



**Resources Department
Town Hall, Upper Street, London, N1 2UD**

AGENDA FOR THE AUDIT COMMITTEE AND AUDIT COMMITTEE (ADVISORY)

Members of the Audit Committee and Audit Committee (Advisory) are summoned to a meeting, which will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on **23 May 2023 at 7.00 pm.**

Enquiries to : Boshra Begum
Tel : 020 7527 6229
E-mail : democracy@islington.gov.uk
Despatched : 15 May 2023

Membership

Councillor Nick Wayne (Chair)
Councillor Flora Williamson (Vice-Chair)
Councillor Janet Burgess MBE
Councillor Sara Hyde
Alan Begg (Co-Optee)
Alan Finch (Co-Optee)

Substitute Members

Councillor Angelo Weekes
Councillor Jilani Chowdhury
Councillor Jason Jackson
Councillor Jenny Kay

Quorum: is 3 Councillors

A. Formal Matters **Page**

1. Apologies for Absence
2. Declaration of substitute members
3. Declarations of interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences - Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

4. Minutes of previous meeting 1 - 4

B. Items for Decision **Page**

1. Arrangements for Audit Committee 2023/24 and appointments to 5 - 22

Pensions Sub-Committee, Board and Personnel Sub-Committee

- | | | |
|----|--------------------------------|-----------|
| 2. | Review of Council Constitution | 23 - 100 |
| 3. | External Audit Report | |
| 4. | Cyber Defence Annual Report | 101 - 106 |

C. Urgent non-exempt items

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of press and public

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information procedure rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

E. Confidential/exempt items	Page
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- | | | |
|----|---|-----------|
| 1. | Cyber Defence Annual Report - Exempt Appendix | 107 - 112 |
|----|---|-----------|

F. Urgent exempt items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

The next meeting of the Audit Committee and Audit Committee (Advisory) will be on 10 July 2023

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London Borough of Islington

Audit Committee and Audit Committee (Advisory) - 13 March 2023

Minutes of the meeting of the Audit Committee and Audit Committee (Advisory) held at Islington Town Hall, Upper Street, N1 2UD on 13 March 2023 at 7.00 pm.

Present: **Councillors:** Councillor Nick Wayne (Chair), Councillor Flora Williamson (Vice-Chair), Councillor Janet Burgess MBE, and Councillor Sara Hyde.

Independent members: Alan Begg and Alan Finch (co-optees)

Councillor Nick Wayne in the Chair

47 **APOLOGIES FOR ABSENCE (Item A1)**

Councillor Ward had sent apologies.

48 **DECLARATION OF SUBSTITUTE MEMBERS (Item A2)**

None.

49 **DECLARATIONS OF INTEREST (Item A3)**

Alan Finch, an independent member on the committee, declared interest for item B1. It was noted that as part of his work with the LGA, Mr Finch is the LGA's main liaison with PSAA which is the company responsible for monitoring the performance of external audit firms.

50 **MINUTES OF PREVIOUS MEETING (Item A4)**

RESOLVED:

That the minutes of the meeting held on 13 September 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

51 **EXTERNAL AUDIT UPDATE - TO FOLLOW (Item B1)**

The Corporate Director of Resources explained that the audit was progressing well, however there had been delays to completion. The Committee was informed that the preparation for the annual accounts started months in advance; this operated with a project management approach, timetabled to ensure the completion date.

The following points were noted during the discussion:

- The Chair stated that the expectation was that the completed external audit had been due. The Corporate Director of Resources and the external auditors stated they were satisfied with the cooperation of the Islington

officers who had been compliant with the tasks given to ensure the Audit could be completed.

- Grant Thornton colleagues apologised for the delay in submitting the completed audit report and noted that the points that were still outstanding were with officers in Grant Thornton and stated that the responsibility also lied with Grant Thornton. The Chair reiterated that the delays to this report were not due to Islington officers and thanked the work that had gone into the progress.
- It was explained to the Committee that the delays in completing the final report so far have been due to several factors such as the overall Local Government audit market. It was noted that there were issues in the wider sector. Grant Thornton colleagues stated that they had prioritised the Audit report and were confident in the staffing and resources deployed to complete this report by the next meeting of the Audit Committee on 23 May 2023.
- The Chair highlighted that the update mentions pausing the progress for March 2023 due to a prior engagement. Grant Thornton colleagues explained the context behind this and reassured members that their processes meant that local authority audits had to be signed off together.
- The Chair thanked Grant Thornton colleagues for taking responsibility and appreciated the apology for the delay in the final report. The Committee expected the final report to be submitted to the 23 May Audit Committee meeting.

RESOLVED:

That the contents of the report be noted.

52

2023 - 2024 AUDIT PLAN (Item B2)

The following points were noted during the discussion:

- The Committee was informed that in addition to completing full audits there will be a process of follow-ups. The completion of agreed actions is tracked through follow up work, whereby the auditee provides evidence confirming the completion of actions. Internal Audit officers review evidence to confirm the completion of actions.
- It was explained that the focus of review of the indexation and inflation governance will be defined during the scoping exercise. This audit related to a principal risk. The plan for 2023/24 will be to carry this out followed by a wider procurement audit in 2024/25.
- When undertaking the audit there were four categories of assurance: substantial assurance (comprising best practice findings only), moderate assurance (meaning there is an adequate framework in place), limited assurance (there are a number of control weaknesses, usually two or above) and no assurance (there are fundamental control weaknesses).
- The audit plan is focussed on areas of highest risk however areas of lower risk are maintained on a reserves list for future audit plans.

- The Chair has written to the Corporate Directors for schools and Tenant Management Organisations (TMOs) to flag concerns relating to Internal Audit findings in these areas.
- The Committee noted it would be useful to be provided with a breakdown of the audit plan alongside a year-on-year comparison table.
- Regarding adult safeguarding concerns, it was noted that the service had been responsive to previous audits and therefore this was not highlighted for the coming year.
- The risks on page 29 of the report concerned SEN Children and it was suggested that the title should be modified to reflect this.

RESOLVED:

That the 2023-24 Internal Audit plan be approved.

53

BI-ANNUAL WHISTLEBLOWING MONITORING REPORT (Item B3)

The following points were noted during the discussion:

- It was noted that period covered within the report (between the 1 August 2022 to 31 January 2023) there had been 4 referrals made. A further referral had been received since 31 January.
- It was noted that there were two cases in progress at the time of the report and the committee discussed how many cases had been upheld.
- A member raised that it would be helpful in future to have further information on how many referrals were upheld or not.
- In regards to assurance on whether the overall process is working well or not the committee were informed that the number of referrals received can change year on year. Typically the levels have been compared to other councils. Last year Islington Council had a figure of 6 in comparison with some other boroughs that had 8-10.
- It was noted that the work in the previous year on whistleblowing policy was good; it was known that another local authority was using this to guide their own work.

RESOLVED:

That the contents of the report be noted.

54

REVIEW OF CONSTITUTION 2023/24 (Item B4)

The following points were noted in the discussion:

- The review of the constitution is to ensure the constitution's statutory compliance, make the constitution user friendly and fit for purpose. There has been a group set up of members to focus on this and there will be two phases of this review.

Audit Committee and Audit Committee (Advisory) - 13 March 2023

- **Phase 1** of the review is from January to May 2023, this will centre around a statutory compliance 'health check'. This has been positive so far and we only had a few items to change and revisit.
- **Phase 2** of the review is from March to December 2023, this will focus on the Councils finance and procurement processes. There will be a training session with members on the changes they would like to see in this area. The chair adds that he would like to see consultation with backbench and opposition members during this phase.
- A member raised concerns around the lack of opposition and backbench members in the training sessions.
- The Chair advised that it would be beneficial if there was the scope for an external peer review with another local authority or with the independent members of this committee to look through as a second pair of eyes. This ensure more time before this is presented in full council.

RESOLVED:

- (a) That the Terms of Reference, scope, and timescale for the Constitution Review be approved.
- (b) To note that this is a working group process and so the first draft of the phase 1 report is to be completed by the beginning of May. This draft will be
- (c) presented to the Audit committee on the 23rd of May before full council on the 6th of July. This is subject to any other legal requirements.
- (d) The committee agreed to discuss further how to incorporate backbench oversight over the work within both phases of the constitutional review.

55 BI-ANNUAL WHISTLEBLOWING MONITORING REPORT - EXEMPT APPENDIX (Item E1)

Noted.

Resources
Town Hall, Upper Street
London N1 2UD

Report of: Head of Democratic Services and Governance

Meeting of: Audit Committee

Date: 23rd May 2023

Ward(s): None

Subject: Membership, Terms of Reference and dates of meetings of Audit and Audit (Advisory) Committee in 2023/24

1. Synopsis

- 1.1 To inform members of the membership and remit of the Audit and Audit (Advisory) Committee in the municipal year 2023/24.

2. Recommendation

- 2.1 To note the membership appointed by Council on 11 May 2023, terms of reference and dates of meetings of the Audit and Audit (Advisory) Committee for the municipal year 2023/24, as set out at Appendix A.

3. Background

- 3.1 The terms of reference of the Audit and Audit Advisory Committee (as contained in Part 5 of the Council's Constitution) are set out at Appendix A.
- 3.2 The membership and dates of meetings agreed are also set out at Appendix A for information.

4. Implications

4.1. Financial Implications

None.

4.2. Legal Implications

None.

4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

There are no environmental implications arising directly from 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.

- 4.4.1. An Equalities Impact Assessment is not required in relation to this report, since the contents of this report relate to a purely administrative function and will not impact on residents.

5. Conclusion and reasons for recommendation

The report is submitted to ensure members are fully informed of the remit of the Committees and their administrative arrangements.

Background papers: None

Final report clearance:

Authorised by:

Head of Democratic Services and Governance

Date: 15 May 2023

Report Author; Boshra Begum, Democratic Services Officer

Tel: 020 7527 6229

Email: boshra.begum@islington.gov.uk

AUDIT COMMITTEE AND AUDIT COMMITTEE (ADVISORY)

1. COMMITTEE MEMBERSHIP – (Agreed at Annual Council 11 May 2023)

Councillors	Substitute Members
Nick Wayne (Chair)	Jason Jackson
Flora Williamson (Vice-Chair)	Jenny Kay
Janet Burgess MBE	Angelo Weekes
Sara Hyde	Jilani Chowdhury
<u>Independent Members - Audit Committee (Advisory)</u> Alan Begg Alan Finch	

2. FUTURE MEETING DATES

10 July 2023 at 7.00pm	18 September 2023 at 7.00pm	20 November 2023 At 7.00pm	29 January 2024 at 7.00pm	18 March 2024 at 7.00pm	21 st May 2024 at 7.00pm
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3. AUDIT COMMITTEE

Composition

The membership of the committee shall not include any members of the Executive.

The membership of the Audit Committee (Advisory) shall include two independent members.

Quorum

The quorum shall be three members, not including Independent members

Terms of Reference

Audit Committee (Advisory) Functions

To consider the following matters and to make recommendations concerning them to the relevant Council bodies or to officers:

1. The Head of Internal Audit's annual report and opinion and the level of assurance internal audit activity can give over the Council's corporate governance arrangements;
2. The external auditor's annual letter, relevant reports and the report to those charged with governance on issues arising from the audit of the accounts;
3. Reports dealing with the management, performance and value for money of the providers of internal and external audit services;
4. A report from internal audit on agreed recommendations not implemented within a reasonable timescale;
5. The appointment of the Council's external auditor;
6. Work to be commissioned from internal and external audit;
7. Specific internal and external audit reports as requested;
8. The contract procedure rules and financial regulations in the Council's constitution and the Council's compliance with its own and other published standards and controls;
9. Any issue referred to it by the Council, Executive, Policy and Performance Scrutiny Committee or the Chief Executive;
10. The Council's arrangements for corporate governance and risk management and recommend necessary actions to ensure compliance with best practice;
11. The production and content of the authority's Annual Governance Statement;

12. The annual report from the Monitoring Officer concerning standards of member conduct, which shall include a summary of complaints received under the Code of Conduct Complaints Procedure and their outcome.
13. Any report on any matter relevant to the advisory functions of the Committee which the Committee may request from the Corporate Director of Resources or other proper officer.

Audit Committee Decision-Making Functions

Audit related matters

To review and agree the annual statement of accounts, including considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or the audit that need to be brought to the attention of the council.

1. To adopt the authority's Annual Governance Statement.
2. To agree annually the amount calculated by the Council as its tax base for the whole area of the borough, any tax base applying as special levies, and other matters associated with the tax base.

General Matters

3. To appoint a Personnel Sub-Committee, including approval of its terms of reference and membership. Members of the committee will be the Leader of the Council, the Executive Member with responsibility for Human Resources, and three ordinary member positions, one of whom will be appointed as Chair by the Audit Committee. All other Executive Members will be appointed to act as substitutes for the Committee, with the relevant Executive Member joining the Committee depending on the appointment being made. There will also be 5 ordinary member substitutes, one of whom will be the Chair of Audit Committee.
4. To appoint a Pensions Sub-Committee.
5. To appoint such other sub-committees or other bodies, including their membership and terms of reference, as the Committee deems from time to time appropriate.
6. To grant exemptions under section 3 of the Local Government and Housing Act 1989 from political restriction to holders of posts under the Council and to give directions as to inclusion of specified posts in the list maintained by the Council under section 2(2) of that Act.
7. To make appointments between council meetings to those outside bodies and panels appointed to by the Council under Part 3 paragraph 7.2.

8. To determine matters relating to the organisation and conduct of elections, including the following:
 - i. division of the constituency into polling districts;
 - ii. division of the borough into polling districts.
9. To regulate matters affecting members, including remuneration, expenditure and training and to promote high standards of conduct amongst members.
10. To recommend to Council the introduction, amendment or revocation of byelaws.
11. To take decisions on any matter within the terms of reference of any of its sub-committees where the proper officer considers that it is necessary and reasonable to do so.
12. All other non-Executive matters specified under the relevant legislation save for those which are delegated to officers (unless the relevant Corporate Director refers the matter to the committee) or are reserved to the Council under paragraph 1 of Part 3 of this Constitution or to the Licensing Committee or Licensing Regulatory Committee and Planning committees.

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Resources
Town Hall, Upper Street
London N1 2UD

Report of: Head of Democratic Services and Governance

Meeting of: Audit Committee

Date: 23rd May 2023

Ward(s): None

Subject: AUDIT COMMITTEE APPOINTMENTS TO PENSIONS SUB- COMMITTEE AND PERSONNEL SUB- COMMITTEE 2023/24

Synopsis

- 1.1 In accordance with its terms of reference, the Audit Committee is responsible for The appointment of a Pensions Sub-Committee and a Personnel Sub-Committee, including approval of their terms of reference and membership.
- 1.2 Although the Pensions Board is constituted under separate Pensions regulations, its terms of reference of state that "All members of the Board shall be appointed by full Council or its Audit Committee which shall also appoint a chair from among the members of the Board." The Pensions Team are responsible for seeking nominations for vacant positions on the Board as they arise and for then submitting those nominations to the Council or Audit Committee for appointment.

1. Recommendations

2.1 Pensions Sub-Committee

- (a) To confirm the size of the Sub-Committee and its terms of reference in Appendix A
- (b) To appoint the members named in Appendix A for the municipal year 2023/24, or until successors are appointed.
- (c) To appoint Councillor Paul Convery as the Chair and Councillor Diarmaid Ward as the Vice-Chair of the Sub-Committee for the municipal year 2023/24, or until successors are appointed.

2.2 Personnel Sub-Committee

- (a) To confirm the size of the Sub-Committee and its terms of reference in Appendix A
- (b) To appoint the members named in Appendix A for the municipal year 2023/24, or until successors are appointed.
- (c) To appoint Councillor Anjna Khurana as the Chair of the Committee for the municipal year 2023/24, or until a successor is appointed.

2.3 Pensions Board

- (a) To note the membership and terms of reference of the Pensions Board, set out in the Appendix.

2. Background

3.1 The terms of reference for the Pensions Sub-Committee, Pensions Board and the Personnel Sub-Committee are set out in Appendix A.

3.2 The proposed membership for each of the Sub-Committees of the Audit Committee and the Pensions Board and the meeting dates agreed for the year are also set out at Appendix A.

3.3 The Pension Board membership consists of:

- 3 Islington Council Pension Fund employer representatives
- 3 Islington Council Pension Fund member representatives
- 1 independent member (non-voting)

The Audit Committee has responsibility to ensure continuation of membership in equal numbers for the employer and member representatives on the Board to achieve rolling reappointment to maintain knowledge and experience on the Board.

3. Implications

3.1. Financial Implications

None.

3.2. Legal Implications

None.

3.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

There are no environmental implications arising directly from this report.

3.4. 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.

- 3.4.1. An Equalities Impact Assessment is not required in relation to this report, since the contents of this report relate to a purely administrative function and will not impact on residents.

4. Conclusion and reasons for recommendation

Approval to the recommendations is needed to ensure that the Sub-Committees are properly constituted.

Background papers: None

Final report clearance:

Authorised by:

Head of Democratic Services and Governance

Date: 15 May 2023

Report Author; Boshra Begum, Democratic Services Officer

Tel: 020 7527 6229

Email: boshra.begum@islington.gov.uk

Appendix A

1. PENSIONS SUB-COMMITTEE

1.1. Committee Membership 2023/24

<i>Councillors</i>	<i>Substitute Members</i>
Paul Convery (Chair)	Dave Poyser
Diarmaid Ward (Vice-Chair)	Jenny Kay
Satnam Gill OBE	
Michael O'Sullivan	

Terms of Reference

1. To consider policy matters in relation to the pension scheme, including the policy in relation to early retirements.
2. To administer all matters concerning the Council's pension investments in accordance with the law and Council policy.
3. To establish a strategy for disposition of the pension investment portfolio.
4. To determine the delegation of powers of management of the fund and to set boundaries for the managers' discretion.
5. To review the investments made by the investment managers and from time to time consider the desirability of continuing or terminating the appointment of the investment managers. (Note: The allocation of resources to the Pension Fund is a function of the Executive).
6. To consider the overall solvency of the Pension Fund, including assets and liabilities and to make appropriate recommendations to the Executive regarding the allocation of resources to the Pension Fund.

7. The Chair of the Pensions Sub-Committee will represent Islington Council at shareholder meetings of the London Collective Investment Vehicle (London LGPS CIV Limited). In the absence of the Chair, a deputy may attend.
8. Members of the Pensions Board shall be invited to attend meetings of the Sub-Committee as observers.

1.2 Quorum

The quorum for the Pensions Sub-Committee is 2 elected members.

1.3 Future Meeting Dates

Listed below are the dates of the meetings for 2023/24:

3 July 2023

26 September 2023

21 November 2023

11 March 2024

The date for the Pensions AGM is to be confirmed.

2. **PERSONNEL SUB-COMMITTEE**

2.1 Committee Membership 2023/24

Composition

The Audit Committee will appoint members and substitutes to the Personnel Sub-Committee and appoint the Chair. Members of the committee will be the Leader of the Council, the Executive Member with responsibility for Human Resources, and three ordinary member positions. One of the ordinary committee members will be the appointed Chair. All other Executive Members will be appointed to act as substitutes for the Committee, with the relevant Executive Member joining the Committee depending on the appointment being made. There will also be 5 ordinary member substitutes, one of whom will be the Chair of Audit Committee.

If a member of the committee cannot attend a meeting, they will arrange for a substitute to attend. Substitutes should be selected bearing in mind that the committee should be broadly representative of the Council.

When an appointment is to a post employed jointly by the Council and another organisation, such as the National Health Service, membership of the committee may be increased to include a relevant representative of that organisation as a co-opted non-voting member subject to the agreement of the Personnel Sub-Committee Chair.

<i>Councillors</i>	<i>Substitute Members</i>
Anjna Khurana (Chair)	All other Executive members
Kaya Comer-Schwartz	Dave Poyser
Diarmaid Ward	Jason Jackson
Satnam Gill OBE	Jenny Kay
Janet Burgess	Jilani Chowdhury

Quorum

The quorum shall be three members.

Terms of Reference

1. Responsibility for and monitoring of, the Council's health and safety policies as employer, including reports on health and safety within Council departments.
 2. To approve the early retirement of the Chief Executive and to agree the award of any discretionary payments in connection with such retirement or redundancy.
 3. To approve any payment to an officer on termination of employment in respect of redundancy entitlement, any payment under the Local Government (Early Termination of Employment) Discretionary Compensation Regulations and notice pay in respect of termination in the interests of the efficient exercise of the Authority's functions, which exceeds £100,000 in total.
 4. To be responsible for the recruitment and appointment of Corporate Directors and Service Directors in accordance with Part 4, Rule 101.
 5. To agree the starting salary for any post where the overall remuneration package on new appointment (excluding pension contributions in accordance with the Local Government Pension Scheme regulations) is to exceed £100k
 6. To hear representations in respect of the termination of a Corporate Director's employment in accordance with the JNC terms and conditions of employment.
 7. To appoint Independent Persons to carry out the functions in Section 28 of the Localism Act and other functions assigned to the Independent Persons
 8. To receive submissions from trades unions' representatives on agenda items concerning staff terms and conditions.
 9. To make recommendations to Council on the appointment of the Chief Executive.
 10. To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee.
 11. To receive notification when any member of staff performing a role appointed by Personnel Sub Committee leaves their position or gives notice that they are leaving and to agree a timeline for recruitment, if applicable.
- 2.4 Meeting arrangements

The quorum for the Personnel Sub-Committee is 3 elected members. Meetings for the municipal year 2023/24 will be arranged as required.

3. Pensions Board

3.1 Terms of Reference

1. To assist the London Borough of Islington as scheme manager in securing compliance with:

- a. the Local Government Pension Scheme Regulations 2013;
- b. any other legislation relating to the governance and administration of the Local Government Pension Fund Scheme (LGPS);
- c. requirements imposed by the Pensions Regulator in respect of the LGPS;
- d. such other matters as the LGPS regulations may specify

2. To assist the London Borough of Islington in securing the effective and efficient governance and administration of the scheme;

3. To consider cases that have been referred to the Pension Regulator and/or the Pension Ombudsman; recommending changes to processes, training and/or guidance where necessary;

4. To produce an annual report outlining the work of the Board throughout the financial year.

5. To make recommendations to the Pension Sub-Committee.

Composition

The membership of the Board shall consist of:

- 3 Islington Council Pension Fund employer representatives
- 3 Islington Council Pension Fund member representatives
- 1 independent member (non-voting)

No substitutes are permitted, with the exception of the member of the Board who is appointed to represent pensioner members of the LGPS

All members of the Board shall be appointed by full Council or its Audit Committee which shall also appoint a chair from among the members of the Board.

Any person who is applying for or appointed as a member of the Pension Board must provide the Scheme Manager with such information as and when the Scheme Manager requires to ensure that any member of the Board or person to be appointed to the Board does not have a conflict of interest.

No officer or elected member of the Council who is responsible for the discharge of any function in relation to the LGPS.

Pensions Board Membership:

Employer Representatives:

Councillor Dave Poyser (Chair)

Maggie Elliott (Vice-Chair)

Employee Representatives:

Mike Calvert

George Sharkey

Valerie Easmon-George

Independent Member:

Alan Begg

Legal Services, Law & Governance

7 Newington Barrow Way, London, N7 7EP

Report of: Interim Director of Law & Governance and Monitoring Officer

Meeting of: Audit Committee

Date: 23 May 2023

Subject: Review of Council Constitution

1. Synopsis

- 1.1. On 13 March 2023, the Audit Committee approved Terms of Reference for a review of the Constitution to ensure it is up to date and fit for purpose.
 - To ensure the Constitution is compliant with relevant legislation
 - To review the Terms of Reference for Committees
 - To update Schemes of Delegation, Contract Procedure Rules, and Financial Regulations.
 - To seek member input
 - To recommend to Full Council a revised version of the Constitution
- 1.2. Legal and Governance officers in consultation with the Chair of Audit Committee and Deputy Leader and Executive Member (Resources) have been meeting to carry out the Review. The Chairs of Personnel Sub Committee; Pension Sub Committee and Pension Board have been consulted. The review has included a statutory compliance health check. Work is in hand with the Standards Committee to complement this work by updating the Member Code of Conduct and the statutory arrangements for dealing with allegations of member misconduct.
- 1.3. This Report updates members on the Review and makes recommendations to improve the Constitution in line with legislation and best practice.
- 1.4. This Report is seeking the Audit Committee's approval to the recommended amendments to the Constitution, marked as tracked changes in the Appendices.

- Appendix 1 Factual changes to Part 1 – Summary and Explanation
- Appendix 2 Revised Part 2 - Articles
- Appendix 3 Revised Part 3 - Responsibility for Functions
- Appendix 4 Revised Part 4 – Employment Procedure Rules
- Appendix 5 Revised Part 5 – Terms of Reference
- Appendix 6 Revised Part 6 – Codes and Protocols
- Appendix 7 Revised Part 8 – Updated Organisation Chart
- Appendix 8 Revised Constitution Appendices

2. Recommendations:

- 2.1. To note the work of the Constitution Review Working Group in reviewing the Constitution and proposing revisions to ensure legal compliance.

To agree and Recommend to Full Council to:

- 2.2. Agree the proposed revisions to Part 1 of the Constitution as detailed in Appendix 1
- 2.3. Agree the proposed revisions to the Articles of the Constitution as detailed in Appendix 2 and adding the Employee Code of Conduct as detailed in Appendix 5.
- 2.4. Adopt the revised Officer Employment Procedure Rules, which now incorporate the previously separate protocol document, in Appendix 4
- 2.5. Adopt revised Terms of Reference for the Audit Committee to establish it as the Audit and Risk Committee including authority to revise and keep up to date the Council's Financial Regulations and Procurement Rules as detailed in Appendix 5
- 2.6. Adopt revised Terms of Reference for the Standards Committee as detailed in Appendix 5
- 2.7. Adopt new Terms of Reference for the Pension Sub-Committee to establish it as a Pension Fund Committee appointed by the Council as detailed in Appendix 5
- 2.8. Adopt new Terms of Reference for the Pension Board as detailed in Appendix 5
- 2.9. Adopt new Terms of Reference for the Personnel Sub-Committee to establish it as an Employment and Appointments Committee appointed by the Council as detailed in Appendix 5

- 2.10. Adopt revised Terms of Reference for the Statutory Officer Grievance Committee and Appeals Committee so that it only applies to the Chief Executive as detailed in Appendix 5
- 2.11. Agree a Review of the Overview and Scrutiny function to include revised Terms of Reference for the Scrutiny Committees and Scrutiny Procedure Rules.

3. Background

- 3.1 The Audit Committee has responsibility for audit and governance matters under Article 8 of the Constitution. This includes responsibility for the Constitution and the rules, systems, and relationships which support the council to be effective, well run, and accountable.
- 3.2 The Constitution sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people. The council has a legal duty to publish an up-to-date Constitution and it should be reviewed annually with any necessary changes being considered at the Full Council meeting.
- 3.3 Responsibility to monitor and review the operation of the Constitution is set out in Article 15 and belongs to full Council. The Monitoring Officer is authorised to make minor consequential amendments as necessary or required by legislation from time to time.
- 3.4 The Constitution must contain:
 - The Council's standing orders/ procedure rules.
 - The Members' Code of Conduct
 - Such information as the Secretary of State may direct.
 - Such other information (if any) as the Council considers appropriate
- 3.5 The Constitution currently comprises 374 pages organised into 8 parts, many divided into several sections. The document is difficult to navigate and a member of the public who did not already know which part to look in would find it difficult to locate a specific section of the Constitution as there is a very limited search facility.
- 3.6 Officers have also raised the following issues which have further prompted the need for a review:
 - A document which has grown over the years and is not internally consistent.
 - Legal compliance and extensive statutory references need to be reviewed
 - A more consistent approach to reviewing the Constitution on an annual basis.

- An unwieldy document that could be simplified and made more accessible for online viewing.
- Opportunities to reduce bureaucracy to help members and officers to take decisions more robustly with more clarity over who takes which decisions.

4. Statutory Compliance Health Check

- 4.1 A Constitution Direction was issued by the Secretary of State in December 2000 that requires 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of residents' rights.
- 4.2 Officers have carried out a comprehensive Statutory Compliance Health Check of the Constitution against these requirements which has resulted in the Recommendations in this Report.

5. Part 1 and Part 2 Articles

- 5.1 The proposed changes to Part 1 are consequential to the matters recommended in this report.
- 5.2 The proposed changes to the Articles are as follows:

Article 2 – Members of the Council: To correct number of councillors to 51 following elections in May 2022 and to insert a link to the democracy website councillors page to meet the requirement to provide information about the councillors, arising from the review of the statutory checklist

Article 7 – The Executive: To correct the number of councillors required for a vote of no confidence in the Leader (75% or 38), following the election in May 2022 and to insert a link to the democracy website councillors page to meet the requirement to provide information about the members of the Executive, arising from the review of the statutory checklist

Article 8 – Non-Executive Functions: To reflect the proposed changes to Audit Committee and Sub-Committees detailed elsewhere in this report and to update the information on Licensing Committee arrangements.

Article 12 – Officers: To reflect the changes in officer designations following the recent restructure.

Article 13 – Decision Making: To clarify the arrangements for making key decisions

Article 15 - Review, amendment, suspension and publication of the Constitution: To clarify the circumstances under which the Proper Officer may make amendments to the Constitution.

5.2 It is also recommended that the Monitoring Officer be responsible for keeping the Constitution under review reporting as appropriate to Audit Committee and Council and change the current requirement to involve the party Whips on constitutional change.

6. Audit Committee

6.1 The Audit Committee terms of reference have a complex format involving a range of advisory functions and decision-making functions.

6.2 In September 2022, the Committee carried out a review of its Terms of Reference noting that the current structure comprised two Committees: The Audit Committee and the Audit Advisory Committee. The Committee agreed the following recommendations:

- (a) That the word “Risk” be included in the new title of the Committee.
- (b) That all instances of the word “Our” in the proposed new Terms of Reference be replaced with the article “The”
- (c) That, subject to the incorporation of the suggested amendments above, the other proposed amendments to the Audit Committee Terms of Reference, detailed in the report of the Corporate Director of Resources, be noted.
- (d) That it be noted that any amendments would require formal approval at a future Council meeting.
- (e) That, before the final report is submitted to Council, the updated Terms of Reference be circulated to members of the Committee for further review and approval
- (f) That it be noted that the Committee’s future work plan would be reviewed by officers and the Chair to ensure that all aspects of the Terms of Reference were appropriately represented.
- (g) That it be noted that the Terms of Reference of the Pensions Sub-Committee and Personnel Sub-Committee would also be reviewed and submitted to a future meeting for consideration.

6.3 The proposed revisions considered by the Audit Committee are set out in Appendix 2 as track changes. They include the proposed new title Audit and Risk Committee and updated terms of reference. It is also recommended that the current structure of two committees, one advisory and one decision making be simplified to form one committee deleting reference to an advisory committee and advisory functions.

6.4 It is recommended that the function of receiving the annual report from the Monitoring Officer concerning standards of member conduct transfer to the Standards Committee

7. Pension Sub- Committee

- 7.1 The Audit Committee under its terms of reference has responsibility for establishing a Pensions Sub-Committee (PSC). The PSC membership is separate from the Audit Committee, not a derivation of its membership as required under the Local Government Act 1972. The process of how its membership is selected is undefined. The current terms of reference states: “No special requirements apply to the composition of the Pensions Sub-Committee”.
- 7.2 The membership of the PSC is composed of four elected members and has a quorum of two, that does not require either the Chair or Vice chair in attendance. There are two named substitute members. This is a very small committee given the scale and significance of the investment and decisions that are made.
- 7.3 Although there is no single model in operation across the over 80 Pension Fund authorities (LGPS) in England and Wales, most Funds are managed by a formal Committee appointed by the full Council. This Committee is usually called the Pension(s) Committee or sometimes the Pension Fund Committee. The arrangement in Islington is unusual and creating legal risk. It is recommended that the Pensions Sub-Committee should be separated from the Audit Committee and established as a separate committee with an elected member membership of 5 or 7 voting councillors.
- 7.4 Individual LGPS Pension Funds are administered by the relevant council and are a separate legal entity within the overall structure of that council. Under the Local Authority (Functions and Responsibilities) (England) Regulations 2000 (as amended) the LGPS is not an Executive function. Therefore, the Executive of a Council cannot make decisions in respect of the Pension Fund. Bullet point six of the current ToR states: “To consider the overall solvency of the Pension Fund, including assets and liabilities and to make appropriate recommendations to the Executive regarding the allocation of resources to the Pension Fund.” The Executive should not be involved in setting the resources of the Pension Fund. The Sub-Committee itself should be responsible for setting its own budget. The Committee responsible for the Pension Fund must report to the Council and cannot be subject to the Executive.
- 7.5 The PSC terms of reference as written are unusually brief at just seven bullet points. A comprehensive list of requirements should be listed in the new Terms of Reference to ensure the Committee are aware of their full remit. These are set out as track changes to the proposed new Pension Fund Committee’s Terms of Reference in Appendix 2.
- 7.6 Members of the Sub-Committee are the ultimate decision makers for investment related matters. As such, members are bound by the Directive on Markets in Financial Instruments repealing Directive 2004/39/EC (commonly known as MIFID II). This legislation requires the Pension Fund to “opt up” to professional status, and for

decision makers to demonstrate they have the collective knowledge and skills to make investment decisions. If members are not able to demonstrate this, there is a risk that the Pension Fund will not be able to access professional investments. A comprehensive training plan should be agreed for PSC members and this requirement be added to its Terms of Reference.

8. Pensions Board

- 8.1 The LBI Pension Board composition is currently three employer representatives, three member representatives and one independent member. The Constitution provides that all members of the Board shall be appointed by full Council or its Audit Committee which shall also appoint a chair from among the members of the Board. This practice is unusual, as the Pension Board should be responsible for electing its own chair. It is normal practice for the chairmanship to rotate annually from employer to member representatives. Paragraph 5.38 of the Statutory Local Government Pension Scheme (LGPS) Guidance on the creation and operation of Local Pension Boards in England and Wales alludes to this being appropriate.
- 8.2 Members of the Pension Board are required, under the LGPS scheme regulations 2013, to have “capacity” to represent the members and employers of the scheme. The statutory guidance interprets this as a requirement to ensure that the knowledge and skills of the membership are appropriate to effectively scrutinise the decisions of the committee. To assist the Administering Authority, it is implicit that members of a Local Pension Board understand the duties and obligations that apply to the Administering Authority as well as to themselves. This is expanded in section 6 of the statutory guidance which makes it clear this is a legal requirement. It is also suggested that Members of a Local Pension Board should undertake a personal training needs analysis and put in place a personalised training plan. This should be added to the ToR.
- 8.3 The Pension Board ToR are too brief and do not capture all the elements sufficiently from paragraphs 5.35 of the Statutory Guidance. A set of proposed revised Terms of Reference to be included in Part 5 of the Constitution and are shown as track changes in Appendix 5 to reflect the full requirements of the Statutory Guidance.

9. Personnel Sub Committee

- 9.1 The Audit Committee under its terms of reference has responsibility for establishing a Personnel Sub-Committee (PeSC). However, the PeSC membership is separate from the Audit Committee, not a derivation of its membership as required under the Local Government Act 1972.
- 9.2 The PeSC has a miscellaneous range of personnel functions covering the appointment of or disciplinary matters relating to Chief Officers. These need careful

review to ensure they are compatible with relevant legislation and contractual national and local terms and conditions for chief officers. They also need to complement the other Council bodies concerned with these matters: the Grievance Committee, Grievance Appeal Committee, Investigating and Disciplinary Committee and Disciplinary Appeal Committee.

- 9.3 Part of the remit of the PeSC has been to approve special severance payments for departing officers over £100,000. This is now out of date following publication of statutory guidance on 12 May 2022. This defines those payments to exclude contractual entitlements (such as redundancy/efficiency payments and any actuarial strain and sets out the process councils are expected to follow for such payments:

5.1 The government expects that any Special Severance payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments

- 9.4 It is recommended that the Personnel Sub Committee be reconstituted as the Employment and Appointments Committee with the following terms of reference.

- To be responsible for the recruitment and appointment of Corporate Directors and Service Directors in accordance with Part 4, Rule 100.
- To recommend to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
- To act as the Committee which makes recommendations to Council on the appointment of the Head of Paid Service (Chief Executive).
- To hear and determine appeals in connection with disciplinary action or dismissal of Chief Officers (except the Head of Paid Service, s151 Officer and Monitoring Officer)
- To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee.

10. Grievance Committee/ Appeal Committee

- 10.1 The Grievance Committee and Grievance Appeals Committee currently apply to Grievances against and by the statutory officer posts; Chief Executive, Monitoring Officer and Section 151 Officer.

- 10.2 These Committees are established under the auspices of the JNC Conditions of Service for Chief Executives. The JNC Handbook Grievance Procedures state that *“In principle it is for each local authority to determine its procedures and practical arrangements for the handling of grievances, taking into account the relevant considerations in general employment law. However, in the case of a chief executive, there are particular factors which may need to be borne in mind in the case of a grievance against a chief executive or a grievance brought by a chief executive, and the JNC has therefore adopted a Model Procedure for use in such circumstances”*. This is reflected in the current Terms of Reference for these committees save that the Council has also included the Monitoring Officer and s151 Officer in the procedures.
- 10.3 It is suggested that the Council revise these arrangements so that they only apply to the Chief Executive in the following circumstances:
- where an employee raises a grievance against the chief executive and/or
 - where a chief executive raises a grievance (this will be against an individual elected member(s) or the employing council generally).
- 10.4 Grievances involving the Monitoring Officer and s151 Officer do not involve the same factors as the Chief Executive, principally that the Chief Executive does not have a line manager. Instead, they would be treated in the same way as grievances against any employee including the other corporate directors.
- 10.5 The model procedure set out in the Constitution reflects the ACAS code and comprises two formal stages. After the initial filtering and any attempt at informal resolution, if the matter remains unresolved, then a panel of elected members (the Grievance Committee) will hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance by or against the chief executive. The panel can either uphold or dismiss the grievance. If the outcome of the Stage 1 investigation is that the grievance is not upheld, then the complainant has the right to appeal (Formal Stage 2) to a panel of elected members (the Appeal Panel).

11. Standards Committee

- 11.1 The Standards Committee has not been meeting regularly over recent years as its remit has been limited to hearing complaints alleging member misconduct. It needs to have a more strategic role in promoting the Member Code of Conduct and ensuring the Council's statutory duty to promote and maintain high standards of conduct with an effective code of conduct complaints procedure.

11.2 It is recommended that the following functions are added to the current Terms of Reference of the Standards Committee as detailed in Appendix 2.

- to issue dispensations to any member in respect of statutory and non-statutory disclosable interests;
- to receive an annual report from the Monitoring Officer concerning standards of member conduct, which shall include a summary of complaints received under the Code of Conduct Complaints Procedure and their outcome;
- to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:
 - (i) approving and issuing guidance to Members
 - (ii) making recommendations to Full Council regarding the suggested amendment of the Members' Code of Conduct
 - (iii) approving training to be provided to members in the Code of Conduct
 - (iv) monitoring the operation of the Code of Conduct

12. Licensing Committee and Licensing Regulatory Committee

12.1 Minor amendments in line with legislation to the Terms of Reference of these committees are shown in track changes in Appendix 5.

13 Officer Code of Conduct

13.1 The Officer Code of Conduct has been added into Part 6 of the Constitution as recommended during the statutory compliance health check.

14. Officer Employment and Procedure Rules

14.1 The Employment and Procedure Rules have been updated to incorporate the main elements of previously separate procedure guidance document and to refer to the Employment and Appointments Committee.

15. Overview and Scrutiny Function

15.1 Statutory Guidance was published in 2019 requiring councils to review their existing scrutiny arrangements and ensure they embed a culture that allows overview and scrutiny to flourish. The current arrangements at Islington have not been reviewed for

some time. There has also been change to Executive portfolios and Corporate and service directorates which would merit a review of the existing Scrutiny Committee terms of reference.

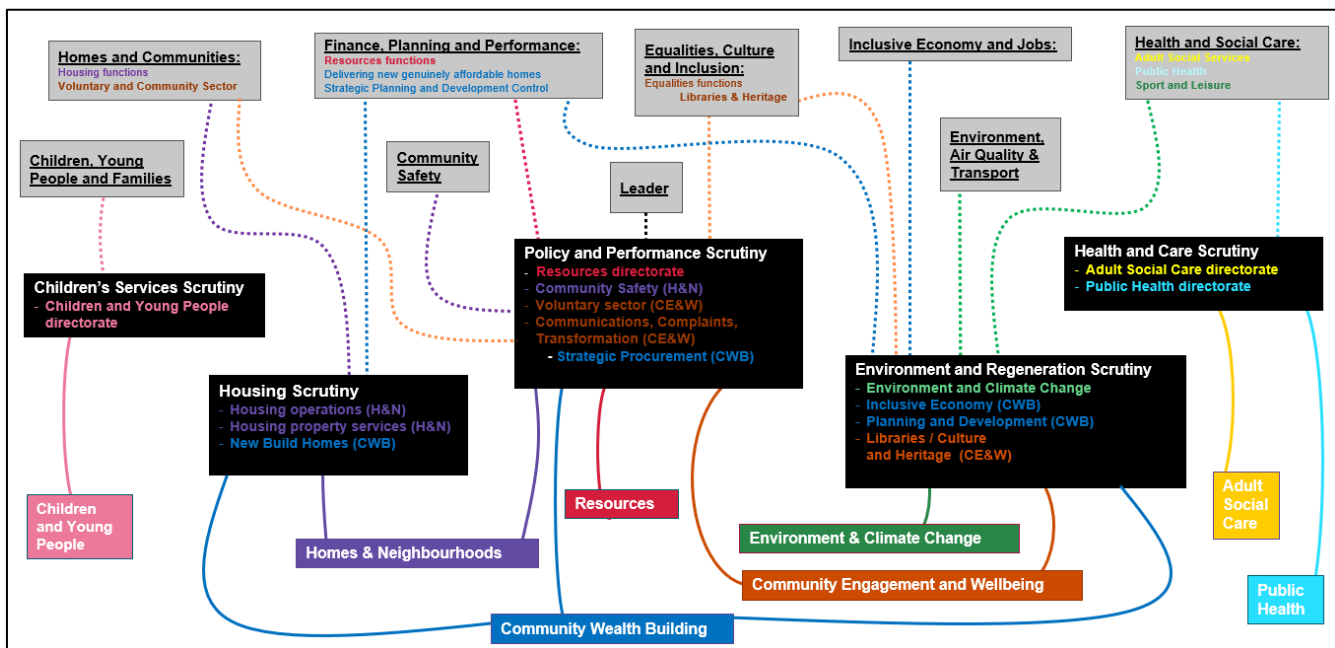
15.2 Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

15.3 Overview and scrutiny committees have statutory powers to scrutinise decisions the Executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- provide constructive ‘critical friend’ challenge
- amplify the voices and concerns of the public
- be led by independent people who take responsibility for their role
- drive improvement in public services

15.4 The diagram below shows the current reporting arrangements which are complex and do not enable cross service review or review of external issues.



15.5 A review can also codify the existing Islington arrangements for scrutiny reviews, call-in of executive decisions, policy development and evidence gathering. These have

developed as custom and practice over time and need to be published as part of the Scrutiny Procedure Rules of the Constitution.

- 15.6 It is therefore recommended that there should be a Governance Review in line with statutory guidance led by the Scrutiny Chairs over the summer enabling a report to full Council on 28 September 2023. This Review will support scrutiny members to recognise best practice, understand where scrutiny is adding value and identify improvements. It is suggested that the Centre for Public Scrutiny and Governance be approached to support this review and assist in ensuring a clear, consistent and transparent framework.

16 Implications

16.1 Financial Implications

There are no financial implications arising from this report.

16.2 Legal Implications

A local authority is under a duty to prepare and keep up to date its constitution under section 9P Local Government Act 2000 as amended. The Constitution must contain:

- a) The Council's standing orders/ procedure rules.
- b) The Members' Code of Conduct
- c) Such information as the Secretary of State may direct.
- d) Such other information (if any) as the authority considers appropriate.

A Constitution Direction was issued by the Secretary of State in December 2000 that required around 80 matters to be included within constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area, amongst other things. Whilst issued under Part II Local Government Act 2000, the Direction survives the re-enactment into Part 1A (section 9B et seq.) of the 2000 Act by the Localism Act 2011 (under section 17 Interpretation Act 1978).

Constitutions must be available for inspection at all reasonable hours by members of the public and supplied to anyone who asks for a copy on payment of a reasonable fee.

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

There are no environmental implications.

16.4 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 Screening Tool was completed on 24 April 2023. No negative impacts were identified therefore an Equalities Impact Assessment is not required for the purposes of this Report.

An up-to-date Constitution will ensure decisions contribute to the advancement of equality and good relations and demonstrate that the Council is paying due regard in our decision making in the design of policies and in the delivery of services.

17. Reasons for recommendations

The Audit Committee is asked to note and agree the recommendations to ensure the Constitution is legally compliant.

Appendices:

- Appendix 1 Factual changes to Part 1 – Summary and Explanation
- Appendix 2 Revised Part 2 - Articles
- Appendix 3 Revised Part 3 - Responsibility for Functions
- Appendix 4 Revised Part 4 – Employment Procedure Rules
- Appendix 5 Revised Part 5 – Terms of Reference
- Appendix 6 Revised Part 6 – Codes and Protocols
- Appendix 7 Revised Part 8 – Updated Organisation Chart
- Appendix 8 Revised Appendices to the Constitution

Background papers:

None

Final report clearance:

Approved by: Marie Rosenthal, Interim Director of Law & Governance and Monitoring Officer

Date: 9 May 2023

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Proposed Amendments to Part 1 – Summary and Explanation

6. Other committees

There are also the following committees dealing with the matters shown:

Audit and Risk	personnel , audit, <u>governance, risk and</u> accounts, pensions, matters relating to members conduct matters;-
Licensing	all matters under the Licensing Act 2003 and Gambling Act 2005; <u>all licensing matters under the Licensing Act 2003, Gambling Act 2005 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended</u>
Licensing Regulatory	all non-Licensing Act 2003 <u>other licensing</u> functions;
Standards	matters relating to the code of member conduct;
Planning	planning matters;
Voluntary and Community Sector Committee	a committee of the Executive which allocates support to the voluntary and community sector.
Health and Wellbeing Board	a committee responsible for promoting an integrated approach by health and social services for advancing the health and wellbeing of local residents.

Part 1, Section 9

A new decision making structure chart will be produced, detailing the council's committees.

Proposed Amendments to Part 2 - Articles

Explanatory Note: This includes a number of minor amendments in line with best practice, technical updates to reflect that the Council is now comprised of 51 councillors, amendments arising from changes to the terms of reference of the Audit Committee and its Sub-Committees, amendments to reflect the latest Licensing legislation, and amendments to job titles to reflect the most recent senior officer restructure.

Article 2 – Members of the Council

2.01 Composition and eligibility

- (a) **Composition** The Council comprises ~~51~~⁴⁸ members, (known as councillors). Every councillor will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. [Details of the councillors, including their Register of Interest and appointments to Committees and Outside bodies are available on the Democracy Website.](#)

Article 7 – The Executive

7.02 Form and composition

The Executive will consist of the Leader together with, such other number of councillors (being not fewer than 2 or more than 9) as the Leader may determine. [Details of the members of the Executive and their portfolios are available on the Democracy Website.](#)

7.07 Votes of no confidence

The Leader shall cease to hold office as the Leader if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of the full Council attended by at least 75% (~~38~~⁶) of the members of the Council in accordance with procedure Rule 20.2.

Article 8 –Non-Executive Functions

8.01 Audit and Risk Committee

There will be an Audit and Risk Committee which will have responsibility for audit and governance matters (other than those which are the responsibility of the Standards Committee) and for all other functions of the Council (other than those relating to licensing and planning matters) and which are not the responsibility of the Executive as a matter of law or under this constitution other than those which are reserved to the Council itself. The detailed terms of reference for the Committee are in Part 5 of this Constitution.

8.02 ~~Audit~~ ~~Committee~~ ~~Sub-Committees~~ Employment and Appointments Committee

~~The Audit Committee will appoint a number of sub-committees whose terms of reference are set out in Part 3 of this Constitution. Those sub-committees are as follows:~~

- (a) ~~A Personnel Sub-Committee~~ An Employment and Appointments Committee whose functions shall include the terms and conditions of employment of staff; the appointment of the Chief Executive (subject to confirmation by Council), Corporate Directors and Directors, in each case unless direct assimilation without competition applies under the applicable organisational change procedures; ~~health and safety at work~~ and related matters, and the making of recommendations to Council on the appointment of the Independent Person under the Localism Act 2011.

~~The Audit Committee may decide to appoint different members to this sub-committee in order to deal with appointments to different posts.~~

- (b) ~~A Pensions Sub-Committee whose functions shall include all matters relating to the Local Government Pension Fund, but not the allocation of council resources to that Fund, which shall be the responsibility of the Executive in accordance with the budget and the Financial Regulations.~~

8.03 ~~Audit Committee (Advisory)~~

~~There will be an Audit Committee (Advisory) which will consist of the members of the Audit Committee and two independent members.~~

- (a) ~~The Audit Committee and the Audit Committee (Advisory) shall be scheduled to meet at the same time.~~
- (b) ~~The Independent Members shall be able to participate in discussion of and vote on all advisory matters considered at the meeting of the Committees.~~

8.03 Pension Fund Committee

A Pension Fund Committee whose functions shall include all matters relating to the Local Government Pension Fund.

8.04 Licensing Committee

There will be a Licensing Committee which will exercise the following:

- all licensing functions ~~as defined by~~ under the Licensing Act 2003. ~~It will review the licensing policy and also determine all applications under the Licensing Act 2003;~~ except for the approval of the statement of licensing policy and the decision to make Early Morning Alcohol Restriction Orders;
- all licensing functions under the Gambling Act 2005, except for the approval of the statement of licensing policy and the decision whether to allow casinos;
 - all licensing functions under the schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended including setting of fees for licence applications and sex establishment policy.

8.07 Composition and quorum of Licensing Sub-Committees

- (a) The sub-committees shall comprise three members of the Council, with a quorum of three.
- (b) Substitutes may attend meetings where one of the members of the sub-committee is unable to attend or is disqualified from hearing an application by virtue of ~~being the ward member for the area to which the application relates~~ a pecuniary or personal interest. Where a substitute is required, he/she will be ~~drawn on a strict rota basis~~ from the balance of the members of the Licensing Committee belonging to party group of the absent member. Where no members from the same party group are available, those places shall be filled by any other Licensing Committee member.
- (c) Chair and Vice-Chair
Each sub-committee shall appoint its own Chair and Vice-Chair. Where both of these are absent or are disqualified from hearing an application by virtue of ~~being a ward councillor~~ a pecuniary or personal interest, then the sub-committee shall elect one of its members to be Chair for that meeting or that part of the meeting.

8.08 Licensing Regulatory Committee

There will be a Licensing Regulatory Committee with a quorum of 3 which shall have responsibility for all licensing matters under the relevant legislation other than licensing functions arising out of the Licensing Act 2003, schedule 3 of the Local Government

(Miscellaneous Provisions) Act 1982 as amended and the Gambling Act 2005. These shall include:

- (a) The determination of applications for street trading, ~~track betting~~ and special treatment licences where there are unresolved objections to those applications;
- (b) The designation of streets as licensed streets;
- (c) The revocation of licences (except on the ground of non payment of fees);
- (d) The setting and review of policy in relation to the matters coming within the remit of the committee;
- (e) The setting of fees and charges for licences within the remit of the committee.

Article 12 – Officers

“Officers” means all employees and staff engaged by the Council to carry out its functions. This covers those engaged under short term, agency or other non-employed situations as well as those employed on a permanent basis.

12.01 Management structure

(a) General

The Council may engage such officers as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Chief Executive;
Corporate Director of Homes and Neighbourhoods;
Corporate Director of Environment and Climate Change;
Corporate Director of Resources;
Corporate Director of Children’s Services;
Corporate Director – Community Wealth Building;
~~Partnership Director – Fairer Together~~;
Corporate Director – Community Engagement and Wellbeing;
Director of Public Health;
Director of Law and Governance;
Director of Adult Social Care.

Where ~~the Executive~~ it has been agreed to vary these roles, the Proper Officer shall be authorised to make the necessary consequential amendments to this article.

If there is no Chief Executive in post, references to the Chief Executive in this Constitution are to be taken as references to the Head of Paid Service.

12.06 Other statutory officers

(e) The [Head of Democratic Services](#) ~~Manager and Governance~~ shall be appointed for the purposes of section 31 of the Local Democracy, Economic Development and Construction Act 2009 as the Council's Scrutiny Officer.

Article 13 – Decision Making

13.03 Types of decision

(b) **Key decisions**

(ii) ~~A~~ Key decisions may be taken by the Executive, a Sub-Committees of the Executive and certain senior officers, as detailed in this Constitution. A notice giving a description of the decision must usually be published at least 28 days in advance. ~~included in the Forward Plan and a~~ decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules and the Access to Information Rules set out in Part 4.

Article 15 - Review, amendment, suspension and publication of the Constitution

15.01 Duty to monitor and review the Constitution

(a) The ~~Council~~ [Monitoring Officer](#) will have responsibility for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Subject to (d) and (e) and Article 15.04 below, changes to the Constitution will only be effective if approved by the full Council.

~~(b) Amendments to the Constitution will only be considered by the Council following consultation with the Whips of the two main parties and having received the advice of the Director of Law and Governance.~~

15.04 Minor and consequential amendments

The Constitution may only be updated by the Council, with the exception that t~~t~~ The Proper Officer shall be authorised to make any minor or consequential amendments necessary and amendments required by legislation, from time to time.

Appendix 3

Proposed Amendments to Part 3 – Responsibility for Functions

Explanatory Note: The below amendments reflect the latest Licensing legislation and changes to job titles and responsibilities following the most recent senior officer restructure.

7. FUNCTIONS TO BE EXERCISED BY THE COUNCIL ITSELF

7.1 LIST OF FUNCTIONS THAT MAY ONLY BE EXERCISED BY THE COUNCIL

(Items in italics and marked with an asterisk are not reserved to the Council under the law but are only exercisable by the Council under this Constitution)

22	Duty to publish 5 year licensing policy	Section 5 of the Licensing Act 2003
23 23 *	<i>Power to introduce a late night levy</i>	<i>Police Reform and Social Responsibility Act 2012</i>
23 24 *	<i>Power to make an early morning alcohol restriction order.</i>	<i>Section 172A Licensing Act 2003</i>
22 25	Approving the annual Pay Policy Statement	Section 38 Localism Act 2011
23 *	<i>Power to make an early morning alcohol restriction order.</i>	<i>Section 172A Licensing Act 2003</i>
24 26	Any other matter that by law is reserved for consideration, approval or resolution by the Council including those identified in Appendix 2.	

4. MATTERS RESERVED FOR EXECUTIVE DECISION

4.3 – Sustainability

(f) Monitoring the performance of services within the Environment [and Climate Change](#) Department (including monitoring against local and national performance indicators) and reporting issues to the Executive where appropriate.

(i) Agreeing for consultation and adopting site specific planning briefs or other similar documents which, in the opinion of the [relevant](#) Corporate Director ~~of Environment~~, have significant or strategic implications.

8. OFFICER DELEGATIONS

8.1 All matters not reserved to a decision-making body or individual above or by Financial Regulations, are deemed to be delegated to the Chief Executive, relevant Corporate Director, the Director of Public Health, [or](#) the Director of Adult Social Care, ~~or the Partnership Director Fairer Together~~ and notwithstanding the reservations of matters, such bodies shall be entitled to delegate decisions to Directors or the Chief Executive on a case by case basis unless prohibited by legislation from doing so. All references within the Constitution to Corporate Directors, also refer to the Director of Public Health [and](#); Director of Adult Social Care ~~and the Partnership Director Fairer Together~~.

8.2 The relevant Corporate Director may be determined as follows:

- (a) all matters within the Environment Department ~~(including all functions under the Licensing Act 2003 and the Gambling Act 2005 not within the terms of reference of sub-committees of the Licensing Committee or reserved to the Council at Part 3 Section 6 of the Constitution, other than the fixing of fees under the Gambling Act 2005.)~~ to the Corporate Director of Environment [and Climate Change](#);
- (b) all matters within the Children's Services department, to the Corporate Director of Children's Services;
- (c) all matters within the Homes and Neighbourhoods Department, to the Corporate Director of Homes and Neighbourhoods, [\(including all functions under the Licensing Act 2003, the Gambling Act 2005 and Schedule 3 of the Local Government \(Miscellaneous Provisions\) Act 1982, as amended, not within the terms of reference of sub-committees of the Licensing Committee or reserved to the Council at Part 3 Section 6 of the Constitution, other than the fixing of fees under the Gambling Act 2005\)](#);
- (d) all matters within the ~~Department of~~ Resources [department](#) to the Corporate Director of Resources, (with the exception functions specifically designated to the Chief Finance Officer, if the Corporate Director is not also appointed as Chief Finance Officer);

- (e) all matters within the Public Health Department, to the Director of Public Health;
- (f) all matters within the Community Wealth Building Department to the Corporate Director – Community Wealth Building;
- (g) all matters within the ~~Fairer Together~~ Community Engagement and Wellbeing Department to the ~~Partnership Director – Fairer Together~~ Corporate Director – Community Engagement and Wellbeing;
- (h) all matters within the Adult Social Care Department to the Director of Adult Social Care;

save that each Corporate Director may have responsibility for other corporate matters from time to time.

8.13 The Chief Executive shall have authority to delegate ~~to her Heads of Service~~ **all** matters within the Chief Executive's Department in accordance with Appendix 3. Where those powers may only be exercised with her authorisation as Chief Executive, the Monitoring Officer will retain a list of the general (and any specific) authorisations they have been given and shall cause these lists to be made publically available. The Chief Executive will be able to exercise the powers delegated to officers within her department.

Proposed Amendments to Part 4 – Procedure Rules

Explanatory note: The below amendments clarify the arrangements for reporting on key decisions taken under the urgency procedures, and consequential amendments arising from the transition from the Personnel Sub-Committee to the Employment and Appointments Committee.

68. MONITORING ARRANGEMENTS

The Proper Officer shall submit quarterly returns to Council detailing all those occasions on which either the call-in provisions were waived or a key decision was taken which had not appeared in the Forward Plan ~~or and in respect of which~~ five clear working days notice had not been given, ~~or both.~~

OFFICER EMPLOYMENT PROCEDURE RULES

100. APPOINTMENT OF THE CHIEF EXECUTIVE AND CHIEF AND DEPUTY CHIEF OFFICERS

100.1 Where the Council is proposing appointing a new Chief Executive or Corporate Director (save on an interim basis) and it is not proposed that the appointment be made exclusively from among their existing Officers:

- (a) a statement shall be drawn up specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
- (b) arrangements shall be made for that post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) a copy of any statement drawn up in accordance with paragraph (a) above shall be sent to any person on request.

[In the case of appointments to the posts of Corporate Director of Children's Services, the Director of Adult Social Services and Director of Public Health, regard must also be had to statutory guidance concerning the appointment process.](#)

~~Such appointments will be made in accordance with a protocol agreed by the Monitoring Officer from time to time and in the case of the appointment of the Director of Public Health must be made jointly with the Secretary of State.~~

100.2 When a vacancy occurs, the Chief Executive or Director of Human Resources will notify the Head of Democratic Services and Governance who will organise an initial informal meeting of the Chair of the Employment and Appointments Committee, the Leader of the Council, the Chief Executive and the Executive Member with portfolio responsibility and the Director of Human Resources, who will agree:

- The timetable for the recruitment
- The key points of the job description
- The key criteria for the qualities required in the job
- A recruitment strategy including arrangements for procurement of the recruitment partner
- A provisional recruitment process, i.e. written exercises / staff panels / youth panels / psychometric testing.
- A salary band. If that salary band is either
 - Outside of the scale boundary for the role
 - More than 5% greater than the current incumbent, then the band will need to be approved by the Executive prior to advertisement.

100.3 Following the initial meeting, the Job Description and Person Specification will be reviewed (or created for new posts) by the Director of Human Resources, based on the outcome of the meeting and existing job descriptions, for initial approval by the Chief Executive.

100.4 If the Job Description and Person Specification have been significantly amended or it is a new post, HR will arrange for the post to be evaluated and the cost of the evaluation will be charged to the relevant department. The result of the job evaluation will be communicated to the Chief Executive for confirmation to proceed with the recruitment.

100.5 The day to day liaison with the recruitment partner and the exercise of operational functions to be dealt with by the Chief Executive (or relevant Corporate Director).

100.6 The preparation of the draft advertisement and recruitment pack will be managed by HR and will be approved by the Chief Executive. The post will be advertised in the relevant media and recruitment searches undertaken where necessary by the recruitment agency. An update will be sent to Personnel Sub-Committee at the time of publication of the advertisement.

100.7 In some situations it may not be necessary to advertise, e.g. where a post has been re-designated, where duties have been added to or taken from an existing job description or where the council's redundancy or redeployment procedures require an individual to be assimilated into a post (whether following interview or otherwise).

100.8 The Chief Executive, or a Corporate Director may hold informal discussions with candidates or potential candidates prior to the close of the application period. These will inform the longlisting and the shortlisting stages.

100.9 All application forms, the job description and person specification, will be made available to the longlisting panel, which will normally comprise the Chief Executive, the Chair of the Employment and Appointments Committee (or a substitute) the Director of Human Resources, and a representative from the recruitment agency, if appropriate.

100.10 The Longlisting panel will compare applications with the person specification and all those that meet the selection criteria will be identified to go forward to the next stage and will include the observations of the recruitment agency, but will not rank or score the candidates. The Longlisting Analysis Form should be completed and will be signed off by the Chief Executive, or Monitoring Officer.

100.11 The longlisting panel will determine the process to be used for each post, taking into account the advice of the HR partner.

100.12 The Human Resources representative present will record details of the meeting and circulate a record of the meeting to the Employment and Appointments Committee.

100.13 The recruitment agency will notify candidates that they have been selected for preliminary interviews and arrange their attendance in consultation with Human Resources. Unsuccessful candidates will also be notified by the recruitment agency.

100.14 Following longlisting, the preliminary interview will be conducted by the recruitment agency or other independent advisor with relevant expertise who may be accompanied by the Director of Human Resources or other relevant council officer(s). The purpose of this interview is to confirm that the longlisted candidates have the appropriate skills, level of technical knowledge and experience to go forward to the shortlisting stage and to inform the shortlisting process.

100.15 Based on the interviews, the agency will submit a report on the longlisted candidates. This report will be shared with members of the Employment and Appointments Committee, the Executive Member with portfolio responsibility and the Chief Executive as soon as it is available.

100.16 The Shortlisting interview is a formal meeting of the Employment and Appointments Committee. The Chair of the Committee will ensure that interview panels are diverse and are appropriate for the post and to decide the membership of each panel, following consultation with the committee and following the arrangements for substitution.

100.17 A pack of papers, including the application, supporting statement and the results of any assessments and tests carried out, will be compiled by Human Resources, together with a covering report for publication. The agenda for the meeting and the covering report will be published by Democratic Services by the statutory deadline for the meeting. The pack will be provided to Democratic Services for circulation to the members of Personnel Sub-Committee, a week before the formal shortlisting meeting.

100.18 The Employment and Appointments Committee will consider the shortlist for final interview, taking into account a report by the recruitment agency, following consultation with the Chief Executive and technical experts, if appropriate. At the conclusion of its deliberations, the Employment and Appointments Committee will determine which candidates to move forward to the interview stage. The Shortlisting Analysis Form should be completed and then signed by the Chair of the Committee. At the shortlisting meeting, the Committee will also:

- receive advice regarding the tests to be used
- offer advice and agree on areas for testing for the final interview and
- determine the presentation topic
- agree the arrangements for any informal meeting of candidates with members or other stakeholders and partners which may be considered appropriate.

100.19 The Chief Executive and Director of Human Resources and a representative from the recruitment agency will attend the shortlisting committee meeting, but not take part in the decision making.

100.20 A formal minute of the meeting will be produced and circulated by Democratic Services.

100.21 Following the shortlisting meeting, the Director of Human Resources, in consultation with the recruitment agency, will draft any tests, questions and presentation topics for consideration by the Chief Executive. If the committee agreed to use occupational testing, the recruitment agency will make arrangements for testing to be carried out.

100.22 The results of the testing will be made available, via Democratic Services, to members of the Employment and Appointments Committee prior to the final interview.

100.23 All candidates, internal or external, will need to supply two referees who can comment on their suitability for the post. the recruitment agency or Human Resources will normally request the references before the final interview stage. They must normally be available in writing prior to the final interview.

100.24 The final interview is a formal meeting of the Employment and Appointments Committee. The meeting will be organised and clerked by Democratic Services, and will follow the usual procedure rules for formal committee meetings. The members sitting on the panel will have received appropriate training.

100.25 A pack of papers, including the application, supporting statement and the results of any further assessments and tests carried out, will be compiled by Human Resources, together with a covering report for publication. The agenda for the meeting and the covering report will be published by Democratic Services by the statutory deadline for the meeting. The pack will be provided to Democratic Services for circulation to the members of Personnel Sub-Committee, a week before the formal interview meeting.

100.26 Democratic Services will make arrangements for booking the meeting rooms, refreshments, equipment and for the reception of candidates, etc.

100.27 Human Resources will notify the recruitment agency of the time, date, venue and interview presentation topic. The recruitment agency will then advise candidates accordingly.

100.28 Detailed questions will be supplied at the meeting by the Director of Human Resources, and the Committee will allocate questions between members.

100.29 The Chief Executive, Director of Human Resources and a representative of the recruitment agency will also be in attendance in an advisory capacity, but will not be part of the decision making process.

100.30 At the conclusion of the interviews, the Employment and Appointments Committee will deliberate and assess the candidates before coming to a decision. It may be helpful for there to be an initial discussion about each candidate in light of the person specification and all the information available,

including the performance at interview and for the panel to seek to come to an agreement about which candidates are appointable.

100.31 Where possible a decision should be reached by consensus and where more than one candidate is appointable, the panel should endeavour to rank those appointable candidates. The procedure rules on voting at formal committee meetings will apply.

100.32 The Employment and Appointments Committee shall agree the salary at which the successful candidate should be offered the post. Any subsequent negotiation as to starting salary shall be dealt with in accordance with paragraph 16 of this protocol.

100.33 Democratic Services will minute the meeting and be responsible for collecting in all the notes made by the panel members. These notes should then be passed to Human Resources for inclusion in the recruitment file.

100.34 The Director of Human Resources will notify all candidates of the decision of the Employment and Appointments Committee as soon as possible after the date of the meeting.

100.35 No offer of appointment shall be made until the Head of Democratic Services and Governance, on behalf of the Proper Officer or the Proper Officer themselves, has notified every Executive member in writing of the name and relevant particulars of the proposed appointee and the period (normally 48 hours) in which any objection to the making of an offer of appointment is to be made by the Leader on behalf of the Executive.

100.36 If no objection has been received, the Head of Democratic Services and Governance or the Proper Officer will notify Human Resources in writing. If an objection is received, the Head of Democratic Services and Governance will arrange for the appointment to be further considered by the Employment and Appointments Committee.

100.37 In the case of the appointment of the Chief Executive or the Monitoring Officer, the Head of Democratic Services and Governance will also arrange for the recommendation of the Committee to be submitted to the next, or an additional, meeting of the Council for approval.

100.38 The final decision on salary, within the parameters agreed by the Employment and Appointments Committee, will be that of the Chief Executive. However, no offer in excess of the agreed band shall be made without the express approval of the Employment and Appointments Committee (either on the day that the decision to appoint or at a subsequently convened meeting). In the case of the appointment of a Chief Executive, the Director of Human Resources, following consultation with the Chair of the Committee, will make the final decision on starting salary, subject to the same restrictions.

100.39 Human Resources will send a provisional offer letter within five working days of notification by the Head of Democratic Services and Governance (in the case of appointment of a Chief Executive, following confirmation of the appointment at a Council meeting) and a draft contract of employment to the successful candidate, which will be approved by the Chief Executive and signed by her. This will include salary details and state what conditions the offer is subject to. These will typically include:

- Satisfactory written references (if not already received)
- Proof of identity and eligibility to work in the UK
- Medical clearance
- Satisfactory disclosure through the CRB
- Evidence of qualifications.

100.40 Feedback (if requested) to unsuccessful candidates following the preliminary interview will be made by the recruitment agency. Feedback following the final panel interview will be given to candidates by the recruitment agency, after discussions with the Chief Executive or (in the case of a Chief Executive appointment) the Director of Human Resources.

~~100.2 Where a post has been advertised in accordance with the preceding paragraph, the Personnel Sub-Committee shall interview all qualified candidates for the post, if appropriate having first selected a shortlist of such candidates. For these purposes, the Personnel Sub-Committee shall include at least one member of the Executive.—~~

~~100.3 Where no qualified person has applied, further arrangements shall be made to advertise the post.—~~

~~100.4 In the case of the Chief Executive, the Personnel Sub-Committee shall recommend any preferred candidate to a meeting of the whole Council and no offer of appointment shall be made to any person until the Council has approved such an appointment.—~~

~~100.5 The Personnel Sub-Committee shall also be responsible for the appointment (save on an interim basis) of Corporate Directors exclusively from existing~~

~~officers and of all Director posts, in each case unless direct assimilation without competition applies under the applicable organisational change procedures.~~

~~101.4 Where a Corporate Director, Director or Head of Service has a contractual right of appeal to elected members, that right shall be in addition to the process set out above and shall accrue once notice of dismissal has actually been given. The right of appeal shall lie to the Personnel Sub-Committee which for these purposes shall include at least one member of the Executive. The fact that the Executive member concerned may have been involved in the process set out above, shall not preclude him or her from hearing the appeal. The provisions of this paragraph do not apply to the Chief Executive, the Monitoring Officer and the S151 officer who shall be treated in accordance with a procedure complying with paragraph 102 below and all relevant statutory and contractual provisions.~~

Proposed Amendments to Part 5 – Terms of Reference

Explanatory Note: These amendments reflect a number of changes to the Terms of Reference of the Council's Committees, including significant amendments to the Terms of Reference of the Audit Committee, Personnel Sub-Committee and Pensions Sub-Committee. The amendments also formally disband the Haringey and Islington Joint Health and Wellbeing Board.

INTRODUCTION

- The Council and the Executive have determined that their functions may be discharged by committees, sub-committees and joint committees as set out below.

Council Committees

- The Council has appointed the following committees:
- Standards Committee
- Audit and Risk Committee ~~and Audit Advisory Committee~~
- Employment and Appointments Committee
- Pension Fund Committee
- Planning Committee
- Policy and Performance Committee (which is designated as the Council's crime and disorder committee)
- Health and Care Scrutiny Committee
- Housing Scrutiny Committee
- Children's Services Scrutiny Committee
- Environment and Regeneration Scrutiny Committee
- Health and Wellbeing Board
- Licensing Committee
- Licensing Regulatory Committee

Sub-Committees

- ~~The Audit Committee has appointed the following sub-committees:~~
 - ~~Personnel Sub-Committee~~
 - ~~Pensions Sub-Committee~~
- The Licensing Committee has appointed four sub-committees
- The Planning Committee has appointed two sub-committees_

HEALTH AND WELLBEING BOARD

Composition

- Leader of the Council
- Executive Member for Health and Social Care
- Executive Member for Children, Young People and Families
- One elected Governing Body member ~~for Islington~~, North Central London ~~Clinical Commissioning Group~~ Integrated Care Board:-
- One Executive Director, North Central London ~~Clinical Commissioning Group~~ Integrated Care Board, or their nominated representative
- Director of Adult Social Care
- Corporate Director of Children's Services
- Director of Public Health
- Health Watch representative (one member)
- Local NHS Commissioning Board representative (non-voting)
- The Camden and Islington NHS Trust (non-voting)
- The Whittington NHS Trust (non-voting)
- Voluntary Sector representative (non-voting)
- Islington GP Federation representative (non-voting)

***Note:** It is also proposed to delete the terms of reference of the Haringey and Islington Joint Health and Wellbeing Board, which is no longer operational.

LICENSING COMMITTEE

Terms of Reference

1. To discharge all of the licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act, the making of a resolution not to issue a casino premises licence under section 166 of the Gambling Act 2005 and the making of Early Morning Restriction Orders under section 172A of the Licensing Act 2003.
12. To determine applications for transfer of premises licences where representations from the Gambling Commission or ~~responsibility authority~~ responsible authorities are received.
20. To determine any application or variation which is capable of being determined by officers but which the relevant Corporate Director ~~of Environment~~ considers appropriate for the Sub-Committee to consider.

LICENSING REGULATORY COMMITTEE

1. To determine applications for street trading, ~~track betting~~ and special treatment licences where there are unresolved objections to those applications.
5. To take decisions on any other licensing matter referred to it by the relevant Corporate Director ~~of Environment and Regeneration~~, except those which may lawfully be taken by the Licensing Committee established for the purpose of the Licensing Act 2003 and the Gambling Act 2005.
6. The hearing of representations and the determination of applications for a licence of a Scrap Metal Dealer, under the Scrap Metal Dealers Act 2013, where the relevant Service Director ~~of Public Protection~~ proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about the proposal.

AUDIT AND RISK COMMITTEE

Composition

The membership of the committee shall not include any members of the Executive.

The membership of the ~~Audit~~ Committee ~~(Advisory)~~ shall include two non-voting independent members.

Quorum

The quorum shall be three members not including Independent members

Statement of Purpose

1. The Audit and Risk Committee is a key component of Islington Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit and Risk Committee is to provide assurance to members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping

to ensure efficient and effective assurance arrangements are in place.

3. The Audit and Risk Committee will aid the achievement of the Council's goals and objectives through the effective oversight of the council's corporate governance arrangements.

Terms of Reference

(note: the functions listed below will be re-ordered to reflect the order of significance, with sub-headings, i.e. Audit or Risk related, etc.)

~~Audit Committee (Advisory) Functions~~

To consider the following matters and to make recommendations concerning them to the relevant Council bodies or to officers:

1. The Head of Internal Audit's annual report and opinion and the level of assurance internal audit activity can give over the Council's corporate governance arrangements;
2. The external auditor's annual letter, relevant reports and the report to those charged with governance on issues arising from the audit of the accounts;
3. Reports dealing with the management, performance and value for money of the providers of internal and external audit services;
4. A report from internal audit on agreed recommendations not implemented within a reasonable timescale;
5. The appointment of the Council's external auditor;
6. Work to be commissioned from internal and external audit;
7. Specific internal and external audit reports as requested;

8. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies;

9. The external quality assessment of internal audit that takes place at least once every five years;

~~8.10. The contract procedure rules and financial regulations in the Council's constitution and~~ the Council's compliance with its own and other published standards and controls;

11. The arrangements to secure value for money in procurement and commissioning and to review assurances and assessments on the effectiveness of these arrangements;

12. To review the governance and assurance arrangements for formal partnership agreements, where this is not reserved for another body;

~~9.~~13. Any issue referred to it by the Council, Executive, Policy and Performance Scrutiny Committee or the Chief Executive relating to the audit or governance of the council's affairs;

~~40.~~14. The Council's arrangements for corporate governance and risk management and recommend necessary actions to ensure compliance with with the good governance framework, including the ethical framework, Local Code of Corporate Governance, and best practice;

15. The effectiveness of the council's frameworks for programme governance and associated project management;

~~44~~ 16. The production and content of the authority's Annual Governance Statement;

17. The assessment of fraud risks and potential harm to the council from fraud and corruption, and to consider strategies and actions to reduce such risks including a proactive fraud detection strategy;

18. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations;

~~12 The annual report from the Monitoring Officer concerning standards of member conduct, which shall include a summary of complaints received under the Code of Conduct Complaints Procedure and their outcome.~~

~~13 To note any termination of employment where the total payment including pension strain, discretionary redundancy payments and statutory redundancy payments exceeds £100,000 in total.~~

~~44~~19. Any report on any matter relevant to the advisory functions of the Committee which the Committee may request from the Corporate Director of Resources or other proper officer.

~~Audit Committee Decision-Making Functions~~

Audit related matters

20. To review and agree the annual statement of accounts, including considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or the audit that need to be brought to the attention of the council.

21. To adopt the authority's Annual Governance Statement.

22. To agree the Internal Audit Charter and Internal Audit Plan;

23. To agree annually the amount calculated by the Council as its tax base for the whole area of the borough, any tax base applying as special levies, and other matters associated with the tax base.

~~General Matters~~

~~To appoint a Personnel Sub-Committee, including approval of its terms of reference and membership. Members of the committee will be the Leader of the Council, the Executive Member with responsibility for Human Resources, and three ordinary member positions, one of whom will be appointed as Chair by the Audit Committee. All other Executive Members will be appointed to act as substitutes for the Committee, with the relevant Executive Member joining the Committee depending on the appointment being made. There will also be 5 ordinary member substitutes, one of whom will be the Chair of Audit Committee.~~

~~To appoint a Pensions Sub-Committee.~~

~~To appoint such other sub-committees or other bodies, including their membership and terms of reference, as the Committee deems from time to time appropriate.~~

~~To grant exemptions under section 3 of the Local Government and Housing Act 1989 from political restriction to holders of posts under the Council and to give directions as to inclusion of specified posts in the list maintained by the Council under section 2(2) of that Act.~~

24. To maintain the contract procedure rules and financial regulations in the Council's constitution;

25. To ensure that the Chair of the Audit and Risk Committee has appropriate access to the Head of Internal Audit on matters within the committee's terms of reference;

To make appointments between council meetings to those outside bodies and panels appointed to by the Council under Part 3 paragraph 7.2.

26. To determine the following matters relating to the organisation and conduct of elections, ~~including the following~~:

- i. division of the constituency into polling districts;
- ii. division of the borough into polling districts.
- iii. Other matters referred to the Committee by the Head of Electoral Services.

~~To regulate matters affecting members, including remuneration, expenditure and training and to promote high standards of conduct amongst members. (moved to Standards Committee)~~

29. To receive an annual report on the Council's usage of its powers under the Regulation of Investigatory Powers Act (RIPA);

30. To consider matters relating to ~~recommend to Council~~ the introduction, amendment or revocation of byelaws and to make recommendations on byelaws for Council to formally approve, as required.

~~To take decisions on any matter within the terms of reference of any of its sub-committees where the proper officer considers that it is necessary and reasonable to do so.~~

~~All other non-Executive matters specified under the relevant legislation save for those which are delegated to officers (unless the relevant Corporate Director refers the matter to the committee) or are reserved to the Council under paragraph 1 of Part 3 of this Constitution or to the Licensing Committee or Licensing Regulatory Committee and Planning committees.~~

PERSONNEL SUB-COMMITTEE **EMPLOYMENT AND APPOINTMENTS COMMITTEE**

Composition

~~The Audit Committee will appoint members and substitutes to the Personnel Sub-Committee and appoint the Chair.~~ Members of the committee will be the Leader of the Council, the Executive Member with responsibility for Human Resources, and three ordinary member positions. One of the ordinary committee members will be the appointed Chair. All other Executive Members will be appointed to act as substitutes for the Committee, with the relevant Executive Member joining the Committee depending on the appointment being made. There will also be 5 ordinary member substitutes, ~~one of whom will be the Chair of Audit Committee.~~

If a member of the committee cannot attend a meeting, they will arrange for a substitute to attend. Substitutes should be selected bearing in mind that the committee should be broadly representative of the Council.

When an appointment is to a post employed jointly by the Council and another organisation, such as the National Health Service, membership of the committee may be increased to include a relevant representative of that organisation as a co-opted non-voting member subject to the agreement of the Personnel Sub-Committee Chair.

Quorum

The quorum shall be three members.

Terms of Reference

1. To be responsible for the recruitment and appointment of Corporate Directors and Service Directors in accordance with Part 4, Rule 100.

2. To recommend to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
3. To act as the Committee which makes recommendations to Council on the appointment of the Head of Paid Service (Chief Executive).
4. To hear and determine appeals in connection with disciplinary action or dismissal of Chief Officers (except the Head of Paid Service, S151 Officer and Monitoring Officer)
5. To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee.

~~Responsibility for and monitoring of, the Council's health and safety policies as employer, including reports on health and safety within Council departments.~~

~~To approve the early retirement of the Chief Executive and to agree the award of any discretionary payments in connection with such retirement or redundancy.~~

~~— To approve any discretionary payment to an officer on termination of employment which exceeds £100,000 in total. Discretionary payments exclude statutory entitlements and pension strain, however may include payments in respect of redundancy entitlement, any payment under the Local Government (Early Termination of Employment) Discretionary Compensation Regulations and notice pay in respect of termination in the interests of the efficient exercise of the Authority's functions.~~

~~To be responsible for the recruitment and appointment of Corporate Directors and Service Directors in accordance with Part 4, Rule 100.~~

~~To agree the starting salary for any post where the overall remuneration package on new appointment (excluding pension contributions in accordance with the Local Government Pension Scheme regulations) is to exceed £100k~~

~~To hear representations in respect of the termination of a Corporate Director's employment in accordance with the JNC terms and conditions of employment.~~

~~To appoint an independent person (within the meaning of the Local Authorities (Standing Orders) (England) Regulations 2001) to carry out the functions in Regulation 7 of those regulations.~~

~~To receive submissions from trades unions' representatives on agenda items concerning staff terms and conditions.~~

~~To make recommendations to Council on the appointment of the Chief Executive.~~

~~To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee.~~

~~To receive notification when any member of staff performing a role appointed by Personnel Sub-Committee leaves their position or gives notice that they are leaving and to agree a timeline for recruitment, if applicable.~~

PENSIONS FUND SUB-COMMITTEE

Composition

No special requirements apply to the composition of the Pensions Sub-Committee.

Quorum

The quorum of the sub-committee shall be two members.

Terms of Reference

To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the London Borough of Islington Pension Fund. This includes but is not limited to the following matters:

Terms of Reference

- ~~1. To consider policy matters in relation to the pension scheme, including the policy in relation to early retirements.~~
- ~~2. To administer all matters concerning the Council's pension investments in accordance with the law and Council policy.~~
- ~~3. To establish a strategy for disposition of the pension investment portfolio.~~
- ~~4. To determine the delegation of powers of management of the fund and to set boundaries for the managers' discretion.~~
- ~~5. To review the investments made by the investment managers and from time to time consider the desirability of continuing or terminating the appointment of the investment managers. (Note: The allocation of resources to the Pension Fund is a function of the Executive).~~
- ~~6. To consider the overall solvency of the Pension Fund, including assets and liabilities and to make appropriate recommendations to the Executive regarding the allocation of resources to the Pension Fund.~~
- ~~7. The Chair of the Pensions Sub-Committee will represent Islington Council at shareholder meetings of the London Collective Investment Vehicle (London LGPS CIV Limited). In the absence of the Chair a deputy may attend.~~

1. Reviewing and approving the statutory policies of the Fund including the Governance Compliance Statement, Funding Strategy Statement, Investment Strategy Statement, Pension Administration Strategy, Communications Strategy.
2. To determine the arrangements for the appointment of the Fund Actuary, Investment Consultant and any other Advisor that it may be determined appropriate to appoint.
3. To receive an annual Internal Audit Plan in respect of the Pension Fund which will include, at least, an annual assurance review of the Pensions Administration service and a report on the outcome of planned internal audit activity.
4. To regularly receive and review a comprehensive Risk Register relating to the activities of the Pension Fund.
5. To agree the Business Plan and Annual Budget of the Fund.
6. To agree the Pension Fund Annual Report and Financial Statements.
7. To determine, approve and regularly monitor the arrangements relating to the provision of all matters relating to Pensions Administration functions and the provision of a Pensions Administration Service to the Pension Fund.
8. To receive regular performance monitoring reports, in such form as it determines, in respect of the Pensions Administration Service.
9. To review and approve a Reporting Breaches of the Law procedure for the Pension Fund and to regularly receive the Breaches Log.
10. To make and review an Admission Policy in relating to the admission of Employers to the Fund and be responsible for determining the admission of Employers to the Fund.
11. To agree the investment strategy and strategic asset allocation having regard to the advice of the Investment Consultant.
12. To determine the Fund management arrangements, including the appointment and termination of the appointment of Fund Managers.
13. To monitor the performance of the Pension Funds appointed Fund Managers.
14. To determine the relationship of the Pension Fund with the London Collective Investment Vehicle and to monitor its activity and performance.

15. To determine the arrangements for the provision of Additional Voluntary Contributions for Fund members.
16. To ensure that the Covenants of Employers are thoroughly assessed as required and at least during every Triennial Actuarial Valuation.
17. To receive, from the Fund Actuary, Actuarial Valuations of the Fund.
18. To consider and determine a response to any advisory Recommendation received from the Pension Board.
19. To receive and consider the External Auditors Annual Report (audit findings report / ISA260) on the Pension Fund.
20. To ensure compliance with all relevant statutes, regulations, government guidance and other codes and best practice as applicable to the Local Government Pension Scheme.
21. To determine such other policies that may be required so as to comply with the requirements of Government or bodies acting on behalf of Government.
22. To ensure all members of the Pension Fund Committee undertake appropriate, and ongoing, training to fulfil their responsibilities

ISLINGTON PENSIONS BOARD

Introduction

This document sets out the terms of reference of the Local Pension Board of The London Borough of Islington (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013.

The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The Board is established by the Administering Authority and operates independently of the Pension Fund Committee. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.

The Board's Terms of Reference as set out in this document have been produced in line with the relevant regulations, legislation and guidance.

Terms of Reference

1. To assist the London Borough of Islington as scheme manager in securing compliance with:

- a. the Local Government Pension Scheme Regulations 2013;
- b. any other legislation relating to the governance and administration of the Local Government Pension Fund Scheme (LGPS);
- c. requirements imposed by the Pensions Regulator in respect of the LGPS;
- d. such other matters as the LGPS regulations may specify

2. To assist the London Borough of Islington in securing the effective and efficient governance and administration of the scheme;

3. To consider cases that have been referred to the Pension Regulator and/or the Pension Ombudsman; recommending changes to processes, training and/or guidance where necessary;

4. To produce an annual report outlining the work of the Board throughout the financial year.

5. To make recommendations to the Pension Fund Committee.
6. Retain oversight of the administration and governance of the Fund including:
 - a. Direction of the Fund and its overall objectives
 - b. the administration of benefits and contributions
7. Activity of the board may consist of, but is not limited to:
 - a. Review Fund governance policy documents.
 - b. Reviewing the Fund's administrative and investment performance.
 - c. Reviewing the performance of the London Collective Investment Vehicle (LCV)
 - d. Reviewing the ongoing training requirements of Board Members
 - e. Reviewing the Fund's risk register
 - f. Reviewing the Fund's audit findings report / ISA260.

Composition

The membership of the Board shall consist of:

- 3 Islington Council Pension Fund employer representatives
- 3 Islington Council Pension Fund member representatives
- 1 independent member (non-voting)

No substitutes are permitted, with the exception of the member of the Board who is appointed to represent pensioner members of the LGPS.

All members of the Board shall be appointed by full Council the Board shall vote on its own Chair.

Employee Representatives

No officer or elected member of the Council who is responsible for the discharge of any function in relation to the LGPS.

Employee representatives shall be members of the scheme in either an active, deferred or retired member capacity.

Employee representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

A total of three employee representatives shall be appointed. A pensioner rep shall be appointed following a transparent recruitment process which should be open to all pensioner members and be approved by the Administering Authority.

Two employer reps will also be nominated through the respective union channels through their own process.

Employee representatives will normally serve a term of either three or four years, provided they remain members of the Fund, but shall be free to stand for re-election at the end of that period provided they are still a member of the Scheme.

If employee representatives repeatedly fail to attend training or Board meetings they will be removed from post and a new process will be undertaken to replace them, this discretion will lie with the scheme manager.

Employer Representatives

No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board

Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

A total of three employee representatives shall be appointed by the administering authority. These may be up to two elected members of the London Borough of Islington Council and up to two members of the other remaining employers within the Fund.

Employer representatives will normally serve a term of three or four years, provided they remain associated with an employer of the Fund, but shall be free to stand for re-election at the end of that period provided they are still a member of the Scheme.

Terms of Office

Representatives shall serve their positions for three or four years, but may re-apply at the end of their terms.

Board membership may be terminated prior to the end of the term of office due to:

- (a) A employee representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund.
- (b) A Board member no longer being able to demonstrate to the Administering Authority their capacity to attend and prepare for meetings or to participate in required training.
- (c) The representative being withdrawn by the nominating body
- (d) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.

(e) A Board member becomes a member of the Local Pension Committee.

(f) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

(g) An employer representative ceases to be an elected Councillor for the local authority they represent.

The Scheme manager will rule if any of the above criteria have been met.

Meetings

The Board shall meet in accordance with the Pension Fund Committee reporting cycle, which is currently four times per annum.

Urgent meetings of the Local Pension Board may be called by the Chair in consultation with the Scheme Manager if a matter arises that does not allow delay.

Members of the Pensions Board shall be invited to attend meetings of the Sub-Committee as observers.

The Board's meetings will be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).

The Administering Authority shall also publish other information about the Board including:

(a) Public agendas and minutes

(b) Annual reports on the work of each Board member.

The Local Pension Board is not a committee of the Administering Authority but the Authorities' rules, as set out in the Constitution, regarding notice of meetings, publishing agendas, reports, minutes papers (unless confidential), will apply.

Quorum

A meeting is only quorate when 50% of the total employer and employee representatives are present (ie. 3 members), including at least one employee representative and one employer representative.

A meeting that becomes inquorate may continue but any decisions will be non-binding.

Decision making

Each Member of the Board will have an individual voting right, however it is expected that the Board will, as far as possible, reach a consensus.

In the event of a tied vote the chair will not have a casting vote. The matter under consideration which has been the subject of a tied vote shall be referred to the Pension Committee and/or Administering Authority together with the views of the members on the matter.

Meetings of the Board will be formal occasions to be minuted accordingly. Meetings will be conducted adhering to the standing orders of the Administering Authority, as set out in its Constitution, so far as such do not make the business of the Board unviable.

Officers representing the Administering Authority will be expected to produce reports for the Board and provide advice and clarification during the Board's meetings.

Advisors to the Board

The Board may be supported in its role and responsibilities through the appointment of advisers and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties including:-

- a. The Governance Adviser
- b. The Fund's Actuary;
- c. The Administering Authority
- d. The Fund's Legal Adviser;
- e. The Scheme Manager.
- f. Other advisers, so approved by the Scheme Manager.

Standards of Conduct and Conflicts of interest

All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change and complete a register of interests, any potential conflict of interest arising as a result of their position on the Board.

A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.

The principles included in London Borough of Islington's Code of Conduct for Members will apply to all Members of the Board.

Knowledge and Skills

Following appointment, each Member of the Board should be conversant with:

- a) the legislation and associated guidance of the LGPS; and,
- b) any document recording policy about the administration of the LGPS which is for the time being adopted by the Fund.

The Administering Authority will provide a training programme which all Board Members will be required to attend. Board members should indicate to officers which areas they feel they require the most attention through a training needs assessment.

Expenses

The Pension Fund does not pay for Board member expenses.

For the avoidance of doubt, Board members shall not receive an annual allowance of any kind.

Budget

The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund.

STANDARDS COMMITTEE

Composition

The Standards Committee shall comprise four members.

(Independent Persons have been appointed by the council under the Localism Act 2011. Although not members of the Committee the Independent Persons are invited to attend meetings of the committee as observers.)

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- 1 To advise the Council on a local Code of Conduct for members.
- 2 To decide, if requested to do so by the Monitoring Officer, whether complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct should be investigated.
- 3 To hear complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct that have been referred to them by the Monitoring Officer pursuant to the Code of Conduct Complaints Procedure.
- 4 To agree relevant procedures for hearing complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct; -
5. To receive the Annual report on Member Standards and Conduct

GRIEVANCE COMMITTEE

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to the ~~following statutory officer posts;~~ Chief Executive, ~~Monitoring Officer and Section 151 Officer~~. The committee will hear both grievances bought against the Chief Executive ~~these statutory officers~~ and grievances bought by them. Grievances bought by the Chief Executive will be against an individual elected member or members or the employing council generally.

Composition

The Grievance Committee shall comprise of five members, as follows:

- Chief Whip of the Majority Group (Chair)
- Deputy Leader of the Council
- Three other members.

Members of the Grievance Committee may not be members of the Grievance Appeal Committee, the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee.

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- To consider grievances bought against the Chief Executive. ~~statutory officers listed above once:~~
 - a) The grievance has been considered by an appropriate, appointed 'Receiving Officer' and
 - b) The Receiving Officer considers that an informal resolution is inappropriate, or an informal resolution has been tried and failed and
 - c) A 'Stage One' investigation has been undertaken by the Receiving Officer or an independent investigator appointed by them and
 - d) The outcome of the investigation was in favour of the complainant and
 - e) A solution, which took into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in the circumstances, has not been accepted by the statutory officer.
- To determine, based on all the available evidence, witness evidence as required and representations from the relevant statutory officer and the complainant, if they wish to make them, whether or not to uphold or reject

the grievance.

- To determine, if the Committee concludes that the grievance is upheld, how best to resolve the issue to the satisfaction of the aggrieved employee.
- To refer matters, where a grievance has been upheld and the Committee considers the issue to be of a serious nature, to the Investigation and Disciplinary Committee.
- To inform complainants of their right of appeal to the Grievance Appeal Committee, if the Committee concludes that their grievance is not upheld.
- To consider grievances brought by the [Chief Executive](#) ~~statutory officers listed above~~ once:
 - a) Informal resolution of the complaint has been considered by an appropriate, appointed 'Receiving Officer' and
 - b) The Receiving Officer considers that informal resolution is inappropriate, or an informal resolution is unsuccessful.
- To determine, based on all the available evidence, witness evidence as required and representations from the [Chief Executive](#) ~~relevant statutory officer~~, if they wish to make them, whether or not to uphold or reject the grievance.
- To refer matters relating to the conduct or behaviour of an elected member, where the grievance is upheld, to the Council's Standards Committee.
- To inform the [Chief Executive](#) ~~statutory officer~~ of their right of appeal to Council, if the Committee concludes that their grievance is not upheld.
- To report back to the Grievance Committee when an appeal is upheld, advising of the reasons for this decision.

GRIEVANCE APPEALS COMMITTEE

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to hearing appeals against decisions by the Grievance Committee in relation to grievances bought against the ~~following statutory officer post holders; Chief Executive, Monitoring Officer and Section 151 Officer.~~

Composition

The Grievance Appeal Committee shall comprise of five members, as follows:

- Deputy Whip of the Majority Group (Chair)
- Executive Member for Environment & Transport
- Three other members

Members of the Grievance Appeal Committee may not be members of the Grievance Committee, the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee.

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- To consider appeals against decisions made by the Grievance Committee in relation to grievances bought against the ~~following statutory officer post holders; Chief Executive, Monitoring Officer and Section 151 Officer,~~ that the Grievance Committee did not uphold.
- To inform the [Chief Executive](#) ~~statutory officer~~ that an appeal against the decision of the Grievance Committee has been made.
- To consider the appeal including the appropriate technical and procedural advice from the Receiving Officer who undertook the initial review of the grievance.
- To conduct any further investigation the committee considers necessary to reach a decision.
- To consider newly available relevant information and the outcome of any further investigation, noting that there is no further appeal stage beyond the considerations of this committee.
- To consider, if the committee determines to uphold an appeal, and it considers it appropriate, making recommendations on how the issue can best be resolved to the satisfaction of the aggrieved employee.

- To refer the matter, where an appeal has been upheld and the Committee considers the issue to be of a serious nature, to the Investigation and Disciplinary Committee.
- To inform appellants, when an appeal is dismissed, that there is no further appeal and the matter is regarded as being concluded.

Appendix 6

Proposed Amendments to Part 6 – Codes and Protocols

Explanatory Note: To add the Code of Conduct for Employees, set out below.

CODE OF CONDUCT FOR EMPLOYEES

Islington Council's CARE values

 BE COLLABORATIVE

 BE AMBITIOUS

 BE RESOURCEFUL

 BE EMPOWERING

Islington are determined to make Islington fairer. To create a place where everyone, whatever their background, can reach their potential and enjoy a good quality of life.

We ask our employees to 'Be Islington', playing their part in working together for a fairer borough and to always be collaborative, be ambitious, be resourceful, and be empowering, and to demonstrate these values in all our working practices.

Contents

	Page number
PART One	
Introduction	4
The purpose of the Code and its status	4
Who is covered by the Code	5
Standards, service delivery and equality	5
High standards	5
Equality Issues	6
Attendance and Punctuality	6
Criminal Convictions/Charges/Investigations	7
Behaviour at Work	7
Dress	7
Name badges	7
Driving	7
Smoking	8
Alcohol and Drugs	8
Health and safety	8
Personal financial affairs	9
Criminal activities	9
Communication	9
Political neutrality	10
Relationships	10
<i>Employees' relationships with Councillors</i>	10
<i>Managers' relationships with their staff</i>	11
<i>Conflicts of interest arising from connections with contractors/ partners</i>	11
Selection and recruitment and other employment matters	11
<i>Action to be taken if a member of the interview panel knows a candidate</i>	11
<i>Providing references</i>	11
Outside commitments and personal interests	12
<i>Additional appointments (paid or unpaid)</i>	12
<i>Conflicts of interest between employees' activities outside and inside work</i>	12
<i>Employees who serve on Councilfunded voluntary organisations</i>	12
Best value, tendering, outsourcing, partnerships etc.	12
Financial procedures and use of financial resources	13
Safeguarding Council property	13
Gifts and hospitality	14
Sponsorship giving and receiving	14
Confidentiality and disclosure of information	14
<i>Employees' responsibilities for confidential information</i>	15
<i>Information concerning people using Council services</i>	15
<i>Personal information about colleagues</i>	15
<i>Personal information about Councillors</i>	15
<i>Giving information to the media</i>	16
<i>Employees who are unsure whether or not to disclose information</i>	16
Malpractice/fraud/corruption/whistleblowing (Public Interest Disclosure Act)	16
Provisions applicable to procurement officers	16
	17

PART Two	
Application of this Part	17
Values for senior employees	17
Personal Interests	17
Prejudicial Interests	18

PART ONE

1.0 Introduction

- 1.1 The role of Council employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, Council, employees must act with integrity, honesty, impartiality and objectivity. The public is entitled to expect the highest standards of conduct from all Council employees.
- 1.2 This Code is be given to existing employees and new employees when they commence employment. If employees have any doubts or queries about what is acceptable conduct, or about anything else in this Code, they should raise these with their manager.

2. The purpose of the Code and its status

- 2.1 The following sections of this Part of the Code set out the implications of the Council's CARE values and core values for acceptable standards of behaviour by employees and the consequences of any failure to meet the standards to ensure:
- employees are clear about the Council's standards and expectations of them.
 - employees deal appropriately with difficult and/or potentially compromising situations.
 - employees to recognise their individual, collective and corporate responsibility to promote and encourage high standards of conduct throughout the authority.
 - that the public receives the best from Council services.
 - that members of the public are treated respectfully and promptly and have a say in the services provided.
 - improved management of the Council and its services
2. This Code cannot cover all of the Council's expectations of its employees. The Council could not possibly function without its employees' loyalty, competence, integrity, professionalism and simple common sense all these are implicit in the Code.
- 2.3 Managers have a particular responsibility to make sure that employees are aware of the Code and its requirements, and its implications for their duties and that working arrangements, practices and policies support and are compatible with the Code

- 2.4 The Code forms part of employees' contracts of employment and action under the Council's Performance Management Procedures for misconduct and criminal convictions, and competence, may be taken in respect of any breaches of the Code.
- 2.5 Employees are expected to comply with the Code in all aspects of their work and in their lives outside work insofar as they may compromise their employment by the Council.
- 2.6 The Code does not place restrictions on employees' trade union activities, provided that these are reasonable, authorised by senior trade union branch officers, and are within the trade union facilities agreement.
- 2.7 The Code refers to a number of Council policies and procedures in respect of behaviour and the ways in which employees are required to work. Employees should refer to these for greater details on matters referred to in the Code. They can all be found on IZZI.

3. Who is covered by the Code

- 3.1 Part One of the Code applies to all employees of the Council.
- 3.2 Managers have a particular role and responsibility for assisting employees to meet the Council's standards and for taking action where standards are not met. Managers must take steps to ensure that they and all employees for whom they are responsible comply with the requirement of the Code. All managers are required to sign up to the Manager's Promise (available on IZZI).
- 3.3 Special requirements of the most senior employees (the Chief Executive, Corporate Directors, Assistant Chief Executives, Service Directors, Heads of Service and those managers who report directly to them) are set out in Part Two of the Code.
- 3.4 Although the Code is primarily addressed to Council employees the Council expects that anyone it engages or contracts to carry out any of its functions will abide by the spirit of the Code. These include:
- consultants and their employees
 - contractors and their employees
 - the Council's partners and their employees
 - employees of other organisations who have been seconded to work for the Council
 - agency staff
 - volunteers and individuals undertaking work placements or apprenticeships or similar roles
- 3.5 In the event that the Code is breached, consideration will be given to terminating, or seeking compensation under, the contract or other arrangement between the consultant/contractor/outside organisation and the Council, and/or referring the matter to the police or other relevant regulatory body.
- 3.6 The Code will apply to employees in education establishments where it has been adopted by the governing body.

4.0 Standards, service delivery and equality

- 4.1 In addition to high levels of performance, a good image is vital for the Council so residents and businesses can have confidence in the services provided.
- 4.2 As public servants, Council employees have a particular responsibility to look after public resources and property and their conduct inside and outside work must never undermine the trust and confidence the public and the Council need to have in them to carry out their work properly and conscientiously.
- 4.3 Employees are the Council's "ambassadors". Most contact with the Council is carried out with Council employees. It is vital, therefore, that the public finds this contact polite, competent, professional, friendly, helpful and trustworthy.

High standards

- 4.4 At all times employees are required to:
 - 1. give the highest possible standard of service to the public and make service delivery their main priority
 - 2. do nothing inside or outside their working hours which could undermine public confidence in them as Council employees and/or in the Council
 - 3. work in the best interests of the Council, and the community it serves
 - 4. do nothing which results in the Council (or any other public authority) being denied revenue to which it is entitled (see also paragraph 4.46)
 - 5. follow Council policies and procedures, and meet laid down standards

Equality Issues

- 5. Islington is an equal opportunities service provider and employer. No form of discrimination is tolerated. All employees have a responsibility to promote and comply with the Council's equal opportunities policies and practices, including Dignity for All, and with the requirements of the law.
- 6. Council employees are required to:
 - 1. make sure that the Council's equality policies are complied with and carried out.
 - 2. treat all members of the community and other employees fairly and equally regardless of their sex, race, colour, national or ethnic origin, sexual orientation, religion and belief, age, disability, gender reassignment, pregnancy and maternity or marriage and civil partnership.
 - 3. assist all members of the community so that they can benefit from the services on offer
 - 4. never display in the workplace, nor allow others to display, sexist or racist material, or material which people could reasonably find offensive
 - 5. tell their managers about anything which may be discrimination, bullying and harassment or victimisation of themselves, colleagues, or members of the community

4.7 Managers have a particular responsibility for making sure that:

1. services are delivered in a manner which effectively meets the Council's equality policies and that all groups within the community have equal access
2. employees can enjoy a working environment which is free of any discrimination
3. their Director/ Head of Service is informed about any incidents and/or complaints about discrimination, victimisation, or harassment

Attendance and Punctuality

8. Employees must report promptly at the appointed time at their designated workplaces, at the start of their working day and after any authorised breaks.
9. Employees who are prevented from reporting for work because of illness and/or injury must comply with the sickness notification/certification requirements detailed in their contracts of employment and/or as directed by their Director/Head of Service.
10. Employees who arrive late for work and appointments cause inconvenience and annoyance. Lateness for appointments with people who do not work for the Council (e.g. residents) reflects badly on the Council. Council employees must arrive for appointments on time, unless there are exceptional circumstances.
11. The Council's Smart Working policies set out the time keeping and whereabouts information requirements for staff when working away from the office.
12. Managers must:
 1. make sure that proper arrangements are in place for employees to record their start and finish times at work and their whereabouts during the day

Criminal Convictions/ Charges/ Investigations

4.13 Council employees

- who are the subject of a police investigation, arrested, charged with a criminal offence or receive a caution; reprimand or warning must immediately tell their line manager or a Senior Manager and keep them apprised of the situation. A self disclosure form must also be completed. (see izzzi <http://izzzi/council/aboutcouncil/performance-policy/policy/Pages/hr-az.aspx?Letter=D>)

This applies to all criminal matters whether or not they are related to work.

- who are the subject of civil proceedings need only tell their line manager/or a Senior Manager if the matter is likely to impact on their job role. For example an accounts manager who is declared bankrupt or a children's social worker whose child is the subject of a child care order should advise their line manager / Head of Service immediately.¹

Behaviour at Work

14. The way employees behave at work directly affects the service, colleagues, the workplace, and the public's perception about Council services.

4.15 Council employees must always:

- show respect for the public and colleagues and behave in a way which cannot reasonably cause offence to anyone
- exercise selfcontrol never behave in a loud, aggressive and angry manner, nor use foul and abusive language

Dress

4.16 The manner in which employees present themselves at work directly affects the Council's image, their colleagues and the service and should be appropriate for the work they are carrying out for the Council. Therefore, Council employees are required to:

- be clean, tidy and presentable at all times and comply with the requirements of local managers in relation to appropriate dress for their service and work role.
- always wear uniform or protective clothing if these have been issued, or made available for particular tasks, and make sure that these are clean and in good repair.
- always have regard to the health and safety implications of what they wear e.g. the need for safe footwear.

4.17 Employees may follow the traditions of their ethnic/cultural/religious background provided they are safe and appropriate to the job. This must be discussed with appropriate managers to make sure there are no health and safety implications.

Name badges

4.18 Employees must always wear their name badges at work (unless their Director/Head of Service has specifically agreed that they may carry it instead).

Driving

4.19 Employees who have to drive in the course of their work must:

1. avoid making unnecessary and short journeys by car it is better for the environment to use public transport, cycle or walk.
2. always drive courteously and according to the laws and rules of the road
3. comply with the Council's policy on drugs and alcohol (see paragraph 4.20).
4. never drive having consumed prescription, or overthe counter drugs, if there is a risk that their ability to drive could be affected

5. always make sure that vehicles are roadworthy, wellmaintained, appropriately insured, taxed, and suitable for the purposes for which they are being used
6. immediately advise their manager if they are stopped by the police whilst driving a Council vehicle
7. immediately advise their manager if they are involved in a road traffic accident in the course of their work
8. avoid incurring a parking ticket in the course of their work, and advise their manager if they are issued with one
9. have regular eye tests and advise their manager of any health issues which may affect their driving

Smoking

4.20 All employees are required to comply with the Council's no smoking policy.

Alcohol and Drugs

- 4.21 It is Council policy that employees must not consume alcohol or take drugs (other than prescribed or over the counter drug) during working hours (including lunchtimes and other breaks) and must not work under the influence of either of these.
 - 4.22 Employees must consult their GPs for advice on the effects any legal medication may have on their ability to perform or conduct themselves at work, and advise their managers accordingly.
 - 4.23 Employees must inform their manager or Director or Head of Service if they have genuine reason to believe that a colleague may have an alcohol, drug or substance misuse problem.
24. Employees who think that they may have an alcohol, drug or substance abuse problem, can seek support through the employee assistance programme.

Health and safety

25. All employees must:
 - carry out their work in a safe and proper manner having regard at all times for their own health and safety and that of colleagues and the public
 - be familiar with health and safety law, which is displayed in all workplaces, and the Council's Health and Safety Policy Statement
 - comply with the health and safety regulations relating to the particular task(s) they are carrying out
 - complete the health and safety training applicable to their jobs which the Council provides

- 4.26 Managers must make sure that their employees work in a safe place, with safe methods, and must be familiar with the Council's Health and Safety Policy Statement and their responsibilities within it.

Personal financial affairs

- 4.27 All employees must:

- not conduct their personal finances in a way which results in Islington Council, or another public body, being defrauded (this includes claiming Housing Benefit to which they are not entitled; failing to register for Council Tax; occupying Council property unlawfully)
- keep up to date with Council Tax, rent and service charges due to this and any other Council the Council will use any powers available to it to reclaim monies, including attachment of earnings
- avoid being the subject of legal action which may bring the Council into disrepute and/or undermine the relationship of trust and confidence between the employee and the Council.

28. Employees should note that:

- employment and payroll data held by the Council may be used to identify employees with debts to the Council, including rent, commercial rent, Council tax, leasehold service charges, Business Rates, RighttoBuy Insurance, Housing Benefit etc.

5. Criminal activities

- 5.1 Employees are required to report any criminal activities by their colleagues in the course of their employment.

6.0 Communication

- 6.1 The Council could not function without efficient and effective communication between staff, between service areas, between councillors and staff and between staff and the public. Training in communication skills is therefore available. The Council's communications systems include:

- external and internal post
- telephone for internal and external calls
- fax
- email
- Internet
- Intranet
- Virtual meeting technology

- 6.2 The Council has email and internet policies and guidelines. Employees must read and sign up to these before they use email and the internet.

3. Employees' names, designations and service areas will be available to the public.

6.4 Communications may be intercepted where appropriate. This may include monitoring (and recording) of telephones, the internet and email.

7.0 Political neutrality

7.1 Employees are expected to serve the whole Council regardless of their own political views and, must:

1. serve the authority as a whole and ensure that the individual rights of all Councillors are respected
 2. advise and support Councillors (if they are required to do this as part of their jobs) in a way which does not compromise the employees' political neutrality
 3. comply with Council policy when at work, and not allow their personal political views to interfere with the way they carry out their duties
 4. not use their workplace to promote/further personal political issues, or wear or display any material for any political or pressure group (unless they are required as part of their job to mount specific campaigns on behalf of the Council without compromising their political neutrality). This does not preclude the wearing or displaying of trade union identification/membership.
1. be aware of the political restrictions imposed by the Local Government and Housing Act 1989 (as amended) on certain posts and how the Council's constitution might affect their jobs. If you want to check whether your post is on the list of politically restricted jobs, you should contact HR Advice or your Human Resources Business Partner.)²

7.2 All Employees must be familiar with and behave in accordance with the requirements of the Protocol on Member/Officer relations in Part 6 of the Council's Constitution and the Council's Declaration of Interest Policy.

8.0 Relationships

Employees' relationships with Councillors

8.1 Employees should be aware that close personal familiarity between employees and individual Councillors can damage their professional relationship and compromise efficient working. Where such a relationship occurs, the employee must bring it to the attention of her/his Director or Head of Service personally and in confidence so that the implications for the Council can be discussed and action taken to avoid any difficulties it may present, as set out in the Council's Declaration of Interest Policy.

8.2 This does not interfere with employees' rights, if they are Islington residents to correspond with their ward Councillors or constituency MPs on ward and constituency matters.

Managers' relationships with their staff

8.3 Similarly, close personal familiarity between managers and members of their staff can compromise efficient and proper working, and morale in the workplace. Where such a relationship occurs, the manager must bring it to the attention of her/his

Director or Head of Service personally and in confidence so that the implications for the Council can be discussed and action taken to avoid any difficulties it may present, as set out within the Council's Declaration of Interest Policy.

Declaration of Interest, conflicts of interest arising from any activity or action internally or externally which an employee or their close relations is engaged in which could affect the Council's reputation.

- 8.4 Managers must make sure that ethical standards are embedded in to the Council's relationships with stakeholders, including outside bodies and partners. External suppliers and service providers are required to operate to public sector standards e.g. not offering or providing inappropriate gifts or hospitality to Council employees. Managers should regularly review and keep up to date the list of employees to be held on the Declaration of Interest register, and to assess and take action to mitigate identified conflicts.
- 8.5 Contracts must be awarded on merit, by fair competition against other tenderers in accordance with the Council's Procurement Rules, and no special favour must be shown to businesses run by, for example, friends, partners, and relatives.
- 8.6 Employees must be aware of and assess all their personal actions and activities while performing their duties for the council, for any conflict of interest. Where apparent, they should refer to the Declaration of Interest policy, complete the form and contact their manager to assess the conflict of interest.
- 8.7 Employees must notify their Director or Head of Service of any relationship (business or private) they or a close relative may have, or may have had, with an external contractor or potential contractor, so that the implications for the council can be discussed and action taken to avoid any difficulties it may present, as set out within the council's Declaration of Interest Policy.
- 8.8 Notification under 8.6 and 8.7 must be in writing using a Declaration of Interest form found on the intranet . The Director or Head of Service is responsible for reviewing and approving positive response forms, ensuring the notification is provided to Human Resources who will maintain a central record. ³

9. Selection and recruitment (including equal opportunities) and other employment matters

- 9.1 Employees involved in the recruitment and appointment of employees, including agency workers, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.
- 9.2 All Council appointments must be made on merit and in accordance with the Council's Selection and Recruitment Procedures.

Providing references

- 9.3 References given to other employers on behalf of the Council must be signed by the appropriate Director or Head of Service, or other nominated senior manager in the service, on Council headed paper with an official stamp. Employees may give personal references but these must never be on Council stationery and must not

imply that they are Council references any personal reference must make it clear that it is provided on a personal basis.

10.0 Outside commitments and personal interests.

1. Employees must not allow their private interests or beliefs to conflict with their professional duty.

2. Employees' off-duty hours are their personal concern, but they must not subordinate their Council duties to their private interests, or put themselves in a position where they may appear to conflict. Any additional employment, or voluntary work, must not, in the Council's view, be at the expense of the Council's interests, or undermine public confidence in the Council's affairs. Where a conflict of interest arises, the Declaration of Interest policy should be referred to.

Additional appointments (paid or unpaid)

3. Employees must inform their managers of any activity or work outside their Council employment. This includes appointment to organisations which are funded or granted aid by the Council.

Conflicts of interest between employees' activities outside and inside work

10.4 Employees must:

- report any financial and nonfinancial interest the employee may have, as set out in the Declaration of Interest policy by using the Declaration of Interest form.
- report any family tie, social or business relationship with an organisation (or people who work for that organisation) or if the employee, in any way, provides advice to Councillors or senior management on the management or funding of that organisation or is involved in the administration of the contract or other arrangement governing the council's relationship with the organisation. Where a conflict of interest arises, the Declaration of Interest policy should be referred to and a Declaration of Interest form completed.

Employees who serve on Council-funded voluntary organisations

10.5 Such employees must advise their Director or Head of Service of any potential conflict of interests using the Declaration of Interest form.

11.0 Best value, tendering, outsourcing, partnerships etc.

11.1 Employees who are involved in tendering, outsourcing, partnerships, the awarding of contracts, dealing with contractors, etc. must:

- be aware of and follow the Procurement Rules set out in the Constitution and any other relevant procedures
- be clear on the separation of client and service provider roles
- not disclose confidential information to any unauthorised party or organisation

- exercise fairness and impartiality when dealing with potential service providers
 - not participate in any employee/management buyout of Council services without the written express approval of the Council or within two years of leaving employment of the Council
 - not show special favour to current or former employees or their partners, friends, relatives, or associates in outsourcing to businesses run by them in a senior or relevant managerial capacity
1. comply with the confidentiality arrangements of the Council's partner organisations
 1. discuss any problems with their Director or Head of Service if they are unclear whether or not they may be compromised in relation to the awarding of contracts

12.0 Financial procedures and use of financial resources

12.1 Employees must:

- ensure that they use any public funds entrusted to them in a responsible and lawful manner.
- always try to obtain value for money and avoid legal challenge to the Council
- be conversant with and comply with the Council's Financial Regulations set out in the constitution

12.2 Managers must make sure that their employees are aware of and comply with the Council's Financial Regulations and Declaration of Interest procedure, by completing the Council's standard declaration of interests form on izzi within 28 days of taking up their appointment. These employees should be asked to review and update their declaration at least once a year. This applies to anyone in a senior management role, anyone engaged in procuring contractors or services and anyone engaged in commissioning grants or goods.

12.3 Managers must ensure that the financial procedures and practices for which they are responsible conform to the Council's regulations and are secure against theft and fraud advice must be sought from the Chief Internal Auditor if there is any doubt.

13.0 Safeguarding Council property

13.1 Employees must:

- only use Council property, vehicles or other facilities for Council purposes and according to instructions
- not remove Council property, including laptops and phones, from Council premises unless authorised to do so, for example for the purposes of Smart Working

- secure Council property against theft/loss/damage
- report any theft/loss/damage of Council property

13.2 Managers must inform the Chief Internal Auditor of any theft of Council Property and s/he will advise on whether or not the police should be involved.

13.3 The Council's property includes its "Intellectual property" which includes inventions, creative writings and drawings, including those created by an employee in the course of their duties.

14.0 Gifts and hospitality

14.1 It is a serious criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything in connection with their duties. This also applies to showing favour or disfavour. If it is alleged that an employee has corruptly accepted such a reward it will be for her/him to demonstrate that this is not the case.

14.2 Hospitality includes drinks, meals, entertainment, overnight accommodation, travel and holidays, but not a lift in a private or company car or in a taxi, or light refreshment in the course of official duty.

14.3 The following rules apply to any gifts and hospitality, including those provided on a basis where employees reimburse all or any part of the costs.

14.4 Employees must not accept or solicit from any member of the public, firm or organisation with whom the Council has had, is having, or may in the future have any dealings:

- any gift (other than an inexpensive seasonal gift, such as a calendar or diary for use in the office); or
- any hospitality

without the written authorisation of their Corporate or Service Directors or Heads of Service .

14.5 The Chief Executive, Corporate and Service Directors and Heads of Service will not accept or authorise the acceptance of any such hospitality unless they are satisfied that the hospitality is not offered with any intention to corrupt, or could be seen to be intended to corrupt, and its acceptance is in the interests of the Council. As a general rule, participation in activities paid for by firms outside office hours or whilst on leave is not considered to be commensurate with employment with the Council.

6. All employees must record via the on-line register on IZZI any gift or hospitality they are offered or receive with a value of £25 or more or exceeding such other limits as notified IZZI from time to time. This includes any gift or hospitality that is declined or donated, for example to the Mayor's Charity

15.0 Sponsorship giving and receiving

15.1 Where an outside organisation wishes to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning

acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

2. Where the Council wishes to sponsor an event or service no employee nor any partner, spouse or relative must benefit from such sponsorship, directly or indirectly, without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and there is no conflict of interest involved. Where a conflict of interest arises, the Declaration of Interest policy should be referred to and a Declaration of Interest form completed.

16. Confidentiality and disclosure of information

16.1 Although the Council aims to operate in an open and transparent way, some information held by the Council is confidential or sensitive and therefore not appropriate to a wide audience and the Council may be subject to statutory or common law obligations to keep it confidential. On the other hand the Council is also subject to obligations to release information in some circumstances, for example under the Freedom of Information Act.

Employees' responsibilities for confidential information

16.2 Managers must make sure that they have secure systems in their work place to safeguard confidential information and that their employees maintain confidentiality at all times. They must also comply with the Council's policies and practices under the Data Protection Act 2018 and UK GDPR 2021 Article 6.

3. Employees must:

- be aware of the implications of the Data Protection Act 2018 and UK GDPR 2021 on the use, maintenance, transfer and disclosure of personal information about employees and the public
 - not disclose any confidential information (including intellectual property) to anyone outside the Council, and make sure that this information is kept securely this applies while working for the Council and after they leave
 - not disclose confidential information to colleagues unless there is proper authority
 - take all reasonable steps to protect and safeguard confidential documents etc, particularly if they need to be taken outside the usual workplace

Information concerning people using Council services

16.4 To a large extent, service delivery relies on the people who receive Council services having confidence that information on their private affairs, the contents of their homes and business premises, their circumstances, situations and lifestyles, will be treated with discretion.

16.5 Accordingly, employees must:

- treat information about people using Council services with the utmost confidentiality and in accordance with the Data Protection Act 2018 and UK GDPR 2021 this information must not be passed to anyone who is not authorised to receive it
- not discuss private homes and/or business premises they may have to go to in the course of their work except where they can say that such a discussion is necessary for service delivery, or is necessary by law

Personal information about colleagues

- 16.6 Employees must keep personal details and work records of other employees confidential, and must not reveal these to third parties without authority, or unless the permission of the employees concerned has been obtained, or where it is required by law in accordance with the Data Protection Act 2018 and UK GDPR 2021.

Personal information about Councillors

- 16.7 Employees must keep to themselves information received from a Councillor which is personal to that Councillor and has nothing to do with the Council, except where the Councillor gives permission for the information to be disclosed, or where disclosure is required by law.

Giving information to the media

- 16.8 Under no circumstances can employees communicate directly with the media (e.g. national and local papers, press agencies, radio, television stations professional journals) about their work, or matters concerning the Council, unless specifically authorised to do so by the Chief Executive.

9. Employees must refer any approach by the media for an interview, an article and/or comment on Council affairs, to the Council's Communications Officers.

10. Nothing in these paragraphs prevents senior trade union officials from contacting the media in relation to appropriate trade union activities.

Information concerning competitive tendering, Council procurement activities and best value.

- 16.11 No business can allow its competitors to know how its business operates how it calculates its charges and costs, and what its tender price may be. Information of this kind tells competitors how to undercut the Council's tender. The Council must of course always comply with its Freedom of Information Act obligations.

- 16.12 Therefore, employees must:

1. remember that a crucial part of preparing for competitive tendering or best value' activities is keeping commercial information confidential, as each affected workforce may be in competition with businesses outside the Council
2. seek the agreement of the appropriate Director/Head of Service before any information concerning competitive tendering or best value' exercises is released

3. not use any information obtained in the course of their work for personal gain or benefit, nor pass it on to anyone else who may use it in this way

Employees who are unsure whether or not to disclose information

16.13 Employees must ask their manager for advice if there is any doubt as to whether or not information should be disclosed.

16.13 Employees must ask their manager for advice if there is any doubt as to whether or not information should be disclosed.

16.14 If an employee receives a request which is not covered by their department's Information Sharing Agreement, they should firstly contact their Information Governance Officer (IGO) or forward the request to: FOIA@islington.gov.uk.

17. Malpractice/ fraud/ corruption/ whistleblowing (Public Interest Disclosure Act)

17.1 Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter under the Council's whistleblowing policy which is available on Izzi. This policy sets out the protection available to employees who make disclosures and the protection available under the law

18. Provisions applicable to procurement officers

18.1 Procurement officers are required to complete and keep up to date a standard declaration of pecuniary and personal interest for yourself and your partner (if applicable) for inclusion in the public register kept by the Chief Executive.

PART TWO

19.0 Application of this Part

19.1 This Part of the Code applies to the Chief Executive, Corporate Directors, Assistant Chief Executives, Service Directors and Heads of Service ("Senior Employees") in addition to Part One.

20.0 Values for Senior Employees

20.1 *Impartiality of officers of the authority*

Senior Employees must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Council, either directly or as a response to pressure from others. Senior Officers should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

20.2 *Improper use of position*

Senior Employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

20.3 *Considering advice provided*

If a Senior Employee seeks advice, or advice is offered to them, on aspects of how the employees' Code applies, the Senior Employee must have regard to that advice.

21.0 Personal interests

21.1 Senior Employees must follow the Declaration of Interest policy and complete a Declaration of Interest form on izzi, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the Council's Monitoring Officer. The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

These are:

- Membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business the employee might own or have a share in, where that shareholding is greater than £25,000 or if the employee has a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company the employee has an interest in, as above.
- Any land or property in the authority's area in which the employee has a beneficial interest.

These interests must be declared using the Declaration of Interest form on izzi and will be included in the public register kept by the Chief Executive.

21.2 Senior Employees may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the Senior Employee should discuss the matter with the Monitoring Officer.

22.0 Prejudicial interests

22.1 A prejudicial interest is considered to be a matter which affects the Senior Employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.

22.2 A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a

licence may affect a body with which the Senior Employee has a personal interest or will affect him or her personally.

- 22.3 Senior Employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

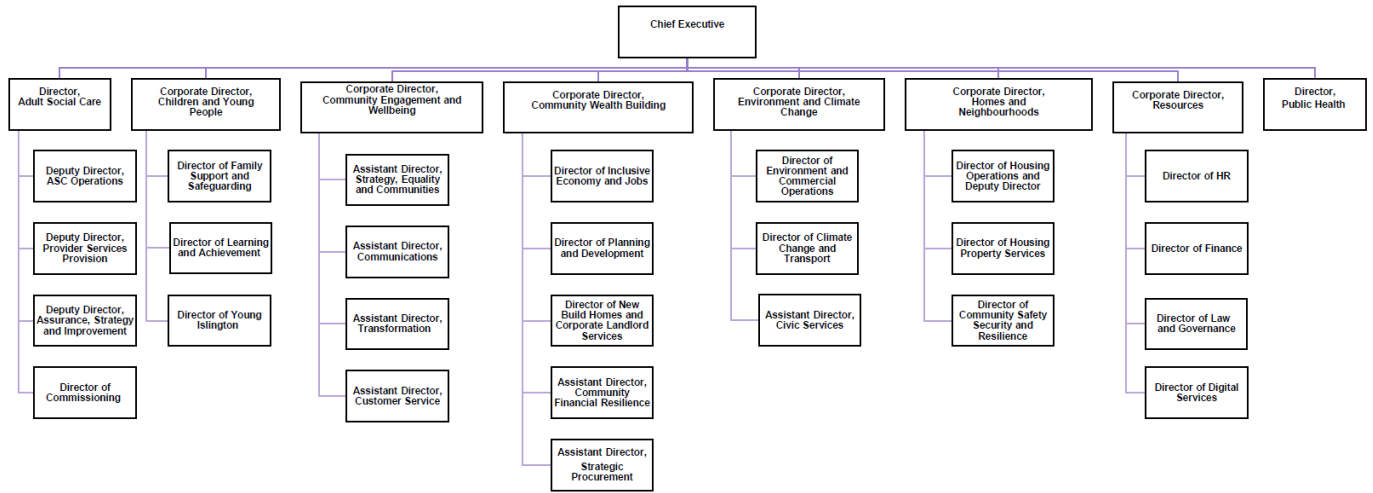
Appendix 7

Proposed Amendments to Part 8 – Management Structure

Explanatory note: To update the structure chart at Part 8.

Senior Leadership Team

April 2023



Proposed Amendments to Appendices

Explanatory Note: These changes are primarily to reflect the recent senior officer restructure which transferred the line management responsibility of a number of regulatory services teams that previously reported to the Director of Public Protection in the Environment Directorate.

APPENDIX 2

EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

(i) FUNCTIONS WHICH CANNOT BE EXERCISED BY THE EXECUTIVE

<p>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</p>		<p>Except where specified all of the functions listed under this section B will be exercised by the Corporate Director of Environment Homes and Neighbourhoods or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS the function has been reserved to the Licensing Committee or its sub-committees or of the Licensing Regulatory Committee or is required to be undertaken by the Corporate Director of Children's Services or are required to be determined by the Council itself</p>
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<p>C. Functions relating to health and safety at work</p>		<p>All of the functions listed under this section C will be exercised by the Corporate Director of Resources or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS the function relates to the enforcement of Health and Safety which will be exercised by the Corporate Director of Environment Homes and Neighbourhoods or the function has been reserved to the Audit Committee</p>
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<p>F. Power to make, amend, revoke, re-enact or enforce bylaws</p>	<p>Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978</p>	<p>All of the functions listed in this section F will be exercise by Council (other than enforcement which will be exercised by the Corporate Director of Environment Homes and Neighbourhoods or an officer within the Corporate Director's department to whom the function has been delegated under Part 3</p>
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<p>I. Miscellaneous functions Part I: Functions relating to public rights of way</p>		<p>All of the functions listed under Part 1 of this section will be exercised by the Corporate Director of Environment and Climate Change or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS they have been reserved to the Audit Committee</p>
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Appendix 4 – Proper Officers

<i>(1) statutory provision</i>	<i>(2) Function</i>	<i>(3) Proper Officer</i>
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	<p>Director of Public Protection and Regulatory Services</p> <p><u>Assistant Director, Civic Services</u></p>

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Resources Directorate

Islington Council 7 Newington Barrow Way N7 7EP

Report of: Corporate Director of Resources

Meeting of: Audit Committee

Date: 23rd May 2023

Ward(s): All

The appendix to this report is not for publication.

Subject: Cyber Defence Assurance for LBI

1. Synopsis

- 1.1. This paper is an annual cybersecurity report to provide an update on the cybersecurity environment and assurance that appropriate protections are in place to ensure the integrity of the council's operations and data.

2. Recommendations

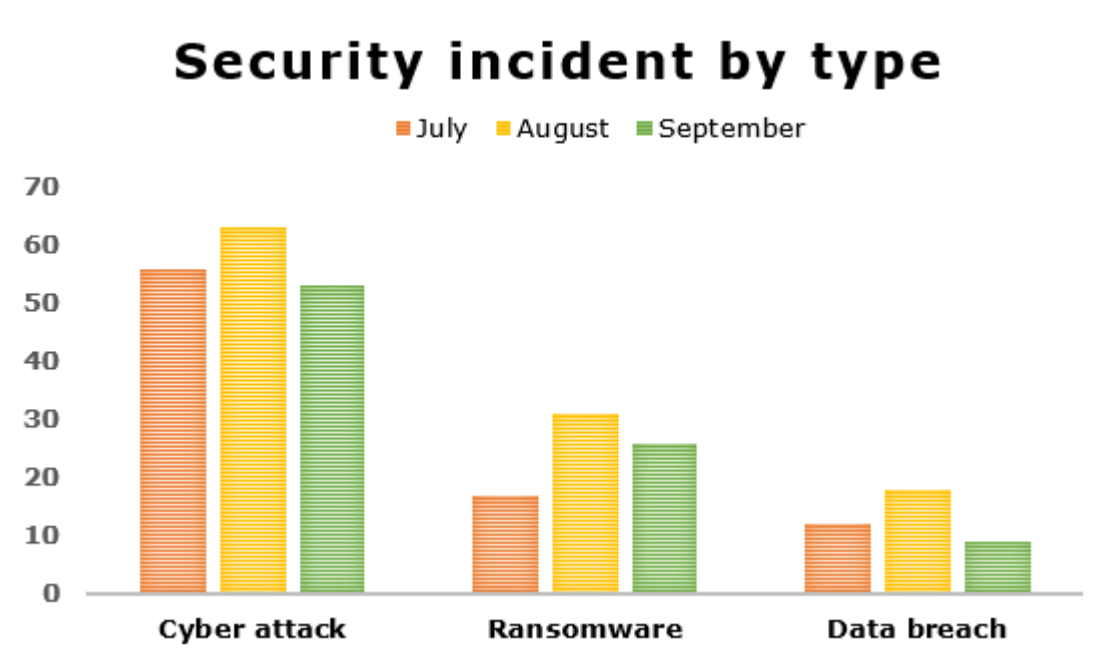
- 2.1. To note, this report as a statement of the current position for the council's cybersecurity assurance programme and the ongoing audits and activity.

3. Background

- 3.1. This is the Annual Report to Audit Committee on the state of the council's cyber defences in the context of the broader cyber environment. It reflects the senior leadership's acknowledgement that cybercrime is a significant risk and resolve to keep cybersecurity central to all digital activity to protect our services and the private information of residents.
- 3.3 During the last year, Islington Digital Services (IDS) has recruited a new Chief Technology Officer and new Head of Cyber Security. With new leadership comes fresh ideas and new energy which will ensure we maintain the necessary momentum to protect residents and the council from cyber threats.

4. The Cyber Environment

- 4.1 The environment remains as volatile as ever. Rogue nation states, geo-political uncertainty, opportunist attacks, and the risks from human error and/or not following policy are all issues which impact on the secure operations of this local authority. The investment in cyber security protections have improved our resilience, and the continued engagement of LBI with other local government partners and central government co-ordinating bodies provides 'strength in the union'. However, threats continue to evolve and become more sophisticated so as always, there is no room for complacency. This is especially true with the adoption of new technologies such as ChatGPT which can be used for creating credible phishing emails, as much as it can create content and author reports. Islington will retain and strengthen its standards, information security frameworks and connection protocols with other organisations. We must learn from the adverse experiences of others to ensure we do not succumb to the same risks. We will continually improve and refresh our security posture.
- 4.2 There has been a decline in the number of ransomware attacks noted by IT Governance in their [quarterly review of global publicised data breaches](#). Nevertheless, cyber-attacks are not always disclosed due to the potential adverse publicity they bring. And even if the actual number of incidents has fallen, the threat from ransomware attacks remains high as does that from more traditional cyber-attacks methods such as phishing.



5 Summary

- 5.1 Islington continues to make strong progress in this crucial area. However, complacency can be fatal. The Cyber Security team continues to develop and

provide an excellent service to everyone in the Council and maintain its pivotal role in the provision of technology solutions. In this fast-changing environment we use our intelligence gathering capabilities, strong internal and external relationships, and intellectual curiosity to get ahead of the attackers and protect the data of everyone who works or lives in Islington.

- 5.2 We will continue to seek accreditations and show demonstrate achievement, and in so doing improve our defences against new and persistent threats. We will adopt new models and technologies and ensure our people are fully trained and alert to the risks when handling sensitive data in a complex organisation.
- 5.3 People, processes and technology; All three elements are essential to protecting information and we will focus on each diligently in the coming year.

6 Implications

6.1 Financial Implications

All costs associated with Cyber Security are budgeted for and funded through the Digital Services budget within the Resources directorate. There are no budgetary pressures resulting from this report.

6.2 Legal Implications

Under UK GDPR, the Council has a duty to assess risk and to implement technical and organisational measures to meet security risks (whether from cyber-attack, or from physical or organisational matters), taking into account: the state of the art; the costs of implementation; and the nature, scope, context or purposes of the data processing; as well as the level and likelihood of the risk (Article 32(1)).

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

There is no additional on-premises hardware that will require further energy consumption as part of this paper.

All data processing is in the cloud on a leveraged platform where we have cyber solutions which the Council is refining and optimising. Once the maturity has been gained, the Council will add additional appropriate workloads in the cloud to increase its cyber resilience. This will most likely result in a future energy increase though most cloud infrastructure providers are striving to reduce the carbon footprints for their services.

6.4 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.

Equality impacts would only be considered if individuals within a protected group were affected by one of the following:

- A new policy
- Procedure
- Function
- Financial decision
- Restructure

As this document is just a statement on current positions, and not any of the items within the list which affect individuals, it would not have any impact on protected groups and, therefore, no equality implications.

7 Conclusion and reasons for recommendations

- 7.1** It is recommended that this report be noted as a statement of the current position for the council's cybersecurity assurance programme and the ongoing audits and activity.

Appendices:

- Exempt Appendix 1 – Highlights from 2022/23 and Outlook for 2023/24

Final report clearance:

Signed by:

Corporate Director of Resources

Date: 15 May 2023

Report Author: Tim Rodgers, Head of Cyber Security

Email: timothy.rodgers@islington.gov.uk

Financial Implications Author: Charlotte Brown (Strategic Business Improvement Manager)

Legal Implications Author: Sonal Mistry (Senior Lawyer - Governance)

Environmental Implications Author: Gearoid Kennedy (Sustainable Energy Partnerships Manager)

Equalities Implication Author: Hezi Yaacov-Hai (Policy, Engagement and Complaints Officer)

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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