



Report of: **Director of Law and Governance**

Meeting of	Date	Ward(s)
Council	29 June 2017	All

Delete as appropriate:	Exempt	Non-exempt

Subject: **Constitution Update**

1. **Synopsis**

1.1 This report proposes a number of changes to the Council's Constitution.

2. **Recommendations**

2.1 To approve the amendments to the Constitution as set out in the attached Appendix.

2.2 To delegate to the Joint Health Overview and Scrutiny Committee the council's right of referral to the Secretary of State in responding to formal consultations involving all of the Councils in the JHOSC pursuant to Regulation 23(9) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

2.3 To adopt the Members Allowance Scheme for 2017/18.

2.4 That authority be delegated to the Service Directors of Public Protection, Public Realm and Housing Operations to authorise the appropriate officers in their department with the relevant functions under the Anti-Social Behaviour, Crime and Policing Act 2014.

2.5 To authorise the Director of Law and Governance to make any consequential amendments to the Constitution considered necessary.

3. **Background**

3.1. The Council's Constitution needs to be updated regularly in order to ensure it reflects changes in legislation and in council policy and to ensure that it remains fit for purpose.

- 3.2. Appendix 1 contains extracts from the Constitution on which proposed changes are marked, by crossing through in the case of deletions and by underlining in the case of additions. The main changes proposed are described below. It is also proposed to make minor amendments to correct typographical errors.

4. Main proposed changes

Part 5: Terms of Reference

- 4.1 A number of amendments are proposed to the terms of reference of the council's committees. The amendment to the terms of reference of the Scrutiny Committees is to reflect changes to the council's performance monitoring arrangements. The amendment to the Housing Scrutiny Committee terms of reference is to regularise the appointment of residents to the Committee. The change to the Personnel Sub-Committee is to cover occasions when a senior appointment is to be made to a post employed jointly by the council and another organisation.
- 4.2 The changes to the Health and Wellbeing Board terms of reference are to recognise changes to the management structure of the local Clinical Commissioning Group and to extend the membership to include a voluntary sector representative. These changes have also been made to the Joint Sub-Committee with the London Borough of Haringey along with further minor changes.
- 4.3 The terms of reference of the North Central London Joint Health Overview and Scrutiny Committee have been amended to reflect the changing governance of health services across North Central London. It is also intended for the Committee to respond to consultations on changes to cross-borough health services on behalf of all of its constituent authorities. For that reason it is proposed to delegate to the Committee the right of referral to the Secretary of State in responding to formal consultations involving all of the Councils in the JHOSC pursuant to Regulation 23(9) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. This power currently rests with the Health and Care Scrutiny Committee, which will continue to make referrals to the Secretary of State on Islington-only matters.
- 4.4 Minor amendments have also been made to the terms of reference of the Licensing Sub-Committees to reflect changes to legislation as well as moving the setting of fees and charges from the Licensing Regulatory Committee to the Licensing Committee. The terms of reference of the Voluntary and Community Sector Committee have been amended to remove reference to discretionary rate relief, as this is no longer provided by the council.

Part 7: Members' Allowance Scheme

- 4.5 Part 7 of the Council's Constitution sets out the Members' Allowance Scheme. By law the Council must agree the Members' Allowance Scheme annually, before the start of the year to which it applies. It is proposed that this should be re-adopted unchanged, save for the increases as a result of indexation, for 2017/18 as set out at Appendix to this report.
- 4.6 The figures in Part 7 have been updated with effect from the start of the financial year in line with the provision in section 1.5 of the Members Allowances Scheme. This provides for the basic and special responsibility allowances to be upgraded annually with reference to the annual Local Government Pay settlement. This is in accordance with the recommendations of the Independent Remuneration Panel for London Boroughs. The settlement for 2017/18 is 1%.

Part 3: Responsibility for Functions

- 4.7 Part 3 of the Constitution sets out the responsibility for functions. A minor amendment is proposed to the matters reserved for the Executive in respect of the Finance and Property provision to enable the Corporate Director of Resources to take the decision under his delegated authority to grant a 125 year peppercorn rent to an academy trust following the making of an academy order in respect of an Islington maintained school. Changes are also proposed to section 8 (officer delegations) following the restructure of the Chief Executive's department. This is also reflected in Appendices 3 and 6.

Part 6: Procurement Rules

- 4.8 Changes have been made to Part 6 of the Constitution to remove references to the obsolete pre-qualification questionnaire from the procurement rules.

Appendix 2: Executive and Non- Executive Functions

- 4.9 Changes are proposed in relation to Appendix 2 – Executive and Non-Executive functions to reflect historic changes implemented by Regulations amending the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Appendix 3: Officer Delegations

- 4.10 The Anti-Social Behaviour Crime and Policing Act 2014 introduced substantial changes to the way in which local authorities, the police and other agencies manage and respond to anti-social behaviour (ASB), dog ownership and a variety of criminal activities.
- 4.11 To enable the council to make use of the wider powers and functions in the Anti-Social Behaviour Crime and Policing Act 2014; it is proposed that the relevant Service Directors of Public Protection, Public Realm and Housing Operations put in place appropriate authorisations within their directorate to enable officers to exercise the powers under the Anti-Social Behaviour, Crime and Policing Act 2014. These authorised officers would include,
- Licensing officers
 - Trading Standards
 - Community safety/ASB officers
 - Housing officers
 - Environmental Protection officers, and
 - Planning Enforcement officers

To effect this change and avoid duplication the delegations to specific officers related to the Anti-Social Behaviour, Crime and Policing Act 2014 are deleted from Appendix 3 of the Constitution.

5. Implications

Financial Implications

- 5.1 There are no financial implications arising directly from this report.

Legal Implications

- 5.2 Legal implications are contained in the body of the report.

Resident Impact Assessment

- 5.3 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. There are no resident impact implications arising directly from this report.

Environmental Implications

- 5.4 There are no environmental implications arising directly from this report.

6. Conclusion and recommendations

- 6.1 A number of changes are proposed to the Constitution in this report for approval by the Council.

Background papers: None.

Attachments: Appendix – Extracts from the Constitution

Final Report Clearance

Signed by

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Director of Law and Governance

21 / 06 / 17

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Date

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