

PROPOSED CONSTITUTION AMENDMENTS

Part 7 – Members’ Allowance Scheme

1. MEMBERS’ ALLOWANCES SCHEME – ~~2017/18~~ 2018-19

- 1.1 The ~~Local Government and Housing Act 1989, Local Authorities (Members’ Allowances) Regulations 1991, Local Authorities (Members’ Allowances) (Amendment) Regulations 1995 and the~~ Local Authorities (Members’ Allowances) (England) Regulations 2004~~3~~ require authorities to make a scheme for the payment of allowances to Councillors.

Before making, amending or reworking its allowances scheme, the Council is required by virtue of Regulation 3 of the 2004~~3~~ Regulations to have regard to the recommendations of an Independent Remuneration Panel. The Council is not, however, bound to adopt all or any of the Panel’s recommendations provided it has given them due consideration and is satisfied that it has justifiable reasons for not doing so.

Government Regulations do not limit the amount that can be paid under allowances schemes. This Council’s total budget including on-costs for Members’ Allowances for ~~2017/18~~ 2018-19 is ~~£935,765~~ £953,890.

Any Member may by notice in writing to the Chief Executive, elect to forego any part of entitlement to an allowance under the scheme.

- 1.2 ~~In March 1999 the Council agreed to move to a new Members’ Allowances Scheme based on the model recommended by the independent panel report commissioned by the Association of London Government. This resulted in three bands for the payment of Special Responsibility Allowances (SRA) to certain Councillors, together with the payment of a basic allowance to all Councillors.~~

~~1.3 The Council agreed to adopt the new scheme with the recommended levels of payment for Basic and SRA, but to phase in full payment over four years with the maximum payable in 2002/2003.~~

~~1.4 The Policy Committee on 30 March 2000 amended the bandings for SRA to include two new bands.~~

- 1.5 The Corporate Services Committee on 28 May 2003 adopted the recommendations of the Association of London Government’s Independent Panel’s Second Report into Members’ Allowances. The Committee on 31 July 2003 and Council on 16 September 2003 agreed ~~further changes to the scheme following a further Independent Panel report relating to members being able to join the Local Government Pension Scheme and~~ that the basic and special responsibility allowances be upgraded annually with reference to the annual Local Government Pay settlement.

- 1.6 The Corporate Services Committee on 20 March 2007 considered the recommendations of the December 2006 report of the Independent Remuneration Panel and adopted the recommendations in relation to basic allowance increase, payment of an allowance to the Independent Members on the Standards Committee and the co-optees on the Children and Young People's Education Committee.
- 1.7 If there are substantial changes to the Scheme it will be submitted to budget Council for approval.

1.8 The scheme as approved provides for the following:

(a) **Basic Allowance**

A Basic Allowance payable equally to each Member for the financial year ~~2017/18~~ 2018-19 is ~~10,110.57~~ £10,312.78 (This is paid on a monthly basis rather than as a lump sum).

(b) **Special Responsibility Allowance**

Local authorities may make provision within the scheme for the payment of Special Responsibility Allowance and, if so, include a list of posts and the amount of SRA payable. This allowance is paid in addition to the Basic Allowance to those Members considered to bear additional responsibilities. Holders who are entitled to SRA for the period they hold the post must fall into one or more of the following groups.

Acting as leader or deputy leader of a political group within the authority;

Presiding at meetings of a committee or a sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;

Representing the authority at meetings of, or arranged by, any other body;

Membership of a committee or a sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;

Acting as the spokesman of a political group on a committee or sub-committee of the authority;

Such other activities in relation to the discharge of the authority's functions that require of the member an amount of time and effort equal to or greater than would be required by any one of the above activities.

Where an SRA is paid and Members of the authority are divided into at least two political groups, SRA will be paid to at least one Councillor who is not a member of the controlling group provided that Member has a special responsibility as defined above.

No Councillor may receive more than one SRA.

The list of Special Responsibility Allowances is set out in **Appendix A**.

Special Responsibility Allowance and Basic Allowance will be paid pro rata to Councillors whose term of office begins or ends part way through the financial year. Similarly, if the scheme is amended so as to affect entitlement, the Allowance will be paid pro rata.

(c) **Allowances for the Independent person, co-optees on the Standards Committee, Audit Committee, Children's Services Scrutiny Committee and the Pension Board Independent Member**

Independent and Co-opted members:

An allowance per meeting is payable to the Independent person appointed under the Localism Act 2012 and to the co-optees on the Standards Committee, the Audit Committee and to the Children's Services Scrutiny Committee and the Pension Board Independent Member. This is calculated on the number of meetings per year and at a standard rate as follows:

Standards Committee

Independent Person £1179 per meeting

Audit Committee and Children's Services Scrutiny Committee

Co-opted Members £1179 per meeting

Pension Board

Independent Member £1179 per meeting of the Pension Board and of the Pension Sub-Committee.

The Independent and Co-opted member allowances above, are paid by cheque at the end of each municipal year and it is the Independent Member's responsibility to declare this additional income. The Independent Person may also claim reasonable out of pocket expenses for tasks undertaken outside formal committee meetings. Any such claim shall be made to, and authorised by, the Director of Law and Governance.

(d) **Dependent Carers' Allowance**

A Dependent Carers' Allowance is payable to Councillors who, in order to undertake their duties as a Councillor, incur costs in arranging care for dependent relatives living with them. Dependent relatives are defined as children under the age of 15, elderly, disabled or invalid (temporarily or permanently) relatives who cannot be left alone. Payments will not normally be made to carers who are family members or persons resident at the Councillor's home.

The Carers' Allowance also includes costs associated with Councillors who themselves need the help of a carer in order for them to fulfil their duties as a Councillor.

The maximum rate for this allowance is £8.44 per hour to meet, or contribute towards the actual costs incurred in arranging care. The maximum period from which any one claim can be made is the duration of the meeting itself, plus £4.22 as a contribution towards travelling time to and from the meeting venue.

2. TRAVELLING AND SUBSISTENCE ALLOWANCES

2.1 Travel expenses can be claimed to cover the cost of travelling to and from approved duties/conferences **outside** the borough (or within the borough in the case of non-councillor members of the Housing Scrutiny Committee). The amount claimed depends on the means of travel i.e.

| | | |
|------------------|---|---|
| Public transport | - | actual fare |
| Own vehicle | - | schedule of rates set by Central Government |

Subsistence allowance is a 'meals' allowance for approved duties lasting 4 or more hours, again payable by a schedule of rates set by Central Government. Copies of these rates are set out in **Appendix B**.

3. BROADBAND EXPENSES

3.1 The Scheme provides for the payment of the one-off connection charge to Broadband plus the monthly broadband rental up to the value of £25 per month.

4. PAYMENTS FOR OTHER BODIES

The Local Government Association have their own Members' Allowances Scheme payable to those Members' of Executive and Scrutiny bodies of the Association. The London Fire and Emergency Planning Authority also have their own separate scheme.

5. CLAIMING THE ALLOWANCES

5.1 Basic and Special Responsibility Allowances are paid automatically, once bank details, National Insurance, date of birth and home address are forwarded to the Corporate Director of Resources; all others are claimed by means of the appropriate forms, samples of which are attached at **Appendix C**.

5.2 Payments via the payroll system are made on a regular monthly cycle direct to your bank or building society account with a payslip being sent to you at the same time. Travel and Subsistence (if taxable are paid through the payroll). Telephone and Dependent Carers' Allowances are paid through the payroll.

5.3 You should submit your claims for Travel, Subsistence and Dependent Carers' Allowance within **two** months of the duty undertaken. Broadband allowance payments need to be claimed either monthly or quarterly and should be accompanied by the relevant invoice.

Receipts **must** accompany all expenses claims.

6. RATES PAYABLE

- 6.1 The rates for each allowance change from time to time, generally with effect from 1 April each year.

7. MATERNITY, PATERNITY AND SICKNESS PAY

- 7.1 All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and sickness leave.
- 7.2 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and sickness leave in the same way that the Council's employees enjoy such benefits.
- 7.3 If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of party group position, the party group) the replacement will be entitled to claim an SRA.
- 7.4 During an agreed period of maternity or paternity leave, and during sickness leave, where the latter is confirmed by a doctor's certificate, Members will not be required to attend committee meetings and their absence will therefore not be recorded and the '6 month rule' in Section 85 of the Local Government Act 1972 will not apply.

78. TAXATION

Basic, Special Responsibility, Dependent Carers' Allowances and telephone expenses are taxable and the Director of Finance and Resources will deduct and account for tax as directed by the Inspector of Taxes. Members will receive an annual certificate of tax deducted, at the end of each tax year, or on leaving office.

~~Business travel is not treated as earnings and is not taxable. Business travel means travel from place of work to place of work. For a councillor, place of work is defined as the Town Hall, any Council building, any place visited in your capacity as a councillor and your home, but not your place of normal paid employment.~~

9. NATIONAL INSURANCE CONTRIBUTIONS

Local authority councillors are elected office holders and they are treated as employed earners for benefit purposes. Members' Basic Allowance, Special Responsibilities Allowance and Dependent Carers Allowance are, accordingly, taxable under Schedule E and count as income liable for deduction of Class 1 national insurance contributions. Payment towards expenses actually incurred in carrying out employment, for example travelling expenses, do not count as income and do not give rise to a liability for class 1 NI contributions.

Class 1 national insurance contributions do not have to be paid if you are above state pension age. You can check your pension credit age at <https://www.gov.uk/state-pension-age>. If you are above state pension age, you will need to give your employer proof that you have reached pension age in order to

avoid further national insurance contributions. Satisfactory proof includes: birth certificate, passport, driving licence or certificate of age exemption (available from HMRC). If you have more than one employer, you will need a certificate of age exemption for each.

Class 1 contributions are also not payable if your earnings from employment do not exceed the employee's earnings threshold. From April 2017~~8~~, that threshold is ~~£157~~£162.

If, in addition to your office as an elected member, you do paid work for another employer, you will have to pay class 1 national insurance contributions in respect of each employment where the earnings exceed the earnings threshold.

If you are self-employed, you may I have to pay self- employed national insurance rates. These rates are available at <https://www.gov.uk/self-employed-national-insurance-rates>.

Some married women or widows, who were eligible on or before 5 April 1977 to opt for paying a reduced rate of national insurance contribution, also do not have to pay the full rate of class 1 contributions. Many have lost their entitlement to a reduced rate of contributions because of changes in personal circumstances. If you are still paying reduced contributions, take advice. Your entitlement to benefits is affected by your rate of contribution and, if the reduced rate is being applied incorrectly, the Inland Revenue may ask you to make good any missing payments. You can apply to revoke your reduced rate of contribution, but the government's proposal for a single tier retirement pension means you should take advice on transitional protection expected for women who have paid at a reduced rate.

10. BENEFITS AND TAX CREDITS

Most benefits have rules that give special treatment both to work carried out as an elected councillor and to the Members allowances received. These rules are intended to ensure that people claiming benefits are not discouraged from carrying out public duties. [However, the roll out of the government's Universal Credit programme will have implications for Member's allowances, expenses and benefits.](#)

[Advice regarding benefits and Universal Credit is available from:](#)

Claimit@islington.gov.uk
[Tel: 020 7527 8600](tel:02075278600)

[Universal Credit Helpline: 0800 328 5644](tel:08003285644)
[You can apply on line at: www.gov.uk/apply-universal-credit](http://www.gov.uk/apply-universal-credit)

~~Although local authority councillors are treated as employed earners for benefit purposes, any council business undertaken as a councillor does not attract the usual penalties associated with working while claiming out of work benefits. Your hours of work as a councillor will be ignored for income support, job seeker's allowance (JSA) and Employment & Support Allowance (ESA). However, if you do work as a Member for a minimum of 30 hours a week, are between 25 and 59 years of age and would~~

~~be better off by claiming in-work benefits, you can choose to have your hours of work as a councillor taken into account in claiming working tax credit. People under 25, those over 60 and couples can also claim working tax credit, but hours of work are treated differently and some will face additional conditions about responsibility for a child or disability. This flexibility in choosing whether to claim out of work benefits or working tax credit can result in elected members facing complex decisions about how they will be better off. You may need help to decide what is best for you to claim, take advice.~~

~~At the moment, in Islington, Universal Credit is claimed by single job-seekers only. No other dates have been announced for when couples and families will be able to claim Universal Credit, but it is expected that the full roll out of universal Credit will be complete by the end of 2020.~~

~~However, if a newly elected councillor receives Universal Credit, they should seek advice from the:~~

~~Income Maximisation Team on 0207527-8600 who will be able to advise on how allowances and expenses are treated under Universal Credit rules.~~

~~Hours of work, as an elected councillor, can include all official council business, travel to and from home when engaged on council business, time spent at home reading and preparing for council meetings and work undertaken on behalf of constituents. Work does not include purely party political activities.~~

~~The special benefit rules applying to councillors provide significant advantages, but they can make it difficult to know if you are claiming the right benefits for your circumstances. The following brief summary is only a general guide to the main factors affecting benefits for elected Members. Advice should be sought in individual cases.~~

Members of working age who claim income-replacement benefits or tax credits

~~If you are claiming income replacement benefits because you are out of work, your duties undertaken as a councillor are ignored, except for the purposes of statutory sick pay and industrial injuries scheme. You still have to meet all of the other conditions of entitlement for each particular benefit – for example, if you claim Jobseeker's Allowance you still have to be available for work, actively looking for work and keeping to the terms of your claimant commitment.~~

~~Members' allowances still count as earnings, however, and the amount you are paid may affect means tested benefits, benefits based on your national insurance contributions and tax credits. Means tested benefits include: income support, income-based Employment and Support Allowance, income-based Jobseeker's Allowance, housing benefit and council tax support). National insurance benefits include: contribution-based Employment and Support Allowance, and contribution based Jobseeker's Allowance. Tax credits include both working tax credit and child tax credit. Some expenses arising from your council duties, unless reimbursed by the Council, can be used to reduce the income taken into account when calculating your~~

~~means tested benefits or tax credits. Expenses offset against your Member's allowance must arise wholly and exclusively from your work as an elected Member.~~

Members over pension credit age

Work as a councillor and the allowances paid to you will not affect your right to your own retirement pension, or the amount paid to you. It may, however, affect means tested benefits such as pension credit, housing benefit and council tax support. If you work for more than 16 hours a week as an elected Member, you may be able to claim working tax credit. Some expenses arising from your council duties, unless reimbursed by the Council, can be used to reduce the income taken into account when calculating your means tested benefits or tax credits. Expenses offset against your Member's allowance must arise wholly and exclusively from your work as an elected Member.

Members with a disability or caring responsibility

Members who have a disability that affects their ability to carry out the usual tasks of personal self-care (such as washing, dressing, communicating or avoiding substantial danger) may be entitled to claim additional disability benefits. These benefits are personal independence payment (if under 65) and attendance allowance (65 and over). These benefits are not taxable ~~and may mean that you will be entitled to more means' tested benefits or tax credits.~~ If you have a need for care or assistance in the course of carrying out your duties as an elected member, this can be taken into account when your claim for either of these benefits is considered by the Department ~~of~~for Work and Pensions.

If you are caring for a severely disabled person for at least 35 hours a week and they receive Attendance Allowance or the middle or highest rate of the care component of DLA or the personal independence payment, then you may be able to claim Carer's Allowance. You will not be entitled to Carer's Allowance if your earnings exceed ~~£110.~~£120 per week but this is after deducting any NI contributions, half of any pension contributions and work-related expenses not reimbursed by the Council.

Couples

Married couples and couples in a Civil Partnership, as well as couples living together as wife and husband or as civil partners, have their joint incomes, including Members' allowances, taken into account in working out entitlement to means tested benefits and tax credits. Additionally, if you live as part of such a couple, and your partner claims an additional amount of a contribution-based benefit for you as a dependent, then your Member's allowances may affect that additional payment.

Your Duty to Disclose

It is a condition of most benefits that you disclose details of work and earnings, including Members' allowances. Failure to make an effective disclosure may result in an overpayment of benefit, a civil penalty (fine) or criminal proceedings.

You can elect not to be paid your Member's allowances, but the benefits authorities are likely to treat you as possessing "notional income" equivalent to the value of the allowances you are failing to claim. Even if you elect not to claim the Member's allowance(s), you are under a duty to disclose the details of the allowances you are choosing to forgo.

Civil penalties (fines of £50) can be applied if you are overpaid benefit because you make a "negligently" incorrect statement or a fail to disclose a change of circumstances promptly. These fines reinforce the need for prompt and accurate disclosure to the benefits authorities. ~~You have the right to appeal against a civil penalty. Take advice.~~

Earnings, benefits and expenses

~~The basic Member's allowance and the special responsibility allowance are treated as earnings for benefits and tax credit purposes.~~

~~Travel, subsistence allowances, and reimbursement of expenses incurred wholly, exclusively and necessarily in the performance of Council duties are not earnings and are ignored in calculating the amount of benefit or tax credit to be paid.~~

~~The benefits system recognises that Members have to do a lot of work at home and that they may have additional expenses arising from the performance of their duties that are not reimbursed by the local authority. Any expenses arising wholly, exclusively and necessarily from performance of Council duties, which are not met by the Council, should be deducted from the Member allowances that count as earnings before entitlement to benefits or tax credits are worked out. Only the net figure, after the deduction of these expenses, is then treated as earnings to be taken into account for benefits and tax credits.~~

~~Examples of such work related expenses may include:~~

- ~~* Postage and stationery;~~
- ~~* Secretarial expenses;~~
- ~~* Clothing and footwear;~~
- ~~* Travelling costs to and from home, or other premises, on Council business;~~
- ~~* Subscriptions to trade unions or other political or professional bodies;~~
- ~~* Additional costs arising from use of the home as an office, for example, heating and lighting;~~
- ~~* Telephone charges;~~
- ~~* Internet use.~~

~~This list of work expenses is not exhaustive. You should keep a detailed record of your expenses and, where possible, retain any receipts or other proofs of expenditure. This is to ensure that you can demonstrate that you have not been overpaid benefit and have disclosed your expenses sufficiently accurately that you do not become liable for a civil penalty. Work related expenses can be averaged over a reasonable period to give you the level of weekly expenditure to be deducted from your Members allowance(s) before any impact on your benefit or tax credit income is calculated.~~

~~If you do not ask the benefits authority to review your benefit in the light of your expenses, you may be underpaid benefit.~~

~~Your earnings, after deduction of expenses, will be taken into account for most contribution based and means tested benefits. The rules applying to each benefit are too various to summarise here. Take advice on your individual circumstances.~~

Further advice

The income maximisation service offers confidential benefit advice to Members on the way in which Member's allowances may affect their rights and duties under the benefit regulations. Contact their advice line on 020 7527 8600 or Eileen Broderick on eileen.broderick@islington.gov.uk or 020 7527 8892.

Alternatively, you may wish to contact an organisation outside the authority. Look up "Advice" in Yellow Pages.

11. AUDIT

All claims will be subject to review by Internal Audit and by the District Auditor.

12. GENERAL

A statutory register of all allowances paid to Members is open to inspection by any elector resident in the area. The Council are required to publish details of the Members' Allowances Scheme and of total payments made to each Member annually. This is done by means of an advertisement in the local newspaper.

This is a general and by no means exhaustive statement of the law on these matters.

For any advice in relation to the Scheme please contact:

Philippa Green, Democratic Services Manager, 020 7527 3184

~~Zoe Henney~~ [Charlotte Brown](#), Finance 0207 527 3751

Geeta Degnarain, Payroll Manager 020-7527 2160

[For advice regarding the changes to benefits following the introduction of Universal Credit, please contact:](#)

Eileen Broderick, Income Maximization Service 0207 527 8892

[Or claimit@islington.gov.uk](mailto:claimit@islington.gov.uk) Tel: [020 7527 8600](tel:02075278600)

APPENDIX A

SPECIAL RESPONSIBILITY ALLOWANCES ~~2017/18~~ 2018-19

The SRA figures will come into effect on 1 April 2017 ~~7~~ 8

| <u>Band 4</u> | <u>Amount</u> £ |
|---|---------------------------------|
| Leader of the Council – Councillor Richard Watts | 38,053 <u>38,814</u> |
| <u>Band 3</u> | |
| Executive Members | |
| Councillor Janet Burgess | 29,712 <u>30,306</u> |
| Councillor Joe Caluori | 29,712 <u>30,306</u> |
| Councillor Kaya Comer-Schwartz | 29,712 <u>30,306</u> |
| Councillor Andy Hull | 29,712 <u>30,306</u> |
| Councillor Asima Shaikh | 29,712 <u>30,306</u> |
| Councillor Diarmaid Ward | 29,712 <u>30,306</u> |
| Councillor Claudia Webbe | 29,712 <u>30,306</u> |
| <u>Band 2</u> | |
| Chair of Policy and Performance Scrutiny Committee Councillor Richard Greening <u>Councillor Una O'Halloran</u> | 11,990 <u>12,230</u> |
| Chief Whip: Councillor Satnam Gill | 5,213 <u>5,317</u> |
| <u>Band 1(a)</u> | |
| Chairs of Scrutiny Committees | |
| Councillor Theresa Debono | 5,213 <u>5,317</u> |
| Councillor Rowena Champion | |
| Councillor Martin Klute <u>Osh Gantly</u> | |
| Councillor Mick O'Sullivan | |
| <u>Band 1</u> | |
| Chair of Audit Committee: Councillor Kat Fletcher <u>Nick Wayne</u> | 3,128 <u>3,191</u> |
| Chair of Licensing Committee: Councillor Flora Williamson | 3,128 <u>3,191</u> |
| Chair of Planning Committee: Councillor Robert Khan <u>Martin Klute</u> | 3,128 <u>3,191</u> |
| Chair of Planning Sub Committee A: Councillor Martin Klute <u>Angela Picknell</u> | 3,128 <u>3,191</u> |
| Chair of Planning Sub Committee B: Councillor Alice Donevan <u>Jenny Kay</u> | 3,128 <u>3,191</u> |
| Mayor | |
| Councillor Una O'Halloran <u>David Poyser</u> | 6,386 <u>6,514</u> |
| Deputy Mayor | |
| Councillor David Poyser <u>Rakhia Ismail</u> | 130 <u>133</u> |
| Member of the Adoption and Fostering Panels | |
| Councillor Paul Convery | 6,255 <u>6,380</u> |

Councillors are only entitled to claim one Special Responsibility Allowance. Any allowances marked with an asterisk above are therefore unclaimed.

Part 4 - Procedure Rules - Council

19.2 Questions

- (a) Subject to Rule 19.4, councillors and members of the public may at any ordinary meeting of the Council, ~~other than the budget setting meeting~~, ask the Leader, another member of the Executive or the Chair of any scrutiny committee questions on any matter in relation to which the Council has powers or duties or which affects the borough.
- (b) There is no requirement to submit questions in advance of the council meeting, other than to the meeting at which the Council's budget is set.
- (c) Written notice of a question may be delivered to the Proper Officer and if notice of a question is received not later than 2pm on the day which falls 7 clear working days before the date of the meeting, the question will be notified to the councillor which may facilitate a more detailed answer at the council meeting.

19.3 Supplementary question

Other than at the meeting at which the Council's budget is set, a person asking a question under Rule 19 (c) may ask one supplementary question without notice, of the member who answered the question. The supplementary question must arise directly out of the original question or the reply.

Part 4 - Procedure Rules – Access to Information

88.5 EXCLUSION OF THE PUBLIC TO MAINTAIN ORDERLY CONDUCT

The public may be excluded from meetings to maintain orderly conduct accordance with Procedural Rules 29, 53 and 56.

88.~~5~~6 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during the consideration of which, in accordance with Rule 88, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

Part 2 – Articles

Article 10 – Ward Partnerships

- 10.7 The convening of a Ward Partnership meeting will be with the agreement of the majority of members in the ward. The issues for discussion at each meeting are determined by the relevant ward councillors.

Article 13 – Decision Making

13.03 Types of decision

(a) Decisions reserved to full Council

Decisions relating to the functions listed in the table at 7.1 in Part 3 will be made by the full Council and not delegated.

(b) Key decisions

- (i) A key decision is an executive decision (other than a decision which relates to the placement of an individual, be that an adult or child) which in the view of the Proper Officer is likely:

- (a) To result in the local authority incurring expenditure or obtaining a receipt which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. A decision is significant for these purposes if,
- it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure; or
 - ~~where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question; or~~
 - in respect of a disposal of land by the Council, the proposed receipt (or reasonable pre-sale estimate in the case of an auction sale) exceeds £1.5 million and the Executive has not already agreed in principle to disposal of the land;
 - in respect of the acquisition of land or property, the proposed expenditure (or reasonable estimate prior to entering into the contract) exceeds £500,000;
- (b) To be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.

Part 5 – Terms of Reference

VOLUNTARY AND COMMUNITY SECTOR COMMITTEE

Composition

- The Leader
- The Executive member for Economic and Community Development
- The Executive member for ~~Finance and Performance~~ Housing and Development

Substitute members:

Executive members for Children and Families; Health and Wellbeing; Community Safety; Environment and Transport; and ~~Housing and Development~~ Finance and Performance.

The following members will be invited to attend as observers:

- 3 majority party backbenchers
- 1 opposition party members

Quorum

The quorum for a meeting of the Committee shall be two.

Terms of Reference

1. To oversee the Council's engagement with the Islington community and voluntary sector and to ensure value for money and fairness in the allocation of council resources to the sector.
2. To be responsible for the allocation of the Islington Community Fund including:
 - a. allocating the ~~Voluntary and Community Sector (VCS) Grants Fund~~ VCS Partnership Grants Programme;
 - b. allocating the Advice Fund;
 - c. allocating the Local Initiatives Fund having regard to the recommendations of the relevant ward members/relevant ward partnership or neighbourhood group and on the basis that the funding will be allocated equally among the 16 wards making up the Council's area
 - d. ~~allocating the VCS Rescue Fund.~~
3. To receive updates on the allocation of funding by the Islington Community Chest Panel.
- ~~3.4.~~ 4. To review and, if necessary, withdraw funding to organisations where there is a potential breach of conditions of grant aid and/or service level

agreement.

- 4.5. To consider the management, use and disposal of council owned buildings occupied by voluntary and community sector organisations and to agree the disposal or leasing of council owned properties to voluntary sector and community bodies including, where relevant, the rent to be set save that decisions referred to in Part 3 4.4(j) may be taken by officers with the relevant delegated authority.
- 5.6. To approve the annual budget proposed for the London Councils Grants Committee.
- 6.7. To make an annual report to the Policy and Performance Scrutiny Committee on its activities.

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Composition

Members of the Executive may not be members of the Children's Services Scrutiny Committee.

No member may be involved in scrutinising a decision in which he/she has been directly involved.

The Children's Services Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees and shall include in its membership the following voting co-optees:

- (a) At least one Church of England diocese representative;
- (b) At least one Roman Catholic diocese representative;
- (c) Between two and five parent governor representatives; and
- (d) A representative from other faiths or denominations as appropriate.

These representatives will be entitled to vote on education functions related to the Council's education functions, in respect of which the Council has responsibility under the Education Acts.

Quorum

The quorum for the Children's Services Scrutiny Committee shall be ~~four~~three members, not including co-opted members.

LICENSING COMMITTEE

Composition

The Licensing Committee shall comprise at least ten, but no more than fifteen members of the Council.

Quorum

The quorum of the committee shall be four members.

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 fixing of fees under the Gambling Act 2005~~.
2. To discharge the functions of the Council under schedule 3 Local Government (Miscellaneous Provisions) Act 1982, as amended.
3. To establish and appoint to sub-committees to :
 - a. determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, police objections to temporary event notices and any applications requiring a hearing under the Act; and
 - b. determine matters under the Gambling Act 2005 regarding premises licences, provisional statements, variations of premises licences, transfers of premises licences, reviews of premises licences, [the fixing of fees](#) and any applications requiring a hearing under the Act.

LICENSING REGULATORY COMMITTEE

Composition

No special requirements apply to the composition of the Licensing Regulatory Committee.

The membership of the committee shall be four.

Quorum

The quorum of the committee shall be three members.

Terms of Reference

1. To determine applications for street trading, track betting and special treatment licences where there are unresolved objections to those applications.
2. To designate streets as licensed streets.
3. To revoke licences (except on the ground of non payment of fees).
4. To set and review policy in relation to the matters coming within the remit of the committee.
5. To take decisions on any other licensing matter referred to it by the 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 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.
7. [To determine the amount of any fees and charges to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.](#)

PLANNING COMMITTEE

Quorum

The quorum shall be three members.

Terms of Reference

1. To determine any application for planning permission, consent or approval recommended for approval in respect of all major* developments other than an application under section 73 of the Town and Country Planning Act 1990 covered by paragraph 6.
2. To determine any other applications for planning permission, consent or approval falling within the terms of reference of the Planning Sub-Committees which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any other application for planning permission, consent or approval referred to it by a planning sub-committee or the Service Director, Planning and Development/Head of Service, Development Management.

4. To determine any other application for planning permission, consent or approval recommended for approval (including any falling within the terms of reference of the Planning Sub-Committees), which the Chair [of Planning Committee](#) or at least two members of the Council have requested by notice to the Service Director, Planning and Development/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Committee.
5. To make traffic management and stopping-up orders which are consequent upon the grant of planning permission by the committee.
6. A Section 73 application need not be referred to the committee where the Service Director Planning and Development/Head of Service Development Management, following consultation with the Chair [of Planning Committee](#) (or in the Chair's absence, the Vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

NOMENCLATURE CHANGES:

Children's Services

All references to Children's Services in the Constitution, with the exception of references to the Children's Services Scrutiny Committee, be changed to Children, Employment and Skills.

PART 8 – MANAGEMENT STRUCTURE

To change the reference to Children's Services as above and to change the name of Housing Operations to be Homes and Communities, as per the following extract.

MANAGEMENT STRUCTURE

