



**Report of: Acting Director of Law and Governance and Monitoring Officer**

<b>Meeting of:</b>	<b>Date:</b>	<b>Ward(s):</b>
Council	9 July 2020	All

<b>Delete as appropriate:</b>	Exempt	Non-exempt
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## **SUBJECT: CONSTITUTION UPDATE**

### **1. Synopsis**

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

### **2. Recommendations**

- 2.1 To approve the amendments to the Constitution set out in the Appendix.
- 2.2 To authorise the Director of Law and Governance to make any consequential amendments to the Constitution considered necessary.

### **3. Background**

- 3.1 Appendix 1 contains extracts from the Constitution in which proposed changes are marked, by crossing through in the case of deletions and by underlining in the case of additions. The main changes proposed are described below.

### **4. Main proposed changes**

#### Licensing Regulatory Committee

- 4.1 A minor amendment is proposed to the Terms of Reference of the Licensing Regulatory Committee.

#### Officer Employment Matters

- 4.2 A number of amendments are proposed to bring the constitutional arrangements relating to officer employment in line with the requirements of the Chief Executive's Handbook. Amendments are also proposed following the appointment of the new Corporate Director of Resources.

#### Members' Allowances Scheme

- 4.3 It is proposed to amend the Members' Allowances Scheme following revisions to the Executive and committee memberships previously notified to the Council.

### **5. Implications**

#### **5.1 Financial implications:**

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

#### **5.2 Legal Implications:**

The Council must keep its Constitution up to date (section 9P Local Government Act 2000).

#### **4.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:**

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

#### **4.4 Resident Impact Assessment:**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A resident impact assessment has not been completed because it is not required in this instance.

### **5. Reason for recommendations**

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

#### **Appendices:**

Appendix – Proposed Amendments to the Constitution

#### **Background papers:**

None

Final report clearance:

**Signed by:**

A handwritten signature in black ink that reads "P Fehler". The signature is written in a cursive style with a large initial "P".

Peter Fehler,  
Acting Director of Law and Governance  
Monitoring Officer

1 July 2020

Date

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## **APPENDIX**

### **Proposed Amendments to the Constitution**

#### **(i) Licensing Regulatory Committee**

##### **Part 5: Terms of Reference – Licensing Regulatory Committee**

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.
8. [To set the standard conditions for street trading licences](#)

#### **(ii) Officer Employment Matters**

##### **Part 5: Terms of Reference**

#### **PERSONNEL SUB-COMMITTEE**

##### **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 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.
8. ~~To take decisions on disciplinary matters relating to the Chief Executive including termination of the Chief Executive's contract of employment following consideration of a report prepared by a designated person.~~
9. To receive submissions from trades unions' representatives on agenda items concerning staff terms and conditions.
10. To make recommendations to Council on the appointment of the Chief Executive.
11. To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee.
12. 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.

## **Part 6: Member Officer Protocol**

### 5.2 Procedure for Councillors

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Corporate Director. Where the officer concerned is a Corporate Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Director of Law and Governance.

No disciplinary action in respect of the Chief Executive, the Monitoring Officer, [or Section 151 Officer \(Director of Law and Governance\) or the Corporate Director of Resources](#) may be taken other than in accordance with [the Chief Executive's Handbook](#). ~~a recommendation in a report made by a designated independent person as set out in the Council's Constitution.~~

## **Part 4: Procedure Rules**

### **101. DISMISSAL OF CHIEF EXECUTIVE AND CHIEF OR DEPUTY CHIEF OFFICERS**

- 101.1 No notice of dismissal shall be given to the Chief Executive, the Chief Finance Officer or the Monitoring Officer unless the Council has approved such a dismissal.

101.2 No notice of dismissal shall be given to the Director of Public Health unless the Secretary of State has first been consulted.

101.2 The process by which the Council would consider a proposal to dismiss the Chief Executive, the Chief Finance Officer or the Monitoring Officer will be subject to the procedures [set out in the Chief Executive's handbook](#) ~~agreed by elected members of the Council.~~

## **Part 2: Article 12 - Officers**

### **(c) Chief Executive, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

Head of Paid Service – Chief Executive

Chief Finance Officer – ~~Director of Finance and Property~~ [Corporate Director of Resources](#)

Monitoring Officer – Director of Law and Governance

## **Appendix 6: Definitions**

- The Council's Budget Setting Meeting is a meeting of full Council at which it makes (or included an item on its agenda to make) a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992. The **Chief Finance Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the authority. In the London Borough of Islington, the Chief Finance Officer is the officer appointed to the position of ~~Director of Finance and Property~~ [Corporate Director of Resources](#).

## **Appendix 4: Proper Officer Functions**

<b><u>Statutory provision</u></b>	<b><u>Function</u></b>	<b><u>Proper Officer</u></b>
Local Democracy, Economic Development and Construction Act 2009	Designated Proper officer for scrutiny role	<del>Democratic Services Manager</del> <a href="#">Head of Democratic Services and Governance</a>

### (iii) Members Allowances Scheme

#### SPECIAL RESPONSIBILITY ALLOWANCES 2019-20

The SRA figures will come into effect on 1 April 2019

<u>Band 4</u>	<u>Amount</u> £
Leader of the Council – Councillor Richard Watts	39,590
<u>Band 3</u>	
Executive Members	
Councillor Janet Burgess	30,912
Councillor Kaya Comer-Schwartz	30,912
Councillor Una O'Halloran	30,912
Councillor <del>Andy Hull</del> <u>Satnam Gill</u>	30,912
Councillor Asima Shaikh	30,912
Councillor Diarmaid Ward	30,912
Councillor <del>Claudia Webbe</del> <u>Rowena Champion</u>	30,912
<u>Band 2</u>	
Chair of Policy and Performance Scrutiny Committee	
Councillor <del>Rowena Champion</del> <u>Theresa Debono</u>	12,475
Chief Whip: Councillor <del>Satnam Gill</del> <u>Nurullah Turan</u>	5,423
<u>Band 1(a)</u>	
Chairs of Scrutiny Committees	
Councillor Vivien Cutler	5,423
Councillor Osh Gantly	5,423
Councillor Mick O'Sullivan	5,423
Councillor Dave Poyser	5,423
<u>Band 1</u>	
Chair of Audit Committee: Councillor Nick Wayne	3,255
Chair of Licensing Committee: Councillor Phil Graham	3,255
Chair of Planning Committee: Councillor Martin Klute	3,255
Chair of Planning Sub Committee A: Councillor Angela Picknell	3,255
Chair of Planning Sub Committee B: Councillor Jenny Kay	3,255
Chair of Personnel Sub Committee: <u>Councillor Anjna Khurana</u>	3,255
Mayor	
Councillor Rakhia Ismail	6,644
Deputy Mayor	
Councillor Troy Gallagher	136
Member of the Adoption and Fostering Panels	
Councillor Paul Convery	6,508

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