Board for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (i) To appoint Cllr Burgess to the Archway Town Centre Management Board for the remainder of the municipal year or until a successor is appointed.

OTHER APPOINTMENTS

1. SACRE (Standing Advisory Committee on Religious Education)

- (i) To note that Cllr Comer-Schwartz has stepped down from SACRE and to appoint Cllr Ngongo to the Committee for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (i) That Cllr Ngongo be appointed to SACRE for the remainder of the municipal year or until a successor is appointed.

2. CORPORATE PARENTING BOARD

- (i) To note that Cllr Comer-Schwartz has stepped down from the Corporate Parenting Board and to appoint Cllr Ngongo to the Board for the remainder of the municipal year or until a successor is appointed.

RECOMMENDED:

- (i) That Cllr Ngongo be appointed to the Corporate Parenting Board for the remainder of the municipal year or until a successor is appointed.

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