

Resources Department
7 Newington Barrow Way, London N7 7EP

Report of: Monitoring Officer

Meeting of: Council

Date: 14 December 2023

Ward(s): N/A

Subject: Constitution Update

1. Synopsis

- 1.1. This report proposes an amendment 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 as set out in the appendix to the report.

3. Background

Proposed amendments to the Constitution are described below and set out in the appendices to this report. Amendments are marked by crossing through in the case of deletions and by underlining in the case of additions.

- 3.1. Amendment to Part 5 – Licensing Sub-Committee Terms of Reference
Additions are proposed to the Terms of Reference of the Licensing Sub-Committee to clarify the full range of applications under the Licensing Act 2003 which may be determined by the Sub-Committee
- 3.2. Amendments to Part 5 – Pensions Board Terms of Reference
Necessary amendments are proposed to the terms of reference of the Pensions Board to clarify existing arrangements for membership and the payment of expenses and allowances.

3.3. Amendments to Part 7 – Members’ Allowances Scheme (Appendix B)

Following the confirmation of the Local Government Pay settlement for 2023/24, amendments are proposed to the Members’ Allowance Scheme to implement a 3.88% increase across all allowances payable under the scheme. It is the policy of the council that basic and special responsibility allowances are upgraded in line with the annual Local Government Pay settlement.

4. Implications

4.1. **Financial Implications**

The financial implications associated with the increase to the Members’ Allowances Scheme are set out in the appendix.

4.2. **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. **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 is not required in relation to this report.

5. Conclusion and reasons for recommendations

5.1. This report proposes amendments to the Constitution to ensure that the document remains up to date and fit for purpose.

Appendices:

Appendix A – Amendments to Part 5 - Terms of Reference

Appendix B – Amendments to the Members' Allowances Scheme

Background papers: None

Final report clearance:

Authorised by:

Director of Law and Governance & Monitoring Officer

Date: 6 December 2023

Report Author: Jonathan Moore, Deputy Head of Democratic Services and Governance

Tel: 020 7527 3308

Email: Jonathan.Moore@islington.gov.uk

Appendix A – Amendments to Part 5 – Terms of Reference

(i) Amendments to Terms of Reference of the Licensing Sub-Committee

LICENSING SUB COMMITTEES

Composition

The sub-committees shall comprise three members.

Quorum

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

Terms of Reference

Licensing Act 2003

To 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; including but not limited to the matters set out below:

1. To determine applications for personal licences where the police have served an objection notice or the applicant has an unspent conviction.
2. To determine if a personal licence should be suspended or revoked following convictions or immigration penalties imposed after the grant of the licence.
3. To determine applications for premises licences, club premises certificates and provisional statements where a relevant representation is made.
4. To determine applications to vary premises licences and club premises certificates where a relevant representation is made.
5. To determine applications to vary a designated premises supervisor where a police objection is received.
6. To determine applications for transfer of a premises licences where a police objection is received.
7. To determine applications to review premises licences and club premises certificates.
8. To determine applications for interim authorities where a police objection is received.
9. To determine an objection to a temporary event notice.

10. Decision to object when the Council is a consultee and not the relevant authority considering the application
11. Determination of applications to vary premises licences at community premises to include an alternative licence condition if there is a police objection

Gambling Act 2005

10. To determine applications for premises licences and provisional statements where representations have been made and not withdrawn.
11. To determine applications for variation of premises licences where representations have been made and not withdrawn.
12. To determine applications for transfer of premises licences where representations from the Gambling Commission or responsible authorities are received.
13. To review a premises licence.
14. Application for club gaming/club machine permits where objections have been made and not withdrawn.
15. Cancellation of club gaming/club machine permits.
16. Decision to give a counter notice to a temporary use notice.

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended

17. To determine applications for first grant of a sex establishment licence.
18. To determine renewal applications for a sex establishment licence if objections are received and not withdrawn.
19. To determine transfer applications for a sex establishment licence if objections are received and not withdrawn.

General

20. To determine any application or variation which is capable of being determined by officers but which the relevant Corporate Director considers appropriate for the Sub-Committee to consider.

Delegation to Officers

21. 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 the Licensing Sub-Committees or reserved to the Council at Part 3

Section 7 of the Constitution, other than the fixing of fees under the Gambling Act 2005, are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.

(ii) Amendments to Terms of Reference of the Pensions Board

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 employer** 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.

Expenses

The Pension Fund does not pay for Board member expenses.

Board Members are entitled to claim reasonable travel and subsistence expenses from the Council.

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

Councillors on the Board do not receive a member's allowance of any kind for this role.

Amendments to the Members' Allowances Scheme are set out in Appendix B