



Report of: Director of Law and Governance and Monitoring Officer

Meeting of:	Date:	Ward(s):
Council	26 May 2022	All

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

1. Synopsis

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

2. Recommendations

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

3. Background

- 3.1 The appendices contain 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

4.1 Membership of the Council

To update Part 1 of the Constitution to specify that, following the May 2022 election, the Council is comprised of 51 councillors.

4.2 Officer Delegations

To update delegations to officers in Appendix 3, relating to regulatory functions.

4.3 Members' Allowances Scheme

Following the Local Government Pay Settlement 2021/22, to update the Members' Allowances Scheme, incorporating 1.75% uplift to all allowances. This is equal to the increase awarded to local government staff. The Scheme is also amended to make reference to the Special Responsibility Allowance payable to the Leader of the Opposition.

4.4 Arrangements related to the monitoring of joint working arrangements (Children's Services and Adult Social Services)

It is proposed to clarify that the Executive is responsible for taking formal decisions on such arrangements. Routine monitoring of arrangements may be carried out another appropriate body, such as the Health and Wellbeing Board, an individual Executive Member, or officer with appropriate delegation.

4.5 Other minor amendments

Other minor amendments are set out in the appendix.

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).

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

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

5.4 **Equality 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 Equality Impact Assessment is not required as there are no direct impacts on residents.

5. **Reason for recommendations**

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

Appendices:

Appendix A – Proposed Amendments to the Constitution

Background papers:

None

Final report clearance:

Signed by:

Peter Fehler
Director of Law and Governance
Monitoring Officer

Date: 20 May 2022

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APPENDIX A

Proposed Amendments to the Constitution

(i) Membership of the Council

Part 1, Summary and Explanation, Paragraph 3:

3. How the Council operates

The Council is composed of ~~48~~ 51 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

(ii) Officer Delegations (Appendix 3)

~~ENFORCEMENT AND LICENSING FUNCTIONS~~

PUBLIC PROTECTION AND REGULATORY SERVICES FUNCTIONS

The post holders specified in column B below may exercise the Council's enforcement and licensing functions and powers (other than those specifically reserved to another person or body in the Constitution) falling within the area of responsibility of the team specified in column A if authorised by the Director of Public Protection and Regulatory Services in relation to specified legislation to do so.

A list of all such authorisations in respect of the following teams to be maintained by the Director of Public Protection and Regulatory Services and notified to the Proper Officer.

A – Specified team	B – Specified post-holders
<u>All teams managed by the Head of Service</u> <u>(Licensing, Environmental Health (Residential and Commercial), and Trading Standards)</u>	<ul style="list-style-type: none">• <u>Head of Regulatory Services</u>
<u>Trading Standards (Functions of the Local Weights and Measures Authority)</u>	<ul style="list-style-type: none">• Assistant Trading Standards Officer• Trading Standards Officer• Senior Trading Standards Officer• Principal Trading Standards Officer• Trading Standards Manager• Service Manager, Street Trading and Trading Standards• <u>Trading Standards Manager</u>• <u>Principal Trading Standards Officer</u>• <u>Senior Trading Standards Officer</u>• <u>Trading Standards Officer</u>• <u>Assistant Trading Standards Officer</u>• <u>Regulatory Assistant</u>

<p>Environmental Health (Commercial & Residential)</p>	<ul style="list-style-type: none"> ● Environmental Health Officer ● Senior Environmental Health Officer ● Principal Environmental Health Officer ● Grants Team Manager ● Grants Officer ● Technical Officer ● Senior Technical Officer ● Principal Technical Officer ● Noise Patrol Officer ● Acoustics Officer ● Pollution Officer ● Pest and Animal Welfare Officer ● Pest and Animal Welfare Manager ● <u>Environmental Health Manager</u> ● <u>Senior Environmental Health Officer</u> ● <u>Environmental Health Officer</u> ● <u>Regulatory Assistant</u> ● <u>Principal Technical Officer</u> ● <u>Grants Team Manager</u> ● <u>Environmental Health Graduate</u> ● <u>Food Safety Officer</u> ● <u>Senior Food Safety Officer</u> ● <u>Licensing Assistant</u> ● <u>Private Sector Housing Officer</u> ● <u>EH Apprentice</u>
<p>Licensing</p>	<ul style="list-style-type: none"> ● Licensing Manager ● Licensing Officer
<p><u>All teams managed by the Head of Service</u> (<u>Out of Hours Response and Patrol, Environmental Pollution, Projects and Programmes Team, Street Trading, Animal Welfare, Compliance Team, Pest Control</u>)</p>	<ul style="list-style-type: none"> ● <u>Head of Environmental Enforcement and Anti-Social Behaviour</u>
<p><u>Out of Hours Response and Patrol</u></p>	<ul style="list-style-type: none"> ● <u>Out of Hours Anti-Social Behaviour Manager</u> ● <u>Out of Hours Response and Patrol Team Manager</u> ● <u>Out of Hours Response and Patrol Officer</u>
<p><u>Environmental Pollution, Projects and Programmes Team</u></p>	<ul style="list-style-type: none"> ● <u>Environmental Pollution, Projects and Programmes Manager</u> ● <u>Construction Impact Monitoring Officer</u> ● <u>Environmental Project Officer</u> ● <u>Pollution Officer</u>

	<ul style="list-style-type: none"> • Air Quality Audit Officer • Acoustics Officer • ZEN Manager
Street Trading	<ul style="list-style-type: none"> • Street Trading Manager • Street Trading Licensing Officer
Animal Welfare	<ul style="list-style-type: none"> • Animal Welfare Manager • Animal Welfare Officer
Compliance Team	<ul style="list-style-type: none"> • Compliance Team Manager • Senior Compliance Officer • Compliance Officer
Pest Control	<ul style="list-style-type: none"> • Pest and Animal Welfare Manager • Pest Control Officer

(iii) Members' Allowances Scheme (Part 7 of the Council's Constitution)

1. MEMBERS' ALLOWANCES SCHEME ~~–2020-21~~

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 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 section 19 of the 2003 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 2020-21 is £995,000.

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 It was agreed by Council on 16 September 2003 that the basic and special responsibility allowances are upgraded in line with the annual Local Government Pay settlement.
- 1.3 If there are substantial changes to the Scheme, other than in relation to any change as a result of the Local Government Pay settlement, it will be submitted to budget Council for approval.
- 1.4 The scheme as approved provides for the following:

(a) **Basic Allowance**

A Basic Allowance payable equally to each Member for the financial year ~~2020-2021~~ 2022-23 is ~~£10,808.~~ £10,997.14 (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 ~~£124~~ £126.17 per meeting

Audit Committee and Children's Services Scrutiny Committee

Co-opted Members ~~£124~~ £126.17 per meeting

Pension Board

Independent Member ~~£124~~ £126.17 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.

APPENDIX A

SPECIAL RESPONSIBILITY ALLOWANCES ~~2020-21~~ 2022-23

~~The SRA figures will come into effect on 1 April 2020~~

<u>Band 4</u>	<u>Amount</u> £
Leader of the Council	40,679 <u>41,390.88</u>
<u>Band 3</u>	
Executive Members	31,762 <u>32,317.84</u>
<u>Band 2</u>	
<u>Leader of the Opposition</u>	<u>14,175.00</u>
Chair of Policy and Performance Scrutiny Committee	12,818 <u>13,042.32</u>
Chief Whip	5,572 <u>5,669.51</u>
<u>Band 1(a)</u>	
Chairs of Scrutiny Committees	5,572 <u>5,669.51</u>
<u>Band 1</u>	
Chair of Audit Committee	3,345 <u>3,403.54</u>
Chair of Licensing Committee	3,345 <u>3,403.54</u>
Chair of Planning Committee	3,345 <u>3,403.54</u>
Chair of Planning Sub Committee A	3,345 <u>3,403.54</u>
Chair of Planning Sub Committee B	3,345 <u>3,403.54</u>
Chair of Personnel Sub Committee	3,345 <u>3,403.54</u>
Mayor	6,827 <u>6,946.47</u>

Deputy Mayor

~~140~~ 142.45

Member of the Adoption and Fostering Panels

~~6,687~~ 6,804.02

(iv) Arrangements related to the monitoring of Section 75 agreements

Part 3, Responsibility for Functions (Matters reserved for Executive decisions)

4.2 Children's Services

4.2(i) To ~~act~~ take major strategic decisions on the Council's behalf in any joint governance arrangements for the delivery or commissioning of children's and community care services with the National Health Service.

4.7 Adult Social Services

4.7(f) ~~Regular monitoring of the~~ To take major strategic decisions on joint commissioning arrangements and joint management of services.

(v) Other Minor Amendments

Appendix 6 – Definitions

A **Group Business Manager** is an alternative title for a member performing the role of a political whip.

Part 5 - Terms of Reference of the Investigating and Disciplinary Committee

The Investigating and Disciplinary Committee shall comprise of five members, as follows:

- Chair of the Audit Committee (Chair)
- Executive Member for ~~Finance, Performance and Community Safety~~ Health and Social Care
- Three other members.